

Te Korowai o Wainuiārua Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

This Bill gives effect to certain matters contained in the deed of settlement (**the deed**) signed on 29 July 2023 by the Crown and Te Korowai o Wainuiārua. The deed provides for final settlement of all the historical Treaty of Waitangi claims of Te Korowai o Wainuiārua resulting from acts or omissions by the Crown before 21 September 1992. This Bill contains provisions related to settlement redress that require legislation for their implementation. Other aspects of the settlement are provided for only in the deed because they do not require legislative authority.

This Bill comprises 3 Parts, as follows:

- *Part 1* sets out the purpose of the Bill, states that the provisions of the Bill take effect on the settlement date unless a provision states otherwise, specifies that the Bill when enacted binds the Crown, and defines terms used in the Bill, including Te Korowai o Wainuiārua and historical claims. It also includes a summary of the Te Korowai o Wainuiārua historical account, as well as the acknowledgements and apology of the Crown:
- *Part 2* sets out the cultural redress for Te Korowai o Wainuiārua in 13 subparts and includes—
 - protocols:
 - a statutory acknowledgement and deed of recognition:
 - changes to official geographic names:
 - vesting of cultural redress properties:
 - provisions relating to membership of the Tongariro-Taupō Conservation Board and the Tongariro-Taupō Conservation Management Strategy:
 - establishment of a joint strategic advisory committee:
 - provisions enabling access to certain cultural materials and minerals:

- *Part 3* sets out the financial and commercial redress for Te Korowai o Wainuiārua in 4 subparts and includes the transfer of commercial redress properties and deferred selection properties, redress over licensed land, access to protected sites, and rights of first refusal (**RFR**) over RFR land.

There are 5 schedules, as follows:

- *Schedule 1* describes the areas subject to a statutory acknowledgement, and the areas subject to both statutory acknowledgement and deed of recognition:
- *Schedule 2* describes the overlay areas to which the overlay classifications apply:
- *Schedule 3* describes the cultural redress properties:
- *Schedule 4* describes the Ngātokoerua area of responsibility:
- *Schedule 5* sets out the provisions that apply to notices given in relation to RFR land.

Departmental disclosure statement

The Office for Māori Crown Relations—Te Arawhiti is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2023&no=286>

Clause by clause analysis

Clause 1 states the Bill's Title.

Clause 2 provides for the commencement of the Bill on the day after it receives the Royal assent.

Part 1

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

Preliminary matters

Part 1 provides for preliminary matters and the settlement of the historical claims.

Clause 3 states the purpose of the Bill.

Clause 4 provides that the provisions of the Bill take effect on the settlement date unless a provision states otherwise.

Clause 5 provides that the Bill binds the Crown.

Clause 6 provides an outline of the Bill.

Summary of historical account, acknowledgements, and apology of the Crown
Clauses 7 to 10 record the summary of the historical account, the acknowledgements, and the apology given by the Crown to Te Korowai o Wainuiārua in the deed of settlement.

Interpretation provisions

Clause 11 provides that the Bill is to be interpreted in a manner that best furthers the agreements in the deed of settlement.

Clause 12 defines certain terms used in the Bill.

Clause 13 defines the claimant group Te Korowai o Wainuiārua.

Clause 14 defines the historical claims settled by the Bill.

Historical claims settled and jurisdiction of courts, etc, removed

Clause 15 settles the historical claims and provides that the settlement is final. It removes the jurisdiction of courts, tribunals, and other judicial bodies in respect of the historical claims, the deed of settlement, the Bill, and the settlement redress (but not in respect of the interpretation or implementation of the deed of settlement or the Bill).

Amendment to Treaty of Waitangi Act 1975

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

Resumptive memorials no longer to apply

Clause 17 provides that certain enactments do not apply to specified land.

Clause 18 provides for the removal of existing memorials from records of title relating to the specified land.

Effect of Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Clause 19 contains provisions relating to the vesting or transfer of land under this Bill where the legal descriptions of such land include, or may include, a part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

Clause 20 provides that nothing in this Bill overrides the provisions of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

Miscellaneous matters

Clause 21 overrides the rule under trust law that limits the life of a trust and of any documents that give effect to the settlement.

Clause 22 requires the chief executive of the Office for Māori Crown Relations—Te Arawhiti to make copies of the deed of settlement available for inspection free of charge, and for purchase at a reasonable price, at the head office of the Office for

Māori Crown Relations—Te Arawhiti in Wellington on any working day. The deed must also be made available free of charge on an Internet site maintained by or on behalf of the Office for Māori Crown Relations—Te Arawhiti.

Part 2

Cultural redress

Part 2 provides for cultural redress.

Subpart 1—Protocols

Subpart 1 (clauses 23 to 28) provides for the issue of 2 protocols, a Crown minerals protocol and a taonga tūturu protocol. The subpart provides that a protocol is subject to the Crown's obligations and any limits specified in the protocol.

Subpart 2—Statutory acknowledgement and deeds of recognition

Subpart 2 (clauses 29 to 41) contains the Crown's acknowledgement of the statements made by Te Korowai o Wainuiārua of their association with certain statutory areas and provides for deeds of recognition. The purposes and limits of the statutory acknowledgement are specified.

Subpart 3—Overlay classification

Subpart 3 (clauses 42 to 56) provides for an overlay classification to be declared in relation to certain overlay areas (*see Schedule 2*). The purposes and limits of the overlay classification are specified. The subpart authorises the making of certain regulations and bylaws relating to the overlay classification.

Subpart 4—Official geographic names

Subpart 4 (clauses 57 to 62) provides for changes to official geographic names, sets out the requirements for publishing a notice of a new official geographic name, and provides for the process for altering any new official geographic name.

Subpart 5—Vesting of cultural redress properties

Subpart 5 (clauses 63 to 100) provides for the vesting of cultural redress properties (*see the definition in clause 63 and descriptions of each property in Schedule 3*). *Clauses 64 to 79* provide for the vesting of properties in fee simple in the trustees. *Clauses 80 to 82* provide for the Ohoutahi property, the Tahorapāroa property, and the Taumatamāhoe property to be jointly vested in the trustees and other governance entities. The Ohoutahi property is to be administered as a historic reserve and the Tahorapāroa property and the Taumatamāhoe property are to be administered as scenic reserves. *Clauses 83 to 91* are general provisions that apply to the vesting of cultural redress properties. *Clauses 92 to 100* are further provisions applying to the vesting of cultural redress properties that are reserve land.

Subpart 6—Pōkākā stopped road property

Subpart 6 (clause 101) provides for the stopping of the road immediately before the transfer of the Pōkākā stopped road property if Ruapehu District Council and the trustees are party to an unconditional agreement for sale and purchase of the Pōkākā stopped road property within 5 years of the settlement date.

Subpart 7—Kaitiaki plan

Subpart 7 (clauses 102 to 107) defines the kaitiaki area, provides an acknowledgement from the Crown of Te Korowai o Wainuiārua as kaitiaki of the area, provides that the trustees may prepare a kaitiaki plan, and sets out the purpose and effect of a plan. The subpart also sets out the obligations on a relevant local authority.

Subpart 8—Cultural materials

Subpart 8 (clauses 108 to 113) requires the Minister of Conservation and the trustees to develop a cultural materials plan that sets out how a member of Te Korowai o Wainuiārua may be provided with written authorisation to collect specified cultural materials from conservation land within the area of interest and the circumstances in which members of Te Korowai o Wainuiārua may possess dead protected wildlife.

Subpart 9—Minerals

Subpart 9 (clauses 114 to 122) contains the Crown's acknowledgement of the association of Te Korowai o Wainuiārua with specified minerals and provide for members of Te Korowai o Wainuiārua to search for and remove those minerals from certain riverbeds by hand. Provision is made for land to be added, by agreement, to the area in which members of Te Korowai o Wainuiārua may search for and remove minerals by hand.

Subpart 10—Te Korowai o Wainuiārua interim membership on Conservation Board

Subpart 10 (clause 123) provides for the Minister of Conservation to appoint 1 person nominated by the trustees to be an interim member of the Conservation Board whose area of jurisdiction includes the part of the Waimarino and Ruapehu region within the area of interest.

Subpart 11—Tongariro-Taupō Conservation Management Strategy

Subpart 11 (clauses 124 to 130) sets out the requirements relating to the Tongariro-Taupō Conservation Management Strategy, which enables Te Korowai o Wainuiārua to participate jointly with the Director-General in preparing, reviewing, or changing the Ngātokoerua chapter of the Strategy under the Conservation Act 1987.

Subpart 12—Ngātokoerua strategic advisory committee

Subpart 12 (clauses 131 to 143) establishes the Ngātokoerua strategic advisory committee to perform functions and activities in relation to the Ngātokoerua plan. The

committee's functions include the provision of strategic oversight and advice on conservation matters and involvement in preparing and approving a conservation management plan in respect of the Ngātokoerua area of responsibility.

Subpart 13—Ngātokoerua plan

Subpart 13 (clauses 144 to 156) provides for the development and co-approval of a conservation management plan for the Ngātokoerua area of responsibility by the Ngātokoerua strategic advisory committee and the Tongariro-Taupō Conservation Board.

Part 3

Commercial redress

Part 3 provides for commercial redress.

Clause 157 defines certain terms used in *subparts 1 to 4*.

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

Subpart 1 (clauses 158 to 173) contains provisions relating to the transfer of commercial redress properties and deferred selection properties, and provides for the creation of a record of title for each property and other related matters.

Subpart 2—Licensed land

Subpart 2 (clauses 174 to 177) contains provisions relating to the licensed land.

Subpart 3—Access to protected sites

Subpart 3 (clauses 178 to 180) contains provisions relating to access to protected sites.

Subpart 4—Right of first refusal over RFR land

Subpart 4 (clauses 181 to 213) provides the trustees of the trust with a right of first refusal in relation to RFR land. The owner of the RFR land must not dispose of the land to a person other than the trustees or their nominee without first offering it to the trustees on the same or better terms, unless a specified exemption applies. The right of first refusal for exclusive RFR land and the Raurimu Station property lasts for 182 years, and for other RFR land 180 years.

Schedules

There are 5 schedules, as follows:

- *Schedule 1* sets out the areas subject to a statutory acknowledgement, and to both a statutory acknowledgement and a deed of recognition:
- *Schedule 2* describes the overlay areas to which the overlay classification applies:

- *Schedule 3* describes the cultural redress properties:
- *Schedule 4* describes the Ngātokoerua area of responsibility:
- *Schedule 5* sets out the provisions that apply to notices given in relation to RFR land.

Hon Andrew Little

Te Korowai o Wainuiārua Claims Settlement Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Te Korowai o Wainuiārua Claims Settlement Act **2023**.

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 the acknowledgements and apology given by the Crown to Te Korowai o Wainuiārua in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Te Korowai o Wainuiārua. 15

4 Provisions to take effect on settlement date

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

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

5 Act binds the Crown

This Act binds the Crown.

6 Outline

- (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. 5
- (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 10
 - (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 Te Korowai o Wainuiārua, as recorded in the deed of settlement; and 15
 - (e) defines terms used in this Act, including key terms such as Te Korowai o Wainuiārua and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for—
 - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and 20
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and 25
 - (iv) the effect of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 on certain land described in the deed or this Act; and
 - (v) the exclusion of the limit on the duration of a trust; and
 - (vi) access to the deed of settlement. 30
- (3) **Part 2** provides for cultural redress, including,—
- (a) in **subpart 1**, protocols for Crown minerals and taonga tūturu on the terms set out in the documents schedule; and
 - (b) in **subpart 2**, a statutory acknowledgement by the Crown of the statements made by Te Korowai o Wainuiārua of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for the specified areas; and 35

- (c) in **subpart 3**, an overlay classification applying to certain areas of land; and
- (d) in **subpart 4**, the provision of official geographic names; and
- (e) in **subpart 5**, cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and 5
- (f) in **subpart 6**, provisions relating to the transfer of the Pōkākā stopped road property; and
- (g) in **subpart 7**, provision for the trustees to prepare and lodge a kaitiaki plan with relevant local authorities and a Crown acknowledgement of Te Korowai o Wainuiārua as kaitiaki of the kaitiaki area; and 10
- (h) in **subpart 8**, provisions that enable access to certain cultural materials; and
- (i) in **subpart 9**, the Crown’s acknowledgement of the association of Te Korowai o Wainuiārua with certain minerals, and provision for members of Te Korowai o Wainuiārua to remove the minerals by hand from the relevant area; and 15
- (j) in **subpart 10**, provision for the appointment of 1 person nominated by the trustees to be an interim member of the Conservation Board whose area of jurisdiction includes the part of the Waimarino and Ruapehu region within the area of interest; and 20
- (k) in **subpart 11**, the inclusion of a chapter in the Tongariro-Taupō Conservation Management Strategy in relation to Ngātokoerua Place; and
- (l) in **subpart 12**, the establishment of a Ngātokoerua strategic advisory committee to perform functions and activities in respect of the Ngātokoerua area of responsibility, including the development and co-approval of the conservation management plan; and 25
- (m) in **subpart 13**, the preparation of a conservation management plan for the Ngātokoerua area of responsibility, with certain decisions about the plan being made jointly by the relevant Conservation Board and the Ngātokoerua strategic advisory committee. 30
- (4) **Part 3** provides for commercial redress, including,—
- (a) in **subpart 1**, the transfer of commercial redress properties and deferred selection properties; and
- (b) in **subpart 2**, the arrangements for licensed land; and
- (c) in **subpart 3**, ensuring the right of access to protected sites; and 35
- (d) in **subpart 4**, a right of first refusal.
- (5) There are 5 schedules, as follows:
- (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which a deed of recognition is issued: 40

- (b) **Schedule 2** describes the overlay areas to which the overlay classification applies:
- (c) **Schedule 3** describes the cultural redress properties:
- (d) **Schedule 4** describes the Ngātokoerua area of responsibility:
- (e) **Schedule 5** sets out provisions that apply to notices given in relation to RFR land. 5

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

7 Summary of historical account, acknowledgements, and apology

- (1) **Section 8** summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology. 10
- (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Te Korowai o Wainuiārua in the deed of settlement.
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 3 of the deed of settlement.

8 Summary of historical account 15

- (1) In 1840, a high-ranking Te Korowai o Wainuiārua rangatira and his son signed te Tiriti o Waitangi/the Treaty of Waitangi. Subsequently, Te Korowai o Wainuiārua have always considered that te Tiriti o Waitangi/the Treaty of Waitangi created an expectation of fair treatment, justice, and honour by both parties.
- (2) During the 1840s, Crown purchasing of land in the Whanganui block stalled when Māori from the Whanganui area and Crown forces clashed at Here-taunga. For a time, the Crown imposed martial law across the Whanganui district. 20
- (3) In the 1850s, a prominent Te Korowai o Wainuiārua rangatira declined an offer to assume the Māori kingship; however, he championed the Kīngitanga across the region and support spread quickly among the iwi of Te Korowai o Wainuiārua. 25
- (4) The following decade saw warfare in Taranaki draw people from Te Korowai o Wainuiārua into the conflict. When fighting reached the Whanganui area, whānau, hapū, and iwi found themselves on opposite sides of battles at Moutoa Island, Ōhoutahi, and Pīpīriki pā. 30
- (5) Through the 1870s, the Crown initiated an intensive immigration scheme in New Zealand, and identified large tracts of land between Whanganui and Taupō (including the 3 volcanic maunga on the central plateau) as strategically important areas for economic and demographic development. 35
- (6) In the 1880s, the Crown began to construct the North Island Main Trunk Railway line across the Te Korowai o Wainuiārua rohe without the consent of Te Rohe Pōtae Māori. Acting with unreasonable haste, the Crown purchased the interests of individual Te Korowai o Wainuiārua sellers in the Waimarino block

and dishonoured commitments to sellers regarding the location of reserves. Eventually, having purchased large areas of Ruapehu maunga, the Crown developed policy establishing the Tongariro National Park without providing for the interests of the iwi of Te Korowai o Wainuiārua.

- (7) Public works takings by the Crown during the late nineteenth and early twentieth centuries saw the loss of Te Korowai o Wainuiārua land for defence purposes, scenic reserves (especially along the Whanganui River), roads, railways, and electricity-generation. Today, significant parts of the Te Korowai o Wainuiārua rohe are included in the Whanganui and Tongariro National Parks. 5
- (8) By the twentieth century, the iwi of Te Korowai o Wainuiārua were virtually landless. Consequently, the iwi have suffered from poor housing, low educational achievement, and a lack of opportunities for social and economic development. The Crown's discouragement of te Reo Māori, along with the fragmentation of Te Korowai o Wainuiārua tribal structures and migration from ancestral lands to urban centres, has severely affected the ability of the iwi to pass mātauranga Māori on to their mokopuna. 10 15

He whakarāpopotanga i ngā kōrero o mua

- (1) I te tau 1840, ka waitohu tētehi tumu whakarae o Te Korowai o Wainuiārua, me tana tama i te Tiriti o Waitangi. Nō reira, mai rā anō te mahara o Te Korowai o Wainuiārua ki te tika, ki te pono me te mana ka puta i ngā taha e rua nā te Tiriti o Waitangi. 20
- (2) I te tekau tau 1840, ka tārewa te hokotanga a te Karauna i ngā whenua o te poraka o Whanganui i te wā ka tukituki ngā Māori o te rohe o Whanganui ki ngā tauā a te Karauna i Heretaunga. He wā i herea ai te takiwā whānui o Whanganui ki te ture hōia. 25
- (3) I te tekau tau 1850, ka whakanau tētehi o ngā rangatira nui o Te Korowai o Wainuiārua i te tonono kia tū ia hei kīngi Māori; heoi anō, nāna te kaupapa o te Kīngitanga i whakatairanga i te rohe whānui, me te aha, ka tere horapa taua kaupapa rā i waenga i te iwi o Te Korowai o Wainuiārua.
- (4) Nā ngā pakanga i Taranaki, i te tekau tau ka whai ake, i tōia ai ngā tāngata o Te Korowai o Wainuiārua ki te riri. Nō te taenga atu o te whawhai ki te rohe o Whanganui, ka kitea ētehi whānau, ētehi hapū, ētehi iwi hoki e taki whawhai ana ki a rātou anō i ngā pakanga i puta rā i te moutere o Moutoa, i Ōhoutahi, me te pā o Pīpīriki. 30
- (5) I te tekau tau 1870, ka kōkiritia e te Karauna tētehi kaupapa e kaha ai te hekenga mai o te manene ki Aotearoa, ā, ka tautuhia ētehi whenua whakatikotiko nei te rahi i waenga o Whanganui me Taupō (tae atu hoki ki ngā maunga, otirā, ki ngā puia e toru i te puku o Te Ika) hei wāhi whakahirahira ā-rautaki mō te whanaketanga ā-ōhanga, ā-hangapori hoki. 35
- (6) I te tekau tau 1880, ka tīmata te Karauna ki te whakatakoto i te Ara Tereina Matua o Te Ika-a-Māui ki te rohe o Te Korowai o Wainuiārua, me te korenga o ngā Māori o Te Rohe Pōtae i whakaae. I runga i te whāwhai rawa, ka hokona e 40

te Karauna ngā pānga o ētehi tāngata takitahi e hoko atu ana i te poraka o Waimarino, ka mutu, ka takahia ngā kupu oati ki ngā kaihoko atu e pā ana ki te wāhi o ngā whenua rāhui. Nāwai, i muri i tana hoko i ngā wāhanga rahi o te maunga o Ruapehu, ka waihangatia e te Karauna he kaupapa here i puta ai ko Te Papa Taiao ā-Motu o Tongariro, me te kore i whai whakaaro ki ngā pānga o te iwi o Te Korowai o Wainuiārua. 5

(7) Nā ngā tangohanga a te Karauna mō ngā mahi tūmatanui, i te hiku o te rautau tekau mā iwa me te rautau rua tekau, ka riro ngā whenua o Te Korowai o Wainuiārua mō ngā take wawao, mo ngā rāhui manea (otirā, i ngā tahatika o te awa o Whanganui), mō ngā huarahi, mō ngā ara tereina, mō te whakahikotanga hoki. I tēnei rā, kei ngā Papa Taiao ā-Motu o Whanganui, o Tongariro hoki, ētehi wāhanga tāpua o te rohe o Te Korowai o Wainuiārua. 10

(8) Nō te taenga ki te rautau rua tekau, kua tata whenua kore tonu te iwi o Te Korowai o Wainuiārua. Nā konā, kua rongo te iwi i te taumahatanga o te pōhara o ngā kāinga, i te korenga i tino eke i te ao mātauranga, i te kōpaka hoki o ngā huarahi wātea ki te whanaketanga ā-pāpori, ā-ōhanga hoki. Nā te whakapāhunu a te Karauna i te kōrerotia o te reo Māori, nā te porohanga o ngā anga ā-iwi o Te Korowai o Wainuiārua, nā te hekenga hoki i ngā whenua tūpuna ki ngā tāone i pāngia kinotia ai te kaha o te iwi ki te tuku iho i te mātauranga Māori ki ā rātou mokopuna. 15 20

9 Acknowledgements

Treaty of Waitangi

(1) The Crown acknowledges that by signing te Tiriti o Waitangi/the Treaty of Waitangi in Whanganui in May 1840, tūpuna of Te Korowai o Wainuiārua sought a Treaty partnership based upon fairness, justice, and honour. However, in breaching te Tiriti/the Treaty on many occasions against Uenuku, Tamakana, and Tamahaki, the Crown has failed to act in a way that respected and honoured its Treaty partnership. The Crown has also failed to protect the tino rangatiratanga of ngā hapū of Te Korowai o Wainuiārua. Therefore, the following acknowledgements are well over-due. 25 30

1848 Whanganui block purchase

(2) The Crown acknowledges that it represented to Te Korowai o Wainuiārua tūpuna that its purchase of the Whanganui block in 1848 was the completion of Commissioner Spain's 1846 recommended award, which provided for the New Zealand Company to receive a 40,000-acre grant in return for a £1,000 payment and reserves. However, the area the Crown surveyed and included in its 1848 purchase was more than double the Spain award, and reserved less land for the owners than the one-tenth recommended by Commissioner Spain, while the Crown still only paid £1,000. The Crown's failure to inform the tūpuna of Te Korowai o Wainuiārua that its purchase greatly exceeded Commissioner Spain's recommendation was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles of good faith and fair dealing. 35 40

Warfare in Taranaki leading to warfare in Whanganui

- (3) The Crown acknowledges that tūpuna of Te Korowai o Wainuiārua sought to avoid warfare in their rohe but that the Taranaki wars led to the outbreak of warfare in the Whanganui district in 1864. The tūpuna of Te Korowai o Wainuiārua were forced to decide on their allegiance to the Kīngitanga, the Pai Mārire, and the protection of the European settlers in the battle of Moutoa Island, which ultimately pitted whānau against each other and resulted in a loss of life and trauma on both sides. 5

The Crown's attack on Ōhoutahi in 1865

- (4) The Crown acknowledges that it was ultimately responsible for the outbreak of warfare between the Crown and the Kīngitanga in the Te Korowai o Wainuiārua rohe which began with the battle at Ōhoutahi Pā in 1865. The Crown acknowledges that the battle caused the deaths of Te Korowai o Wainuiārua tūpuna, and that its actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10 15

Raupatu

- (5) The Crown acknowledges that the confiscation/raupatu of Te Korowai o Wainuiārua interests in Taranaki in 1865 breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The Crown's labelling of Te Korowai o Wainuiārua as rebels

- (6) The Crown acknowledges that its labelling of Te Korowai o Wainuiārua tūpuna as “rebels”, “hostile”, and “Hau Hau” during the New Zealand Wars created enmity among whanaunga along the Whanganui River. The Crown further acknowledges the sense of deep grievance and stigmatisation generations of Te Korowai o Wainuiārua uri have felt as a result of the Crown's unfair labels. 20 25

Lifting the aukati around Te Rohe Pōtae

- (7) The Crown acknowledges that—
- (a) the iwi of Te Korowai o Wainuiārua retained rangatiratanga over their lands in Te Rohe Pōtae which was protected by an aukati from 1866 until 1885; and 30
- (b) after the Crown opened negotiations in 1882 to build the North Island Main Trunk Railway through Te Rohe Pōtae, the iwi of Te Korowai o Wainuiārua sought to preserve their ability to exercise rangatiratanga over their lands by joining an 1883 petition seeking to exclude Te Rohe Pōtae from the jurisdiction of the Native Land Court, which the Crown refused to agree to; and 35
- (c) the Crown gained enormous benefits in the years after the aukati was lifted in 1885 as it was able to build the North Island Main Trunk Railway and purchase land for European settlement in Te Rohe Pōtae, but these years brought enormous change and land loss for the iwi of Te 40

Korowai o Wainuiārua, who did not receive the long-term economic benefits the Crown had led them to expect.

Native land laws

- (8) The Crown acknowledges that it introduced native land legislation which transformed the collective customary ownership of iwi of Te Korowai o Wainuiārua into one based on individual rights without their consultation. The Crown further acknowledges that the native land legislation— 5
- (a) forced the iwi of Te Korowai o Wainuiārua to engage with the Native Land Court to protect their interests in their lands and they had no choice but to participate if they wanted to integrate their land into the modern economy; and 10
 - (b) contributed to internal dissension and conflict within the iwi of Te Korowai o Wainuiārua and with their neighbours; and
 - (c) engendered significant financial costs for those who engaged with the Native Land Court, such as the cost of land surveys; and 15
 - (d) caused hardship for Te Korowai o Wainuiārua iwi who endured poor living conditions during protracted hearings and, in some cases, Te Korowai o Wainuiārua tūpuna passed away while awaiting hearings to take place; and
 - (e) made their land more susceptible to partition, fragmentation, and alienation. The Crown's failure to protect the tribal structures of Te Korowai o Wainuiārua iwi from the effects of the native land legislation was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20

Kemp's Trust

- (9) The Crown acknowledges that the iwi of Te Korowai o Wainuiārua sought to vest some of their lands in Kemp's Trust to provide for the collective administration of land in their rohe but the Crown refused to support the Trust. The Crown did not provide an effective form of collective title until 1894. This failure was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 25 30

The Waimarino block purchase and Tongariro National Park

- (10) The Crown acknowledges that it purchased a large amount of land in the Waimarino block in order to fund the North Island Main Trunk Railway line, provide for settlement, and create a national park. The Crown further acknowledges that, through this purchase, it acquired more land than was necessary to accomplish these purposes. 35
- (11) The Crown acknowledges that despite being aware of the significance of Ruapehu maunga to the iwi of Te Korowai o Wainuiārua, it did not consult them in relation to reserving the mountain peak for the purposes of creating a national park before or after opening discussions with another iwi. 40

- (12) The Crown acknowledges that it rushed through its purchase of 411,196 acres of land in the Waimarino block in 1887 from 17 Te Korowai o Wainuiārua hapū in unreasonable haste, and that—
- (a) many hapū of Te Korowai o Wainuiārua did not know the location of their interests relative to the proposed boundaries of the vast block and, therefore, exactly what land was being purchased by the Crown because—
 - (i) the Crown proceeded with the purchase despite its awareness that Te Korowai o Wainuiārua had not been provided an opportunity to inspect and object to the survey before the Court awarded the Crown a majority of interests in the block; and
 - (ii) the Crown discouraged applications of Te Korowai o Wainuiārua individuals to have their interests partitioned from the Waimarino block because it would delay its purchase; and
 - (b) many hapū of Te Korowai o Wainuiārua were unable to ensure they were paid a fair price for their land because—
 - (i) the Crown proceeded with the purchase of the Waimarino block by making its own determination of the strengths of interests of individuals from 17 Te Korowai o Wainuiārua hapū and made payments according to this judgement; and
 - (ii) the Crown did not inform the owners of the price per acre of the Waimarino block; and
 - (iii) contrary to the provisions of its legislation, the Crown purchased the interests of minors before their appointment of trustees had been formalised; and
 - (iv) these acts and omissions meant that the Crown’s purchase failed to meet the standards of reasonableness and fair dealing that found expression in te Tiriti o Waitangi/the Treaty of Waitangi and was a breach of te Tiriti/the Treaty and its principles.
- (13) The Crown acknowledges that it failed to pay a fair price for the Waimarino block and its valuable resources and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (14) The Crown acknowledges that it did not carry out the terms of the Waimarino block purchase deed and arrangements made during negotiations for setting aside reserves for the hapū of Te Korowai o Wainuiārua and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown further acknowledges that—
- (a) it reserved less land to the sellers of the Waimarino block than the Crown had promised hapū of Te Korowai o Wainuiārua during negotiations; and

- (b) the Crown dishonoured its commitment in the Waimarino purchase deed to agree the location of the seller reserves with the sellers, and instead determined the location of the reserves with minimal consultation; and
- (c) as a result, Te Korowai o Wainuiārua lost ownership over kāinga they continued to occupy and wāhi tapu, including— 5
- (i) Tīeke kainga, which the Crown acquired despite a special arrangement made with the owners to reserve this site of immense significance from the purchase. The Crown further acknowledges that its ownership of Tīeke remains a substantial source of grievance for Te Korowai o Wainuiārua; and 10
- (ii) large parts of the western slopes of Ruapehu maunga up to its sacred peak, which the Crown acquired without the consultation or consent of the iwi of Te Korowai o Wainuiārua despite being aware of its significance to them.
- (15) The Crown acknowledges that— 15
- (a) despite being aware that the iwi of Te Korowai o Wainuiārua had—
- (i) interests in land that the Crown wanted to include in what became the Tongariro National park; and
- (ii) protested about clashing Native Land Court sittings that meant they had been unavoidably absent from important hearings for some of these lands; and 20
- (iii) made direct approaches to the Crown and repeatedly sought rehearings of Native Land Court awards which had excluded them from the legal ownership of some of these lands; and
- (b) it did not consult the iwi of Te Korowai o Wainuiārua, or take steps to provide for their interests, when developing policy for the establishment of Tongariro National Park; and 25
- (c) it exercised powers under the Tongariro National Park Act 1894 to compulsorily take further lands from the iwi of Te Korowai o Wainuiārua without paying compensation when the Tongariro National Park was proclaimed in 1907; and 30
- (d) the combined effect of the Crown’s acts and omissions in establishing the Park caused the iwi of Te Korowai o Wainuiārua severe prejudice over many decades and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35
- (16) The Crown acknowledges that from 1907 it failed to include the iwi of Te Korowai o Wainuiārua in the ongoing management arrangements of the Tongariro National Park, and failed to respect their rangatiratanga and kaitiakitanga over the maunga, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 40

- (17) The Crown acknowledges that detrimental changes to the natural environment of the Tongariro National Park through commercial development and the introduction of exotic species have caused great distress to the iwi of Te Korowai o Wainuiārua, who have been unable to exercise their kaitiaki obligations to safeguard taonga within the park from degradation. 5
- The Taumatamāhoe block purchase*
- (18) The Crown acknowledges that in purchasing the Taumatamāhoe block—
- (a) it made advance payments on a block it called Tangarakau in 1879 before the Native Land Court had determined ownership of any of the land in question, and despite the strong opposition of some owners to selling this land; and 10
- (b) despite the Tangarakau block being only partially included in the Taumatamāhoe block and only some of the recipients of the pre-title advances being awarded shares in Taumatamāhoe block in 1886, the Crown treated all the money it paid as advances for Tangarakau as payments for the Taumatamāhoe block; and 15
- (c) it purchased the undefined interests of owners in the block from 1889 without the Native Land Court having determined where hapū interests were located; and
- (d) it continued purchasing interests for more than 2 decades until it had acquired more than 90% of a block some of its owners had wanted to retain in their ownership; and 20
- (e) it applied for 17 partitions between 1889 and 1923. Each partition required a further survey cost and a share of which was imposed on the non-sellers; and 25
- (f) the cumulative effect of these actions was that the Crown failed to negotiate in good faith or to actively protect the interests of the iwi of Te Korowai o Wainuiārua and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 30
- Landlessness*
- (19) The Crown acknowledges that—
- (a) it purchased most of the land owned by the iwi of Te Korowai o Wainuiārua in the late nineteenth century; and
- (b) it was made aware by the 1907 Stout-Ngata Commission that Tamahaki did not want to sell any more land. Despite this, the Crown continued to purchase most of their remaining land until 1927; and 35
- (c) despite owning almost half a million acres of land around the Waimarino No.4 non-seller block, it acquired, through compulsory acquisitions and purchasing, land from the owners of this block for roads, railway, defence, and scenic reserve purposes until less than 1% of this block remained Māori freehold land; and 40

- (d) it did not monitor whether the iwi of Te Korowai o Wainuiārua retained sufficient land for their economic, social, and cultural needs; and
- (e) the iwi of Te Korowai o Wainuiārua are virtually landless and the Crown's failure to ensure they retained sufficient land is a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5

The vested lands scheme

- (20) The Crown acknowledges that it failed to actively protect the interests of Te Korowai o Wainuiārua iwi after they vested their lands in the Aotea District Māori Land Council and Board between 1903 and 1907 for the purpose of having these lands developed for commercial agriculture while remaining in the ownership of Te Korowai o Wainuiārua iwi. 10
- (21) The Crown further acknowledges that the iwi of Te Korowai o Wainuiārua expected their lands to return to them after 42 years, but from 1926 the Crown became aware that the owners would not be able to pay the compensation due to regain control of their land, and its failure to make arrangements to achieve this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 15

Whanganui River scenic reserves

- (22) The Crown acknowledges that it did not engage in reasonable consultation with the iwi of Te Korowai o Wainuiārua, or fairly balance their interests and the public interest, in its acquisition of their land for scenery preservation. These failures led the Crown to compulsorily acquire more than 3,000 acres of hapū lands along the banks of the river including farmland and urupā, and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20

The North Island Main Trunk Railway

- (23) The Crown acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it broke a promise it made to the iwi of Te Korowai o Wainuiārua in 1885 and failed to meet its legal obligations when it took 207 acres of land in 1910 from the iwi for the North Island Main Trunk Railway and did not pay compensation. 25 30

The defence lands

- (24) The Crown acknowledges that it did not consult the iwi of Te Korowai o Wainuiārua before it compulsorily acquired 30% of the Waimarino No.4 non-seller block in 1911 and, therefore, did not provide the owners with the opportunity to negotiate the amount of land taken. The Crown acknowledges that these actions were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35

Tongariro Power Development Scheme

- (25) The Crown acknowledges that it failed to consult with the iwi of Te Korowai o Wainuiārua when it established the Tongariro Power Development Scheme despite being aware of their concerns and this was inconsistent with the 40

Crown's duty to act in good faith and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Whanganui National Park

- (26) The Crown acknowledges that the prejudice arising from its breaches in acquiring land in the Whanganui district was increased when this land was included in the Whanganui National Park in ways that limited the ability of the iwi of Te Korowai o Wainuiārua to exercise their kaitiakitanga over the land and resources within the Park's boundaries despite their significant contribution to the conservation estate. 5

Te reo Māori

- (27) The Crown acknowledges that it failed to actively protect and encourage the use of te reo o Whanganui among the iwi of Te Korowai o Wainuiārua, which had a detrimental impact on te reo Māori and mita. Te Korowai o Wainuiārua iwi have thereby suffered a loss of their taonga. The Crown's failure to actively protect te reo o Whanganui was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10 15

- (28) The Crown acknowledges that in the second half of the twentieth century, Te Korowai o Wainuiārua children who attended Crown-established schools were punished for speaking their own language and this has contributed towards the decline of te reo Māori among the iwi of Te Korowai o Wainuiārua. 20

Loss of identity and socio-economic issues

- (29) The Crown acknowledges that—
- (a) its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles since 1840, including its failure to protect them from landlessness have significantly hindered the economic, social, and cultural development of the iwi of Te Korowai o Wainuiārua; and 25
 - (b) the virtual landlessness of the iwi of Te Korowai o Wainuiārua has made it difficult for them to maintain a distinct presence and identity in their rohe; and
 - (c) the efforts of Uenuku, Tamakana, and Tamahaki to re-establish their presence and connection to the land, especially since the 1990s, represent a strong determination to survive and thrive in their rohe. 30

Contribution to New Zealand

- (30) The Crown acknowledges the significant contribution the iwi of Te Korowai o Wainuiārua have made to New Zealand, including— 35
- (a) significant areas of their rohe have been used for farming and public works for the conservation of natural scenery for all New Zealanders to benefit; and
 - (b) the great sacrifice of lives for the defence of the country in international conflicts. 40

- (31) The Crown has failed for too long to appropriately recognise the generosity and contribution the iwi of Te Korowai o Wainuiārua have made to New Zealand and pays tribute to this service.

Te Tiriti o Waitangi

- (1) E whakaae ana te Karauna, i te waitohutanga a ngā tūpuna o Te Korowai o Wainuiārua i te Tiriti o Waitangi i Whanganui, i te marama o Mei, i te tau 1840, i whai rātou i tētahi patuitanga i runga i te tōkeke, i te tika me te ngākau pono. Heoi anō, nā ngā tini takahanga i te Tiriti o Waitangi, i noho ai a Uenuku rātou ko Tamakana, ko Tamahaki hei papa, kua kore te Karauna e whakaaro nui, e ngākau pono hoki ki tana patuitanga i raro i te Tiriti. Kua kore hoki te Karauna e tiaki i te tino rangatiratanga o ngā hapū o Te Korowai o Wainuiārua. Nō reira, kua aua atu te wā e tika ana kia puta ngā whakaaetanga e whai ake nei. 5 10

Te Hokotanga o te Poraka o Whanganui i te tau 1848

- (2) E whakaae ana te Karauna, ko tāna i whakaatu ai ki ngā tūpuna o Te Korowai o Wainuiārua, mā tana hokotanga i te poraka o Whanganui i te tau 1840 e oti ai te whakawhiwhinga i tūtohungia ai e te Kaikōmihana, e Peina, i te tau 1846, ā, mā reira e whakawhiwhia ai ki te Kamupene o Niu Tirenī tētahi takuhe, e 40,000 eka te nui, hei utu mō te £1,000 me ngā rāhui. Heoi anō, ko te wāhi i rūritia, i whakaurua hoki ki tana hokotanga o te tau 1848, i neke atu i te huarua o taua whakawhiwhinga a Peina, ā, he iti iho ngā whenua i rāhuitia mō ngā tāngata nō rātou te whenua i te hautekau o tērā i tūtohungia ai e te Kaikōmihana, e Peina, ka mutu, £1,000 noa tonu te utu a te Karauna. Ko te korenga o te Karauna i whakamōhio i ngā tūpuna o Te Korowai o Wainuiārua ki te nui noa atu o tana hokotanga i tā te Kaikōmihana, i tā Peina i tūtohu ai, tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono o te ngākau pai me te tōkeke o te mahi. 15 20 25

Te Riri ki Whanganui nā te Riri ki Taranaki

- (3) E whakaae ana te Karauna, ahakoa te whai a ngā tūpuna o Te Korowai o Wainuiārua ki te kaupare i te riri ki tō rātou rohe, nā ngā pakanga ki Taranaki i pakaru ai te riri ki te takiwā o Whanganui i te tau 1864. I mate ngā tūpuna o Te Korowai o Wainuiārua ki te āta whakaaro ki te pono o ō rātou ngākau ki te Kīngitanga, ki te Pai Mārire, ki te haumarutanga hoki o ngā kaiwhakatū kāinga Pākehā i te pakanga ki Moutoa, i mate rā ngā whanaunga ki te pakanga ki a rātou anō, me te aha, he tangata ka hinga, he mamae hoki ka puta i ngā taha e rua. 30 35

Te Whakaeke a te Karauna ki Ōhoutahi i te tau 1865

- (4) E whakaae ana te Karauna, i te mutunga iho, nāna tonu i pakaru ai te riri i waenga i te Karauna me te Kīngitanga i te rohe o Te Korowai o Wainuiārua, i tīmata rā i te pakanga ki te pā o Ōhoutahi i te tau 1865. E whakaae ana te Karauna, nā te pakanga i hinga ai ngā tūpuna o Te Korowai o Wainuiārua, ka mutu, i takahi āna mahi i te Tiriti o Waitangi me ōna mātāpono. 40

Te Raupatu

- (5) E whakaae ana te Karauna, ko te raupatutanga o ngā pānga o Te Korowai o Wainuiārua i Taranaki i te tau 1865 tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono.

Tā te Karauna Tapa i a Te Korowai o Wainuiārua ki te Kaiwhana 5

- (6) E whakaae ana te Karauna, nā tana tapa i ngā tūpuna o Te Korowai o Wainuiārua ki te “kaiwhana”, ki te “taraweti”, me te “Hauhau” i te wā o Ngā Riri Whenua, ka tipu ko te ngākau kino i waenga i ngā whanaunga o te awa o Whanganui. E mārama ana ki te Karauna te hōhonu o te pōuri me te piringa o te taunu ki ngā whakatipuranga e hia nei o Te Korowai o Wainuiārua nā te hē o ngā tapanga a te Karauna. 10

Te Hiki i te Aukati Huri noa i Te Rohe Pōtae

- (7) E whakaae ana te Karauna—
- (a) i mau tonu ngā iwi o Te Korowai o Wainuiārua ki te rangatiratanga o ō rātou whenua i Te Rohe Pōtae i raro i te maru o tētahi aukati mai i te tau 1866 ki te tau 1885; ā 15
- (b) i muri i tā te Karauna tīmata i ngā whakawhitinga kōrero i te tau 1882 kia whakatakotoria te Ara Tereina Matua o Te Ika-a-Māui i Te Rohe Pōtae, i whai ngā iwi o Te Korowai o Wainuiārua kia mau tonu rātou ki te rangatiratanga o ō rātou whenua mā te hono ki tētahi petihana i te tau 1883 e whai ana kia kua Te Rohe Pōtae e tōia ki raro i te mana o te Kōti Whenua Māori, engari kāore te Karauna i whakaae; ā 20
- (c) he nui whakaharahara ngā hua i riro i te Karauna i ngā tau i muri i te hikitanga o te aukati i te tau 1885, nā te mea kua wātea ia ki te whakatakoto i te Ara Tereina Matua o Te Ika-a-Māui i Te Rohe Pōtae, ki te hoko whenua hoki hei kāinga mō te Pākehā ki reira, engari nā aua tau anō i nui rawa atu ai hoki te rerekē o te ao o Te Korowai o Wainuiārua, te rironga atu hoki o ō rātou whenua, ka mutu, kāore rātou i whiwhi i ngā hua ā-ōhanga o te pae tawhiti i mahara ai rātou, nā ngā kōrero a te Karauna, ka whakawhiwhia ki a rātou. 25 30

Ngā Ture Whenua Māori

- (8) E whakaae ana te Karauna, nāna i whakatau te ture whenua Māori i huri ai te mana takitini o te rangatiratanga o ngā iwi o Te Korowai o Wainuiārua hei mana takitahi, me te kore o rātou i whai wāhi ki ngā kōrero. E whakaae ana hoki te Karauna, nā te ture whenua Māori— 35
- (a) i mate rā ngā iwi o Te Korowai o Wainuiārua ki te whakapā ki te Kōti Whenua Māori kia tiakina ō rātou pānga ki ō rātou whenua, ka mutu, kāore he huringa kē mō rātou, atu i te whai wāhi, mehemea i pīrangi rātou ki te whakauru i ō rātou whenua ki te ōhanga hou; ā
- (b) i whai wāhi ki te waitete me te tautohe i waenga tonu i ngā iwi o Te Korowai o Wainuiārua, i waenga hoki i a rātou me ō rātou kiritata; ā 40

- (c) i hua ai ngā utu nui hei pīkau mā ērā i whakapā ki te Kōti Whenua Māori, pēnei i te utu o ngā rūri whenua; ā
- (d) i taumaha ai ngā iwi o Te Korowai o Wainuiārua i noho rā i roto i te pōharatanga i ngā wā i autōria ai ngā whakawākanga, ā, i ētahi wā, ka hinga ētahi tūpuna o Te Korowai o Wainuiārua i a rātou e tatari ana kia tīmata ngā whakawākanga; ā 5
- (e) i māmā ake ai te whakarae o ō rātou whenua ki te whakawehenga, ki te poroporonga me te whakawhitinga ki hunga kē. Ko tō te Karauna korenga i ārai i ngā hanga ā-iwi o Te Korowai o Wainuiārua i ngā pānga o te ture whenua Māori tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono. 10

Te Rōpū Kaitiaki a Kemp

- (9) E whakaae ana te Karauna, i whai ngā iwi o Te Korowai o Wainuiārua ki te tuku i ētahi o ō rātou whenua ki te Rōpū Kaitiaki a Kemp e takitini ai te whakahaeretanga o ngā whenua i tō rātou rohe, engari i whakanau te Karauna ki te tautoko i te Rōpū Kaitiaki. Kāore te Karauna i tuku i tētahi taitara takitini e whai hua ana tae noa ki te tau 1894. Ko tēnei hapa tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono. 15

Te Hokotanga o te Poraka o Waimarino me Te Papa Taiao ā-Motu o Tongariro

- (10) E whakaae ana te Karauna, nāna tētahi rahinga o te whenua i te poraka o Waimarino i hoko hei utu i te Ara Tereina Matua o Te Ika-a-Māui, hei whakatū kāinga, hei whakarite hoki i tētahi papa taiao ā-motu. E whakaae ana hoki te Karauna, nā tēnei hokotanga i nui ake ai ngā whenua i kaitaongatia ai e ia, tēnā i te nui e tika ana hei whakatutuki i ēnei kaupapa. 20
- (11) E whakaae ana te Karauna, ahakoa tana mōhio ki te whakahirahira o Ruapehu maunga ki ngā iwi o Te Korowai o Wainuiārua, kāore ia i kōrero ki a rātou e pā ana ki te rāhuitanga o te tihi o te maunga mō te whakarite papa taiao ā-motu te take i mua, i muri hoki i tana tīmata ki te kōrero me ētahi atu iwi. 25
- (12) E whakaae ana te Karauna, i tere rawa te whāwhai o tana hoko i ngā eka e 411,196 i te poraka o Waimarino i te tau 1887, mai i ngā hapū tekau mā whitu o Te Korowai o Wainuiārua, ā— 30
- (a) kāore te maha o ngā hapū o Te Korowai o Wainuiārua i mōhio ki te wāhi i reira rā ō rātou pānga i ngā rohenga o te poraka nui e marohitia ana, otirā, ki ngā whenua e hokona ana e te Karauna, nā te mea—
- (i) i haere tonu te hokotanga a te Karauna ahakoa tōna mōhio ki te korenga o Te Korowai o Wainuiārua i whai wā ki te matawai, ki te tohe hoki i te rūritanga i mua i tā te Koti whakawhiwhi atu i te nuinga o ngā pānga o te poraka ki te Karauna; ā 35
- (ii) i akiaki te Karauna i ngā tāngata takitahi o Te Korowai o Wainuiārua kia kua e tonu kia whakawehea ō rātou pānga i te 40

- poraka o Waimarino, nā te mea, mā reira e takaroa ai tana hokotanga; ā
- (b) kāore te maha o ngā hapū o Te Korowai o Wainuiārua i mōhio ki te tika rānei o te utu ki a rātou mō ō rātou whenua, nā te mea—
- (i) i haere tonu te hokotanga a te Karauna i te poraka o Waimarino mā tāna anō whakatau i te kaha o ngā pānga o ngā tāngata takitahi o ngā hapū tekau mā whitu o Te Korowai o Wainuiārua, me te aha, ka hāngai āna utu ki taua whakatau; ā 5
- (ii) kāore te Karauna i whakamōhio i ngā tāngata nō rātou te whenua ki te utu o ia eka o te poraka o Waimarino; ā 10
- (iii) ahakoa ngā whakataunga o tāna ture, ka hoko te Karauna i ngā pānga o ētahi ririki i mua i te whai mana o tā rātou kopou i ngā kaitiaki; ā
- (iv) nā aua mahi me aua hapa i kore ai te hokotanga a te Karauna i eke ki te paerewa o te tika me te tōkeke o te mahi e whakapuakina ana i te Tiriti o Waitangi, ka mutu, he takahanga tērā i te Tiriti o Waitangi me ōna mātāpono. 15
- (13) E whakaae ana te Karauna, kāore i tōkeke tana utu i te poraka o Waimarino me ōna rawa puiaki, ka mutu, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono. 20
- (14) E whakaae ana te Karauna, kāore ia i whakaea i ngā ritenga o te whakataunga hoko i te poraka o Waimarino me ngā whakaritenga i oti i te wā o ngā whakawhitinga kōrero kia whakaritea he rāhui mō ngā hapū o Te Korowai o Wainuiārua, ka mutu, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono. E whakaae ana hoki te Karauna— 25
- (a) he iti ake ngā whenua i rāhuitia rā e ia mō ngā kaihoko atu i te poraka o Waimarino i tērā i oatihia ai e te Karauna mō ngā hapū o Te Korowai o Wainuiārua i te wā o ngā whakawhitinga kōrero; ā
- (b) i takakino te Karauna i tāna i kī taurangi ai i te whakataunga hoko mō Waimarino, arā, kia whakaae tahi me ngā kaihoko i te wāhi o ngā rāhui mō ngā kaihoko, engari, nāna kē i whakatau te wāhi o ngā rāhui, ka mutu, iti noa ana āna kōrero ki a rātou; ā 30
- (c) me te aha, ka riro atu te rangatiratanga o Te Korowai o Wainuiārua i ō rātou kāinga i wheta tonuhia ai e rātou, i ngā wāhi tapu hoki, tae atu ki—
- (i) ngā kāinga o Tīeke i kaitaongatia rā e te Karauna ahakoa tētahi whakaritenga motuhake i whakaritea ai i te taha o ngā tāngata nō rātou te whenua kia rāhuitia tēnei wāhi whakahirahira rawa atu i te hokotanga. E whakaae ana hoki te Karauna, ko te rironga o Tīeke i a ia e noho tonu ana hei nawe nui tonu mō Te Korowai o Wainuiārua; ā 35 40

- (ii) ētahi wāhanga nui o ngā pīnakitanga o te uru o Ruapehu maunga ki tōna tihi tapu, i kaitaongatia rā e te Karauna, me te korenga o ngā iwi o Te Korowai o Wainuiārua i whai wāhi ki ngā kōrero, i tuku hoki i tā rātou whakaae, ahakoa te mōhio o te Karauna ki te hiranga o te maunga ki ngā iwi. 5
- (15) E whakaae ana te Karauna—
- (a) ahakoa tana mōhio ki—
- (i) ngā pānga o ngā iwi o Te Korowai o Wainuiārua ki te whenua i pīrangi rā te Karauna ki te āpiti atu ki te whenua i hurihia rā hei wāhi e kīia nei ko te Papa Taiao ā-Motu o Tongariro; ā 10
- (ii) te tohe a ngā iwi o Te Korowai o Wainuiārua ki ngā wā i rere ai ngā whakawā a te Kōti Whenua Māori, i kore ai rātou e wātea ki te tae ake ki ngā whakawākanga whakahirahira mō ētahi o ēnei whenua; ā
- (iii) te hāngai o te whakapā a Te Korowai o Wainuiārua ki te Karauna, me te auau o tā rātou whai kia whakawāngia anō ngā whakawhiwhinga a te Kōti Whenua Māori, i kore ai rātou i whai wāhi ki te rangatiratanga ā-ture i ēnei o aua whenua; ā 15
- (b) kāore ia i kōrero ki ngā iwi o Te Korowai o Wainuiārua, kāore hoki i whai whakaaro mō ō rātou pānga, i te wā e whakaritea ana he kaupapa here mō te whakaritenga o te Papa Taiao ā-Motu o Tongariro; ā 20
- (c) i whakaū ia i ōna mana i raro i te Tongariro National Park Act 1894 kia tangohia he whenua atu anō i ngā iwi o Te Korowai o Wainuiārua, mā te here ā-ture, me te kore i utu paremata i te wā i pānuitia ai te Papa Taiao ā-Motu o Tongariro i te tau 1907; ā 25
- (d) nā ngā pānga i hua mai rā i ngā mahi a te Karauna, i ōna hapa hoki, i te whakaritenga o te Papa Taiao, ka rongo ngā iwi o Te Korowai o Wainuiārua i te kino o te whakatoiharatanga i ngā tekau tau e hia nei, ka mutu, he takahanga ērā i te Tiriti o Waitangi me ōna mātāpono.
- (16) E whakaae ana te Karauna, mai i te tau 1907, kāore ia i tuku kia uru ngā iwi o Te Korowai o Wainuiārua ki te auroa o ngā whakaritenga whakahaere i te Papa Taiao ā-Motu o Tongariro, ā, kāore ia i whakaaro nui ki tō rātou rangatiratanga, ki tō rātou kaitiakitanga hoki i te maunga, ka mutu, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono. 30
- (17) E whakaae ana te Karauna, nā ngā panonitanga whakatāmate i te taiao o te Papa Taiao ā-Motu o Tongariro, mā te whakawhanaketanga ā-arumoni me te whakaurunga mai o ētahi momo rāwaho, i rangona ai te nui o te āwangawanga e ngā iwi o Te Korowai o Wainuiārua, kāore nei i āhei ki te whakaū i tō rātou mana kaitiaki hei ārai i ngā taonga o runga i te papa i te whakakinotanga. 35
- Te Hokotanga o te Poraka o Taumatamāhoe* 40
- (18) E whakaae ana te Karauna, nā tana hokotanga i te poraka o Taumatamāhoe—

- (a) i tuku utu tōmua ia mō tētahi poraka e kīia nei ko Tāngarākau, i te tau 1879, i mua i tā te Kōti Whenua Māori whakatau i te rangatiratanga o ngā whenua katoa e kōrerotia ana, ā, ahakoa te kaha o te whakahē a ētahi o ngā tāngata nō rātou te whenua i te hokotanga atu o taua whenua; ā
- (b) ahakoa te whakaurunga o tētahi wāhanga noa iho o te poraka o Tāngarākau ki te poraka o Taumatamāhoe, ka mutu, ko ētahi noa iho o te hunga i whai utu tōmua i mua i te whakataunga taitara i whakawhiwhia ki ngā hea o te poraka o Taumatamāhoe i te tau 1886, i pēnei te Karauna ānō nei ko ngā moni katoa i utua rā e ia hei utu tōmua mō Tāngarākau, ka noho hoki hei utu mō te poraka o Taumatamāhoe; ā 5 10
- (c) i hoko ia i ngā pānga kurehu o te poraka i ngā tāngata nō rātou te whenua mai i te tau 1889, ahakoa kāore anō te Kōti Whenua Māori i whakatau i te wāhi i reira rā ngā pānga o ngā hapū; ā
- (d) i neke atu i te rua tekau tau te roa o tana hoko tonu i ngā pānga, tae noa ki te wā i neke atu i te 90% o te poraka i kaitaongatia rā e ia, ka mutu, i pīrangitia e ētahi o ngā tāngata nō rātou te whenua hei whenua tonu mō rātou; ā 15
- (e) i tonu ia i ngā whakawehenga 17 i waenga i te tau 1889 me te tau 1923. Me whai utu rūritanga anō ia whakawehenga, ka mutu, he mea whakatau ētahi wāhanga o te utu ki ngā kaihoko-kore; ā 20
- (f) ko te pānga whānui ka hua mai i aua mahi, ko te korenga o te Karauna i whakawhiti kōrero i runga i te ngākau pai, ko tōna korenga rānei i āta tiaki i ngā pānga o ngā iwi o Te Korowai o Wainuiārua, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono. 25
- Te Whenua-Koretanga* 25
- (19) E whakaae ana te Karauna—
- (a) nāna te nuinga o te whenua o ngā iwi o Te Korowai o Wainuiārua i te hiku o te rautau tekau mā iwa; ā
- (b) he mea whakamōhio ia nā te Kōmihana a Stout-Ngata i te tau 1907 ki te korenga o Tamahaki i pīrangī ki te hoko whenua atu anō. Ahakoa tēnei, ka hoko tonu te Karauna i te nuinga o ō rātou whenua e toe tonu ana, tae noa ki te tau 1927; ā 30
- (c) ahakoa i a ia e puritia ana ko tōna hāwhe miriona o ngā eka whenua huri noa i te poraka Nama 4 o Waimarino nō ngā kaihoko-kore, i kaitaongatia e ia, mā te kaitaonga me te hoko i raro i te here ā-ture, ngā whenua i ngā tāngata nō rātou taua poraka mō ngā rori, mō te ara tereina, mō te kaupare hoariri, mō te rāhui manea hoki te take, tae noa ki tōna wā kua heke iho i te kotahi ōrau o taua poraka e toe herekore ana ki te Māori; ā 35
- (d) kāore ia i aroturuki i te rawaka tonu rānei o ngā whenua e puritia ana e Te Korowai o Wainuiārua e ea ai ō rātou hiahia ā-ōhanga, ā-pāpori, ā-ahurea hoki; ā 40

- (e) kua whenua-kore, me kī, ngā iwi o Te Korowai o Wainuiārua, ka mutu, ko te korenga o te Karauna i whakaū i te rawaka tonu o ngā whenua e puritia ana e ngā iwi tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono.

Te Kaupapa Tuku Whenua

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- (20) E whakaae ana te Karauna, kāore ia i āta tiaki i ngā pānga o ngā iwi o Te Korowai o Wainuiārua i muri i tā rātou tuku i ō rātou whenua ki te Kaunihera me te Poari Whenua Māori ki Aotea, i waenga i te tau 1903 me te tau 1907, kia whakawhanakehia aua whenua mō te ahuwahenua ā-arumoni, me te noho tonu o aua whenua rā ki raro i te rangatiratanga o ngā iwi o Te Korowai o Wainuiārua. 10
- (21) E whakaae ana hoki te Karauna, i te tatari ngā iwi o Te Korowai o Wainuiārua kia whakahokia ō rātou whenua ki a rātou i te paunga o ngā tau e 42, engari, mai i te tau 1926, kua mōhio te Karauna ki te korenga i taea e ngā tāngata nō rātou te whenua te utu paremata me ea e whakahokia ai te whenua ki a rātou, ka mutu, ko tana korenga i whai whakaritenga ki te whakatutuki i taua kaupapa tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono. 15

Ngā Rāhui Manea o te Awa o Whanganui

- (22) E whakaae ana te Karauna, kāore i whai take tāna kōrero ki Te Korowai o Wainuiārua, kāore hoki i tōkeke tana whakataurite i ō rātou hiahia ki ō te marea i a ia e kaitaonga ana i ō rātou whenua kia tiakina hei wāhi manea. Nā aua hapa i kaitaongatia ai e te Karauna, mā te here ā-ture, ngā eka e neke atu ana i te 3,000 o ngā hapū i ngā whenua i ngā tahatika o te awa, tae noa ki ngā pāmu me ngā urupā, ka mutu, he takahanga ērā i te Tiriti o Waitangi me ōna mātāpono. 20

Te Ara Tereina Matua o Te Ika-a-Māui

- (23) E whakaae ana te Karauna, i takahi ia i te Tiriti o Waitangi me ōna mātāpono nōna i takahi i tētahi o ana oati ki ngā iwi o Te Korowai o Wainuiārua i te tau 1885, ā, kāore ia i hāpai i ana herenga i te wā i tango ia i ngā eka whenua e 207, i te tau 1910, i ngā iwi mō te Ara Tereina Matua o Te Ika-a-Māui te take, ka mutu, kāore ia i utu paremata. 25

Ngā Whenua mō te Kaupare Hoariri

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- (24) E whakaae ana te Karauna, kāore ia i kōrero ki ngā iwi o Te Korowai o Wainuiārua i mua i tana kaitaonga, mā te here ā-ture, i te toru tekau ōrau o te poraka Nama 4 o Waimarino nō ngā kaihoko-kore, i te tau 1911, otirā, kāore ia i whakawātea i te huarahi kia whakawhiti kōrero ngā tāngata nō rātou te whenua e pā ana ki te nui o te whenua i tangohia ai. E whakaae ana te Karauna, he takahanga aua mahi i te Tiriti o Waitangi me ōna mātāpono. 35

Te Kaupapa Whakakaha Hiko ki Tongariro

- (25) E whakaae ana te Karauna, kāore ia i kōrero ki ngā iwi o Te Korowai o Wainuiārua i te wā i whakarite ia i te kaupapa Whakakaha Hiko ki Tongariro, ahakoa tōna mōhio ki ō rātou āwangawanga, ā, e taupatupatu ana taua mahi āna 40

ki te haepapa kia mahi te Karauna i runga i te ngākau pai, ka mutu, he takahanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

Te Papa Taiao ā-Motu o Whanganui

- (26) E whakaae ana te Karauna, i kaha ake ngā whakatoiharatanga i ara ake i ana takahanga, nā tana kaitaonga whenua i te takiwā o Whanganui, i te wā i whakaurua tēnei whenua ki te Papa Taiao ā-Motu o Whanganui i tāmīngia ai te kaha o ngā iwi o Te Korowai o Wainuiārua ki te whakaū i tō rātou kaitiakitanga i ngā whenua me ngā rawa o ngā rohenga o te Papa Taiao, ahakoa te nui o tā rātou koha ki te tiakanga o ngā papa taiao. 5

Te Reo Māori

- (27) E whakaae ana te Karauna, kāore ia i āta tiaki, i āta whakatenatena rānei i te kōrerotanga o te reo ake o Whanganui i waenga i ngā iwi o Te Korowai o Wainuiārua, i kino ai ngā pānga ki te reo Māori me te mita. Nā reira, i mate haere ai te taonga a Te Korowai o Wainuiārua. Ko te korenga o te Karauna i āta tiaki i te reo o Whanganui tētahi takahanga i te Tiriti o Waitangi me ōna mātāpono. 10 15

- (28) E whakaae ana te Karauna, i te haurua tuarua o te rautau rua tekau, ka patua ngā tamariki o Te Korowai o Wainuiārua, i kuraina ai ki ngā kura i whakatūria rā e te Karauna, mō te kōrero i tō rātou anō reo te take, ā, i whai wāhi tērā ki te kore haeretanga o te reo Māori i waenga i ngā iwi o Te Korowai o Wainuiārua. 20

Te Ngarohanga o te Tuakiri, me ngā Take Ohapori

- (29) E whakaae ana te Karauna—
- (a) nā ana takahanga i te Tiriti o Waitangi me ōna mātāpono mai i te tau 1840, tae noa ki tana kore i tiaki i a rātou kia kua rātou e noho whenua-kore ana, i tino raruraru ai te whanaketanga ā-ōhanga, ā-pāpori, ā-ahurea hoki o ngā iwi o Te Korowai o Wainuiārua; ā 25
- (b) nā te whenua-kore, me kī, o ngā iwi o Te Korowai o Wainuiārua i uaua ai ki a rātou te pupuri ki te motuhaketanga o tō rātou āhua me tō rātou tuakiri i tō rātou anō rohe; ā
- (c) ko ngā mahi a Uenuku rātou ko Tamakana, ko Tamahaki ki te whakaū anō i tā rātou tū me tō rātou hononga ki te whenua tētahi tohu i te kaha o te manawanui kia kaha te ora i tō rātou rohe, ka mutu, kua tino pērā mai i te tekau tau 1990. 30

Te Koha ki Aotearoa

- (30) E whakaae ana te Karauna, he nui te koha a ngā iwi o Te Korowai o Wainuiārua ki Aotearoa, tae noa ki— 35
- (a) te whakamahinga o ētahi wāhanga whakahirahira o tō rātou rohe mō te mahi pāmu me ngā mahi tūmatanui e tiakina ai te taiao manea hei painga mō ngā tāngata katoa o Aotearoa; ā

- (b) te nui o ngā toa i hinga rā i a rātou e ārai ana i tēnei whenua i ngā pakanga o tāwāhi.
- (31) Kua roa rawa te korenga o te Karauna e mihi tika i te ngākau nui o ngā iwi o Te Korowai o Wainuiārua me ā rātou koha ki Aotearoa, ā, e whakamānawa nei te Karauna ki tēnei hāpaitanga a ngā iwi. 5

10 Apology

The text of the apology offered by the Crown to Te Korowai o Wainuiārua, as set out in the deed of settlement, is as follows:

- “(a) The Crown makes this apology to Uenuku, Tamakana, and Tamahaki, to your tūpuna and mokopuna, to your iwi, your hapū, and your whānau: 10
- (b) The Crown regrets its failure to uphold its responsibilities under te Tiriti o Waitangi/the Treaty of Waitangi to respect your tino rangatiratanga and actively protect the taonga that you wished to retain for your mokopuna. It recognises that you have continuously asked the Crown to address its breaches of te Tiriti/the Treaty and sincerely regrets how long this has taken: 15
- (c) In the 1850s, you joined the Kīngitanga in order to maintain control over your land and your future. However, in the 1860s, Crown actions were responsible for the outbreak of warfare in your rohe. For the deaths you have suffered, for the stigma of being labelled rebels, and for the painful divisions among your people and the iwi of Whanganui, the Crown unreservedly apologises: 20
- (d) Following the New Zealand Wars, Uenuku, Tamakana, and Tamahaki maintained their allegiance to the Kīngitanga and kept much of their land within Te Rohe Pōtae, but the Crown undermined your rangatira in its single-minded pursuit of European settlement and economic development. After the Native Land Court began investigating land in your rohe it was nearly impossible for your tūpuna to avoid the Court, lest others gained ownership of your land. The Crown is sincerely sorry for the prejudice caused by the native land laws, and for its extensive and relentless land purchasing practices that breached te Tiriti/the Treaty: 25 30
- (e) The Crown also deeply regrets how it created a national park around Ruapehu, Ngauruhoe, and Tongariro without considering or consulting Uenuku, Tamakana, and Tamahaki. You have never had a role in the management of these sacred taonga, and for these acts and omissions, and the severe prejudice you have suffered as a consequence, the Crown is deeply sorry: 35
- (f) Uenuku, Tamakana, and Tamahaki made significant efforts to retain their remaining land in the early twentieth century but the Crown actively continued purchasing your land and compulsorily acquired further land for large-scale public works projects such as the North Island Main 40

Trunk Railway, 2 national parks, scenic reserves, defence, and for electricity generation. The Crown is deeply remorseful that its breaches of te Tiriti/the Treaty undermined the wellbeing of Uenuku, Tamakana, and Tamahaki and has left your people virtually landless:

- (g) The Crown sincerely apologises for the dire socio-economic consequences of its breaches of te Tiriti/the Treaty. Many of your people have left their rohe and your ability to retain your language, tikanga, and iwi identity has been severely weakened. The Crown is profoundly sorry for this and the Crown humbly acknowledges the strength and perseverance of your iwi: 5
- (h) The Crown hopes to restore its own honour through this settlement and seeks to build a new relationship based on respect, trust, and the principles of te Tiriti/the Treaty with yourselves and your future generations.” 10

He Whakapāha 15

- “(a) E tukuna ana tēnei whakapāha ki a Uenuku koutou ko Tamakana, ko Tamahaki, ki ō koutou tūpuna, ki ā koutou mokopuna, ki ō koutou iwi, ki ō koutou hapū me ō koutou whānau: 15
- (b) E āwhiti ana te Karauna i tōna korenga i hāpai i ana kawenga i raro i te Tiriti o Waitangi kia whakaaro nuitia tō koutou tino rangatiratanga, kia āta tiakina ngā taonga i pīrangī rā koutou kia puritia e koutou mā ā koutou mokopuna. E whakaae ana ia, kua tūmau tā koutou tonu ki te Karauna kia whakatikahia ana takahanga i te Tiriti o Waitangi, ā, e houtupu ana tana āwhiti i te roa o te wā i tutuki ai tēnei kaupapa: 20
- (c) I te tekau tau 1850, i piri atu koutou ki te Kīngitanga e noho tonu ai ki a koutou te rangatiratanga o ō koutou whenua, o tō koutou ao hoki ā haere ake nei. Heoi anō, i te tekau tau 1860, nā ngā mahi a te Karauna i pakaru ai te riri i ō koutou rohe. Mō te hinganga o ō koutou uri, mō te taunga o koutou e te poapoa taunu nā te kīngia o koutou hei kaiwhana, mō te mamae o ngā whakawehewehetanga o waenga i ō koutou uri me ngā iwi o Whanganui, e tōtōpū ana te whakapāha a te Karauna: 25
- (d) I muri i ngā Riri Whenua, i ū tonu te piripono o Uenuku koutou ko Tamakana, ko Tamahaki ki te Kīngitanga, ā, he maha tonu ō koutou whenua o Te Rohe Pōtae i puritia e koutou, engari i takahi te Karauna i te mana o ō koutou rangatira nā te tapatahi o tana whakaaro ki te whakatū kāinga mō te Pākehā, ki te whanaketanga hoki o te ōhanga. I muri i te tirohanga a te Kōti Whenua Māori i ngā whenua i tō koutou rohe, piere nuku katoa ana te karo a ō koutou tūpuna i te Kōti, kei riro i ētehi kē te rangatiratanga o ō koutou whenua. E houtupu ana te whakapāha a te Karauna i te whakatoiharatanga i hua ake nā ngā ture whenua Māori, i te whānui me te pūtohe o ana mahi hoko whenua i takahia ai te Tiriti o Waitangi: 35 40

- (e) E hōhonu ana hoki te rongō a te Karauna i te āwhiti nā te huarahi i whāia e ia ki te whakarite i te papa taiao ā-motu huri noa i Ruapehu, i Ngāuruhoe, i Tongariro hoki me te kore i whakaaro, i kōrero hoki ki a Uenuku koutou ko Tamakana, ko Tamahaki. Kāore anō koutou kia whai tūranga i roto i ngā whakahaeretanga o ēnei taonga tapu, nō reira, nā enei mahi, nā ēnei hapa hoki, me te kino o te whakatoiharatanga i rongō ai koutou nā aua āhuetanga, e tino kaha nei te whakapāha a te Karauna: 5
- (f) He nui ngā mahi a Uenuku koutou ko Tamakana, ko Tamahaki e puritia ai e koutou ngā whenua e toe ana ki a koutou i te upoko o te rautau rua tekau, engari i āta rere tonu ngā mahi a te Karauna ki te hoko i ō koutou whenua, ā, i kaitaongatia e ia, mā te here ā-ture, ētehi atu whenua mō ngā kaupapa rahi i raro i te mahi tūmatanui, pēnei i te Ara Tereina Matua o Te Ika-a-Māui, i ngā papa taiao ā-motu e rua, i ngā rāhui manea, i ngā wāhi kaupare hoariri, me te whakakaha hiko. E hōhonu ana te rongō a te Karauna i te pōuri, i te mōhiotanga, nā ana takahanga i te Tiriti o Waitangi i whakararungia ai te oranga o Uenuku rātou ko Tamakana, ko Tamahaki, ka mutu, kua whenua-kore tonu ō koutou uri: 10 15
- (g) E houtupu ana te whakapāha a te Karauna i ngā hua kino i pā ki te ohipori nā ana takahanga i te Tiriti o Waitangi. He tokomaha ō koutou uri kua wehe i te rohe, ka mutu, kua whakaruhingia tō koutou kaha ki te pupuri ki tō koutou reo, ki ā koutou tikanga me tō koutou tuakiritanga. Inā kē te nui o te whakapāha a te Karauna i tērā āhuetanga, ka mutu, e tino whakaae ana te Karauna ki te kaha me te hiringa o ō koutou iwi: 20
- (h) E manako ana te Karauna, mā tēnei whakataunga e whai mana anō ai ia, ā, e whai ana ia ki te tuitui i tētahi hononga hou ki a koutou me ā koutou uri whakaheke i runga i te whakaaro nui, i te pono, i ngā mātāpono hoki o te Tiriti.” 25

Interpretation provisions

11 Interpretation of Act generally

It is the intention of Parliament that the provisions of this Act are interpreted in a manner that best furthers the agreements expressed in the deed of settlement. 30

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 35

area of interest means the area shown as the Te Korowai o Wainuiārua area of interest in part 1 of the attachments

attachments means the attachments to the deed of settlement

commercial redress property has the meaning given in **section 157**

- 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 5
- conservation legislation** means—
- (a) the Conservation Act 1987; and
 - (b) the enactments listed in Schedule 1 of that Act
- conservation management plan** has the meaning given in section 2(1) of the Conservation Act 1987 10
- 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 63** 15
- deed of recognition**—
- (a) means the deed of recognition issued under **section 38** by the Minister of Conservation and the Director-General; and
 - (b) includes any amendments made under **section 38(3)**
- deed of settlement**— 20
- (a) means the deed of settlement dated 29 July 2023 and signed by—
 - (i) the Honourable Andrew James Little, Minister for Treaty of Waitangi Negotiations, and the Honourable Grant Murray Robertson, Minister of Finance, for and on behalf of the Crown; and
 - (ii) Aiden Gilbert, Chris McKenzie, and Paora Haitana, for and on behalf of Te Korowai o Wainuiārua; and 25
 - (iii) Aiden Gilbert, Nuthaniel Tonihi, and Don Robinson, being the trustees of the Te Korowai o Wainuiārua Trust; and
 - (b) includes—
 - (i) the schedules of, and attachments to, the deed; and 30
 - (ii) any amendments to the deed or its schedules and attachments
- deferred selection property** has the meaning given in **section 157**
- 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 35
- exclusive RFR area** has the meaning given in **section 181**
- exclusive RFR land** has the meaning given in **section 182**

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 63	
LINZ means Land Information New Zealand	5
local authority has the meaning given in section 5(1) of the Local Government Act 2002	
member of Te Korowai o Wainuiārua means an individual referred to in section 13(1)(c)	
national park management plan has the meaning given to management plan in section 2 of the National Parks Act 1980	10
overlay classification has the meaning given in section 42	
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	15
regional council has the meaning given in section 2(1) of the Resource Management Act 1991	
Registrar-General has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017	20
representative entity means—	
(a) the trustees; and	
(b) any person, including any trustee, acting for or on behalf of—	
(i) the collective group referred to in section 13(1)(a) ; or	
(ii) 1 or more members of Te Korowai o Wainuiārua; or	25
(iii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(b)	
reserve has the meaning given in section 2(1) of the Reserves Act 1977	
reserve property has the meaning given in section 63	
resource consent has the meaning given in section 2(1) of the Resource Management Act 1991	30
RFR means the right of first refusal provided for by subpart 4 of Part 3	
RFR date has the meaning given in section 181	
RFR land has the meaning given in section 183	
settlement date means the date that is 40 working days after the date on which this Act comes into force	35
shared deferred selection property has the meaning given in section 157	

- shared RFR land** has the meaning given in **section 181**
- statutory acknowledgement** has the meaning given in **section 29**
- Tahora Bus Stop property** has the meaning given in **section 181**
- tikanga** means customary values and practices
- Te Korowai o Wainuiārua Trust** means the trust of that name established by a trust deed dated 1 July 2023 5
- transfer property** has the meaning given in **section 157**
- trustees of the Te Korowai o Wainuiārua Trust** and **trustees** mean the trustees, acting in their capacity as trustees, of the Te Korowai o Wainuiārua Trust 10
- working day** means a day other than—
- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day:
 - (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday: 15
 - (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:
 - (d) the day observed as the anniversary of the province of Wellington:
 - (e) in relation to the Tahora Bus Stop property and land that is shared RFR land, the day observed as the anniversary of the province of Taranaki: 20
 - (f) in relation to RFR land referred to in **section 183(1)(d)**, the day observed as the anniversary of the province of Auckland.
- (2) In this Act,—
- (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: 25
 - (b) a reference to the transfer of a transfer 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. 30
- 13 Meaning of Te Korowai o Wainuiārua**
- (1) In this Act, **Te Korowai o Wainuiārua** means—
- (a) the collective group composed of individuals who descend from a Te Korowai o Wainuiārua ancestor; and
 - (b) every whānau, hapū, or group to the extent that it is composed of individuals referred to in **paragraph (a)**, including the following descent groups: 35
 - (i) Ngāti Atamira:

(ii) Ngāti Hae:	
(iii) Ngāti Hau:	
(iv) Ngāti Hekeāwai:	
(v) Ngāti Hineiti:	
(vi) Ngāti Hinekoropango:	5
(vii) Ngāti Hinekumara:	
(viii) Ngāti Hinekura:	
(ix) Ngāti Hineraro:	
(x) Ngāti Hinerua:	
(xi) Ngāti Hinetaro:	10
(xii) Ngāti Hinewai:	
(xiii) Ngāti Kahukurapane:	
(xiv) Ngāti Kahukurapango:	
(xv) Ngāti Kahutuna:	
(xvi) Ngāti Kaponga:	15
(xvii) Ngāti Kowhaikura:	
(xviii) Ngāti Kura:	
(xix) Ngāti Kuratangiwharau:	
(xx) Ngāti Kurawhatia:	
(xxi) Ngāti Maringi:	20
(xxii) Ngāti Matakaha:	
(xxiii) Ngāti Ngarongoa:	
(xxiv) Ngāti Paekawa:	
(xxv) Ngāti Paku:	
(xxvi) Ngāti Pare:	25
(xxvii) Ngāti Parekītai:	
(xxviii) Ngāti Poumua:	
(xxix) Ngāti Puku:	
(xxx) Ngāti Rangi ki Manganui-o-te-Ao:	
(xxxi) Ngāti Ratuhi:	30
(xxxii) Ngāti Rongotehengia:	
(xxxiii) Ngāti Ruakopiri:	
(xxxiv) Ngāti Ruru:	
(xxxv) Ngāti Taipoto:	
(xxxvi) Ngāti Takapupapa:	35

(xxxvii) Ngāti Tamahaki:	
(xxxviii) Ngāti Tamahuatahi:	
(xxxix) Ngāti Tamakana:	
(xl) Ngāti Taongakorehu:	
(xli) Ngāti Tara:	5
(xlii) Ngāti Tauengarero:	
(xliii) Ngāti Taumatamahoe:	
(xliv) Ngāti Te Aomapuhia:	
(xlv) Ngāti Tuawhiti:	
(xlvi) Ngāti Tuhoro:	10
(xlvii) Ngāti Tukaiora:	
(xlviii) Ngāti Tukapua:	
(xlix) Ngāti Tukoio:	
(l) Ngāti Tumanuka:	
(li) Ngāti Tutei-o-te-rangi:	15
(lii) Ngāti Tuwharekai:	
(liii) Ngāti Uenuku:	
(liv) Ngāti Waikaramihi:	
(lv) Ngāti Whaikiterangi:	
(lvi) Ō Te Rangitautahi:	20
(lvii) Rakaetoia:	
(lviii) Tangatakore:	
(lix) Te Patutokotoko; and	
(c) every individual referred to in paragraph (a) .	
(2) In this section and section 14 ,—	25
customary rights means rights exercised according to tikanga Māori, including—	
(a) rights to occupy land; and	
(b) rights in relation to the use of land or other natural or physical resources	
descended means that a person is descended from another person by—	30
(a) birth; or	
(b) legal adoption; or	
(c) Māori customary adoption in accordance with the tikanga of Te Korowai o Wainuiārua	

- Te Korowai o Wainuiārua tupuna** means an individual who—
- (a) exercised customary rights by virtue of being descended from—
 - (i) Tamakana; or
 - (ii) Tamahaki; or
 - (iii) Uenuku ki Manganui-o-te-Ao, nā Tukaihoru; and 5
 - (b) is a recognised tupuna of a descent group listed in **subsection (1)(b)**; and
 - (c) exercised customary rights predominantly in relation to the area of interest at any time after 6 February 1840.
- 14 Meaning of historical claims** 10
- (1) In this Act, **historical claims**—
 - (a) means the claims described in **subsection (2)**; and
 - (b) includes the claims described in **subsection (3)**; but
 - (c) does not include the claims described in **subsection (4)**.
 - (2) The historical claims are every claim that Te Korowai o Wainuiārua or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 15
 - (a) is founded on a right arising—
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or 20
 - (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 25
 - (ii) by or under legislation.
 - (3) The historical claims include—
 - (a) a claim to the Waitangi Tribunal that relates exclusively to Te Korowai o Wainuiārua or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim: 30
 - (i) Wai 73 – Waimarino Lands Claim:
 - (ii) Wai 458 – Ohotu 1C2 Block Claim:
 - (iii) Wai 555 – Taumatamahoe Block Claim:
 - (iv) Wai 843 – Waimarino Block and Waikune Prison Claim:
 - (v) Wai 954 – Tamakana Waimarino (No.1) Block Claim: 35
 - (vi) Wai 1072 – Ngāti Ruakopiri Waimarino Block Alienation Claim:

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- (vii) Wai 1073 – Ngāti Kowhaikura Waimarino and Ruapehu Blocks Claim:
 - (viii) Wai 1084 – Te Tangata Whenua o Uenuku Foreshore and Seabed Claim:
 - (ix) Wai 1181 – Urewera 2A2 Block Claim: 5
 - (x) Wai 1189 – Ngāti Kahukurapango and Ngāti Matakaha Land Claim:
 - (xi) Wai 1192 – Ngāti Maringi Land Claim:
 - (xii) Wai 1197 – Ngāti Tumanuka Waimarino Lands Claim:
 - (xiii) Wai 1202 – Whanganui River Trust Board Act Representation Claim: 10
 - (xiv) Wai 1224 – Uenuku Tuwharetoa Lands and Minerals Claim:
 - (xv) Wai 1261 – Ngāti Tara Lands Claim:
 - (xvi) Wai 1388 – Tamakana, Ruakopiri and Maringi Mana Whenua Claim: 15
 - (xvii) Wai 1393 – Te Whare Ponga Taumatamahoe Inc Society and Te Whare Ponga Whanau Trust Claim:
 - (xviii) Wai 1394 – Tahana Whanau Claim:
 - (xix) Wai 1614 – Waimarino 4A1A, 4B Part 2, 4A and 4A5 Blocks (Waikune Trust) Claim: 20
 - (xx) Wai 1633 – Raetihi 2B 3B Blocks Claim:
 - (xxi) Wai 1738 – Waimarino Block (Bristol) Claim:
 - (xxii) Wai 2203 – Waimarino No. 3 Non-sellers Reserve (Cribb and Rapana) Claim:
 - (xxiii) Wai 2204 – Waimarino 3, Waimarino 4 and Ngapakahi Blocks Claim: 25
- (b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Te Korowai o Wainuiārua or a representative entity:
- (i) Wai 48 – The Whanganui ki Maniapoto Claim: 30
 - (ii) Wai 81 – Waihaha and Other Lands Claim:
 - (iii) Wai 146 – King Country Lands Claim:
 - (iv) Wai 167 – Whanganui River Claim:
 - (v) Wai 221 – Waimarino No. 1 Block and Railway Lands Claim:
 - (vi) Wai 428 – Pipiriki Township Claim: 35
 - (vii) Wai 759 – Whanganui Vested Lands Claim:
 - (viii) Wai 836 – Makotuku Block IV Claim:

- (ix) Wai 1029 – Taurewa Blocks Public Works Acquisition Claim:
 - (x) Wai 1170 – Tangata Whenua o Uenuku Land Claim:
 - (xi) Wai 1229 – Atihau Lands Claim:
 - (xii) Wai 1594 – Descendants of Te Hore Te Waa Nukurarae Claim:
 - (xiii) Wai 1607 – Ngāti Kurawhatia Lands Claim: 5
 - (xiv) Wai 1637 – Te Atihau a Paparangi (Taiaroa and Mair) Claim.
- (4) However, the historical claims do not include—
- (a) a claim that a member of Te Korowai o Wainuiārua, or a whānau, hapū, or group referred to in **section 13(1)(b)**, had or may have that is founded on a right arising by virtue of being descended from a tupuna who is not a tupuna of Te Korowai o Wainuiārua; or 10
 - (b) a claim that a representative entity had or may have that is founded on a claim referred to in **paragraph (a)**; or
 - (c) a claim that a member of Ngāti Hekeāwai/Te Patutokotoko, Ngāti Hau, Ngāti Kura, Ngāti Kurawhatia, Ngāti Pare, or Ngāti Ruru had or may have that is founded on a right arising by virtue of being descended from a tupuna other than Tamahaki, Tamakana, and Uenuku ki Manganui-ote-Ao, nā Tukaihoru. 15
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date. 20

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

- (1) The historical claims are settled.
- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims. 25
- (3) **Subsections (1) and (2)** do not limit the deed of settlement.
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of— 30
 - (a) the historical claims; or
 - (b) the deed of settlement; or
 - (c) this Act; or 35
 - (d) the redress provided under the deed of settlement or this Act.

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

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975 5

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order:
Te Korowai o Wainuiārua Claims Settlement Act **2023, section 15(4) and (5).**

Resumptive memorials no longer to apply 10

17 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to a cultural redress property; or
 - (b) to a commercial redress property; or
 - (c) to the exclusive RFR land referred to in **section 182(a)**; or 15
 - (d) to land in the exclusive RFR area; or
 - (e) to the land held in record of title 382148 on and from the earlier of the following:
 - (i) the date of transfer—
 - (A) in accordance with **section 158**; or 20
 - (B) under a contract formed under **section 190**;
 - (ii) the settlement date under the legislation that settles the historical claims of Ngāti Hāua; or
 - (f) to shared RFR land; or
 - (g) to the Tahora Bus Stop property; or 25
 - (h) for the benefit of Te Korowai o Wainuiārua or a representative entity.
- (2) The enactments are—
- (a) Part 3 of the Crown Forest Assets Act 1989;
 - (b) sections 568 to 570 of the Education and Training Act 2020;
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990; 30
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986;
 - (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—
- (a) is all or part of— 5
 - (i) a cultural redress property;
 - (ii) a commercial redress property;
 - (iii) the exclusive RFR land referred to in **section 182(a)**;
 - (iv) the land held in record of title 382148;
 - (v) the shared RFR land: 10
 - (vi) the Tahora Bus Stop property; and
 - (b) is solely within the exclusive RFR area; and
 - (c) is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)**.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after— 15
- (a) the settlement date, for a cultural redress property, a commercial redress property, the exclusive RFR land referred to in **section 182(a)**, the Tahora Bus Stop property, or each allotment that is solely within the exclusive RFR area; or 20
 - (b) the earlier of the following for the land held in record of title 382148:
 - (i) the date of transfer—
 - (A) in accordance with **section 158**; or
 - (B) under a contract formed under **section 190**;
 - (ii) the settlement date under the legislation that settles the historical claims of Ngāti Hāua; or 25
 - (c) the date the RFR period commences for shared RFR land.
- (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— 30
- (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. 35

*Effect of Te Awa Tupua (Whanganui River Claims Settlement) Act 2017***19 Land subject to Te Awa Tupua (Whanganui River Claims Settlement) Act 2017**

- (1) This section applies if, at the time land is vested or transferred in accordance with this Act, the description of the land includes, or may include, part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. 5
- (2) Despite any other provision in this Act or the deed,—
- (a) no part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 vests or is transferred in accordance with this Act; and 10
- (b) the conservation status declared by section 42(1)(a) or (c) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 no longer applies to any part of the bed; and 15
- (c) any conservation status applied to the land does not apply to any part of the bed; and
- (d) section 42(2) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 does not apply to any part of the bed.
- (3) If the land is a cultural redress property, a written application under **section 86** must include a statement that this section applies and that the record of title for the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land. 20
25
- (4) In respect of any other land, a transfer instrument must include a statement that this section applies and that the record of title for the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land. 30
- (5) The Registrar-General must, on receipt of a written application or a transfer instrument in respect of the land, note on the record or records of title that—
- (a) the land is subject to **section 19** of the Te Korowai o Wainuiārua Claims Settlement Act **2023**; and
- (b) the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land. 35
- (6) A person may apply for the notations entered under **subsection (5)** to be removed by providing a certificate to the Registrar-General from a licensed 40

- cadastral surveyor that certifies that the land does not include part of the bed of the Whanganui River vested in Te Awa Tupua.
- (7) The Registrar-General must, as soon as is reasonably practicable after receiving the certificate, remove the notations entered under **subsection (5)** from each record of title identified in the certificate. 5
- (8) If the licensed cadastral surveyor’s certificate relates to land that, immediately before its vesting or transfer under this Act, was subject to the Conservation Act 1987 or the Reserves Act 1977, the surveyor must provide a copy of the certificate to the Director-General of Conservation.
- (9) Despite anything in the Land Transfer Act 2017, a part of the bed of the Whanganui River subject to notation under **subsection (5)** is not required to be surveyed for the purposes of that Act if the part of the bed has an average width of less than 3 metres. 10
- (10) In this section,—
- bed** has the meaning given in section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 15
- conservation status** means the status of any land as a conservation area or a reserve
- licensed cadastral surveyor** has the same meaning as in section 4 of the Cadastral Survey Act 2002 20
- Te Awa Tupua** means the legal person created by section 14 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017
- Whanganui River** has the meaning given in section 39 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.
- 20 Act does not override Te Awa Tupua (Whanganui River Claims Settlement) Act 2017** 25
- Except as provided in **section 19(2)(b) and (d)**, nothing in this Act overrides the provisions of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.
- Miscellaneous matters* 30
- 21 Limit on duration of trusts does not apply**
- (1) A limit on the duration of a trust in any rule of law and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—
- (a) do not prescribe or restrict the period during which—
- (i) the Te Korowai o Wainuiārua Trust may exist in law; or 35
- (ii) the trustees may hold or deal with property or income derived from property; and

- (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.
- (2) However, if the Te Korowai o Wainuiārua Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019. 5
- 22 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— 10
- (a) for inspection free of charge, and for purchase at a reasonable price, at that office in Wellington between 9 am and 5 pm on any working day; and
- (b) free of charge on an Internet site maintained by or on behalf of that office. 15

Part 2

Cultural redress

Subpart 1—Protocols

- 23 Interpretation**
- In this subpart,— 20
- protocol**—
- (a) means each of the following protocols issued under **section 24(1) or (2)**:
- (i) the Crown minerals protocol;
- (ii) Appendix B of the Whakaaetanga Tiaki Taonga; and 25
- (b) includes any amendments made under **section 24(3)**
- responsible Minister** means the 1 or more Ministers who have responsibility under a protocol
- Whakaaetanga Tiaki Taonga** means the document entered into under clause 5.64 of the deed of settlement (in the form set out in part 6.7 of the documents schedule). 30

*General provisions applying to protocols***24 Issuing, amending, and cancelling protocols**

- (1) The responsible Minister must issue each of the protocols, other than Appendix B of the Whakaaetanga Tiaki Taonga, to the trustees on the terms set out in part 5 of the documents schedule. 5
- (2) Appendix B of the Whakaaetanga Tiaki Taonga must be treated as having been issued by the responsible Minister for that protocol on the terms set out in part 6.7 of the documents schedule.
- (3) The responsible Minister may amend or cancel a protocol at the initiative of— 10
- (a) the trustees; or
 - (b) the responsible Minister.
- (4) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the trustees.

25 Protocols subject to rights, functions, and duties

- A protocol does not restrict— 15
- (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— 20
 - (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 Te Korowai o Wainuiārua or a representative entity. 25

26 Enforcement of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails to comply with a protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950.
- (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol. 30
- (4) To avoid doubt,—
- (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and 35
 - (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under **subsection (2)**.

*Crown minerals***27 Crown minerals protocol**

- (1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in— 5
- (a) a register of protocols maintained by the chief executive; and
 - (b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed.
- (2) The noting of the summary is— 10
- (a) for the purpose of public notice only; and
 - (b) not a change to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals. 15
- (4) In this section,—
- Crown mineral** means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991,—
- (a) that is the property of the Crown under section 10 or 11 of that Act; or
 - (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964 20
- Crown minerals protocol area** means the area shown on the map attached to the Crown minerals protocol, together with the adjacent waters
- minerals programme** has the meaning given in section 2(1) of the Crown Minerals Act 1991. 25

*Taonga tūturu***28 Appendix B of Whakaaetanga Tiaki Taonga**

- (1) Appendix B of the Whakaaetanga Tiaki Taonga does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu. 30
- (2) In this section, **taonga tūturu**—
- (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
 - (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 2—Statutory acknowledgement and deed of recognition

29 Interpretation

In this subpart,—

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

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

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

statutory acknowledgement means the acknowledgement made by the Crown in **section 30** in respect of the statutory areas, on the terms set out in this subpart 10

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

statutory plan— 15

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

Statutory acknowledgement 20

30 Statutory acknowledgement by the Crown

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

31 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with **sections 32 to 34**; and 25
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with **sections 35 and 36**; and 30
- (c) to enable the trustees and any member of Te Korowai o Wainuiārua to cite the statutory acknowledgement as evidence of the association of Te Korowai o Wainuiārua with a statutory area, in accordance with **section 37**. 35

- 32 Relevant consent authorities to have regard to statutory acknowledgement**
- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity. 5
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.
- 33 Environment Court to have regard to statutory acknowledgement** 10
- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public. 15
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.
- 34 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement** 20
- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area. 25
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area— 30
- (a) in determining whether the trustees are persons directly affected by the decision; and
- (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application. 35
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

35 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include— 5
- (a) a copy of **sections 30 to 34, 36, and 37**; and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not— 10
- (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991. 15

36 Provision of summary or notice to trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area: 20
- (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice. 25
- (2) A summary provided under **subsection (1)(a)** must be the same as would be given to an affected person by limited notification under section 95B(4) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided— 30
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice. 35
- (5) The trustees may, by written notice to a relevant consent authority,—

- (a) waive the right to be provided with a summary or copy of a notice under this section; and
- (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,— 5
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application:
- (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.
- 37 Use of statutory acknowledgement** 10
- (1) The trustees and any member of Te Korowai o Wainuiārua may, as evidence of the association of Te Korowai o Wainuiārua 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— 15
- (a) the relevant consent authorities; or
- (b) the Environment Court; or
- (c) Heritage New Zealand Pouhere Taonga; or
- (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991. 20
- (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. 25
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
- (a) the trustees and members of Te Korowai o Wainuiārua are not precluded from stating that Te Korowai o Wainuiārua has an association with a statutory area that is not described in the statutory acknowledgement; and 30
- (b) the content and existence of the statutory acknowledgement do not limit any statement made.

*Deed of recognition***38 Issuing and amending deed of recognition**

- (1) This section applies in respect of the statutory areas listed in **Part 2 of Schedule 1**.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory areas administered by the Department of Conservation. 5
- (3) The Minister of Conservation and the Director-General may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deed of recognition 10**39 Exercise of powers and performance of functions and duties**

- (1) The statutory acknowledgement and deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw. 15
- (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 Te Korowai o Wainuiārua with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 20
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to—
- (a) the other provisions of this subpart; and
- (b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition. 25

40 Rights not affected

- (1) The statutory acknowledgement and deed of recognition—
- (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and
- (b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area. 30
- (2) This section is subject to the other provisions of this subpart.

*Consequential amendment to Resource Management Act 1991***41 Amendment to Resource Management Act 1991**

- (1) This section amends the Resource Management Act 1991. 35

- (2) In Schedule 11, insert in its appropriate alphabetical order:
Te Korowai o Wainuiārua Claims Settlement Act **2023**.

Subpart 3—Overlay classification

42 Interpretation

In this subpart,—

5

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

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

overlay area—

10

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

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

(c) does not include an area to which **section 168** applies 15

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

protection principles, for an overlay area,—

(a) means the principles agreed by the trustees and the Minister of Conservation, as set out for the area in part 1 of the documents schedule; and 20

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

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

statement of values, for an overlay area, means the statement— 25

(a) made by Te Korowai o Wainuiārua of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and

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

43 Declaration of overlay classification and the Crown's acknowledgement 30

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

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

44 Purposes of overlay classification

The only purposes of the overlay classification are— 35

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

45 Effect of protection principles

The protection principles are intended to prevent the values stated in the statement of values for an overlay area from being harmed or diminished. 5

46 Obligations on New Zealand Conservation Authority and Conservation Boards

- (1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to an overlay area, the Authority or Board must have particular regard to— 10
 - (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— 15
 - (a) consult the trustees; and
 - (b) have particular regard to the views of the trustees as to the effect of the strategy or plan on—
 - (i) any matters in the implementation of the statement of values for the area; and 20
 - (ii) any matters in the implementation of the protection principles for the area.
- (3) If the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay area, the Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns. 25

47 Noting of overlay classification in strategies and plans

- (1) The application of the overlay classification to an overlay area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area. 30
- (2) The noting of the overlay classification is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 35

48 Notification in *Gazette*

- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—
- (a) the declaration made by **section 43** that the overlay classification applies to the overlay areas; and 5
 - (b) the protection principles for each overlay area.
- (2) An amendment to the protection principles, as agreed by the trustees and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 49 or 50**. 10

49 Actions by Director-General

- (1) The Director-General must take action in relation to the protection principles that relate to an overlay area, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken. 15
- (3) The Director-General must notify the trustees in writing of any action that the Director-General intends to take.

50 Amendment to strategies or plans

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives or policies for the protection principles that relate to an overlay area. 20
- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment. 25
- (3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

51 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes: 30
- (a) to provide for the implementation of objectives or policies included in a strategy or plan under **section 50(1)**;
 - (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area: 35
 - (c) to create offences for breaches of regulations made under **paragraph (b)**:

- (d) to prescribe the following fines for an offence referred to in **paragraph (c)**:
- (i) a fine not exceeding \$5,000; and
 - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues. 5
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 52 Bylaws**
- (1) The Minister of Conservation may make bylaws for 1 or more of the following purposes: 10
- (a) to provide for the implementation of objectives or policies included in a strategy or plan under **section 50(1)**:
 - (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:
 - (c) to create offences for breaches of bylaws made under **paragraph (b)**: 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) Bylaws made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 53 Effect of overlay classification on overlay areas**
- (1) This section applies if, at any time, the overlay classification applies to any land in— 25
- (a) a national park under the National Parks Act 1980; or
 - (b) a conservation area under the Conservation Act 1987; or
 - (c) a reserve under the Reserves Act 1977.
- (2) The overlay classification does not affect—
- (a) the status of the land as a national park, conservation area, or reserve; or 30
 - (b) the classification or purpose of a reserve.
- 54 Termination of overlay classification**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of an overlay area is no longer subject to the overlay classification. 35
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless—

- (a) the trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
- (b) the relevant area is to be, or has been, disposed of by the Crown; or
- (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands. 5
- (3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—
- (a) **subsection (2)(c)** applies; or 10
- (b) there is a change in the statutory management regime that applies to all or part of the overlay area.
- (4) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.
- 55 Exercise of powers and performance of functions and duties** 15
- (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. 20
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart.
- 56 Rights not affected** 25
- (1) The overlay classification does not—
- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
- (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay area. 30
- (2) This section is subject to the other provisions of this subpart.

Subpart 4—Official geographic names

57 Interpretation

In this subpart,—

Act means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 35

Board has the meaning given in section 4 of the Act

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

58 Official geographic names

- (1) A name specified in the second column of the table in clause 5.89 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table. 5
- (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.

59 Publication of official geographic names 10

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 58**.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date. 15

60 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. 20
- (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.

61 Name change to Tahorapāroa Scenic Reserve for Crown protected area

- (1) The name of Tahora Scenic Reserve is changed to Tahorapāroa Scenic Reserve.
- (2) The new name given to the reserve under **subsection (1)** is to be treated as if—
 - (a) it were an official geographic name that takes effect on the settlement date; and
 - (b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act. 30
- (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
 - (b) state in the notice that the new name became an official geographic name on the settlement date. 35
- (4) The official geographic name of the reserve named under this section must not be changed in accordance with subpart 3 of Part 2 of the Act without the writ-

ten consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.

62 Reclassification and name change to Ngātokoerua Scenic Reserve

- (1) The Erua Conservation Area ceases to be a conservation area under the Conservation Act 1987. 5
- (2) The Erua Conservation Area is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (3) The reserve is named Ngātokoerua Scenic Reserve.
- (4) The new name given to the reserve under **subsection (3)** is to be treated as if— 10
 - (a) it were an official geographic name that takes effect on the settlement date; and
 - (b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act. 15
- (5) 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
 - (b) state in the notice that the new name became an official geographic name on the settlement date. 20
- (6) The official geographic name of the reserve named under this section must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply. 25

Subpart 5—Vesting of cultural redress properties

63 Interpretation

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 3**: 30

Properties vested in fee simple

- (a) Former Mangaeturoa School property:
- (b) Makaranui site A:
- (c) Mangatiti Road, Ruatiti property:
- (d) Raetihi Road and Bridge property: 35
- (e) SH4/Ward Street, National Park property:
- (f) Waimarino Urupā property:

- (g) 60 Ward Street, Raetihi property:
Properties vested in fee simple to be administered as reserves
- (h) Makaranui site B:
- (i) Ngapakihi property:
- (j) Pīpīriki property: 5
- (k) Putikituna property:
- (l) Raetihi property:
- (m) Ramanui property:
- (n) Tangahoe property:
- (o) Tāngarākau Forest property: 10
- (p) Whangamōmona property:
Property jointly vested in fee simple to be administered as a reserve
- (q) Ohoutahi property:
- (r) Tahorapāroa property:
- (s) Taumatamāhoe property 15
- jointly vested property** means each of the properties named in **paragraphs (q) to (s)** of the definition of cultural redress property
- Ngāti Hāua governance entity** means any post-settlement governance entity representing Ngāti Hāua under the Ngāti Hāua settlement legislation
- Ngāti Hāua settlement legislation** means legislation that— 20
- (a) settles the historical claims of Ngāti Hāua; and
- (b) provides for the vesting of an undivided half share of the fee simple estate in the Tahorapāroa property and the Taumatamāhoe property in the Ngāti Hāua governance entity
- reserve property** means each of the properties named in **paragraphs (h) to (s)** of the definition of cultural redress property 25
- Whanganui Land Settlement governance entity** means any post-settlement governance entity representing Whanganui Land Settlement under the Whanganui Land Settlement settlement legislation
- Whanganui Land Settlement settlement legislation** means legislation that— 30
- (a) settles the historical claims of Whanganui Land Settlement; and
- (b) provides for the vesting of an undivided half share of the fee simple estate in the Ohoutahi property in the Whanganui Land Settlement governance entity.

Properties vested in fee simple

- 64 Former Mangaeturoa School property**
The fee simple estate in the Former Mangaeturoa School property vests in the trustees.
- 65 Makaranui site A** 5
(1) Makaranui site A ceases to be a conservation area under the Conservation Act 1987.
(2) The fee simple estate in Makaranui site A vests in the trustees.
- 66 Mangatiti Road, Ruatiti property** 10
The fee simple estate in the Mangatiti Road, Ruatiti property vests in the trustees.
- 67 Raetihi Road and Bridge property**
(1) The reservation of the Raetihi Road and Bridge property as a local purpose reserve subject to the Reserves Act 1977 is revoked.
(2) The fee simple estate in the Raetihi Road and Bridge property vests in the trustees. 15
(3) **Subsections (1) and (2)** do not take effect until the trustees have provided the Ruapehu District Council with a registrable easement in gross for a right to drain sewage on the terms and conditions set out in part 13.3 of the documents schedule. 20
- 68 SH4/Ward Street, National Park property**
The fee simple estate in the SH4/Ward Street, National Park property vests in the trustees.
- 69 Waimarino Urupā property** 25
The fee simple estate in the Waimarino Urupā property vests in the trustees.
- 70 60 Ward Street, Raetihi property**
The fee simple estate in the 60 Ward Street, Raetihi property vests in the trustees.

Properties vested in fee simple to be administered as reserves

- 71 Makaranui site B** 30
(1) The reservation of Makaranui site B as a local purpose reserve subject to the Reserves Act 1977 is revoked.
(2) The fee simple estate in Makaranui site B vests in the trustees.

- (3) Makaranui site B 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 Makaranui Scenic Reserve.
- 72 Ngapakihi property**
- (1) The reservation of the Ngapakihi property (being Ngapakihi Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in the Ngapakihi property vests in the trustees.
- (3) The Ngapakihi property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Ngapakihi Scenic Reserve. 10
- 73 Pīpīriki property**
- (1) The reservation of the Pīpīriki property (being Pipiriki Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Pīpīriki property vests in the trustees.
- (3) The Pīpīriki property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (4) The reserve is named Pīpīriki Scenic Reserve.
- 74 Putikituna property**
- (1) The reservation of the Putikituna property (being Part Putikituna Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 20
- (2) The fee simple estate in the Putikituna property vests in the trustees.
- (3) The Putikituna property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Putikituna Scenic Reserve.
- 75 Raetihi property** 25
- (1) The reservation of the Raetihi property (being Raetihi Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Raetihi property vests in the trustees.
- (3) The Raetihi property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 30
- (4) The reserve is named Raetihi Scenic Reserve.
- 76 Ramanui property**
- (1) The Ramanui property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Ramanui property vests in the trustees. 35

- (3) The Ramanui property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Ramanui Scenic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 13.1 of the documents schedule. 5
- (6) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and
- (b) is to be treated as having been granted in accordance with the Reserves Act 1977. 10

77 Tangahoe property

- (1) The Tangahoe property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Tangahoe property vests in the trustees.
- (3) The Tangahoe property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (4) The reserve is named Tangahoe Scenic Reserve.

78 Tāngarākau Forest property

- (1) The Tāngarākau Forest property ceases to be a conservation area under the Conservation Act 1987. 20
- (2) The fee simple estate in the Tāngarākau Forest property vests in the trustees.
- (3) The Tāngarākau Forest property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Tāngarākau Forest Scenic Reserve.

79 Whangamōmona property 25

- (1) The Whangamōmona property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Whangamōmona property vests in the trustees.
- (3) The Whangamōmona property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 30
- (4) The reserve is named Whangamōmona Scenic Reserve.

Property jointly vested in fee simple to be administered as reserve

80 Ohoutahi property

- (1) This section and **section 93** take effect on and from the later of the following dates: 35

- (a) the settlement date:
- (b) the settlement date under the Whanganui Land Settlement settlement legislation.
- (2) The reservation of the Ohoutahi property (being Ohoutahi Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 5
- (3) The fee simple estate in the Ohoutahi property vests as undivided half shares in the following as tenants in common:
- (a) a share vests in the trustees under this paragraph; and
- (b) a share vests in the Whanganui Land Settlement governance entity under the Whanganui Land Settlement settlement legislation. 10
- (4) The Ohoutahi property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (5) The reserve is named Ohoutahi Historic Reserve.
- (6) The joint management body established by **section 93** 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. 15
- (7) **Subsection (6)** continues to apply despite any subsequent transfer under **section 95**.
- 81 Tahorapāroa property** 20
- (1) This section and **section 94** take effect on and from the later of the following dates:
- (a) the settlement date:
- (b) the settlement date under the Ngāti Hāua settlement legislation.
- (2) The reservation of the Tahorapāroa property (being Tahorapāroa Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (3) The fee simple estate in the Tahorapāroa property vests as undivided half shares in the following as tenants in common:
- (a) a share vests in the trustees under this paragraph; and
- (b) a share vests in the Ngāti Hāua governance entity under the Ngāti Hāua settlement legislation. 30
- (4) The Tahorapāroa property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (5) The reserve is named Tahorapāroa Scenic Reserve.
- (6) The joint management body established by **section 94** 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. 35

- (7) **Subsection (6)** continues to apply despite any subsequent transfer under **section 98**.

82 Taumatamāhoe property

- (1) This section and **section 94** take effect on and from the later of the following dates: 5
- (a) the settlement date;
 - (b) the settlement date under the Ngāti Hāua settlement legislation.
- (2) The Taumatamāhoe property ceases to be a conservation area under the Conservation Act 1987.
- (3) The fee simple estate in the Taumatamāhoe property vests as undivided half shares in the following as tenants in common: 10
- (a) a share vests in the trustees under this paragraph; and
 - (b) a share vests in the Ngāti Hāua governance entity under the Ngāti Hāua settlement legislation.
- (4) The Taumatamāhoe property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (5) The reserve is named Taumatamāhoe Scenic Reserve.
- (6) The joint management body established by **section 94** 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. 20
- (7) **Subsection (6)** continues to apply despite any subsequent transfer under **section 98**.

General provisions applying to vesting of cultural redress properties

83 Properties vest subject to or together with interests 25

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

84 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. 30
- (2) The reserve properties are—
- (a) the Ohoutahi property; and 35
 - (b) the Tahorapāroa property; and
 - (c) the Taumatamāhoe property.

- (3) If the reserve property is affected by an interest in land listed for the property in **Schedule 3**, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.
- (4) 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. 5
- (5) **Subsections (3) and (4)** continue to apply despite any subsequent transfer of the reserve land under **section 95**.
- 85 Interests that are not interests in land**
- (1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in **Schedule 3**, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 10
- (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. 15
- (3) If all or part of the cultural redress property is reserve land to which **section 84** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.
- (4) The interest applies— 20
- (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and
- (b) with any other necessary modifications; and
- (c) despite any change in status of the land in the property. 25
- 86 Registration of ownership**
- (1) This section applies to a cultural redress property vested in the trustees under this subpart.
- (2) **Subsection (3)** applies to a cultural redress property (other than a jointly vested property), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate. 30
- (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
- (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. 35
- (4) **Subsection (5)** applies to a cultural redress property (other than a jointly vested property), but only to the extent that **subsection (2)** does not apply to the property.

- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a 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. 5
- (6) For a jointly vested property, the Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for an undivided half share of the fee simple estate in the property in the name of the trustees; and 10
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (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— 15
- (a) 24 months after the date on which the property vests; 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 20
 - (ii) in the case of the Ohoutahi property, by the Crown, the trustees, and the Whanganui Land Settlement governance entity; or
 - (iii) in the case of the Tahorapāroa property or the Taumatamāhoe property, by the Crown, the trustees, and the Ngāti Hāua governance entity. 25
- (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 Waimarino Urupā property:
 - (b) the chief executive of LINZ for the following properties:
 - (i) Former Mangaeturoa School property: 30
 - (ii) Mangatiti Road, Ruatiti property:
 - (iii) SH4/Ward Street, National Park property:
 - (iv) 60 Ward Street, Raetihi property:
 - (c) the Director-General, for all other properties.
- 87 Application of Part 4A of Conservation Act 1987** 35
- (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 Conserva-

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

- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.
- (3) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property. 5
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.

88 Management of marginal strip 10

- (1) The trustees are appointed as the manager of any marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of the Mangatiti Road, Ruatiti property under **section 66** as if the appointment were made under section 24H of the Conservation Act 1987.
- (2) The appointment under **subsection (1)** is made only for as long as the trustees are the owners of the land adjoining the marginal strip. 15
- (3) **Subsections (4) to (9)** apply to the transfer of the appointment of the trustees as the manager of any marginal strip under **subsection (1)**.
- (4) The trustees may, at any time prior to transferring the land adjoining the marginal strip to an affiliated entity, apply in writing to the Minister of Conservation for consent to transfer their appointment as manager of the marginal strip to that affiliated entity. 20
- (5) The Minister of Conservation must appoint the affiliated entity as the manager of the marginal strip if the trustees satisfy the Minister that the affiliated entity will be able to— 25
 - (a) comply with the requirements of the Conservation Act 1987; and
 - (b) perform the duties of a marginal strip manager under that Act.
- (6) The appointment is effective on and from the date of the registration of the transfer of the fee simple estate in the land adjoining the marginal strip from the trustees to the affiliated entity. 30
- (7) An appointment under **subsection (5)** is made—
 - (a) as if the appointment were made under section 24H of the Conservation Act 1987; and
 - (b) for as long as the affiliated entity is the owner of the land adjoining the marginal strip. 35
- (8) The trustees must notify the Minister of Conservation that the transfer of the adjoining land has occurred.
- (9) The notice must—

- (a) be given as soon as reasonably practicable after the registration of the transfer; and
- (b) include the name and contact details of the affiliated entity.
- (10) To avoid doubt, **subsections (2) and (7)** do not override section 24J of the Conservation Act 1987. 5
- (11) In this section, **affiliated entity** means any company that is wholly owned by the Te Korowai o Wainuiārua Trust, and any other entity (including a society, trust, or limited liability partnership), where—
- (a) the Te Korowai o Wainuiārua Trust retains the exclusive right to appoint or remove directors, trustees, or other office holders of the company or other entity; and 10
- (b) that company or other entity is established or acquired by the trustees in accordance with the constitutional documents of the Te Korowai o Wainuiārua Trust.
- 89 Matters to be recorded on record of title** 15
- (1) The Registrar-General must record on the record of title—
- (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 **sections 87(3) and 95**; and 20
- (b) created under **section 86(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 **sections 84(4), 87(3), and 95**; and 25
- (c) for any other cultural redress property, that the land is subject to Part 4A of the Conservation Act 1987.
- (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. 30
- (3) For a reserve property (other than a jointly vested property), if the reservation of the property under this subpart is revoked for—
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that— 35
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to **sections 87(3) and 95**; 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.
- (4) For a jointly vested property that is a reserve property, if the reservation of the property under this subpart is revoked for— 5
- (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 86** for the property the notations that—
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and 10
- (ii) the property is subject to **sections 84(4), 87(3), and 95**; 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 86**, or derived from a record of title created under that section, for the part of the property that remains a reserve. 15
- (5) The Registrar-General must comply with an application received in accordance with **subsection (3)(a) or (4)(a)**, as relevant.

90 Application of other enactments

- (1) The vesting of the fee simple estate in a cultural redress property under this subpart does not— 20
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property. 25
- (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— 30
- (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.

91 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. 35

- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.
- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 5

Further provisions applying to reserve properties

92 Application of other enactments to reserve properties

- (1) The trustees are the administering body of a reserve property, except as provided for in **sections 80, 81, and 82**. 10
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.
- (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act. 15
- (4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.
- (5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name. 20

93 Joint management body for Ohoutahi property

- (1) A joint management body is established for the Ohoutahi property.
- (2) The following are appointers for the purposes of this section: 25
- (a) the trustees; and
- (b) the Whanganui Land Settlement governance entity.
- (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: 30
- (a) the full name, address, and other contact details of the member; and
- (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment. 35
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.

- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (8) However, the first meeting of the body must be held no later than 2 months after the date on which the property vests.
- 94 Joint management body for Tahorapāroa property and Taumatamāhoe property** 5
- (1) A joint management body is established for the Tahorapāroa property and the Taumatamāhoe property.
- (2) The following are appointers for the purposes of this section:
- (a) the trustees; and 10
- (b) the Ngāti Hāua governance entity.
- (3) Each appointer may appoint 2 members to the joint management body.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
- (a) the full name, address, and other contact details of the member; and 15
- (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment.
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer. 20
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (8) However, the first meeting of the body must be held no later than 2 months after the date on which the property vests. 25
- 95 Subsequent transfer of reserve land**
- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.
- (2) The fee simple estate in the reserve land in a jointly vested property (other than the Ohoutahi property) may be transferred only in accordance with **section 98**. 30
- (3) The fee simple estate in the reserve land in the Ohoutahi property may be transferred only in accordance with **section 97 or 98**.
- (4) The fee simple estate in the reserve land in any other property may be transferred only in accordance with **section 96 or 98**. 35
- (5) In this section and **sections 96 to 99**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

96 Transfer of reserve land to new administering body

- (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) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the new owners are able— 5
- (a) to comply with the requirements of the Reserves Act 1977; and
 - (b) to perform the duties of an administering body under that Act.
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of the fee simple estate in the reserve land. 10
- (4) The required documents are—
- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and 15
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
 - (c) any other document required for the registration of the transfer instrument.
- (5) The new owners, from the time of their registration under this section,— 20
- (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.
- (6) A transfer that complies with this section need not comply with any other requirements. 25

97 Transfer of reserve land in the Ohoutahi property

- (1) The trustees may apply in writing to the Minister of Conservation for consent to transfer their share in the fee simple estate in the reserve land to a beneficial entity.
- (2) The Minister of Conservation must give written consent to the transfer if the trustees satisfy the Minister that the joint management body established under **section 93** will be able— 30
- (a) to comply with the requirements of the Reserves Act 1977; and
 - (b) to perform the duties of an administering body under that Act.
- (3) The Registrar-General must, upon receiving the required documents, register the beneficial entity as the owners of an undivided half share in the fee simple estate in the reserve land. 35
- (4) The required documents are—

- (a) a transfer instrument to transfer an undivided half share in the fee simple estate in the reserve land to the beneficial entity, including a notification that the share in the reserve land is to be held for the same reserve purposes as those for which it was held immediately before the transfer; and
- (b) the written consent of the Minister of Conservation to the transfer of an undivided half share in the fee simple estate in the reserve land; and 5
- (c) any other document required for the registration of the transfer instrument.
- (5) Despite a transfer under this section, the joint management body established under **section 93** continues to be the administering body of the reserve land and **section 93(2) to (8)** applies subject to the following: 10
- (a) the beneficial entity replaces the trustees as an appointer to the joint management body:
- (b) the members of the joint management body appointed by the beneficial entity replace the members appointed by the trustees: 15
- (c) any other necessary modifications.
- (6) A transfer that complies with this section need not comply with any other requirements.
- (7) In this section, **beneficial entity** means a legal entity or the trustees of a trust that— 20
- (a) represents only a group of members of Te Korowai o Wainuiārua (for example, a hapū of Te Korowai o Wainuiārua); and
- (b) is approved by the trustees in accordance with their trust deed.
- 98 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— 25
- (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 30
- (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.
- 99 Reserve land not to be mortgaged**
- The owners of reserve land must not mortgage, or give a security interest in, the reserve land. 35

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

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a reserve property before the property was vested in the trustees under this subpart. 5
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

Subpart 6—Pōkākā stopped road property

101 Transfer of Pōkākā stopped road property 10

- (1) **Subsection (2)** takes effect only if the trustees are, within 5 years from the settlement date, a party to an unconditional agreement for sale and purchase with the Ruapehu District Council for the Pōkākā stopped road property.
- (2) Immediately before the transfer of the Pōkākā stopped road property to the trustees, the road is stopped. 15
- (3) For the purposes of **subsection (1)**, the Ruapehu District Council may enter into an agreement for sale and purchase of the Pōkākā stopped road property with the trustees.
- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer of the Pōkākā stopped road property to the trustees or to any matter incidental to, or required for the purpose of, the transfer. 20
- (5) 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 sale and purchase agreement in relation to the transfer of Pōkākā stopped road property to the trustees. 25
- (6) This section applies despite section 345 of the Local Government Act 1974.
- (7) In this section **Pōkākā stopped road property** means the land shown on deed plan OMCR-007-45 (subject to survey).

Subpart 7—Kaitiaki plan 30

102 Interpretation

In this subpart,—

kaitiaki area means the area with the general location (but not the precise boundaries) indicated in deed plan OMCR-007-01 in part 1 of the attachments

kaitiaki plan means a plan prepared by the trustees of Te Korowai o Wainuiārua for the purpose set out in **section 104** 35

relevant local authority, for a kaitiaki area, means a local authority with jurisdiction within the kaitiaki area.

103 Crown acknowledgement of Te Korowai o Wainuiārua as kaitiaki

The Crown acknowledges the longstanding traditional, cultural, and historical association of Te Korowai o Wainuiārua with the kaitiaki area.

5

104 Purpose of kaitiaki plan

The purpose of a kaitiaki plan is to identify—

- (a) the relationship of Te Korowai o Wainuiārua with the environment, including the cultural and heritage values of Te Korowai o Wainuiārua in relation to the kaitiaki area; and
- (b) the resource management issues of significance to Te Korowai o Wainuiārua in relation to the kaitiaki area.

10

105 Kaitiaki plan may be lodged with relevant local authority

The trustees may from time to time prepare a kaitiaki plan and lodge it with the relevant local authority.

15

106 Effect of kaitiaki plan

- (1) This section applies when a relevant local authority is preparing or reviewing a policy statement or a plan under the Resource Management Act 1991.
- (2) The relevant local authority must take into account any kaitiaki plan lodged with it, to the extent that the plan's content has a bearing on the resource management issues of the kaitiaki area within the relevant local authority's jurisdiction.
- (3) The relevant local authority must include in the policy statement or the plan a statement of the resource management issues of significance to Te Korowai o Wainuiārua as set out in the kaitiaki plan.
- (4) The relevant local authority must refer to the kaitiaki plan to the extent that it is relevant in the evaluation of a proposed policy statement or a proposed plan under section 32 of the Resource Management Act 1991.

20

25

107 Limitation of rights

A kaitiaki plan does not have the effect of granting or creating rights under the Marine and Coastal Area (Takutai Moana) Act 2011.

30

Subpart 8—Cultural materials

108 Interpretation

In this subpart,—

cultural materials means plants, plant materials, and dead protected wildlife for which the Department of Conservation is responsible, provided that—

- (a) the material is found within the area of interest of Te Korowai o Wainuiārua; and
- (b) the material is important to Te Korowai o Wainuiārua in expressing and maintaining their cultural values and practices

cultural materials plan means a plan that has been agreed in accordance with **section 109**

dead protected wildlife—

- (a) means the dead body or any part of the dead body of any wildlife that is protected, whether absolutely or partially, under the conservation legislation; but
- (b) excludes marine mammals

plant means any member of the plant kingdom; and includes any alga, bacterium, or fungus, and any part of or seed or spore from any plant

possess dead protected wildlife means to have custody of dead protected wildlife.

Cultural materials plan

109 Preparation of cultural materials plan

- (1) The trustees and the Minister of Conservation must jointly agree a cultural materials plan that provides for the members of Te Korowai o Wainuiārua to collect and possess cultural materials.
- (2) The first cultural materials plan must be agreed not later than the fifth anniversary of the settlement date or a later date as the trustees and the Minister of Conservation may agree.

110 Review and amendment of cultural materials plan

- (1) The cultural materials plan must be reviewed as a whole at least once every 5 years following the agreement of the first plan under **section 109**, or at any other time that the Minister and trustees may agree.
- (2) The cultural materials plan or any part of it may also be amended at any other time by agreement of the Minister and the trustees.
- (3) A cultural material plan continues to be in force until any reviewed or amended plan is agreed and comes into force.

111 Scope of cultural materials plan

The cultural materials plan must set out the terms and conditions on which the trustees may grant authorisations to members of Te Korowai o Wainuiārua to

collect and possess cultural materials in accordance with **section 112** for non-commercial purposes.

Authorisations for collecting and possessing certain cultural materials

112 Authorisation to collect or possess cultural materials

- (1) The trustees may issue a written authorisation to a member of Te Korowai o Wainuiārua— 5
- (a) to collect plants or plant materials:
 - (b) to possess dead protected wildlife.
- (2) An authorisation may be issued without the requirement for a permit or other authorisation under the conservation legislation. 10
- (3) An authorisation may be issued only if—
- (a) a cultural materials plan has been agreed and is in effect; and
 - (b) the authorisation is consistent with the cultural materials plan.
- (4) An authorisation to possess dead protected wildlife must not permit the hunting, taking alive, or killing of living wildlife. 15

113 Possession of dead protected wildlife

Despite the Wildlife Act 1953 or regulations made under that Act, a member of Te Korowai o Wainuiārua may possess dead protected wildlife if the member—

- (a) holds a written authorisation issued under **section 112(1)**; and
- (b) has acted in accordance with— 20
 - (i) the terms and conditions of the authorisation; and
 - (ii) the relevant provisions of the cultural materials plan.

Subpart 9—Minerals

114 Interpretation

In this subpart,— 25

additional area means conservation land that—

- (a) is believed by the trustees to contain relevant minerals; and
- (b) is within the area of interest; and
- (c) is not included in Schedule 4 of the Crown Minerals Act 1991; and
- (d) is not part of the Whanganui River (as defined in section 39 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017) 30

conservation land means land that is—

- (a) vested in the Crown or held in fee simple by the Crown; and

- (b) held, managed, or administered by the Department of Conservation under the conservation legislation

former riverbed means a riverbed that is dry as a result of—

- (a) natural changes in the flow of the river, tributary, stream, or other natural watercourse; or 5
- (b) artificial diversion of water from the river, tributary, stream, or other natural watercourse

relevant area—

- (a) means each riverbed and former riverbed on conservation land that—
- (i) is within the area of interest; and 10
- (ii) is not included in Schedule 4 of the Crown Minerals Act 1991; and
- (iii) is not part of the Whanganui River (as defined in section 39 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017); and 15
- (b) includes any additional area added under **section 122**

relevant minerals means any of the following:

- (a) pākohe (argillite and basaltic andesite):
- (b) ōnewa (greywacke or basalt):
- (c) matā tūhua (black obsidian): 20
- (d) paru (curing mud with iron salt deposits):
- (e) one-uku (clay):
- (f) papa hoanga (sandstone):
- (g) kokowai uku (an iron rich clay or red ochre)

riverbed means the land that the waters of a river, tributary, stream, or other natural watercourse cover at its fullest flow without flowing over its banks. 25

115 Acknowledgement of association

The Crown acknowledges—

- (a) the long-standing cultural, historical, spiritual, and traditional association of Te Korowai o Wainuiārua with relevant minerals; and 30
- (b) the Te Korowai o Wainuiārua statement of association with relevant minerals, in the form set out in part 2 of the documents schedule.

116 Exercise of powers and performance of functions and duties

This subpart does not restrict the Crown from exercising its powers, and performing its functions and duties, in accordance with the Crown Minerals Act 1991. 35

*Authorisations in relation to Crown-owned relevant minerals in relevant area***117 Authorisation to search for and remove Crown-owned relevant minerals**

- (1) A member of Te Korowai o Wainuiārua who has written authorisation from the trustees may—
- (a) search by hand for Crown-owned relevant minerals in a relevant area: 5
 - (b) by hand remove Crown-owned relevant minerals from the relevant area.
- (2) A person who removes Crown-owned relevant minerals under **subsection (1)** may also remove from the relevant area, by hand, any other minerals that are—
- (a) bound to the relevant minerals; or
 - (b) reasonably necessary for working the relevant minerals by traditional methods. 10
- (3) A person who removes Crown-owned relevant minerals under **subsection (1)** or other minerals under **subsection (2)** must not,—
- (a) on any day, remove more than the person can carry by hand in 1 load without assistance; or 15
 - (b) use machinery or cutting equipment to remove the relevant minerals, or minerals.
- (4) The rights under this section and **section 118** do not apply in relation to any part of the relevant area that is—
- (a) an ecological area declared under section 18 of the Conservation Act 1987; or 20
 - (b) an archaeological site (as defined by section 6 of the Heritage New Zealand Pouhere Taonga Act 2014).

118 Access to relevant area to search for and remove Crown-owned relevant minerals 25

- (1) A person who is authorised to search for Crown-owned relevant minerals in, and remove Crown-owned relevant minerals from, a relevant area under **section 117** may access the relevant area for that purpose—
- (a) on foot; or
 - (b) by any means that are available to the public; or 30
 - (c) by any other means specified in writing by the Director-General.
- (2) The means of access under **subsection (1)(c)** is subject to any conditions specified in writing by the Director-General.

119 Obligations if accessing relevant area

A person who accesses a relevant area under **section 117 or 118** must take all reasonable care to do no more than minor damage to vegetation on, and other natural features of, the relevant area. 35

120 Relationship with other enactments

- (1) A person exercising a right under **section 117 or 118** must comply with all other lawful requirements (for example, under the Resource Management Act 1991).
- (2) However,— 5
- (a) a person may exercise a right under **section 117 or 118** despite not having any authorisation required by the conservation legislation; and
- (b) a permit is not required under section 8(1)(a) of the Crown Minerals Act 1991 to exercise a right under **section 117(1)**.
- (3) Any activity that is not authorised under **section 117(1)** may require a permit 10 under section 8(1)(a) of the Crown Minerals Act 1991.

121 Consultation in relation to relevant minerals

- (1) This section applies if the Director-General exercises powers, or performs functions or duties, under conservation legislation in a manner likely to affect the relationship of Te Korowai o Wainuiārua with relevant minerals located in the relevant area. 15
- (2) The Director-General must, in exercising the powers, or performing the functions or duties,—
- (a) have regard to the Te Korowai o Wainuiārua statement of association with relevant minerals referred to in **section 115(b)**; and 20
- (b) consult the trustees; and
- (c) have regard to the trustees' views.

122 Land may be added to relevant area

- (1) The Director-General and the trustees may agree in writing to add an additional area to the relevant area. 25
- (2) The Director-General must consult the Minister of Energy and Resources before agreeing in writing to add an additional area.
- (3) The general location of an additional area must be indicated on a map or plan.
- (4) The Director-General must notify an additional area in the *Gazette* as soon as practicable after the additional area has been agreed in writing. 30

Subpart 10—Te Korowai o Wainuiārua interim membership on
Conservation Board

123 Interim membership of Conservation Board

- (1) The Minister of Conservation must appoint 1 person nominated by the trustees to be an interim member of the Conservation Board. 35
- (2) The power to make an appointment under **subsection (1)**, and the term of any appointment, ends on the earlier of—

- (a) the last settlement date under legislation settling the historical claims of the Whanganui Iwi whose areas of interest are within the jurisdiction of the Conservation Board; and
- (b) the settlement date of any legislation that provides for collective redress relating to the Tongariro National Park, if that legislation proposes to change the membership of the Conservation Board. 5
- (3) The appointment made under **subsection (1)** is for a term of 3 years and a person may be reappointed under that subsection for 1 or more terms, each of 3 years.
- (4) In this section, **Conservation Board** means the Board established under Part 2A of the Conservation Act 1987 whose area of jurisdiction includes the part of the Waimarino and Ruapehu region within the area of interest. 10

Subpart 11—Tongariro-Taupō Conservation Management Strategy

124 Interpretation

In this subpart,— 15

conservation general policy means the general policy of that name approved by the Minister of Conservation under section 17B of the Conservation Act 1987

national and regional objectives, policies, and milestones means the national and regional objectives, policies, and milestones for implementing the general statutory and policy requirements of the Department of Conservation 20

Ngātokoerua Chapter means the Chapter, within the meaning of that term in the conservation general policy, that—

- (a) is to be included in the CMS in accordance with **sections 125 to 127**; and 25
- (b) is to apply to Ngātokoerua Place; and
- (c) comprises the outcomes, policies, and milestones that apply exclusively to that Place

Ngātokoerua Place means the area shown on deed plan OMCR-007-46 in part 2 of the attachments 30

Pōkākā Area means the land of that name described in **Schedule 2**

Pōkākā ecosanctuary vision statement and **vision statement** mean the statement set out in part 4 of the documents schedule

Tongariro-Taupō Conservation Management Strategy and **CMS** mean any conservation management strategy that— 35

- (a) is prepared and approved under section 17F of the Conservation Act 1987; and

- (b) is in effect from time to time in an area that includes Ngātokoerua Place, in whole or in part.

125 Partial review to include Ngātokoerua Chapter

The Director-General must, within 5 years of the settlement date, notify the trustees that the Director-General intends to initiate a review of part of the CMS under section 17H of the Conservation Act 1987 for the purpose of including the Ngātokoerua Chapter. 5

126 Requirements relating to Tongariro-Taupō Conservation Management Strategy

On and after the date on which the Director-General notifies the trustees under **section 125**, and for all subsequent reviews of, or amendments to, the CMS under section 17H or 17I of the Conservation Act 1987,— 10

- (a) the CMS—
- (i) must include the Ngātokoerua Chapter; and
 - (ii) is deemed to include the Pōkākā ecosanctuary vision statement; and 15
- (b) despite sections 17D and 17F of the Conservation Act 1987, the trustees and the Director-General must jointly prepare, amend, or review the Ngātokoerua Chapter; and
- (c) the Director-General must notify the trustees in writing if the Director-General intends to prepare, amend, or review the CMS, to the extent that it applies to the Ngātokoerua Chapter; and 20
- (d) the functions of the Minister of Conservation under section 17F(j)(ii), (l)(ii), (n), (o), and (p)(ii) of the Conservation Act 1987 must be carried out jointly by the trustees and the Minister in respect of the Ngātokoerua Chapter. 25

127 Other responsibilities to continue

- (1) Nothing in **sections 124 to 126** changes the role, under the Conservation Act 1987, of—
- (a) the New Zealand Conservation Authority in approving the CMS: 30
 - (b) the relevant Conservation Board in recommending the CMS to the New Zealand Conservation Authority for approval:
 - (c) the Director-General in determining the boundaries of any conservation management strategy.
- (2) The provisions of **sections 124 to 126** apply only to the Ngātokoerua Chapter, but not to anything else in the CMS, including the national and regional objectives, policies, and milestones set out in that strategy. 35

128 When land may be added to Ngātokoerua Place

- (1) This section applies when the CMS is, for the first and second times after the settlement date, reviewed under section 17H of the Conservation Act 1987.
- (2) The trustees may, within 3 months of receiving notice under **section 125** that a review of the CMS is to commence, propose to the Director-General that an additional area be included in Ngātokoerua Place to allow the trustees to exercise joint responsibility with the Director-General in relation to the review of the CMS. 5
- (3) An additional area of land may be included in Ngātokoerua Place if the trustees satisfy the Director-General that the governance entities of the relevant Whanganui iwi (or a representative of an iwi if the iwi does not have a governance entity) agree to the proposal. 10
- (4) Land added to Ngātokoerua Place under this section,—
- (a) in the case of conservation land, may include only land that is not within the Tongariro National Park; and 15
- (b) must be within—
- (i) the boundary of the CMS; and
- (ii) the area of interest; and
- (iii) the area of interest of the relevant Whanganui iwi, as defined in the relevant deeds of settlement. 20
- (5) **Subsection (6)** applies if the Director-General is satisfied that the requirements of **subsections (3) and (4)** are met, and that the additional area of land could reasonably be considered to be part of Ngātokoerua Place.
- (6) The Director-General—
- (a) may agree in writing to include the additional area of land in Ngātokoerua Place; and 25
- (b) must, as soon as practicable, give notice in the *Gazette*—
- (i) of the area of Ngātokoerua Place, including the additional area of land; and
- (ii) that, to the extent that the CMS relates to Ngātokoerua Place, the Director-General and the trustees are jointly responsible for preparing, amending, or reviewing the CMS. 30

129 Obligations of Minister and Director-General in respect of Pōkākā ecosanctuary vision statement

The Minister and the Director-General must have particular regard to the Pōkākā ecosanctuary vision statement when exercising powers, or performing functions or duties, that may affect the Pōkākā Area. 35

- 130 Vision statement is part of Tongariro-Taupō Conservation Management Strategy**
- (1) The Pōkākā ecosanctuary vision statement is, and must be treated as, part of the CMS.
- (2) **Subsection (1)** applies until the first full review of the CMS is undertaken after the settlement date. 5
- (3) At the first full review of the CMS after the settlement date, any amendment to it, or any subsequent review or amendment, the Director-General must—
- (a) notify the trustees in writing that a review or an amendment is proposed for the CMS under sections 17H and 17I of the Conservation Act 1987; and 10
- (b) engage with the trustees any proposed revisions to the vision statement for inclusion in the CMS that the trustees wish to make under the review; and
- (c) engage with the trustees on the proposed revisions to the vision statement before the vision statement is referred to the Conservation Board under section 17F(i) of the Conservation Act 1987. 15

Subpart 12—Ngātokoerua strategic advisory committee

Ngātokoerua strategic advisory committee established

- 131 Interpretation** 20
- In this subpart and in **subpart 13**,—
- Conservation Board** means the board established under section 6L of the Conservation Act 1987 that has jurisdiction over Ngātokoerua
- Minister** means the Minister of Conservation
- New Zealand Conservation Authority** means the Authority established by section 6A of the Conservation Act 1987 25
- Ngātokoerua area of responsibility** means the following sites described in **Schedule 4** and shown on OMCR-007-47 in part 2 of the attachments
- (a) Manganuioteao Scenic Reserve:
- (b) Ngātokoerua Scenic Reserve (formerly Erua Conservation Area): 30
- (c) Part Makatote Scenic Reserve:
- (d) Pokaka Scenic Reserve
- Ngātokoerua plan** has the meaning given by **section 144(1)**
- Ngātokoerua strategic advisory committee** or **committee** means the committee appointed in accordance with **section 133** 35

summary of submissions means a summary prepared under **section 148(5)** of the submissions received, and any public opinion obtained, on a draft Ngātokoerua plan.

132 Ngātokoerua strategic advisory committee established

The Ngātokoerua strategic advisory committee is established to perform functions and activities in relation to the Ngātokoerua area of responsibility. 5

133 Appointment of members to Ngātokoerua strategic advisory committee

- (1) The Minister must appoint the members of the committee in accordance with **subsection (2)**.
- (2) The committee must consist of not more than 4 members, being— 10
 - (a) 2 members nominated by the trustees; and
 - (b) 2 members nominated by the Director-General.
- (3) The Director-General must notify the appointment under **subsection (1)** of each member by notice in the *Gazette*.
- (4) The trustees must appoint one of the members to be the chairperson. 15
- (5) The notice of appointment must specify each member's term of office.
- (6) A member takes office for a term of 5 years from the date specified in the notice of appointment and may be reappointed.
- (7) The committee may start to perform its functions only after—
 - (a) the appointments are made in accordance with **subsections (1) to (3)**; 20
and
 - (b) the chairperson is appointed.

134 Vacancies on Ngātokoerua strategic advisory committee

- (1) If a member of the committee vacates office for any reason, the committee must, as soon as is reasonably practicable, notify the trustees and the Director-General of the vacancy. 25
- (2) The person who nominated the vacating member must nominate another person to be appointed under **section 133(1)** as a member of the committee by the Minister.
- (3) The new member of the committee holds office for the remainder of the vacating member's term of office. 30

135 Functions of Ngātokoerua strategic advisory committee

- (1) The functions of the Ngātokoerua strategic advisory committee are to—
 - (a) perform the functions under **subpart 13** relating to preparation and approval of the Ngātokoerua plan; and 35

- (b) provide strategic oversight and advice to the Minister and the Director-General on conservation matters within the area of responsibility that relate to the powers and functions exercised by the committee under this section and **section 139**, including—
- (i) funding priorities; and 5
 - (ii) opportunities for growing conservation outcomes; and
 - (iii) any other matters pertinent to the conservation management of the area of responsibility; and
- (c) without limiting **paragraph (b)**, provide advice to the Minister and the Director-General on— 10
- (i) the preparation of any conservation management strategy, conservation management plan, or national park management plan that affects the Ngātokoerua area of responsibility; and
 - (ii) annual planning and setting annual priorities in relation to that area of responsibility; and 15
 - (iii) any conservation management strategy that affects that area of responsibility.
- (2) The committee may provide written advice on any conservation matter that affects the Ngātokoerua area of responsibility to any of the following: 20
- (a) the Minister:
 - (b) the Director-General:
 - (c) the trustees.
- (3) The Minister of Conservation must not revoke or derogate from the functions and powers of the committee set out, or referred to, in this section and in clause 5.51 of the deed of settlement. 25

136 Ancillary objectives and activities

The ancillary objectives and activities of the committee are to—

- (a) identify opportunities for growing conservation outcomes in the Ngātokoerua area of responsibility and to engage tangata whenua, the local community, and others in that work; and 30
- (b) support new and existing partnerships in relation to the Ngātokoerua area of responsibility; and
- (c) advocate for the Ngātokoerua area of responsibility; and
- (d) provide public information and education about the Ngātokoerua area of responsibility; and 35
- (e) foster community support for the Ngātokoerua area of responsibility, including community understanding of iwi associations and values.

*Delegations***137 Delegations to Ngātokoerua strategic advisory committee**

- (1) The Minister must delegate to the committee the Minister’s powers and functions under the Reserves Act 1977 as set out in clause 5.51.14 of the deed of settlement. 5
- (2) Delegations made under **subsection (1)**—
- (a) may be revoked by the Minister in accordance with **subsections (3) and (4)**; and
- (b) do not prevent the Minister from exercising a power or functions delegated under this section. 10
- (3) However, the Minister must not exercise the power to revoke or alter a delegation unless the Minister has first—
- (a) given the committee notice of the delegations that the Minister seeks to revoke; and
- (b) provided the committee with sufficient information to enable the committee to undertake informed discussions with the Minister; and 15
- (c) ensured that the committee is given adequate time for its effective consideration of the matter; and
- (d) approached the discussions with an open mind, carefully considering the committee’s suggestions and concerns; and 20
- (e) used reasonable endeavours to identify a solution that is agreeable to the committee and the Minister.
- (4) If consensus is not reached within an agreed time frame, the Minister may exercise the powers and functions of the Minister in relation to the matters that have been the subject of consideration under the process described in **subsection (3)**. 25

*Advice on Ngātokoerua area of responsibility***138 Advice on Ngātokoerua area of responsibility**

- (1) The Minister and Director-General must consult, and have regard to the advice of, the Ngātokoerua strategic advisory committee in relation to conservation matters within the Ngātokoerua area of responsibility. 30
- (2) The Director-General must consult the committee, and have regard to its advice, in relation to the matters set out in **section 135(1)(c)**.

*Procedures of Ngātokoerua strategic advisory committee***139 Procedure and meetings of Ngātokoerua strategic advisory committee** 35

- (1) Except as otherwise provided in this section, the Ngātokoerua strategic advisory committee may regulate its own procedure.

- (2) The Ngātokoerua strategic advisory committee must make decisions only with the agreement of all of the members who are present and who vote at a meeting.
- (3) The committee must hold its first meeting no later than 120 working days after the settlement date. 5
- (4) The committee must meet as required to perform its functions, but no less than twice a year unless the committee agrees otherwise.
- (5) A person may attend a meeting of the committee in place of a member if appointed to do so by the member.
- 140 Quorum at meetings of Ngātokoerua strategic advisory committee** 10
- The committee must conduct its meetings with the following quorum of members present, one of whom must be the chairperson:
- (a) 2 members nominated by the trustees; and
- (b) 1 member nominated by the Director-General.
- Funding provisions* 15
- 141 Remuneration of members**
- (1) Members of the Ngātokoerua strategic advisory committee are entitled to receive, out of public money appropriated by Parliament for the purpose, remuneration by way of salary, fees, or otherwise and travelling allowances or travelling expenses in accordance with the Fees and Travelling Allowances Act 1951 incurred in acting as members of the committee, as if the committee were a statutory board within the meaning of that Act. 20
- (2) **Subsection (1)** applies to members who are not members by virtue of being officers of any department of State.
- 142 Costs and expenses of Ngātokoerua strategic advisory committee** 25
- The Crown must meet, out of public money appropriated by Parliament for the purpose, the reasonable administrative costs and expenses of the Ngātokoerua strategic advisory committee.
- 143 Funding development and approval of Ngātokoerua plan**
- The Crown must meet, out of public money appropriated by Parliament for the purpose, the reasonable costs and expenses of the development and approval of the Ngātokoerua plan, as provided for in clause 5.51.21 of the deed of settlement. 30

Subpart 13—Ngātokoerua plan

144 Process for preparation and approval of Ngātokoerua plan

- (1) A conservation management plan for the Ngātokoerua area of responsibility (the **Ngātokoerua plan**) must be prepared and approved in accordance with this subpart. 5
- (2) The Reserves Act 1977 applies to the Ngātokoerua plan as if the plan were a conservation management plan prepared and approved under section 40B of that Act.
- (3) Sections 17E (except subsections (5) and (9)), 17F, 17G, 17H, and 17I of the Conservation Act 1987 do not apply to the preparation, approval, review, or amendment of the Ngātokoerua plan, despite section 40B of the Reserves Act 1977. 10
- (4) The Director-General must start preparing the first Ngātokoerua plan within 5 years of the settlement date.

145 Preparation of draft plan 15

The Director-General must prepare a draft Ngātokoerua plan in consultation with—

- (a) the Ngātokoerua strategic advisory committee; and
- (b) the Conservation Board; and
- (c) any other persons or organisations that the Director-General considers it is practicable and appropriate to consult. 20

146 Notification of draft plan

- (1) The Director-General must give notice of the draft Ngātokoerua plan as follows:
- (a) by public notice under section 49(1) of the Conservation Act 1987 as if they were the Minister of Conservation; and 25
- (b) by written notice to the relevant regional councils, territorial authorities, and iwi authorities (as defined by section 2(1) of the Resource Management Act 1991).
- (2) The notices must be given no later than 120 working days after the start of the preparation of the draft plan. 30
- (3) Each notice must—
- (a) state that the draft plan is available for inspection at the places and times specified in the notice; and
- (b) invite any person or organisation to make written submissions to the Director-General on the draft plan on or before the date specified in the notice, which must be no less than 40 working days after the date the notice is given. 35

147 Submissions on draft plan

- (1) Any person or organisation may make written submissions to the Director-General on the draft Ngātokoerua plan in the manner, and on or before the date, specified in a notice given for the draft plan under **section 146**.
- (2) The Director-General may, after consulting the Ngātokoerua strategic advisory committee and the Conservation Board, obtain public opinion of the draft plan from any person or organisation by any other means. 5
- (3) The Director-General must make the draft plan available for public inspection between 9 am and 5 pm on any working day—
 - (a) on and from the date a notice is given under **section 146(1)(a)** until the date specified in the notice under **section 146(3)(b)**; and 10
 - (b) in places and quantities that are likely to encourage public participation in the development of the plan.

148 Hearing of submissions

- (1) Submissions on the draft Ngātokoerua plan must be heard by a meeting of representatives of the Director-General, the Ngātokoerua strategic advisory committee, and the Conservation Board. 15
- (2) A submitter who requested to be heard in support of a submission must be given a reasonable opportunity to be heard.
- (3) Any other person or organisation that was consulted on the draft plan under **section 147(2)** may be heard at the discretion of the representatives. 20
- (4) The hearing of submissions must end no later than 40 working days after the last date for written submissions.
- (5) The Director-General must prepare a summary of the submissions received, and any public opinion obtained, on the draft plan. 25

149 Revision of draft plan

- (1) The Director-General must consider the submissions received, and any public opinion obtained, on the draft Ngātokoerua plan.
- (2) The Director-General then—
 - (a) may revise the draft plan in consultation with the representatives of the Ngātokoerua strategic advisory committee and the Conservation Board who heard submissions; and 30
 - (b) must provide the draft plan, including any revisions, and the summary prepared under **section 148(5)** to the Ngātokoerua strategic advisory committee and the Conservation Board no later than 80 working days after the end of the hearing of submissions. 35
- (3) The Ngātokoerua strategic advisory committee and the Conservation Board,—

- (a) on receiving the draft plan, must together consider the draft plan and the summary of submissions; and
 - (b) no later than 80 working days after receiving the draft plan and the summary, may together request the Director-General to revise the draft plan.
- (4) If the Director-General receives a request under **subsection (3)(b)**, they must— 5
- (a) revise the draft plan in accordance with the request; and
 - (b) provide the revised draft plan to the Ngātokoerua strategic advisory committee and the Conservation Board no later than 40 working days after receiving the request. 10

150 Referral of draft plan to New Zealand Conservation Authority and Minister

- (1) The Ngātokoerua strategic advisory committee and the Conservation Board must provide the draft Ngātokoerua plan and the summary of submissions to—
- (a) the New Zealand Conservation Authority for its comments on matters relating to the national public conservation interest in the Ngātokoerua area of responsibility; and 15
 - (b) the Minister of Conservation for their comments.
- (2) The draft plan must be provided in the form of, and on receipt of,—
- (a) the draft plan provided by the Director-General under **section 149(2)(b)**, if a request is not made under **section 149(3)(b)**; or 20
 - (b) the revised draft plan provided by the Director-General under **section 149(4)(b)**, if a request is made under **section 149(3)(b)**.
- (3) The New Zealand Conservation Authority and the Minister of Conservation must provide their comments on the draft plan to the Ngātokoerua strategic advisory committee and the Conservation Board no later than 80 working days after receiving the draft plan. 25

151 Approval of draft plan

- (1) The Ngātokoerua strategic advisory committee and the Conservation Board must— 30
- (a) consider the comments received from the New Zealand Conservation Authority and the Minister of Conservation under **section 150(3)**; and
 - (b) make any changes to the draft Ngātokoerua plan that the committee and the Conservation Board consider are necessary.
- (2) The committee and the Conservation Board must, no later than 40 working days after receiving the comments,— 35
- (a) approve the draft plan; or

- (b) refer any disagreement about the draft plan to the New Zealand Conservation Authority by providing a written statement of the matters of disagreement and the reasons for them.

152 Referral of disagreement to New Zealand Conservation Authority

- (1) If a disagreement is referred to the New Zealand Conservation Authority under **section 151(2)(b)**, the New Zealand Conservation Authority must— 5
 - (a) make a recommendation on each matter of disagreement; and
 - (b) give written notice of the recommendations to the Ngātokoerua strategic advisory committee and the Conservation Board.
- (2) The notice of recommendations must be given no later than 60 working days 10 after the disagreement is referred to the New Zealand Conservation Authority.
- (3) The Ngātokoerua strategic advisory committee and the Conservation Board must, after receiving and considering the notice of recommendations,—
 - (a) try to resolve any matters of disagreement; and
 - (b) make any changes to the draft Ngātokoerua plan that they consider are 15 necessary.
- (4) If any matter of disagreement has not been resolved within 40 working days after receiving the notice of recommendations,—
 - (a) the recommendations in the notice become binding; and
 - (b) the committee and the Conservation Board must make any changes to 20 the draft plan that are necessary to implement the recommendations.
- (5) The committee and the Conservation Board must approve the draft plan no later than 80 working days after receiving the notice of recommendations.

153 Mediation of disagreement

- (1) If a disagreement arises between the Ngātokoerua strategic advisory committee, the Conservation Board, and the Director-General at any time during the process under **sections 145 to 152**, the parties to the disagreement (the **parties**) must first try to resolve the matter in a co-operative, open-minded, and timely manner. 25
- (2) If a party considers that it is necessary to resort to mediation, the party must refer the matter to mediation by giving written notice to the 1 or more other parties. 30
- (3) The Ngātokoerua strategic advisory committee, the Conservation Board, and the Director-General—
 - (a) must all agree on a mediator no later than 60 working days after the 35 settlement date; and
 - (b) may all agree on a different mediator at any time.

- (4) The mediation must be conducted by the mediator agreed on under **subsection (3)**.
- (5) The parties must participate in the mediation—
- (a) in a co-operative, open-minded, and timely manner; and
 - (b) having particular regard to—
 - (i) the purpose of having the Ngātokoerua Plan for the Ngātokoerua area of responsibility; and
 - (ii) the conservation purposes for which the Ngātokoerua area of responsibility is held.
- (6) The parties must do their best to continue with the preparation and approval of the Ngātokoerua plan while the disagreement is mediated.
- (7) Each party must—
- (a) pay its own costs of mediation; and
 - (b) pay an equal share of the costs of the mediator and associated costs.
- (8) The mediation must end no later than 60 working days after the day on which the matter was referred to mediation.
- (9) The period of time starting on the day on which the matter is referred to mediation and ending on the last day of the mediation must be excluded from any time limit specified in **sections 145 to 152**.
- 154 Review of Ngātokoerua plan**
- (1) The Director-General may at any time initiate a review of all or part of the Ngātokoerua plan, after first consulting the Ngātokoerua strategic advisory committee and the Conservation Board.
- (2) The committee or the Conservation Board may at any time request the Director-General to initiate a review of all or part of the Ngātokoerua plan. The Director-General must consider the request.
- (3) Any review of the Ngātokoerua plan must be carried out and approved in accordance with **sections 145 to 152**, which apply with any necessary modifications.
- (4) The Director-General must review all of the Ngātokoerua plan no later than 10 years after the date it was last approved.
- (5) The Minister of Conservation may extend the time limit in **subsection (4)**, but only after consulting the committee and the Conservation Board.
- 155 Amendment of Ngātokoerua plan**
- (1) The Director-General may at any time initiate an amendment of all or part of the Ngātokoerua plan, after first consulting the Ngātokoerua strategic advisory committee and the Conservation Board.

- (2) Any amendment of the Ngātokoerua plan must be carried out and approved in accordance with **sections 145 to 152**, which apply with any necessary modifications.
- (3) However, an amendment may instead be made under **subsections (4) to (6)** if the Director-General, the committee, and the Conservation Board all consider that the amendment will not materially affect— 5
- (a) the objectives or policies expressed in the Ngātokoerua plan; or
 - (b) the public interest in the relevant area.
- (4) The Director-General must provide the proposed amendment to the committee and the Conservation Board. 10
- (5) The committee and the Conservation Board—
- (a) must consider the proposed amendment; and
 - (b) may amend the Ngātokoerua plan as proposed and approve the amended plan.
- (6) Any approval under **subsection (5)(b)** must be given no later than 40 working days after receiving the proposed amendment. 15

156 Extension of time frames

In this subpart, a time frame within which an action must be performed may be extended by agreement of the Director-General, the Conservation Board, and the Ngātokoerua strategic advisory committee. 20

Part 3 Commercial redress

157 Interpretation

In **subparts 1 to 4**,—

28 Carroll Street, National Park means the property described by that name in part 3 of the property redress schedule 25

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

Crown forest land has the meaning given in section 2(1) of the Crown Forest Assets Act 1989 30

Crown forestry licence—

- (a) has the meaning given in section 2(1) of the Crown Forest Assets Act 1989; and
- (b) in relation to the licensed land, means the licence described in the third column of the table in part 3 of the property redress schedule 35

- Crown forestry rental trust** means the forestry rental trust referred to in section 34 of the Crown Forest Assets Act 1989
- Crown forestry rental trust deed** means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust
- deferred selection property** means a property described in subpart A or C of part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied 5
- Forestry Emission Unit Trust** means the trust of that name established by a trust deed dated 19 April 2011
- Former Waikune Prison** means the property described by that name in part 3 of the property redress schedule 10
- Land adjacent to Waimarino Reserve, National Park** means the property described by that name in part 4 of the property redress schedule
- land holding agency** means the land holding agency specified,—
- (a) for a commercial redress property, in part 3 of the property redress schedule; or 15
 - (b) for a deferred selection property, in subpart A or C of part 4 of the property redress schedule; or
 - (c) for the shared deferred selection property, in subpart C of part 4 of the property redress schedule 20
- licensed land**—
- (a) means the property described as licensed land in part 3 of the property redress schedule; but
 - (b) excludes—
 - (i) trees growing, standing, or lying on the land; and 25
 - (ii) improvements that have been—
 - (A) acquired by a purchaser of the trees on the land; or
 - (B) made by the purchaser or the licensee after the purchaser has acquired the trees on the land
- licensee** means the registered holder of the Crown forestry licence 30
- licensor** means the licensor of the Crown forestry licence
- Makakaho Rd, Makakaho** means the property described by that name in part 4 of the property redress schedule
- Manganui o te Ao Conservation Area** means the property described by that name in part 4 of the property redress schedule 35
- Mangatiti Rd, Ruatiti** means the property described by that name in part 4 of the property redress schedule

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

Part Makatote Scenic Reserve Site A means the property described by that name in part 4 of the property redress schedule

Part Makatote Scenic Reserve Site B means the property described by that name in part 4 of the property redress schedule 5

Preservation of Scenery, SH4, Makotuku River, Raetihi means the property described by that name in part 4 of the property redress schedule

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

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

right of access means the right conferred by **section 178**

shared deferred selection property means the property described in subpart C of part 4 of the property redress schedule if— 15

- (a) clause 8.13 of the deed of settlement applies; and
- (b) the requirements for transfer under the deed of settlement have been satisfied

Station Road Main Block, National Park means the property described by that name in part 4 of the property redress schedule 20

transfer property means any or all of the following:

- (a) a commercial redress property;
- (b) a deferred selection property;
- (c) the shared deferred selection property. 25

Subpart 1—Transfer of properties

158 The Crown may transfer properties

- (1) To give effect to part 8 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—
 - (a) to transfer the fee simple estate in a transfer property; and 30
 - (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (2) In the case of the shared deferred selection property, the property may be transferred to 1 or both of the following:
 - (a) the trustees: 35
 - (b) the Ngāti Hāua governance entity.

- (3) **Subsection (4)** applies to the land held in record of title 382148 if that property is transferred under **subsection (1)**.
- (4) As soon as is reasonably practicable after the date on which the property is transferred under **subsection (1)**, the chief executive of the Office for Māori Crown Relations—Te Arawhiti must give written notice of that date to the chief executive of LINZ for the purposes of **section 18** (which relates to the cancellation of resumptive memorials). 5
- (5) In this section and in **sections 159 and 160**, **Ngāti Hāua governance entity** means an entity, or the trustees of a trust, that—
- (a) is established to receive redress for the settlement of the historical claims of Ngāti Hāua; and 10
- (b) is approved by the Crown, and ratified by the members of Ngāti Hāua for that purpose.

159 Records of title for transfer properties that transfer to 1 entity

- (1) This section applies to each transfer property (other than the licensed land) that is to be transferred under **section 158** to the trustees or the Ngāti Hāua governance entity (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 20
- (b) there is no record of title for the fee simple estate in all or part of the property.
- (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 25
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
- (c) omit any statement of purpose from the record of title.
- (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 160 to 162**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

160 Record of title if shared deferred selection property transfers to more than 1 entity 35

- (1) This section applies to the shared deferred selection property if the property is to be transferred under **section 158** to the trustees and the Ngāti Hāua governance entity, as tenants in common.

- (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
 - (b) record on each record of title any interests that are registered, noted, or to be noted and that are described for that record of title in the application; and 5
 - (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

161 Record of title for licensed land

- (1) This section applies to the licensed land that is to be transferred to the trustees under **section 158**.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,— 15
- (a) create a record of title in the name of the Crown for the fee simple estate in the property; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
 - (c) omit any statement of purpose from the record of title. 20
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title.

162 Authorised person may grant covenant for later creation of record of title

- (1) For the purposes of **sections 159 to 161**, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in a transfer property. 25
- (2) Despite the Land Transfer Act 2017,—
- (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and 30
 - (b) the Registrar-General must comply with the request.

163 Application of other enactments

- (1) This section applies to the transfer of the fee simple estate in a transfer 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. 35

- (3) The transfer does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer. 5
- (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. 10
- (6) In exercising the powers conferred by **section 158**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.
- 164 Transfer of properties subject to lease** 15
- (1) This section applies to a deferred selection property—
- (a) for which the land holding agency is—
 - (i) the Ministry of Education; or
 - (ii) the New Zealand Police; and
 - (b) the ownership of which is to be transferred to the trustees; and 20
 - (c) that, after the transfer, is to be subject to a lease back to the Crown.
- (2) Section 24 of the Conservation Act 1987 does not apply to the transfer of the property.
- (3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to **section 165** upon the registration of the transfer. 25
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that—
- (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 30
 - (b) the land is subject to **section 165**.
- (5) A notation made under **subsection (4)** 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.
- 165 Requirements if lease terminates or expires** 35
- (1) This section applies if the lease referred to in **section 164(1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.

- (2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.
- (3) The registered owners of the property must apply in writing to the Registrar-General,— 5
- (a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that—
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to this section; or 10
- (b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,—
- (i) section 24 of the Conservation Act 1987 does not apply to that part; and 15
- (ii) that part is subject to this section.
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)** free of charge to the applicant.

Provisions affecting certain properties

- 166 Transfer of 28 Carroll Street, National Park** 20
- 28 Carroll Street, National Park ceases to be a conservation area under the Conservation Act 1987.
- 167 Transfer of Manganui o te Ao Conservation Area**
- (1) This section applies if the Manganui o te Ao Conservation Area is to be transferred under **section 158** to the trustees. 25
- (2) Immediately before the property is transferred under **section 158**, it ceases to be a conservation area under the Conservation Act 1987.
- 168 Transfer of Part Makatote Scenic Reserve Site A or B**
- (1) This section applies if Part Makatote Scenic Reserve Site A or Part Makatote Scenic Reserve Site B is to be transferred under **section 158** to the trustees. 30
- (2) Immediately before the property is transferred under **section 158**, the reservation of the property as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reservation of the property as a scenic reserve under this section. 35
- (4) The property ceases to be subject to the overlay classification declared under **section 43** when it is transferred to the trustees under **section 158**.

- (5) The Minister of Conservation must notify the cessation of the overlay classification in the *Gazette* as soon as practicable after the transfer.

169 Names of Crown protected areas discontinued if property transfers

- (1) **Subsection (3)** applies to the land in a property listed in **subsection (2)** if the property— 5
- (a) is transferred to the trustees under **section 158**; and
- (b) was part of a Crown protected area immediately before the date of transfer.
- (2) The properties are— 10
- (a) Part Makatote Scenic Reserve Site A:
- (b) Part Makatote Scenic Reserve Site B.
- (3) Upon the transfer of the property, the official geographic name of the Crown protected area is discontinued in respect of the land and the Board must amend the Gazetteer accordingly.
- (4) 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

170 Marginal strip reduced if properties transfer

- (1) **Subsection (2)** applies to the following properties if they transfer to the trustees under **section 158**: 20
- (a) Land adjacent to Waimarino Reserve, National Park:
- (b) Station Road Main Block, National Park.
- (2) Any marginal strip reserved by section 24 of the Conservation Act 1987 from the transfer is reduced to a width of 5 metres.
- (3) **Subsection (4)** applies to Preservation of Scenery, SH4, Makotuku River, Raetihi if it transfers to the trustees under **section 158**. 25
- (4) The marginal strip reserved by section 24 of the Conservation Act 1987 from the transfer is reduced to a width of 5 metres in area B as shown on the map in part 10 of the attachments (subject to survey).
- (5) If **subsection (2) or (4)** applies, the transfer instrument for the transfer of the property to the trustees must include a statement that any marginal strip reserved by section 24 of the Conservation Act 1987 from the transfer is reduced to a width of— 30
- (a) 5 metres for each of the properties referred to in **subsection (1)**; and
- (b) 5 metres in area B as shown on the map in part 10 of the attachments (subject to survey) for the property referred to in **subsection (3)**. 35
- (6) The Registrar-General must record the reduction of the marginal strip on the record of title for the property.

171 Management of marginal strips

- (1) The trustees are appointed as the manager of any marginal strip reserved by section 24 of the Conservation Act 1987 in relation to the transfer of any of the following properties if the property transfers under **section 158**:
- (a) Land adjacent to Waimarino Reserve, National Park: 5
 - (b) Makakaho Rd, Makakaho:
 - (c) Mangatiti Rd, Ruatiti:
 - (d) Preservation of Scenery, SH4, Makotuku River, Raetihi:
 - (e) Station Road Main Block, National Park.
- (2) The trustees are appointed as the manager of any marginal strip reserved by section 24 of the Conservation Act 1987 in relation to the transfer of Former Waikune Prison under **section 158**. 10
- (3) In relation to the licensed land, the trustees are appointed as the manager of any marginal strip reserved by the grant of the Crown forestry licence on and from the date on which the Crown forestry licence is surrendered over the land adjoining that marginal strip. 15
- (4) The appointments under **subsections (1) to (3)** are made—
- (a) as if the appointments were made under section 24H of the Conservation Act 1987; and
 - (b) for as long as the trustees are the owners of the land adjoining the marginal strip. 20
- (5) To avoid doubt, **subsection (4)** does not override section 24J of the Conservation Act 1987.

172 Transfer of marginal strips

- (1) This section applies to the transfer of an appointment of the trustees as the manager of— 25
- (a) any marginal strip reserved from the transfer of any of the sites listed in **section 171(1) or (2)**; and
 - (b) any marginal strip reserved from the grant of the Crown forestry licence in respect of the licensed land if the trustees have been appointed to manage the marginal strip under **section 171(3)**. 30
- (2) If the trustees have been appointed to manage the marginal strip, the trustees may, at any time prior to transferring the land adjoining the marginal strip to an affiliated entity, apply in writing to the Minister of Conservation for consent to transfer their appointment as manager of the marginal strip to that affiliated entity. 35
- (3) The Minister of Conservation must appoint the affiliated entity as the manager of the marginal strip if the trustees satisfy the Minister that the affiliated entity will be able to—

- (a) comply with the requirements of the Conservation Act 1987; and
- (b) perform the duties of a marginal strip manager under that Act.
- (4) The appointment is effective on and from the date of the registration of the transfer of the fee simple estate in the land adjoining the marginal strip from the trustees to the affiliated entity. 5
- (5) An appointment under **subsection (3)** is made—
 - (a) as if the appointment were made under section 24H of the Conservation Act 1987; and
 - (b) for as long as the affiliated entity is the owner of the land adjoining the marginal strip. 10
- (6) The trustees must notify the Minister of Conservation that the transfer of the adjoining land has occurred.
- (7) The notice must—
 - (a) be given as soon as reasonably practicable after the registration of the transfer; and 15
 - (b) include the name and contact details of the affiliated entity.
- (8) To avoid doubt, **subsection (5)** does not override section 24J of the Conservation Act 1987.
- (9) In this section, **affiliated entity** means any company that is wholly owned by the Te Korowai o Wainuiārua Trust, and any other entity (including a society, trust, or limited liability partnership) where— 20
 - (a) the Te Korowai o Wainuiārua Trust retains the exclusive right to appoint or remove directors, trustees, or other office holders of the company or other entity; and
 - (b) that company or other entity is established or acquired by the trustees in accordance with the constitutional documents of the Te Korowai o Wainuiārua Trust. 25

173 Raurimu Station property

- (1) The chief executive of the Office for Māori Crown Relations—Te Arawhiti is authorised to— 30
 - (a) accept, on behalf of His Majesty the King, a transfer of the Raurimu Station property 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. 35
- (2) **Subsections (3) and (4)** apply to the transfer of the Raurimu Station property under **subsection (1)**.
- (3) Section 42 of the Land Act 1948 does not apply in relation to any record of title for the Raurimu Station property.

- (4) 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.
- (5) In this section, **Raurimu Station property** means the property described by that name in subpart C of part 4 of the property redress schedule. 5

Subpart 2—Licensed land

174 Licensed land ceases to be Crown forest land

- (1) The licensed land ceases to be Crown forest land upon the registration of the transfer of the fee simple estate in the land to the trustees.
- (2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 8 of the deed of settlement, or part 7 of the property redress schedule. 10

175 Trustees are confirmed beneficiaries and licensors of licensed land 15

- (1) The trustees are the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed in relation to the licensed land.
- (2) The effect of **subsection (1)** is that—
- (a) the trustees are entitled to the rental proceeds payable for the licensed land to the trustees of the Crown forestry rental trust under a Crown forestry licence since the commencement of the licence; and 20
- (b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustees are the confirmed beneficiaries in relation to the licensed land.
- (3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the Crown forestry licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land. 25
- (4) Notice given by the Crown under **subsection (3)** has effect as if—
- (a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and 30
- (b) the recommendation became final on the settlement date.
- (5) The trustees are the licensors under the Crown forestry licence as if the licensed land were returned to Māori ownership— 35
- (a) on the settlement date; and
- (b) under section 36 of the Crown Forest Assets Act 1989.

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

176 Transfer of New Zealand units to trustees

- (1) On the settlement date, the licensed land is to be treated as being transferred to the trustees for the purposes of clause 6.1 of the Forestry Emission Unit Trust deed. 5
- (2) The effect of **subsection (1)** is that, as soon as is reasonably practicable after the settlement date, the trustees of the Forestry Emission Unit Trust must—
- (a) determine the number of New Zealand units that the trustees of Te Korowai o Wainuiārua Trust are entitled to receive in relation to the licensed land; and 10
- (b) transfer to those trustees the New Zealand units received in response to the applications by the trustees of the Forestry Emission Unit Trust.

177 Effect of transfer of licensed land

- Sections 175 and 176** apply whether or not the transfer of the fee simple estate in the licensed land has been registered. 15

Subpart 3—Access to protected sites

178 Right of access to protected sites

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site. 20
- (2) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.
- (3) The right of access is subject to the following conditions: 25
- (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and
- (b) the right of access may be exercised only at reasonable times and during daylight hours; and 30
- (c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—
- (i) for the safety of people; or
- (ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or 35
- (iii) for operational reasons.

179 Right of access over licensed land

- (1) A right of access over licensed land is subject to the terms of any Crown forestry licence.
- (2) However, **subsection (1)** does not apply if the licensee has agreed to the right of access being exercised. 5
- (3) An amendment to a Crown forestry licence is of no effect to the extent that it would—
- (a) delay the date from which a person may exercise a right of access; or
 - (b) adversely affect a right of access in any other way.

180 Right of access to be recorded on records of title

10

- (1) This section applies to the transfer to the trustees of the licensed land.
- (2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land.
- (3) The Registrar-General must, upon the registration of the transfer of the land, record on any record of title for the land that the land is subject to a right of access to protected sites on the land. 15

Subpart 4—Right of first refusal over RFR land

*Interpretation***181 Interpretation**

In this subpart and **Schedule 5**,— 20

approving Ngāti Hāua legislation means legislation that approves as redress for Ngāti Hāua the rights to shared RFR land or the Raurimu Station property provided by or under this subpart to the Ngāti Hāua governance entity

commencement date, in relation to the RFR period—

- (a) for shared RFR land, means the date that is the earlier of— 25
 - (i) 1 June 2025 (which is 3 years after the settlement date under the Ngāti Maru (Taranaki) Claims Settlement Act 2022); and
 - (ii) the later of the settlement dates under the following enactments:
 - (A) this Act;
 - (B) approving Ngāti Hāua legislation; and 30
- (b) for the Tahora Bus Stop property, means the date that is the earlier of—
 - (i) 1 June 2025 (which is 3 years after the settlement date under the Ngāti Maru (Taranaki) Claims Settlement Act 2022); and
 - (ii) the settlement date under this Act; and
- (c) for the Raurimu Station property, means— 35

- (i) if the settlement date occurs before the Ngāti Hāua settlement date, the earlier of—
 - (A) the date that is 5 years after the settlement date; and
 - (B) the settlement date under the approving Ngāti Hāua legislation; and
 - (ii) if the settlement date occurs on or after the Ngāti Hāua settlement date, the settlement date
- control**, for the purposes of **paragraph (d)** of the definition of Crown body, means,—
- (a) for a company, control of the composition of its board of directors; and
 - (b) for another body, control of the composition of the group that would be its board of directors if the body were a company
- Crown body** means—
- (a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and
 - (b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and
 - (c) the New Zealand Railways Corporation; and
 - (d) a company or body that is wholly owned or controlled by 1 or more of the following:
 - (i) the Crown;
 - (ii) a Crown entity;
 - (iii) a State enterprise;
 - (iv) the New Zealand Railways Corporation; and
 - (e) a subsidiary or related company of a company or body referred to in **paragraph (d)**
- dispose of**, in relation to RFR land,—
- (a) means—
 - (i) to transfer or vest the fee simple estate in the land; or
 - (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but
 - (b) to avoid doubt, does not include—
 - (i) to mortgage, or give a security interest in, the land; or
 - (ii) to grant an easement over the land; or
 - (iii) to consent to an assignment of a lease, or to a sublease, of the land; or

- (iv) to remove an improvement, a fixture, or a fitting from the land
- exclusive RFR area** means the means the area shown on SO 552485
- expiry date**, in relation to an offer, means its expiry date under **sections 186(2)(a) and 187**
- Ngāti Hāua governance entity** means any post-settlement governance entity representing Ngāti Hāua under any approving Ngāti Hāua legislation 5
- notice** means a notice given under this subpart
- offer** means an offer by an RFR landowner, made in accordance with **section 186**, to dispose of RFR land to the trustees of any offer trust
- offer trust** means the trust specified for each of the following types of RFR land: 10
- (a) for exclusive RFR land, the Te Korowai o Wainuiārua Trust:
- (b) for shared RFR land,—
- (i) the Te Korowai o Wainuiārua Trust; and
- (ii) the Te Kāhui Maru Trust: Te Iwi o Maruwharanui; and 15
- (iii) a governance entity established by Ngāti Hāua, but only if the settlement date under any approving Ngāti Hāua legislation has occurred:
- (c) for the Tahora Bus Stop property,—
- (i) the Te Korowai o Wainuiārua Trust; and 20
- (ii) the Te Kāhui Maru Trust: Te Iwi o Maruwharanui:
- (d) for the Raurimu Station property,—
- (i) the Te Korowai o Wainuiārua Trust; and
- (ii) a governance entity established by Ngāti Hāua, but only if the settlement date under any approving Ngāti Hāua legislation has occurred 25
- public work** has the meaning given in section 2 of the Public Works Act 1981
- Raurimu Station property**—
- (a) means the land described in part 6 of the attachments that on the commencement date of the RFR period for that land is held in fee simple by Landcorp Holdings Limited; and 30
- (b) includes any land obtained in exchange for a disposal of the Raurimu Station property under **section 197(1)(c) or 198**
- recipient trust** means the trust specified for each of the following types of RFR land: 35
- (a) for exclusive RFR land, the Te Korowai o Wainuiārua Trust; and

- (b) for shared RFR land, the Raurimu Station property, or the Tahora Bus Stop property, the offer trust whose trustees accept an offer to dispose of the land under **section 189**

related company has the meaning given in section 2(3) of the Companies Act 1993 5

RFR date means the date on which this subpart comes into effect, as the case may be, for—

- (a) the exclusive RFR land (*see* **section 184(1)**); and
 (b) the shared RFR land (*see* **section 184(2)**); and
 (c) the Tahora Bus Stop property (*see* **section 184(3)**); and 10
 (d) the Raurimu Station property (*see* **section 184(4)**)

RFR landowner, in relation to RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
 (b) means a Crown body, if the body holds the fee simple estate in the land; 15
 and
 (c) includes a local authority to which RFR land—
 (i) has been disposed of under **section 192(1)**; or
 (ii) has been disposed of, under the equivalent provision in the Ngāti Maru (Taranaki) Claims Settlement Act 2022 or any approving Ngāti Hāua legislation, or both, before the RFR date for the land; 20
 but
 (d) to avoid doubt, does not include an administering body in which RFR land—
 (i) is vested on the date on which the RFR period for the land commences; or 25
 (ii) is vested under **section 193(1)** after the RFR date for the land; or
 (iii) is vested, under the equivalent provision in the Ngāti Maru (Taranaki) Claims Settlement Act 2022 or any approving Ngāti Hāua legislation, or both, before the RFR date for the land 30

RFR period means,—

- (a) for exclusive RFR land, the period of 182 years on and from the settlement date; and
 (b) for shared RFR land, the period of 180 years on and from the commencement date of the RFR period for the land; and 35
 (c) for the Tahora Bus Stop property, the period of 180 years on and from the commencement date of the RFR period for the land; and

- (d) for the Raurimu Station property, the period of 182 years on and from the commencement date of the RFR period for the land

shared RFR land—

- (a) means the land described in part 5 of the attachments that, on the commencement date of the RFR period for that land,— 5
- (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown; or
 - (iii) is a reserve vested in an administering body that derived title from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and 10
- (b) includes any land obtained in exchange for a disposal of the land described in **paragraph (a)** under **section 197(1)(c) or 198**; and
- (c) includes any land that, before the RFR date for shared land, was obtained in exchange for a disposal of shared RFR land under—
- (i) section 135(1)(c) or 136 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022; or 15
 - (ii) an equivalent provision in any approving Ngāti Hāua legislation; but
- (d) does not include any land described in **paragraph (a)** if, on the RFR date for the shared RFR land, the land— 20
- (i) has ceased to be RFR land in any of the circumstances described in—
 - (A) section 122(3)(a), (b), or (c) of the Ngāti Maru (Taranaki) Claims Settlement Act 2022; or
 - (B) an equivalent provision in any approving Ngāti Hāua legis- 25
 - (ii) is subject to a contract formed under—
 - (A) section 128 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022; or
 - (B) the equivalent provision in any approving Ngāti Hāua legis- 30

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

Tahora Bus Stop property—

- (a) means the land described in part 7 of the attachments if, on the commencement date of the RFR period for that land,— 35
- (i) the land is vested in the Crown; or
 - (ii) the land is held in fee simple by the Crown; and

- (b) includes any land obtained in exchange for a disposal of the Tahora Bus Stop property under **section 197(1)(c) or 198**; and
- (c) includes any land that, before the RFR date for the Tahora Bus Stop property, was obtained in exchange for a disposal of the Tahora Bus Stop property under section 135(1)(c) or 136 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022; but 5
- (d) does not include any land described in **paragraph (a)** if, on the RFR date for the Tahora Bus Stop property, the land—
 - (i) has ceased to be RFR land in any of the circumstances described in section 122(3)(a), (b), or (c) of the Ngāti Maru (Taranaki) Claims Settlement Act 2022; or 10
 - (ii) is subject to a contract formed under section 128 of the Ngāti Maru (Taranaki) Claims Settlement Act 2022

Te Kāhui Maru Trust: Te Iwi o Maruwharanui has the meaning given in section 12(1) of the Ngāti Maru (Taranaki) Claims Settlement Act 2022. 15

182 Meaning of exclusive RFR land

In this subpart, **exclusive RFR land** means—

- (a) the land described in part 4 of the attachments that, on the settlement date,—
 - (i) is vested in the Crown; or 20
 - (ii) is held in fee simple by the Crown or the Crown body specified in the table in part 4 of the attachments as landholding agency for the land; or
 - (iii) is a reserve vested in an administering body that derived title from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and 25
- (b) the land that is within the exclusive RFR area that on the settlement date,—
 - (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown; or 30
 - (iii) is a reserve vested in an administering body that derived title from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and
- (c) any land obtained in exchange for a disposal of the land described in **paragraphs (a) and (b)** under **section 197(1)(c) or 198**. 35

183 Meaning of RFR land

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

- (a) exclusive RFR land; and

- (b) shared RFR land; and
 - (c) the Tahora Bus Stop property; and
 - (d) the Raurimu Station property.
- (2) RFR land does not include a commercial redress property.
- (3) Land ceases to be RFR land if— 5
- (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees of the recipient trust or their nominee or an entity referred to in **section 158(2)** (for example, under **section 158** in the case of a deferred selection property or the shared deferred selection property, or under a contract formed under **section 190**); or 10
 - (ii) any other person (including the Crown or a Crown body) under **section 185(d)**; or
 - (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body— 15
 - (i) under any of **sections 194 to 201** (which relate to permitted disposals of RFR land); or
 - (ii) under any matter referred to in **section 202(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or 20
 - (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 211**; or
 - (d) the RFR period for the land ends.

Application of this subpart 25

184 When this subpart comes into effect

- (1) For the exclusive RFR land, the provisions of this subpart come into effect on the settlement date under this Act.
- (2) For the shared RFR land, the provisions of this subpart come into effect as follows: 30
- (a) on the settlement date under this Act, if the settlement date under this Act is on or after—
 - (i) 1 June 2025 (which is 3 years after the settlement date under the Ngāti Maru (Taranaki) Claims Settlement Act 2022); or
 - (ii) the settlement date under any approving Ngāti Hāua legislation; or 35
 - (b) on the earlier of 1 June 2025 and the settlement date under any approving Ngāti Hāua legislation, if the settlement date under this Act occurs before both of those dates.

- (3) For the Tahora Bus Stop property, the provisions of this subpart come into effect on the settlement date under this Act.
- (4) For the Raurimu Station property, the provisions of this subpart come into effect on the commencement date of the RFR period for the land.

Restrictions on disposal of RFR land 5

185 Restrictions on disposal of RFR land

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

- (a) under any of **sections 191 to 201**; or
- (b) under any matter referred to in **section 202(1)**; or 10
- (c) in accordance with a waiver or variation given under **section 211**; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust if the offer to those trustees was—
 - (i) made in accordance with **section 186**; and 15
 - (ii) made on terms that were the same as, or more favourable to those trustees than, the terms of the disposal to the person; and
 - (iii) not withdrawn under **section 188**; and
 - (iv) not accepted under **section 189**.

Right of first refusal for trustees of offer trusts 20

186 Requirements for offer

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of the 1 or more offer trusts, as the case requires.
- (2) The notice must include— 25
- (a) the terms of the offer, including its expiry date; and
 - (b) the legal description of the land, including any interests affecting it, and the reference for any record of title for the land; and
 - (c) a statement that identifies the RFR land as exclusive RFR land, shared RFR land, the Raurimu Station property, or the Tahora Bus Stop property; and 30
 - (d) a street address for the land (if applicable); and
 - (e) a street address, postal address, and fax number or electronic address for the trustees of an offer trust to give notices to the RFR landowner in relation to the offer. 35

187 Expiry date of offer

- (1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the trustees of the 1 or more offer trusts receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which the trustees of the 1 or more offer trusts receive notice of the offer if—
- (a) those trustees received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and
 - (c) the earlier offer was not withdrawn.
- (3) For an offer of shared RFR land, the Raurimu Station property, or the Tahora Bus Stop property, if the RFR landowner has received notices of acceptance from the trustees of 2 or more offer trusts at the expiry date specified in the notice given under **section 186(1)**, the expiry date is extended for the trustees of those 2 or more offer trusts to the date that is 10 working days after the date on which the trustees receive the RFR landowner's notice given under **section 189(4)**.

188 Withdrawal of offer

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

189 Acceptance of offer

- (1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if—
- (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) The trustees of an offer trust must accept all the RFR land offered, unless the offer permits them to accept less.
- (3) In the case of an offer of shared RFR land, the Raurimu Station property, or the Tahora Bus Stop property, if, at the end of the expiry date, the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust, the offer is accepted.
- (4) In the case of an offer of shared RFR land, the Raurimu Station property, or the Tahora Bus Stop property, if, at the end of the expiry date specified in the notice of offer given under **section 186(1)**, the RFR landowner has received notice of acceptance from the trustees of 2 or more offer trusts, the RFR landowner has 10 working days in which to give notice to the trustees of those 2 or more offer trusts—

- (a) specifying the offer trusts from whose trustees acceptance notices have been received; and
- (b) stating that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the tenth working day after the day on which the RFR landowner's notice is received under this subsection. 5

190 Formation of contract

- (1) If the trustees of an offer trust accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and those trustees on the terms in the offer.
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees of the recipient trust. 10
- (3) Under the contract, the trustees of the recipient trust may nominate any person (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees of the recipient trust may nominate a nominee only if—
 - (a) the nominee is lawfully able to hold the RFR land; and 15
 - (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify—
 - (a) the full name of the nominee; and
 - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee. 20
- (6) If the trustees of the recipient trust nominate a nominee, those trustees remain liable for the obligations of the transferee under the contract.

Disposals to others where land remains RFR land

191 Disposal to the Crown or Crown bodies 25

- (1) An RFR landowner may dispose of RFR land to—
 - (a) the Crown; or
 - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 563 of the Education and Training Act 2020. 30

192 Disposal of existing public works to local authorities

- (1) An RFR landowner may dispose of RFR land that is a public work or part of a public work, in accordance with section 50 of the Public Works Act 1981, to a local authority, as defined in section 2 of that Act.
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes— 35

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

193 Disposal of reserves to administering bodies

- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977. 5
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become—
 - (a) the RFR landowner of the land; or
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes— 10
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

Disposals to others where land may cease to be RFR land

194 Disposal in accordance with obligations under enactment or rule of law 15

An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.

195 Disposal in accordance with legal or equitable obligations

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

- (a) a legal or an equitable obligation that— 20
 - (i) was unconditional before the date on which the RFR period for the land commenced; or
 - (ii) was conditional before that date but became unconditional on or after that date; or
 - (iii) arose after the exercise (whether before, on, or after that date) of an option existing before that date; or 25
- (b) the requirements, existing before the date on which the RFR period for the land commenced, of a gift, an endowment, or a trust relating to the land.

196 Disposal under certain legislation 30

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

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or
- (c) section 355(3) of the Resource Management Act 1991; or 35

- (d) an Act that—
 - (i) excludes the land from a national park within the meaning of the National Parks Act 1980; and
 - (ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977. 5

197 Disposal of land held for public works

- (1) An RFR landowner may dispose of RFR land in accordance with—
 - (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or 10
 - (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
 - (c) section 117(3)(a) of the Public Works Act 1981; or
 - (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or 15
 - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Māori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981. 20

198 Disposal for reserve or conservation purposes

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

- (a) section 15 of the Reserves Act 1977; or 25
- (b) section 16A or 24E of the Conservation Act 1987.

199 Disposal for charitable purposes

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

200 Disposal to tenants

The Crown may dispose of RFR land,— 30

- (a) if the land was held for education purposes on the date on which the RFR period for the land commenced, to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or
- (b) under section 67 of the Land Act 1948, if the disposal of the land is to a lessee under a lease of the land granted— 35

- (i) before the date on which the RFR period for the land commenced; or
- (ii) on or after that date under a right of renewal in a lease granted before that date; or
- (c) under section 93(4) of the Land Act 1948. 5

201 Disposal by Health New Zealand

Health New Zealand (established by section 11(1) of the Pae Ora (Healthy Futures) Act 2022) or any of its subsidiaries may dispose of RFR land to any person if the Minister of Health has given notice to the trustees of an offer trust that, in the Minister's opinion, the disposal will achieve, or assist in achieving, Health New Zealand's objectives. 10

RFR landowner obligations

202 RFR landowner's obligations subject to other matters

- (1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to— 15
 - (a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
 - (b) any interest or legal or equitable obligation—
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and 20
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) **Reasonable steps**, for the purposes of **subsection (1)(b)(ii)**, does not include steps to promote the passing of an enactment. 25

Notices about RFR land

203 Notice to LINZ of RFR land with record of title after RFR date

- (1) If a record of title is first created for RFR land after the relevant RFR date, the RFR landowner must give the chief executive of LINZ notice that the record of title has been created. 30
- (2) If land for which there is a record of title becomes RFR land after the relevant RFR date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the RFR land or after the land becomes RFR land. 35

- (4) The notice must include the legal description of the land and the reference for the record of title.

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

- (1) An RFR landowner must give the trustees of the 1 or more offer trusts, as the case requires, notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee. 5
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal.
- (3) The notice must include—
- (a) the legal description of the land, including any interests affecting it; and 10
 - (b) the reference for any record of title for the land; and
 - (c) the street address for the land (if applicable); and
 - (d) the name of the person to whom the land is being disposed of; and
 - (e) an explanation of how the disposal complies with **section 185**; and
 - (f) if the disposal is to be made under **section 185(d)**, a copy of any written contract for the disposal. 15

205 Notice to LINZ of land ceasing to be RFR land

- (1) **Subsections (2) and (3)** apply if land contained in a record of title is to cease being RFR land because—
- (a) the fee simple estate in the land is to transfer from the RFR landowner to— 20
 - (i) the trustees of the recipient trust or their nominee or an entity referred to in **section 158(2)** (for example, under **section 158** in the case of a deferred selection property or the shared deferred selection property, or under a contract formed under **section 190**); or 25
 - (ii) any other person (including the Crown or a Crown body) under **section 185(d)**; or
 - (b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body— 30
 - (i) under any of **sections 194 to 201**; or
 - (ii) under any matter referred to in **section 202(1)**; or
 - (c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 211**. 35
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

- (3) The notice must include—
- (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) the details of the transfer or vesting of the land.
- 206 Notice to be given if disposal of shared RFR land, Raurimu Station property, or Tahora Bus Stop property being considered** 5
- (1) This section applies if an RFR landowner is considering whether to dispose of shared RFR land, the Raurimu Station property, or the Tahora Bus Stop property in a way that may require an offer under this subpart.
- (2) The RFR landowner must give notice to the trustees of the 1 or more offer trusts that, if the landowner decides to dispose of the land, the landowner may be required to offer the land to the trustees of 1 or more offer trusts under this subpart. 10
- (3) The notice must be given immediately before the RFR landowner commences the processes under any of the following provisions, as relevant: 15
- (a) section 52 of the Land Act 1948:
 - (b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990:
 - (c) section 40 of the Public Works Act 1981 (providing that the tests in section 40(1) of that Act are met): 20
 - (d) any other enactment that regulates or applies to the disposal of the land.
- (4) The notice must—
- (a) specify the legal description of the land; and
 - (b) identify any record of title that contains the land; and
 - (c) specify the street address for the land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate it. 25
- (5) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—
- (a) section 564(3) of the Education and Training Act 2020 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education and Training Act 2020); or 30
 - (b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or 35
 - (c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment.

- (6) In this section, **dispose of** means to transfer the fee simple estate in the land.

207 Notice requirements

Schedule 5 applies to notices given under this subpart by or to—

- (a) an RFR landowner; or
 (b) the trustees of an offer trust or a recipient trust. 5

Right of first refusal recorded on records of title

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

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the records of title for,— 10
- (a) the RFR land for which there is a record of title on the relevant RFR date; and
 (b) the RFR land for which a record of title is first created after the relevant RFR date; and
 (c) land for which there is a record of title that becomes RFR land after the relevant RFR date. 15
- (2) The chief executive must issue a certificate as soon as is reasonably practicable—
- (a) after the relevant RFR date, for RFR land for which there is a record of title on the relevant RFR date; or 20
 (b) after receiving a notice under **section 203** that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate. 25
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is— 30
- (a) RFR land, as defined in **section 183**; and
 (b) subject to this subpart (which restricts disposal, including leasing, of the land).

209 Removal of notations when land to be transferred or vested

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 205(2)**, issue to the Registrar-General a certificate that includes— 35

- (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) the details of the transfer or vesting of the land; and
 - (d) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate. 5
- (3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under **section 208** for the land described in the certificate. 10

210 Removal of notations when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes— 15
- (a) the reference for each record of title for that RFR land that still has a notation recorded under **section 208**; and
 - (b) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate. 20
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notation recorded under **section 208** from any record of title identified in the certificate. 25

General provisions applying to right of first refusal

211 Waiver and variation

- (1) The trustees of an offer trust may, by notice to an RFR landowner, waive any or all of the rights they have in relation to the landowner under this subpart.
- (2) The trustees of an offer trust and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart. 30
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

212 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body. 35

213 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if the RFR holder—
- (a) assigns the RFR holder’s rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder’s constitutional document; and 5
 - (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give notices to each RFR landowner that—
- (a) state that the RFR holder’s rights and obligations under this subpart are being assigned under this section; and
 - (b) specify the date of the assignment; and 10
 - (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
 - (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and **Schedule 5** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with any necessary modifications. 15
- (4) In this section,—
- constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder 20
- RFR holder** means the 1 or more persons who have the rights and obligations of the trustees of an offer trust under this subpart, because—
- (a) they are the trustees of that offer trust; or
 - (b) they have previously been assigned those rights and obligations under this section. 25

Schedule 1 Statutory areas

ss 29, 38

Part 1

Areas subject only to statutory acknowledgement

5

Statutory area	Location
Hawkin's Wetland Scenic Reserve	As shown on OMCR-007-04
Kawautahi Scenic Reserve	As shown on OMCR-007-05
Ngā Roto-o-Rangataua Scenic Reserve	As shown on OMCR-007-06
Part Ohinetonga Scenic Reserve	As shown on OMCR-007-07
Owhango Domain Recreation Reserve	As shown on OMCR-007-08
Part Rangataua Conservation Area	As shown on OMCR-007-09
Part Raukawa Scenic Reserve	As shown on OMCR-007-10
Part Waitōtara Forest Conservation Area	As shown on OMCR-007-11
Whakapapa River Marginal Strip	As shown on OMCR-007-12

Part 2

Areas subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
Adams Conservation Area	As shown on OMCR-007-13
Horopito-Ōhakune Rail Conservation Area	As shown on OMCR-007-14
Hukapapa Conservation Area	As shown on OMCR-007-15
Mangapaka Conservation Area	As shown on OMCR-007-16
Mangapaka Scenic Reserve	As shown on OMCR-007-17
Mangatiti Conservation Area	As shown on OMCR-007-18
Part Matirangi Conservation Area	As shown on OMCR-007-19
Part Rotokahu Scenic Reserve	As shown on OMCR-007-20
Taheke Conservation Area	As shown on OMCR-007-21
Part Tāngarākau Forest Conservation Area	As shown on OMCR-007-22
Taunoka Conservation Area	As shown on OMCR-007-23
Tupapakurua Conservation Area	As shown on OMCR-007-24
Waimarino Scientific Reserve	As shown on OMCR-007-25

Schedule 2 Overlay areas

s 43, 124

Overlay area	Location	Description
Murumuru Conservation Area	As shown on OMCR-007-02	<p><i>Wellington Land District—Ruapehu District</i></p> <p><i>Murumuru Conservation Area</i></p> <p>5,895 hectares, approximately, being Sections 1 and 2 SO 36650, Section 1 SO 36951, Parts Section 3 Block VII, Section 2 and Section 6 Block XI, Section 5, Parts Section 7, Part Section 12, and Section 20 Block XII, Section 6, Part Section 8, and Section 9 Block XV Whirinaki Survey District, Parts Section 7 Block IV Rarete Survey District, and Part Closed Road SO 17693.</p>
Pökākā Area	As shown on OMCR-007-03	<p><i>Wellington Land District—Ruapehu District</i></p> <p><i>Ngātokoerua Scenic Reserve (formerly Erua Conservation Area)</i></p> <p>11,300 hectares, approximately, being Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 29, 32, 33 and Part Sections 3, 4, 5, 6, and 19, and Parts Section 2 Block VII, Sections 1, 2, 3, 5, 6, 7, 10, 14, 20, 21, 22, 23, 28, 34, 35, and 36, and Part Sections 4, 8, 15, and 19, and Part Subdivisions 3 and 4 of Section 13 Block VIII, Sections 3, 6, 7, 8, 9, and 10 Block X, Sections 4, 5, 6, 9, 10, 11, 22, 23, 25, 26, 27, 28, 29, 30 and 31, and Part Sections 7, 8, 12, 14, 16, 17, 18, 19, 20, and 21, and Parts Sections 2 and 3 Block XI, and Parts Sections 9 and 18 Block XII Manganui Survey District, Sections 4, 7 and 9 Block XV, and Sections 1 and 2 Block XVI Kaitieke Survey District, Section 1 SO 27030, Closed Road SO 18704, and Parts Waimarino 1.</p> <p><i>Part Makatote Scenic Reserve</i></p> <p>78 hectares, approximately, being Section 12, Part Section 9 and Part Section 27 Block VIII Manganui Survey District.</p> <p><i>Manganuioteao Scenic Reserve</i></p> <p>54.6325 hectares, more or less, being Section 24 Block XI Manganui Survey District</p>

Overlay area	Location	Description
		<i>Pokaka Scenic Reserve</i> 91.0391 hectares, more or less, being Lot 1 DP 75616 and Section 28 Block XII Manganui Survey District.

Schedule 3

Cultural redress properties

ss 63, 83–85

Properties vested in fee simple

Name of property	Description	Interests
Former Mangaeturoa School property	<i>Wellington Land District— Ruapehu District</i> 5.8823 hectares, more or less, being Parts Section 4 Block V Makotuku Survey District and Sections 2 and 5 SO 37967. All record of title WN56A/72 for the fee simple estate.	Subject to an unregistered licence to occupy to Mangaeturoa Baths Committee dated 23 March 2000.
Makaranui site A	<i>Wellington Land District— Ruapehu District</i> 0.2082 hectares, more or less, being Section 48 Block VII Makotuku Survey District. Part <i>Gazette</i> notice 772393.	
Mangatiti Road, Ruatiti property	<i>Wellington Land District— Ruapehu District</i> 181.50 hectares, approximately, being Part Section 11 Block VIII Whirinaki Survey District. Part record of title WND1/364 for the fee simple estate. Subject to survey.	Subject to an unregistered licence to occupy to Murumuru Farms Limited dated 6 October 2014.
Raetihi Road and Bridge property	As shown on OMCR-007-30 <i>Wellington Land District— Ruapehu District</i> 0.06 hectares, approximately, being Part Section 25 Block VI Makotuku Survey District. Part <i>Gazette</i> 1899 p 259. Subject to survey.	Subject to the easement in gross for a right to drain sewage referred to in section 67(3) .
SH4/Ward Street, National Park property	As shown on OMCR-007-36 <i>Wellington Land District— Ruapehu District</i> 139.90 hectares, approximately, being Part Section 1 Block IV Manganui Survey District. Balance <i>Gazette</i> notice 805832. Subject to survey.	Subject to <i>Gazette</i> 1978, p 1324 declaring adjoining State Highway 4 to be a limited access road. Subject to an easement to convey water and electricity created by a deed of easement contained in record of title WN23B/632.
Waimarino Urupā property	As shown on OMCR-007-38 <i>Wellington Land District— Ruapehu District</i> 0.035 hectares, approximately, being Part Waimarino 4A5. Balance <i>Gazette</i> notice B399872. Subject to survey.	Subject to <i>Gazette</i> 1978, p 1324 declaring adjoining State Highway 4 to be a limited access road.

Name of property	Description	Interests
60 Ward Street, Raetihi property	As shown on OMCR-007-43 <i>Wellington Land District— Ruapehu District</i> 1.5505 hectares, more or less, being Section 53 Raetihi Suburban. Part transfer 733532.1.	Subject to a right of way easement created by Transfer B419972.2. Together with an easement for a right to convey sewage for a term of 21 years from 20 March 1947 created by Transfer 305816. Together with an easement for a right to convey sewage for a term of 21 years from 20 March 1947 created by Transfer 305817. Together with an easement for a right to convey sewage created by Transfer 305818. Together with an easement for a right to convey stormwater and sewage created by Transfer B419972.3.

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Makaranui site B	<i>Wellington Land District— Ruapehu District</i> 0.42 hectares, approximately, being Part Section 11 Block VIII Makotuku Survey District. Balance <i>Gazette</i> notice 893210.1. Subject to survey.	Subject to being a scenic reserve, as referred to in section 71(3) .
Ngapakihi property	As shown on OMCR-007-29 <i>Wellington Land District— Ruapehu District</i> 2.88 hectares, approximately, being Part Section 38 Block VI Makotuku Survey District. Balance <i>Gazette</i> notice 415090.1. 0.1185 hectares, more or less, being Section 4 SO 35212. Part <i>Gazette</i> notice B040002.1. All subject to survey.	Subject to being a scenic reserve, as referred to in section 72(3) .
Pipiriki property	As shown on OMCR-007-31 <i>Wellington Land District— Ruapehu District</i> 0.4350 hectares, more or less, being Section 20 Block IX Town of Pipiriki. Part <i>Gazette</i> 1897 p 1723.	Subject to being a scenic reserve, as referred to in section 73(3) . Subject to an unregistered authority for research and collection with permit number 94915-FLO to Mathew McIntyre Wilson.

Name of property	Description	Interests
Putikituna property	<i>Taranaki Land District— Stratford District</i> 36.25 hectares, approximately, being Part Section 8 Block III Mahoe Survey District. Part <i>Gazette</i> notice 218822. Subject to survey. As shown on OMCR-007-34	Subject to being a scenic reserve, as referred to in section 74(3) .
Raetihi property	<i>Wellington Land District— Ruapehu District</i> 3.9026 hectares more or less, being Section 49 Block VI Makotuku Survey District. All <i>Gazette</i> notice 374464.1.	Subject to being a scenic reserve, as referred to in section 75(3) .
Ramanui property	<i>Taranaki Land District— Wanganui District</i> 15 hectares, approximately, being Parts Subdivision 2 Section 1 Block II Omara Survey District. Subject to survey. As shown on OMCR-007-37	Subject to being a scenic reserve, as referred to in section 76(3) . Subject to the right of way easement in gross referred to in section 76(5) . Subject to an unregistered guiding permit with concession number 38738-GUI to Sidetracks Limited. Subject to an unregistered guiding permit with concession number 87639-GUI to Joseph Adam and Amanda Jackson.
Tangahoe property	<i>Taranaki Land District— Wanganui District</i> 41.44 hectares, approximately, being Part Taumatamahoe 2B2B15A1. Part <i>Gazette</i> 1919 p 2706. Subject to survey. As shown on OMCR-007-40	Subject to being a scenic reserve, as referred to in section 77(3) .
Tāngarākau Forest property	<i>Taranaki Land District— Stratford District</i> 4.8 hectares, approximately, being Part Section 13 Block III Mahoe Survey District. Subject to survey. As shown on OMCR-007-41	Subject to being a scenic reserve, as referred to in section 78(3) .
Whangamōmona property	<i>Taranaki Land District— Stratford District</i> 19 hectares, approximately, being Part Section 1 Block VI Mahoe Survey District. Subject to survey. As shown on OMCR-007-44	Subject to being a scenic reserve, as referred to in section 79(3) .

Property jointly vested in fee simple to be administered as reserve

Name of property	Description	Interests
Ohoutahi property	<i>Wellington Land District— Ruapehu District</i> 18.0292 hectares, more or less, being Part Ohoutahi 1B and Parts Ohoutahi 2. Balance proclamation 944.	Subject to being a historic reserve, as referred to in section 80(4) . Subject to an unregistered authority for research and collection with permit number 94915-FLO to Mathew McIntyre Wilson.
Tahorapāroa property	<i>Taranaki Land District— Stratford District</i> 11.1359 hectares, more or less, being Lots 1 and 2 DP 8449 and Section 34 Block VI Pouatu Survey District. All <i>Gazette</i> notice 151558A.	Subject to being a scenic reserve, as referred to in section 81(4) .
Taumatamāhoe property	<i>Taranaki Land District— Wanganui District</i> 12.6 hectares, approximately, being Part Taumatamahoe 2B2B12. Subject to survey. As shown on OMCR-007-42	Subject to being a scenic reserve, as referred to in section 82(4) .

Schedule 4

Ngātokoerua area of responsibility

s 131

Area	Location	Description
Manganuioteao Scenic Reserve	As shown on OMCR-007-47	<i>Wellington Land District—Ruapehu District</i> 54.6325 hectares, more or less, being Section 24 Block XI Manganui Survey District.
Ngātokoerua Scenic Reserve (formerly Erua Conservation Area)	As shown on OMCR-007-47	<i>Wellington Land District—Ruapehu District</i> 11,300 hectares, approximately, being Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 29, 32, 33 and Part Sections 3, 4, 5, 6, and 19, and Parts Section 2 Block VII, Sections 1, 2, 3, 5, 6, 7, 10, 14, 20, 21, 22, 23, 28, 34, 35, and 36, and Part Sections 4, 8, 15, and 19, and Part Subdivisions 3 and 4 of Section 13 Block VIII, Sections 3, 6, 7, 8, 9, and 10 Block X, Sections 4, 5, 6, 9, 10, 11, 22, 23, 25, 26, 27, 28, 29, 30 and 31, and Part Sections 7, 8, 12, 14, 16, 17, 18, 19, 20, and 21, and Parts Sections 2 and 3 Block XI, and Parts Sections 9 and 18 Block XII Manganui Survey District, Sections 4, 7 and 9 Block XV, and Sections 1 and 2 Block XVI Kaitieke Survey District, Section 1 SO 27030, Closed Road SO 18704, and Parts Waimarino 1.
Part Makatote Scenic Reserve	As shown on OMCR-007-47	<i>Wellington Land District—Ruapehu District</i> 78 hectares, approximately, being Section 12, Part Section 9 and Part Section 27 Block VIII Manganui Survey District.
Pokaka Scenic Reserve	As shown on OMCR-007-47	<i>Wellington Land District—Ruapehu District</i> 91.0391 hectares, more or less, being Lot 1 DP 75616 and Section 28 Block XII Manganui Survey District.

Schedule 5

Notices in relation to RFR land

ss 181, 207, 213(3)

- 1 Requirements for giving notice** 5
- A notice by or to an RFR landowner or the trustees of an offer trust or a recipient trust under **subpart 4 of Part 3** must be—
- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, for a notice given by the trustees of that trust; and 10
 - (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—
 - (i) for a notice to the trustees of that trust, specified for those trustees in accordance with the relevant deed of settlement, or in a later notice given by those trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of those trustees; or 15
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 186**, or in a later notice given to the trustees of an offer trust, or identified by those trustees as the current address, fax number, or electronic address of the RFR landowner; and 20
 - (c) for a notice given under **section 203 or 205**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and
 - (d) given by— 25
 - (i) delivering it by hand to the recipient’s street address; or
 - (ii) posting it to the recipient’s postal address; or
 - (iii) faxing it to the recipient’s fax number; or
 - (iv) sending it by electronic means such as email.
- 2 Use of electronic transmission** 30
- Despite **clause 1**, a notice given in accordance with **clause 1(a)** may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.
- 3 Time when notice received** 35
- (1) A notice is to be treated as having been received—
- (a) at the time of delivery, if delivered by hand; or

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

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