

Whakatōhea Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

Legislation is required to give effect to some elements of the Whakatōhea deed of settlement, which was signed by Whakatōhea and the Crown in May 2023. This Bill records the acknowledgements and apology made to Whakatōhea by the Crown when the deed was signed and gives effect to redress in the deed that requires legislation.

Whakatōhea

Whakatōhea is an iwi whose area of interest lies in the Eastern Bay of Plenty around Ōpōtiki. The 2018 census estimated that Whakatōhea had 16,000 members.

Negotiations

In December 2016, the Crown recognised the mandate of the Whakatōhea Pre-Settlement Claims Trust (**WPCT**) to negotiate the settlement of historical Treaty of Waitangi claims on behalf of Whakatōhea.

On 23 December 2021, the Whakatōhea deed of settlement was initialled. Ratification was delayed so that WPCT could address petitions relating to its mandate. The ratification vote took place in October to November 2022.

Ministers agreed that ratification showed sufficient support to sign the deed. The deed was signed in May 2023.

Key elements of Whakatōhea settlement

This Bill gives effect to redress that requires legislation and settles the historical Treaty of Waitangi claims of Whakatōhea.

The settlement contains acknowledgement of Crown breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, including invasion and war, confiscation of land by the Crown, the impact and operations of Native Land laws, and Crown land acquisitions that left Whakatōhea virtually landless.

The settlement includes an apology from the Crown to Whakatōhea for the prejudice they have suffered due to its actions and its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Whakatōhea will receive redress that includes 33 sites of cultural significance; financial and commercial redress and cultural funds totalling \$100 million; reservation of 5,000 hectares of the coastal marine area for aquaculture permit applications; natural resources arrangements; and a range of other commercial, cultural, and relationship redress.

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=261>

Clause by clause analysis

Clause 1 states the Bill's Title.

Clause 2 specifies the Bill's commencement date. The Bill comes into force on the day after Royal assent. However, *Part 5* (Governance reorganisation and taxation matters) comes into force by Order in Council once certain requirements are satisfied.

Part 1

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

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

Preliminary matters

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 summarise the historical account in the deed of settlement and record the acknowledgements and apology given by the Crown to Whakatōhea 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 Whakatōhea.

Clause 14 defines historical claims.

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 redress provided under the deed of settlement or the Bill. Jurisdiction is not removed in respect of—

- the interpretation or implementation of the deed of settlement or the Bill; or
- the Waitangi Tribunal's inquiry and report on Wai 1750—North-Eastern Bay of Plenty District inquiry, but the Tribunal cannot make recommendations in respect of the historical claims.

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 the records of title relating to the specified land.

Miscellaneous matters

Clause 19 overrides the rule under trust law that limits the life of a trust and of any documents that give effect to the deed of settlement.

Clause 20 requires the deed of settlement to be available for inspection or purchase.

Clause 21 excludes certain provisions of Te Ture Whenua Maori Act 1993 from applying to Te Tāwharau o Te Whakatōhea.

Part 2

Cultural redress

Part 2 provides for cultural redress.

Subpart 1—Protocols

Subpart 1 (clauses 22 to 28) provides for the issue of a Crown minerals protocol and a primary industries protocol and treats Appendix B of the Whakaetanga Tiaki

Taonga as having been issued by the responsible Minister. The subpart provides that the protocols are subject to the Crown's obligations and limits the rights arising under the protocols.

Subpart 2—Statutory acknowledgement and deeds of recognition

Subpart 2 (clauses 29 to 42) contains the Crown's acknowledgement of the statements made by Whakatōhea of their association with certain statutory areas. The purposes and limits of the statutory acknowledgement are specified. The subpart also provides that the Crown must issue, and may amend, deeds of recognition for all of the statutory areas.

Subpart 3—Official geographic names

Subpart 3 (clauses 43 to 46) 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 4—Vesting of cultural redress properties

Subpart 4 (clauses 47 to 102) provides for the vesting of 33 cultural redress properties in the trustees of Te Tāwharau o Te Whakatōhea (the **trustees**). Of those properties,—

- 9 vest in fee simple; and
- 24 vest in fee simple to be administered as reserves (the **reserve properties**).

A half share of one of the reserve properties, the Oroī property, may be transferred to the governance entity for Ngāi Tai Iwi, with the property to be administered by a joint management body. Ōpōtiki District Council is the administering body of 3 of the reserve properties, but the trustees may become the administering body of 1 of those (Whenua Maumahara o Hukutaia).

Subpart 5 (clauses 103 to 108) establishes another joint management body, with members appointed by the trustees and Ōpōtiki District Council, to be the administering body of 2 of the reserve properties and 2 other reserves owned by the Council.

Subpart 6 (clauses 109 to 112) sets out provisions relating to the Bay of Plenty conservation management strategy and the inclusion of the Whakatōhea chapter in it.

Subpart 7 (clauses 113 to 117) provides for how the members of Whakatōhea may collect and possess cultural materials.

Part 3 Commercial redress

Part 3 provides for commercial redress.

Subpart 1 (clauses 118 to 126) authorises the transfer to the trustees of the following, to give effect to the deed of settlement:

- the commercial redress properties and the deferred selection properties; and

- each leasehold estate in 1 of the commercial redress properties.

Subpart 2 (clauses 127 to 155) provides the trustees with a right of first refusal in relation to RFR land. The owner of 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 exception applies. The right of first refusal lasts for 181 years.

Subpart 3 (clauses 156 to 159) gives the trustees or their nominee an exclusive right for 20 years to apply for coastal permits for aquaculture activities in a reserved area of the coastal marine area.

Part 4

Natural resources arrangements

Part 4 provides for natural resources arrangements.

Subpart 1 (clauses 160 to 170) establishes the Whakatōhea Kaitiaki Forum, whose purpose relates to the rivers and catchments in the Whakatōhea rohe and relevant councils and agencies.

Subpart 2 (clauses 171 to 178) provides for joint management agreements between the trustees and certain councils.

Part 5

Governance reorganisation and taxation matters

Part 5 provides for governance reorganisation and taxation matters designed to implement and support the settlement of the historical claims of Whakatōhea.

Schedules

There are 4 schedules, as follows:

- *Schedule 1* describes the statutory areas to which the statutory acknowledgement relates and for which deeds of recognition are issued:
- *Schedule 2* describes the cultural redress properties:
- *Schedule 3* sets out provisions that apply to notices given in relation to RFR land:
- *Schedule 4* provides for the administration of the Whakatōhea Kaitiaki Forum.

Hon Andrew Little

Whakatōhea Claims Settlement Bill

Government Bill

Contents

		Page
1	Title	9
2	Commencement	9
Part 1		
Preliminary matters, historical account, acknowledgements and apology, and settlement of historical claims		
<i>Preliminary matters</i>		
3	Purpose	9
4	Provisions to take effect on settlement date	10
5	Act binds the Crown	10
6	Outline	10
<i>Summary of historical account, acknowledgements, and apology of the Crown</i>		
7	Summary of historical account, acknowledgements, and apology	12
8	Summary of historical account	12
9	Acknowledgements	15
10	Apology	29
<i>Interpretation provisions</i>		
11	Interpretation of Act generally	30
12	Interpretation	30
13	Meaning of Whakatōhea	33
14	Meaning of historical claims	34
<i>Historical claims settled and jurisdiction of courts, etc, removed</i>		
15	Settlement of historical claims final	36

Whakatōhea Claims Settlement Bill

	<i>Amendment to Treaty of Waitangi Act 1975</i>	
16	Amendment to Treaty of Waitangi Act 1975	36
	<i>Resumptive memorials no longer to apply</i>	
17	Certain enactments do not apply	37
18	Resumptive memorials to be cancelled	37
	<i>Miscellaneous matters</i>	
19	Limit on duration of trusts does not apply	38
20	Access to deed of settlement	38
21	Treatment of Te Tāwharau o Te Whakatōhea under Te Ture Whenua Maori Act 1993	38
	Part 2	
	Cultural redress	
	Subpart 1—Protocols	
22	Interpretation	39
	<i>General provisions applying to protocols</i>	
23	Issuing, amending, and cancelling protocols	39
24	Protocols subject to rights, functions, and duties	39
25	Enforcement of protocols	40
	<i>Crown minerals</i>	
26	Crown minerals protocol	40
	<i>Primary industries</i>	
27	Primary industries protocol	41
	<i>Taonga tūturu</i>	
28	Appendix B of Whakaaetanga Tiaki Taonga	41
	Subpart 2—Statutory acknowledgement and deeds of recognition	
29	Interpretation	42
	<i>Statutory acknowledgement</i>	
30	Statutory acknowledgement by the Crown	42
31	Purposes of statutory acknowledgement	42
32	Relevant consent authorities to have regard to statutory acknowledgement	43
33	Environment Court to have regard to statutory acknowledgement	43
34	Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement	43
35	Recording statutory acknowledgement on statutory plans	44
36	Provision of summary or notice to trustees	44
37	Use of statutory acknowledgement	45

Whakatōhea Claims Settlement Bill

	<i>Deeds of recognition</i>	
38	Issuing and amending deeds of recognition	46
	<i>General provisions relating to statutory acknowledgement and deeds of recognition</i>	
39	Application of statutory acknowledgement and deed of recognition to river or stream	46
40	Exercise of powers and performance of functions and duties	47
41	Rights not affected	47
	<i>Consequential amendment to Resource Management Act 1991</i>	
42	Amendment to Resource Management Act 1991	47
	Subpart 3—Official geographic names	
43	Interpretation	47
44	Official geographic names	48
45	Publication of official geographic names	48
46	Subsequent alteration of official geographic names	48
	Subpart 4—Vesting of cultural redress properties	
47	Interpretation	49
	<i>Properties vested in fee simple</i>	
48	Paerātā property	50
49	Pakihi site 1	50
50	Pakihikura property	50
51	Tāwai	50
52	Tawhitinui	51
53	Te Papa property	51
54	Te Roto Urupā	51
55	Tirohanga Dunes site 1	51
56	Tirohanga Dunes site 1—alternative vesting	51
57	Urupā Tawhito	52
	<i>Properties vested in fee simple to be administered as reserves</i>	
58	Kiwikiwi and Te Tawa Flats property	52
59	Kōtare property	52
60	Marawaiwai	52
61	Matekerepu	53
62	Matepuritaka	53
63	Mātīti	53
64	Meremere property	53
65	Ōhiwa property	53
66	Oroi property	54
67	Pakihi site 2	54
68	Pātaua Island property	54
69	Raetakohia property	54

Whakatōhea Claims Settlement Bill

70	Te Ngaio property	55
71	Te Papa Tākaro o Ōhui property	56
72	Council improvements attached to Te Papa Tākaro o Ōhui property	56
73	Te Papa Tākaro o Whitikau property	57
74	Tirohanga Dunes site 2	58
75	Tirohanga Dunes site 2—alternative vesting	59
76	Toatoa property	60
77	Tukainoke	60
78	Tutaetoko property	60
79	Waiaua property	61
80	Waiōtahe property	61
81	Waioweka property	61
82	Whenua Maumahara o Hukutaia	61
83	Future interests relating to Whenua Maumahara o Hukutaia reserve land	62
84	Administering body of Whenua Maumahara o Hukutaia reserve land	63
85	Whitikau property	63
	<i>General provisions applying to vesting of cultural redress properties</i>	
86	Properties vest subject to or together with interests	64
87	Interests in land for Oroī property	64
88	Interests in land for certain reserve properties	64
89	Interests that are not interests in land	65
90	Registration of ownership	65
91	Application of Part 4A of Conservation Act 1987	66
92	Matters to be recorded on record of title	66
93	Application of other enactments	67
94	Names of Crown protected areas discontinued	68
	<i>Further provisions applying to reserve properties</i>	
95	Application of other enactments to reserve properties	68
96	Subsequent transfer of reserve land	69
97	Transfer of reserve land to new administering body	69
98	Transfer of reserve land in Oroī property to governance entity for Ngāi Tai Iwi	70
99	Joint management body for Oroī property	72
100	Transfer of reserve land if trustees change	72
101	Reserve land not to be mortgaged	73
102	Saving of bylaws, etc, in relation to reserve properties	73
	Subpart 5—Joint management of certain reserves	
103	Interpretation in this subpart	73
104	Joint management body for Te Ngaio property, Tirohanga Dunes site 2, and Council reserves	74

Whakatōhea Claims Settlement Bill

105	Appointment and term of members of joint management body	74
106	Term of office of joint management body	75
107	Application of Reserves Act 1977 to joint management body	75
108	Interests in Council reserves	76
	Subpart 6—Bay of Plenty conservation management strategy	
109	Interpretation	77
110	Partial review of conservation management strategy to include Whakatōhea chapter	77
111	Requirements when reviewing or amending conservation management strategy	77
112	Other responsibilities continue	78
	Subpart 7—Cultural materials	
113	Interpretation	78
	<i>Cultural materials plan</i>	
114	Preparation of cultural materials plan	79
115	Scope of cultural materials plan	79
	<i>Authorisations for collecting and possessing cultural materials</i>	
116	Authorisation to collect or possess cultural materials	79
117	Possession of dead protected wildlife	80
	Part 3	
	Commercial redress	
	Subpart 1—Transfer of commercial redress properties and deferred selection properties	
118	Interpretation	80
119	The Crown may transfer properties and grant easements	80
120	Records of title for commercial redress properties and deferred selection properties	81
121	Authorised person may grant covenant for later creation of record of title	82
122	Application of other enactments	82
123	Status of certain commercial redress properties	82
124	Status of certain deferred selection properties	83
125	Transfer of properties subject to lease	83
126	Requirements if lease terminates or expires	84
	Subpart 2—Right of first refusal over RFR land	
	<i>Interpretation</i>	
127	Interpretation	85
128	Meaning of RFR land	86
	<i>Restrictions on disposal of RFR land</i>	
129	Restrictions on disposal of RFR land	87

Whakatōhea Claims Settlement Bill

<i>Trustees' right of first refusal</i>		
130	Requirements for offer	87
131	Expiry date of offer	88
132	Withdrawal of offer	88
133	Acceptance of offer	88
134	Formation of contract	88
<i>Disposals to others where land remains RFR land</i>		
135	Disposal to the Crown or Crown bodies	89
136	Disposal of existing public works to local authorities	89
137	Disposal of reserves to administering bodies	89
<i>Disposals to others where land may cease to be RFR land</i>		
138	Disposal in accordance with obligations under enactment or rule of law	90
139	Disposal in accordance with legal or equitable obligations	90
140	Disposal under certain legislation	90
141	Disposal of land held for public works	90
142	Disposal for reserve or conservation purposes	91
143	Disposal for charitable purposes	91
144	Disposal to tenants	91
<i>RFR landowner obligations</i>		
145	RFR landowner's obligations subject to other matters	91
<i>Notices about RFR land</i>		
146	Notice to LINZ of RFR land with record of title after settlement date	92
147	Notice to trustees of disposal of RFR land to others	92
148	Notice to LINZ of land ceasing to be RFR land	92
149	Notice requirements	93
<i>Right of first refusal recorded on records of title</i>		
150	Right of first refusal to be recorded on records of title for RFR land	93
151	Removal of notations when land to be transferred or vested	94
152	Removal of notations when RFR period ends	94
<i>General provisions applying to right of first refusal</i>		
153	Waiver and variation	95
154	Disposal of Crown bodies not affected	95
155	Assignment of rights and obligations under this subpart	95
Subpart 3—Coastal permits in reserved area of coastal marine area		
156	Interpretation	96
157	Exclusive right to apply for coastal permits for aquaculture activities in reserved area	96
158	Part of reserved area may be changed	97

Whakatōhea Claims Settlement Bill

159	Regional coastal plan to identify reserved area	97
Part 4		
Natural resources arrangements		
Subpart 1—Whakatōhea Kaitiaki Forum		
<i>Whakatōhea Kaitiaki Forum established</i>		
160	Establishment of Whakatōhea Kaitiaki Forum	98
<i>Principles, purpose, functions, powers, and area of forum</i>		
161	Principles of forum	98
162	Purpose of forum	99
163	Functions of forum	100
164	Capacity and powers of forum	100
165	Area of forum	100
<i>Members</i>		
166	Appointment of members of forum	101
167	Duties and liability of members	101
168	Validity of acts not affected	101
169	Term of appointment	102
<i>Administration of forum</i>		
170	Administration of forum	102
Subpart 2—Joint management agreements		
171	Interpretation	102
172	Trustees may require joint management agreement	103
173	When joint management agreement required	103
174	Additional parties to joint management agreement	103
175	Area of joint management agreement	103
176	Scope of joint management agreement	104
177	Legal framework	104
178	Development and operation of joint management agreement	104
Part 5		
Governance reorganisation and taxation matters		
179	Interpretation	105
Subpart 1—Governance reorganisation		
<i>Board and Trust dissolved</i>		
180	Whakatōhea Māori Trust Board dissolved	106
181	Whakatōhea Fisheries Trust dissolved	106
<i>Vesting of assets and liabilities</i>		
182	Vesting of assets and liabilities of Board and Whakatōhea Fisheries Trust	107

Whakatōhea Claims Settlement Bill

<i>Relevant subsidiaries</i>		
183	Treatment of assets and liabilities of relevant subsidiaries	107
	<i>Trustees of Te Tāwharau o Te Whakatōhea become mandated organisation</i>	
184	Recognition of new mandated organisation	108
185	Certain effects of recognition of new mandated organisation	108
186	Functions of Te Ohu Kai Moana Trustee Limited	109
<i>General matters relating to reorganisation</i>		
187	Final report of Board and Whakatōhea Fisheries Trust	109
188	Matters not affected by transfer	109
189	Status of existing instruments	110
190	Status of existing securities	110
191	Continuation of proceedings	111
192	Books and documents to remain evidence	111
193	Removal of charitable entities from register	111
194	Other registers	111
<i>Employees</i>		
195	Transfer of employees	112
196	Protection of terms and conditions of employment	112
197	Continuity of employment	112
198	No compensation for technical redundancy	112
199	Liability of employees and agents	112
Subpart 2—Taxation provisions		
200	Application and interpretation	113
201	Taxation in respect of transfer of assets and liabilities of Board	113
202	Election by trustees to be Māori authority	114
<i>Relevant subsidiaries</i>		
203	Taxation in respect of assets and liabilities of relevant subsidiaries	115
204	Election by relevant subsidiary to be Māori authority	115
Subpart 3—Consequential amendments and revocation		
<i>Amendment to Act</i>		
205	Amendment to Maori Trust Boards Act 1955	116
<i>Revocation and amendment of secondary legislation</i>		
206	Revocation of Whakatōhea Māori Trust Board Order 2018	116
207	Amendment to Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2018	116
208	Amendment to Maori Trust Boards Regulations 1985	116
209	Amendment to Maori Trust Boards (Transitional Provisions) Order 2012	116

Schedule 1	117
Statutory areas	
Schedule 2	118
Cultural redress properties	
Schedule 3	128
Notices in relation to RFR land	
Schedule 4	130
Administration of Whakatōhea Kaitiaki Forum	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Whakatōhea Claims Settlement Act **2023**.

2 Commencement

- (1) This Act comes into force on the day after Royal assent. 5
- (2) However, **Part 5** comes into force on a single date set by Order in Council made on the recommendation of the Minister for Treaty of Waitangi Negotiations, which must not be before the day on which Te Ohu Kai Moana Trustee Limited has given written notice to that Minister that it is satisfied that—
- (a) the requirements of sections 18B and 18C of the Maori Fisheries Act 2004 are met in respect of recognising— 10
- (i) the trustees as the mandated iwi organisation for Whakatōhea in place of the Whakatōhea Māori Trust Board; and
- (ii) Whakatohea Fisheries Asset Holding Company Limited as the asset-holding company of the trustees; and 15
- (b) the requirements of section 33(1) and (2) of the Maori Commercial Aquaculture Claims Settlement Act 2004 are met in respect of recognising the trustees as the iwi aquaculture organisation for Whakatōhea in place of the Whakatōhea Māori Trust Board.
- (3) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 20

Part 1

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

Preliminary matters 25

3 Purpose

The purpose of this Act is—

- (a) to record the acknowledgements and apology given by the Crown to Whakatōhea in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Whakatōhea.
- 4 Provisions to take effect on settlement date** 5
- (1) The provisions of this Act take effect on the settlement date unless stated otherwise.
- (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—
- (a) the provision to have full effect on that date; or 10
- (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** 15
- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.
- (2) This Part—
- (a) sets out the purpose of this Act; and 20
- (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and
- (c) specifies that the Act binds the Crown; and
- (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Whakatōhea, as recorded in the deed of settlement; and 25
- (e) defines terms used in this Act, including key terms such as Whakatōhea and historical claims; and
- (f) provides that the settlement of the historical claims is final; and
- (g) provides for— 30
- (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
- (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and 35
- (iii) the effect of the settlement on certain memorials; and
- (iv) the exclusion of the limit on the duration of a trust; and

- (v) access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, including—
- (a) cultural redress that does not involve the vesting of land, namely—
 - (i) protocols for Crown minerals, primary industries, and taonga tūturu on the terms set out in the documents schedule; and 5
 - (ii) a statutory acknowledgement by the Crown of the statements made by Whakatōhea of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for all of the statutory areas; and 10
 - (iii) the provision of official geographic names; and
 - (b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and
 - (c) the joint management of 4 reserves (2 owned by the trustees and 2 owned by Ōpōtiki District Council) by a body with members appointed by the trustees and Ōpōtiki District Council; and 15
 - (d) provisions relating to the Bay of Plenty conservation management strategy and the inclusion of the Whakatōhea chapter in it; and
 - (e) provisions that enable access to certain cultural materials.
- (4) **Part 3** provides for commercial redress, including— 20
- (a) the transfer of commercial redress properties and deferred selection properties to the trustees; and
 - (b) a right of first refusal over RFR land; and
 - (c) an exclusive right for 20 years to apply for coastal permits for aquaculture activities in a reserved area of the coastal marine area. 25
- (5) **Part 4** provides for natural resources arrangements, including—
- (a) the establishment of the Whakatōhea Kaitiaki Forum; and
 - (b) provision for joint management agreements with councils.
- (6) **Part 5** provides for governance reorganisation and taxation matters designed to implement and support the settlement of the historical claims. 30
- (7) There are 4 schedules, as follows:
- (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and for which deeds of recognition are issued:
 - (b) **Schedule 2** describes the cultural redress properties:
 - (c) **Schedule 3** sets out provisions that apply to notices given in relation to RFR land: 35
 - (d) **Schedule 4** provides for the administration of the Whakatōhea Kaitiaki Forum.

*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.
- (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Whakatōhea in the deed of settlement. 5
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.

8 Summary of historical account*Te reo Māori*

10

- (1) Nō te Mei o 1840 tokowhitu ngā rangatira o Te Whakatōhea i haina i Te Tiriti o Waitangi. Taka rawa ki te 1864, kua whakatipuria kia pakari e Te Whakatōhea he ohaoha ahuhenua, kua hangaia kia maha ōna waka me tōna kaha tauhokohoko ki te taone o Tāmaki nōna i tipu kia nui ai. I ātawhaitia e Te Whakatōhea te hangarau, i waihangatia he hanganga, me te waihanga hoki i ngā rōpū tōrangapū hai whakatutuki i ngā whakarerekētanga hapori me te ōhanga. 15
- (2) Nō te tau atutanga o te ope tauā a te Karauna ki Tauranga i te tīmatanga o te tau 1864, ka uru atu a Te Whakatōhea ki te ope tauā ki te taha o wētahi atu iwi hai haumitanga mō te Kīngitanga. Ka hinga te ope tauā a te iwi, ā ka patua ko ngā rangatira o Te Whakatōhea ko Te Āporotanga, ko Apanui, ko Tūtakahiao rātou ko Mikaere Pihipihi, nā konā i noho pōhara a Te Whakatōhea i te parekuratanga o ōna rangatira. 20
- (3) Nō te Poutu-te-rangi 1865, i tāwharonatia a Te Wākana, o te Haahi Mihinare, i Ōpōtiki i muri iho o te huihuinga i karangatia e ngā āpōtoro o te Pai Mārire nāna nei i whakahau ai kia whakamatea ia. Kīhai i tutuki te tohe a ngā rangatira o Te Whakatōhea, kia ora tonu a Te Wākana. Nā te Karauna te whakapae nā Te Whakatōhea a Te Wākana i patu kia mate. 25
- (4) Whai muri iho i te whakaputanga o te ture hoia i kōkiritia whakaeketia e te ope tauā a te Karauna te rohe o Te Whakatōhea i te marama o Hepetema 1865. Tokomaha ngā uri o Te Whakatōhea i patua kia mate e te ope tauā, tae atu hoki ki te hunga kīhai i hāpai ake i te rākau a Tūmatauenga ki te pakanga pērā i a Tio Te Kāhika. Whai muri iho i te whakauenga riri ki Te Tarata, i tanumia e ngā hoia a te Karauna ngā ika ā Tū i hinga nō Te Whakatōhea ki roto ki tētahi rua tūpāpaku kaitā rawa me te kore he tohu whakamaumaharatanga. Ko ngā uri o Te Whakatōhea i hinga i tata te eke o te kaute ki te tekau ōrau o te iwi katoa. 30
- (5) Ko tā ngā hoia i whai ko te urupatu; ko te whānako, ko te tūkinu me te takakino i ngā mōra, ngā kararehe, ngā whare, ngā taputapu me ngā taonga. I mukua kia kore te ohaoha me te hanganga ā iwi o Te Whakatōhea. 35

- (6) Nō te tau 1866 i whakatauhia i hara, i whakamatea anō hoki a Te Mokomoko, he rangatira nō Te Whakatōhea, mō te kōhuru i a Te Wākana. I mau tonu a Te Mokomoko he harakore nōna tae atu ki te kōhurutanga i a ia, ā i whakaara ake ngā pātai e pā ana ki ngā taunakitanga a te Karauna. I tanumia te tūpāpaku o Te Mokomoko ki roto ki te whare herehere tonu, ā nō te tau 1989 kātahi anō ka whakahokia a ia ki tana whanau. Nō te tau 1992 i unuhia ōna hara e te Kāwana Tianara mā te whakapāhatanga kore herenga, engari nā te korenga o te Karauna ki te whai tohutohu mai i Te Whānau a Mokomoko mō te takotoranga ā kupu o te whakapāhatanga, ka pā anō te mamae pōuri ki te whānau. 5
- (7) Nō te tau 1866 nā te Karauna i raupatu te nuinga o te roi o te whenua a Te Whakatōhea. Ka wāwāhia e te Karauna ko te Ōpape Native Reserve ki runga ki ngā whenua i raupatutia i a Ngāti Rua, me te ā haere i ngā uri o wētahi atu hapū o Te Whakatōhea me te whakanoho i a rātou ki reira. Ko te nuinga o Te Whakatōhea i panaia taurekarekatia i wō rātou whenua tipu, awa, maunga me ngā wāhi tapu whāia ka ngaro ngā kōrero tuku iho o reira. 10 15
- (8) Ko te kōtitanga a Te Kōti Kamupeihaana ki Ōpōtiki i te tau 1867 i whakaae kia tuku i te taitara takitahi ki ngā whenua o Te Whakatōhea ki ngā kaikerēme i waimaria. He Kaikōmihana Motuhake i whakatau ā-waho-o-te-kōti i wētahi whakataunga me wētahi uri takitahi me ngā rōpū o Te Whakatōhea.
- (9) Nō te tau 1869 i whāia rawatia a Te Kooti me tana iwi Ringatū e te ope tauā a te Karauna puta i te rohe o Te Whakatōhea. I whānakotia e te ope tauā a te Karauna ngā māra, i tahuna ko ngā whare me te kōhuru i ngā tāngata o Te Whakatōhea i mauhereheretia ai. 20
- (10) Nā te Kōti Whenua i whakatakitahtitia ai ngā taitara ki te toenga o ngā whenua a Te Whakatōhea, me te tāpara anō i ngā utu rūri me ngā utu kōti. Nā te Karauna i hoko te nuinga o wēnei whenua, nā ngā uri o Te Whakatōhea i hoko atu ngā whenua hai utu i ngā nama me te whāngai i wā rātou whānau. Anā, he mea tango anō wētahi anō o ngā toenga whenua raro i ngā mahi tango whenua ā ture a te Karauna. I tata whenua kore a Te Whakatōhea, i tata raupatutia te nuinga o tā rātou ohaohatanga me te raupatu i ngā tūtohu whenua tapu; he pou whenua; he pou kōrero; he pou tangata; he pou oranga. 25 30
- (11) Ko te patunga i te ora o te taiao i ngā mahi tope rākau a te Pākehā, te ahuwenua, te tūkinotanga i ngā awa me ngā moana ki te paitini i tūkinotia ai ngā pātaka kai me ngā mahinga kai a Te Whakatōhea.
- (12) He mea uaua kia ora a Te Whakatōhea ā ōhanga i te korenga e rite te whenua mōmona e tika ana me te itinga rawa iho o te āheinga ki te whai mahi. I tohenihorautia e rātou ngā pānga maitanga o te rawakore, hui katoa ko ngā nōhanga whare karukaru me ngā māuiuitanga hoki. I whakawhiua a Te Whakatōhea ki ngā mate urutā, me te kore, he iti rānei te āheinga ki ngā rātonga hauora e tika ana. 35 40
- (13) Nā te pūnaha mātauranga a te Karauna te whakahau kia kaha kua te kōrerotia o te reo Māori. Ko te ture a te Karauna ko te raupatu i te kōrerotanga i te reo ki

roto ki ngā kura Māori. Kei te maumahara tonu ngā kaumatua o Te Whakatōhea i ngā patunga mō te kōrero i te reo Māori ki roto ki ngā kura.

- (14) Nā te kore noa iho he mahi ki Ōpōtiki i mate a Te Whakatōhea i te au o te manene ki roto ki ngā taone nunui i waenganui i te rautau rua tekau. Nō te tau 2020 e iwa tekau ōrau o Te Whakatōhea kai waho atu i tō rātou rohe ake e noho wehe ana i wō rātou whanaunga, reo, tikanga, whenua hoki. 5

English

- (1) In May 1840, 7 Whakatōhea rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi. Whakatōhea had, by 1864, developed a thriving agricultural economy, constructing a shipping fleet and trading extensively with the growing Auckland settlement. Whakatōhea embraced technology, built infrastructure, and developed political organisations to deal with economic and social change. 10
- (2) After Crown forces landed at Tauranga in early 1864, Whakatōhea joined other iwi in an expedition to support the Kīngitanga. The iwi expedition was defeated and Whakatōhea rangatira Te Āporotanga, Apanui, Tūtakahiao, and Mikaere Pihipihi were killed, creating a considerable leadership vacuum for Whakatōhea. 15
- (3) Carl Völkner, of the Church Missionary Society, was hanged at Ōpōtiki in March 1865, after a meeting called by visiting Pai Mārire emissaries had demanded his death. Whakatōhea rangatira unsuccessfully argued Völkner should be spared. The Crown held Whakatōhea responsible for Völkner's death. 20
- (4) Crown forces invaded the Whakatōhea rohe in September 1865, following a declaration of martial law. The military killed many Whakatōhea, including non-combatants such as Tio Te Kāhika. After the battle at Te Tarata Pā, Crown troops buried the Whakatōhea dead in an unmarked mass grave. Whakatōhea casualties amounted to approximately 10% of the iwi population. 25
- (5) Crown troops adopted a scorched earth approach, looting, plundering, and destroying crops, animals, houses, equipment, and taonga. The Whakatōhea economy and its infrastructure were destroyed. 30
- (6) In 1866, Mokomoko, a Whakatōhea rangatira, was convicted and executed for Völkner's murder. Mokomoko maintained his innocence to the end and questions were raised over the prosecution evidence. Mokomoko's body was buried within prison grounds and only returned to his family in 1989. In 1992, the Governor-General granted Mokomoko a free pardon, but the Crown's failure to consult the Mokomoko descendants on the wording of the pardon caused the whānau further pain. 35
- (7) The Crown confiscated most of the Whakatōhea productive lands in 1866. The Crown established the Ōpape Native Reserve on land confiscated from Ngāti Rua, forcing members of other Whakatōhea hapū to relocate there. Most Whakatōhea were forcibly removed from their whenua, awa, maunga, and wāhi tapu, resulting in the loss of traditional knowledge. 40

- (8) The Compensation Court, sitting in Ōpōtiki in 1867, granted successful claimants individual titles to Whakatōhea land. A Special Commissioner made out-of-court settlements with some Whakatōhea individuals and groups. These processes eroded Whakatōhea traditional land ownership, social structures, mana, and rangatiratanga. 5
- (9) In 1869 and 1870, Crown forces pursued Te Kooti and his followers through the Whakatōhea rohe. Crown troops looted crops, burned houses, and executed Whakatōhea prisoners.
- (10) The Native Land Court individualised the titles to the remaining Whakatōhea lands, while imposing survey and court costs. The Crown purchased most of this land, while Whakatōhea owners sold land to cover expenses and provide for their families. The Crown then acquired more of the remaining land through public works takings. Whakatōhea were left virtually landless, with most of their economic base removed, along with traditional sites that were sources of mātauranga and well-being. 10 15
- (11) Environmental degradation through Pākehā settlers logging, farming, and polluting the rivers and ocean severely damaged Whakatōhea traditional food sources and mahinga kai.
- (12) With insufficient arable land and limited work opportunities, Whakatōhea struggled to survive economically. They endured the impacts of poverty, including sub-standard housing and poor health. Whakatōhea suffered disease outbreaks, while having little access to adequate healthcare. 20
- (13) The Crown’s education system strongly discouraged the use of te reo Māori. Crown policy was to dispense with using te reo in native schools. Whakatōhea elders remember being punished for speaking Māori in school. 25
- (14) The lack of employment in Ōpōtiki forced Whakatōhea into urban migration in the mid-20th century. Ninety percent of Whakatōhea lived outside their traditional rohe by 2020, with many disconnected from their whanaunga, reo, tika-nga, and whenua.
- 9 Acknowledgements** 30
- Te reo Māori***
- Te hainatanga a Te Whakatōhea i te Tiriti o Waitangi*
- (1) Ka whakaae te Karauna nō te 27 me te 28 o Mei i hainatia te Tiriti o Waitangi e ngā rangatira tokowhitu o Te Whakatōhea. Ko ngā rangatira nāna nei i tāmoko te Tiriti ko Tauātoro o Ngāi Tamahauā me Ngāti Ngahere; ko Takahiao o Te Ūpokorehe; ko Te Āporotanga o Ngāti Rua; ko Rangimātānuku o Ngāti Rua; ko Rangihaerepō o Te Ūpokorehe me Ngāi Tamahauā; ko Wī Akeake o Te Ūpokorehe me te rangatira Whākia (Wakiia). 35
- Ko tā Te Whakatōhea whai i te tika*
- (2) Ka whakaae te Karauna anā— 40

- (a) hakoā ngā kī taurangi kai te Tiriti o Waitangi, ina noa atu ngā whiu taumaha a te Karauna, anā i whānau mai ko ngā nawe mauroa pōuri nui mō Te Whakatōhea, ā, o roto i ngā whakatipuranga, whāia ko tā Te Whakatōhea whai kia whakatauhia ā rātou nawe;
- (b) nā te mahi whai i te tika mō wēnei nawe i ūhia he pīkaunga taumaha ki runga ki ngā whānau me ngā hapū o Te Whakatōhea, anā, ko ngā pāpātanga wōna ki te oranga tinana, oranga wairua me te oranga ohaoha o te iwi; ā
- (c) kāore anō kia whakatau tika i te Karauna wēnei nawe o tūāuriuri, ā, ka aua atu te wā e tatari ana ki te whakaaetanga. 10

Ko te kōhurutanga i a Te Āporotanga

- (3) Ka whakaae te Karauna ko te matenga o ngā rangatira a Apanui, a Tūtakahiao, a Mikaere Pihipihi rātou ko Te Āporotanga i ngā whakauenga-riri ki ngā ope tauā a te Karauna i te marama o Āperira, i te tau 1864, he whai wāhi nui tērā ki te whakamukutanga i te mana arikitunga o roto o Te Whakatōhea. Ka whakaae te Karauna ko Te Āporotanga he rangatira nō Ngāti Rua, nō Te Whakatōhea whānui hoki, nāna i tāmoko te Tiriti o Waitangi, he mea kōhuru, nōna e mauhere ana e te Karauna, ā kīhai hoki te Karauna i mātua tiaki i a ia kia ora tonu, he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 15

Ko te kōkiri whakaekenga a te Karauna ki runga o Ōpōtiki 20

- (4) Ka whakaae te Karauna; nāna i tuku hē wōna ope tauā ki te kōkiri whakaekē ki runga o Ōpōtiki me te korenga o te whakatūpato, o te whakamārama tika rānei i a Te Whakatōhea. Ko te kōkiri whakaekētanga i parahau kore, i manatika kore hoki, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono.
- (5) Ka whakaae anō te Karauna i mate tangata, i mate whenua a Te Whakatōhea i tana kōkiri whakaekētanga ki runga o Te Whakatōhea me ana mahi tūkino pēnei i:
- (a) te whakapahūtanga i te pā o Pākōwhai e te Karauna me tana manua; ā
- (b) te whakataurekarekatanga i ngā tūpāpaku 35 neke atu o Te Whakatōhea i mate i te kōkiri whakaekētanga ā hoiho ki te whakauenga-riri i tū ki te pātūwatawata o Te Tarata, ā nō muri mai i tanumia tokomahatia ki tētahi rua tūpāpaku kaitā rawa atu. 30

- (6) Ka whakaae te Karauna nā ngā mahi whānako me ngā mahi whakatakakino i ngā rawa katoa, i tahuri ai ngā ope tauā a te Karauna ki tāna kaupapa, arā te urupatu; ko te whakangarotanga atu tērā i te ohaoha kaha nuitanga o tērā wā i a Te Whakatōhea. Ka whakaae te Karauna i whakatakakinotia e wōna ope tauā ngā māra kai a Te Whakatōhea, i kōhurutia ngā hoiho me ngā kararehe, i tahuna ngā whare, ngā kaupuke me te mira puehu parāoa o Ngāti Ira hoki. Nā wēnei mahinga i whakatakakinotia ai ngā tikanga whakahaere i te iwi a Te Whakatōhea me tōna mana anō hoki, me te rangatiratanga o ngā hapū. Ka whakaae te Karauna nā tēnei mahinga raukeke wāna ki te mana o Te 40

Whakatōhea, i tino tawhiti atu i tērā e tika ana mō tēra kaupapa i taua wā, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono.

Te kōhurutanga i a Tio Te Kahika

- (7) Ka whakaae te Karauna nā ngā ope tauā o te Karauna i—
- (a) kōhuru a Tio Te Kahika hakoā i mārāma te tautuhi i a ia, ehara ia i te tangata hāpai ake i te rākau a Tūmatauenga ki te pakanga; 5
- (b) whakataurekareka i tōna tūpāpaku me te whānako i tōna tūpāpaku hei whakamanioro i a Te Whakatōhea;
- (c) kore ai i whakahoki i tōna tūpāpaku ki wōna whanaunga; ā
- (d) takahi wēnei mahi tūkino i te Tiriti o Waitangi me wōna mātāpono. 10

Ko te tāronatanga i a Te Mokomoko me te muru i wōna hara

- (8) Ka whakaae te Karauna—
- (a) ki ngā mamae me ngā nawe i wahaina e Te Whānau a Mokomoko mō te hia whakatipuranga e pā ana ki ngā whakawhiu a te Karauna me te tāronatanga i a Mokomoko; ā 15
- (b) nā wāna mahinga kinotanga, ko te whakaparahakotanga tērā i a Mokomoko me wōna uri, me te taumaha o te whiu o te whakamā me ngā whakapae teka i pīkaungatia e Te Whānau a Mokomoko mō te hia whakatipuranga te roa.
- (9) Ka whakaae te Karauna nō muri mai i tana tāronatanga i te tau 1866, nāna i tanu tikanga kore te tūpāpaku o Mokomoko ki roto i ngā pātū o te whareherehere o Mautini, ā i puritia tonutia tōna tūpāpaku tae rā anō ai ki te tau 1989. 20
- (10) Ka whakaae te Karauna kīhai rawa Te Whānau a Mokomoko i tukuna kia whai wāhi ki te whakahaere i ngā tikanga o te ūhunga Māori mō Mokomoko, he whakakeke nō te Karauna ki te whakahoki i tōna tūpāpaku ki a rātou i muri mai i tana tāwharonatanga. 25
- (11) Ka whakaae te Karauna ko te Te Ture mō Mokomoko (Hei Whakahoki i te Ihi, te Mana, me te Rangatiratanga) 2013—
- (a) i whakahokia te Ihi, te Mana me te Rangatiratanga ki a Mokomoko me te te Ihi, te Mana me te Rangatiratanga ki wōna uri; me te whakaae anō ki tērā: 30
- (b) kīhai rawa te whakapāhatanga kore herenga o te marama o Hune 1992 i whakahokia tikatia te Ihi, te Mana, me te Rangatiratanga ki a Mokomoko me wōna uri, ā 35
- (c) ko tōna tikanga me whai kupu te Karauna ki Te Whānau a Mokomoko e pā ana ki ngā tuhinga kupu mō te whakapāhatanga kore herenga.
- (12) Ka whakaae atu anō te Karauna i takahi ia i te Tiriti o Waitangi me wōna mātāpono, nā tōna korenga ki te whai kupu atu ki Te Whānau a Mokomoko e pā ana ki ngā tuhinga kupu mō te whakapāhatanga kore herenga nō te tau 1992. 40

Ngā mahinga a ngā Ope Tauā i 1870

- (13) Ka whakaae te Karauna nō te wā i nōhia e te ope tauā a te Karauna a Ōhiwa me Ōpōtiki me te pakanga ki a Te Kooti ki te rohe o Te Whakatōhea i 1870—
- (a) I whānakotia e ngā ope tauā a te Karauna ngā māra kai me ngā kararehe a Te Whakatōhea i Ōpōtiki me Ōpape; 5
- (b) I urupatutia a Te Whakatōhea e ngā ope tauā a te Karauna i Maraetahi, i Wairātā, i Waipuna hoki, i tahuna ngā whare, me tētahi whare karakia, me te whakatakakinotanga i ngā māra kai kaitā; ā
- (c) I kōhurutia ā turetia e ngā ope tauā a te Karauna ngā whakarau i Wairātā, i Waipuna hoki, ā tokorua hoki ngā tāne o Te Whakatōhea ko Rehara rāua ko Timoti Maruru i rārangitia o rāua ingoa ki te rārangi o te hunga i kōhurutia. 10
- (14) Nā runga i ngā whakawhiu taumaha a te Karauna i mate anō ngā tāngata o Te Whakatōhea, me te whakamōti i wō rātou kāinga, rawa me ngā māra kai me te whakapōrarururu i tā rātou whakanana ki te whakatipu anō i tō rātou ohaohatanga i hauwareatia ai nō muri mai i te penupenutanga a te pakanga me te raupatu. Ka whakaae te Karauna he mahinga raukeke wāna ki te mana o Te Whakatōhea, i tino tawhiti atu i tērā e tika ana mō tēra kaupapa o taua wā, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 15
- Ko ngā Kerēme Whenua Tawhito/Ngā Toenga Whenua—Ngā whenua o Pākihi* 20
- (15) Ka whakaae te Karauna anā, i raro i tana ture toenga whenua i riro ai ngā whenua o Te Whakatōhea e 7,638 eka i te Karauna, i muri i te haotanga a ngā Pākehā, i te 3,840 eka o te whenua ki Pākihi, mai i ngā ringaringa o Te Whakatōhea i te 27 o Hānuere 1840 me te whakamanatanga i tērā hokotanga i te tau 1844. Ka whakaae te Karauna he takahi nōna i te Tiriti o Waitangi me wōna mātāpono i tana whakamanatanga i tērā hokotanga ā-mua-te-Tiriti me te kore e mātua rūri tika i te poraka o Pākihi, ā nō muri ko te whakahaeretanga i te ture toenga whenua ki te poraka, me te kore e āta whakatau mēnā ka whai whenua nui tonu a Te Whakatōhea e rite ai mō wō rātou hiahia i muri mai i te tangohanga i ngā whenua o Pākihi. 25 30
- Ko te raupatutanga i te whenua o Te Whakatōhea me te wāhitanga i te Ōpape Native Reserve*
- (16) Ka whakaae te Karauna anā—
- (a) ko te mutunga kē mai o te parahau kore me te manatika kore tāna raupatutanga me tāna mautanga ki te nuinga o te whenua e whai pānga atu ana ki a Te Whakatōhea; 35
- (b) i tāparatia e te Karauna te whakawhiunga taumahatanga a te raupatu, mā te whakahau kia hūnuku ngā hapū o Te Whakatōhea ki te Ōpape Native Reserve, i wāwāhingia ai ki runga ki ngā whenua taketake ake o Ngāti Rua i murua i te raupatu; 40

- (c) i tapahia te pito tāngaengae o ngā hapū, i panaia ki te Ōpape Native Reserve mai i wō rātou maunga, awa, wāhi tapu me wētahi atu whenua tipu, anā i raupatutia tō rātou tātai ki wā rātou kōrero tuku iho, whakapapa hoki;
- (d) nā te whakahau kia noho ngā hapū o Te Whakatōhea ki roto ki te Ōpape Native Reserve ko te Karauna te kaitātaki i te whakatutūtanga i te puehu i waenganui i ngā hapū i tā rātou pakanga mō ngā rawa mōtī noa iho nei; ā
- (e) ko te raupatutanga a te Karauna i te mana o Te Whakatōhea ki runga ki te nuinga o te whenua tae atu ki Ōpape, me tāna mautanga ki te nuinga o tēnei whenua raupatu, he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 10
- (17) Ka whakaae anō te Karauna kīhai i tika tāna whakaingoa i a Te Whakatōhea hai iwi whakakeke, ā ko te raupatutanga i te whenua, ngā taonga me wētahi anō rawa i raro i te New Zealand Settlements Act 1863, ā he whakarihariha rawa te pā kinotanga maitanga ki te oranga, ohaohatanga me te whakawhanaketanga o Te Whakatōhea, ā he whakataurekarekatanga anō nō tērā ki te mana me te mauri o te iwi, ā me te whakawhiunga anō ki te mamae me te māuiui tino nui. 15
- Ko te pānga maitanga o te Kōti Kamapeihana me ngā whakataunga o-waho-o-te-kōti* 20
- (18) Ka whakaae te Karauna—
- (a) nā te kore i whai take o te tukanga a te Kōti Kamapeihana me ngā whakataunga o-waho-o-te-kōti i nui ai te whakahāweatanga ki a Te Whakatōhea nā runga tonu i te raupatutanga o wō rātou whenua;
- (b) i te nuinga o te wā i tukuna e Te Kōti Kamapeihana ngā whenua i raupatutia mai i Te Whakatōhea ki te tangata takitahi kua ki te hapū, e hara tēnei i te tika e ai ki te tikanga, mana whenua. I pūkaitia te pūnaha o Te Kōti Kamapeihana ki runga i a Te Whakatōhea me te kore whai kupu atu ki Te Whakatōhea; ā 25
- (c) ki te pānga maitanga o te Kōti Kamapeihana me ngā whakataunga o-waho-o-te-kōti i whakatānoanoatia ko te noho tūturu a te Māori me ngā tikanga a te iwi, te mana, me te rangatiratanga o Te Whakatōhea. Kīhai te Karauna i mātua tiaki tika i Te Whakatōhea i te pānga kino maitanga o wēnei tukanga, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 30
- Ko te pānga maitanga o ngā ture o Te Kōti Whenua* 35
- (19) Ka whakaae te Karauna nā ngā whakahaere i ngā ture a Te Kōti Whenua i whakahāwea nuitia a Te Whakatōhea, ā—
- (a) ko te tukutanga i ngā whenua ki te tangata takitahi kua ki te iwi, ki te hapū rānei, i whakangāwari ai ki te wāwahitanga, ki te wāwāhanga ki te hoko, ki te whakarere hoki i ngā whenua a Te Whakatōhea; 40

- (b) i mate a Te Whakatōhea ki te whakarere i tana whenua hai utu i ngā utu nui mō te rūri i whiua ki a rātou e ngā whakahaere a Te Kōti Whenua; ā
- (c) ko te katoa o ngā whakahaere i ngā ture a Te Kōti Whenua i whakatānoanoatia ai ko te noho ā iwi tūturu a te Māori me ngā tikanga a te iwi, te mana, me te rangatiratanga o Te Whakatōhea. Kīhai te Karauna i mātua tiaki tika i Te Whakatōhea i te pānga kino maitanga o wēnei tukanga, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 5
- (20) Ka whakaae te Karauna ko te whakature i te Native Lands Act 1862 me te 1865 i pūkai atu he pūnaha ture whenua hou me te korenga wōna e whai kupu ki a Te Whakatōhea. Kāore he huarahi ki a Te Whakatōhea atu i te whaiuru ki te pūnaha koirā anake te huarahi i taea ai te whai taitara whenua i raro i te ture hai kaupare atu i ngā kerēme a wētahi atu. 10
- Ko ngā utu mō te rūri i te poraka o Ōamaru*
- (21) Ka whakaae te Karauna nāna i tango e 28,825 eka o te whenua o te poraka o Ōamaru i tukuna ki Te Whakatōhea hai whakahoki mai i ngā utu mō ngā rūri. Neke atu tēnei i te koata o te katoa o te poraka i tukuna ki Te Whakatōhea. Kātahi te hē ko tēnei tangohanga i tēnei nui o te whenua hai utu i ngā utu rūri, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 15
- Ko te rūri i te poraka No.2 o Tahora*
- (22) Ka whakaae te Karauna anā— 20
- (a) tōna whakamanatanga murihanga i te rūri muna i a Tahora No. 2, anā i whakahaeretia me te kore i whakamanatia, ā he takahitanga tēra e ai ki ngā ture rūri;
- (b) i mārāma oti ia he kaha whakahē nō Te Whakatōhea ki te rūritanga, tōna whakamanatanga me ngā kōtitanga i whāia; 25
- (c) i riro i a ia mai i a Tahora No. 2 i te tukutanga a Te Whakatōhea i te whenua hai utu i ngā utu rūri; ahakoa he whenua i pīrangi tonutia kia mau tonu e Te Whakatōhea; ā
- (d) i te korenga wōna ki te mahi i runga i te tika me te pono, ā ki te tiaki marikatia ngā pānga whenua o Te Whakatōhea i pīrangi tonutia e rātou te pupuri, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 30
- Ngā Mahi Tango Whenua a Te Kāwanatanga—Te Rua Kōhatu o Moutohorā*
- (23) Ka whakaae te Karauna anā—
- (a) nā tōnā mātua tango ā ture i te rua kōhatu o Moutohorā i te tau 1937, i aukatitia te whakawhiwhinga ā pūtea ki ngā kaipānga o Whakapaupākihi No. 2 me Te Whakatōhea tonu, mai i tētahi o ngā toenga rawa i a rātou whai muri iho i te raupatu me te hokotanga whenua a te Karauna; 35
- (b) kīhai te Karauna i kōrero marikatia ki ngā kaipānga i mua i te tangohanga i wā rātou whenua, kīhai hoki i titiro ki ngā huarahi atu i te

mātua tango ā ture pērā ki te whakarite, whakatau i tētahi utu mō ngā mētara mai i te rua kōhatu i tētahi utu iti iho;

- (c) hakoā i utua e te Karauna te kamapeihana e tika ana i raro i te ture, kīhai hoki tēnei i kamapeihanatia tikatia ngā kaipānga mō te tangohanga, ā kīhai hoki te Karauna i utu kamapeihana mō ngā whenua i tangohia, rānei hoki ko te ngarohanga o ngā utu rōera mō ngā mētara mai i te rua kōhatu i hokona atu ki te Kāwanatanga, ki ngā kaunihera ā rohe rānei; ā 5
- (d) korekore rawa te tangohanga i tika, ā i whakahāwea nuitia ngā kaipānga me Te Whakatōhea kua rongu kētia te uauatanga o te taha ōhanga, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 10

Ko ngā Take Pūtaiao

- (24) Ka whakaae te Karauna ko ngā whakarerekētanga me te paitini ki te taiao mai i te rautau tekau mā iwa kua noho hai take ngaukino, ngākau pōuri mō Te Whakatōhea. Ka whakaae te Karauna ko te tūturutanga o te taiao o te rohe o Te Whakatōhea i whakaparahakotia ki te tope ngahere e ngā horonga whenua me ngā waipuke i whāia, ki te paitini, ki te tata pau monemone o te ika i te haotanga, me te hari mai i ngā tarutaru me ngā riha rāwaho, i kōhuru kino i ngā pātaka kai me ngā mahinga kai. 15

Whakatōhea Whenuakore

- (25) Ka whakaae te Karauna nā te moanatanga o wāna ture me wōna hara, hui katoa ko te raupatu, ngā tikanga hoko a te Karauna, ngā utu rūrī me te whakahaere me te whiunga o Ngā Ture Whenua, kua tata whenuakore a Te Whakatōhea. Nā konei kua ngau kino te mamae nui ki a Te Whakatōhea, kua motu te pito tāngaengae ki ngā maunga, ki ngā awa, ki ngā tūtohu whenua tapu, whāia ko te raupatutanga o ngā kōrero tuku iho a Te Whakatōhea taketake, ā i pā kinotia ai ki tō rātou whakawhanaketanga ā ohaoha, ā iwi, ā ahurea. Ko te korenga o te Karauna kia mātua whai whenua a Te Whakatōhea e rahi ake ana mō wō rātou hiahia mō te nāiane, me te ao o āpōpō hoki, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 20 25

Ko ngā take Ohaoha-ā-hāpori

- (26) Ka whakaae te Karauna anā— 30
- (a) he iti rawa te āhei o Te Whakatōhea ki te ratonga hauora e tika ana mō te hia kē te roa, anā, i mate nuitia ki ngā mate urutā pēnei i te mītera, mate pupuhi repe, korara, rewharewha, kohi, taipō, mate pīkaru me te niumōnia; 35
- (b) e hia kē te roa i titiro whakaparahako te tāhuhu o te mātauranga ki te āheitanga o Te Whakatōhea me te kaha aukati i te kōrerotia o te reo Māori, nā konei i āpiti atu ki te korenga o te Karauna ki te mātua tiaki i te reo Māori me te āki i tōna kōrerotiatanga e Te Whakatōhea, ā he takahi tērā i te Tiriti o Waitangi me wōna mātāpono; ā 40

- (c) nā te kore mahi me te āki a te Karauna i te hekenga ki ngā taone nunui whāia nō te tau 2020, e 90% o Te Whakatōhea ka noho manene ki waho atu o tō rātou rohe whenua ake, nā konei ko te motunga i te here ki ngā whanaunga, ki te reo me ngā tikanga.
- (27) Ka whakaae te Karauna nā wāna ture, nā wōna hara, he takahitanga i te Tiriti, i kaha nui whakahāwea i a Te Whakatōhea. Kāore i waiho kia tika te rahi o te whenua mōmona, te korenga o te hanganga ā hāpori, te korenga o te whare nōhanga tika, me te korenga o te āheinga ki ngā kaupapa ohaoha kua waiho a Te Whakatōhea hai iwi rawakore rawa atu, me te rongo kino i te taikaha uaua o te kore ohaohatanga. 5
10
Te reo Māori
- (28) Ka whakaae te Karauna—
- (a) ki te tūkinotanga nui i whiua ki ngā tamariki a Te Whakatōhea mō te hia kē ngā tau mō te kōrero i tō rātou reo ake ki roto ki ngā kura o te Karauna; ā 15
- (b) ki te korenga o te Karauna ki te mātua tiaki i te reo Māori me te āki i tōna kōrerotiatanga e Te Whakatōhea, nā konei i pā kinotia ki te ora o te reo Māori me te iwi o Te Whakatōhea, anā ko tēnei korenga, he takahi tērā i te Tiriti o Waitangi me wōna mātāpono. 20
Te Whakatōhea Tohenihorau
- (29) Ka whakaae te Karauna ki te tohenihorau o Te Whakatōhea i ngā whiunga taumaha kino o te manatika kore kua wahaina e rātou i ngā mahinga whakaparahako a te Karauna mai i te hainatanga a te iwi i te Tiriti o Waitangi. Ka whakamānawatia e te Karauna te tohenihorau a Te Whakatōhea ki te pupuri i tō rātou mana toherauariki me ngā tikanga hakoā ngā whiunga taumaha nā ngā mahi whakaparahako a te Karauna ki te taha hāpori, ki te taha ohaoha, ki te taha ahurea. 25
- English**
- Whakatōhea signing of te Tiriti o Waitangi/the Treaty of Waitangi*
- (1) The Crown acknowledges that, on the 27th and 28th of May 1840 at Ōpōtiki, 7 Whakatōhea rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi. The rangatira who placed their marks on te Tiriti were Tauātoro of Ngāi Tamahaua and Ngāti Ngahere; Te Takahiao of Te Ūpokorehe; Te Āporotanga of Ngāti Rua; Rangimātānuku of Ngāti Rua; Rangihaerepō of Te Ūpokorehe and Ngāi Tamahaua; Wī Akeake of Te Ūpokorehe; and the rangatira Whākia (Wakiia). 30
35
Whakatōhea pursuit of justice
- (2) The Crown acknowledges that,—
- (a) despite the promise of te Tiriti o Waitangi/the Treaty of Waitangi, many Crown actions created long-standing grievances for Whakatōhea and over the generations Whakatōhea have sought to have their grievances addressed; and 40

- (b) the work of pursuing justice for these grievances has placed a heavy burden on the whānau and hapū of Whakatōhea and impacted on the physical, mental, spiritual, and economic health of the people; and
- (c) the Crown has never properly addressed these historical grievances and recognition is long overdue. 5

Killing of Te Āporotanga

- (3) The Crown acknowledges that the deaths of the rangatira Apanui, Tūtakahiao, Mikaere Pihipihi, and Te Āporotanga in fighting against Crown forces in April 1864 contributed to the loss of leadership within Whakatōhea. The Crown acknowledges that the Ngāti Rua and Whakatōhea rangatira Te Āporotanga, a signatory of te Tiriti o Waitangi/the Treaty of Waitangi, was killed while held prisoner in the custody of Crown forces, and the Crown’s failure to keep him safe was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10

Crown attack in Ōpōtiki in 1865 15

- (4) The Crown acknowledges that it sent forces to attack Ōpōtiki in September 1865, without sufficient prior warning or explanation to Whakatōhea. That invasion was unjustified, an injustice, and was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (5) The Crown further acknowledges that Whakatōhea suffered a loss of life and destruction of property during its attack on Whakatōhea including such actions as— 20
 - (a) bombardment of the Pākowhai settlement by a Crown warship; and
 - (b) the desecration of the bodies of at least 35 Whakatōhea killed in the cavalry charge and subsequent fighting at Te Tarata Pā and afterwards buried by Crown forces in a mass grave. 25
- (6) The Crown acknowledges that a combination of extensive looting and destruction of property which amounted to the use of scorched earth tactics by Crown forces caused widespread devastation to Whakatōhea’s once-thriving economy. The Crown acknowledges that its forces destroyed Whakatōhea crops, killed horses and livestock, and destroyed houses, ships, and the Ngāti Ira flour mill. These actions damaged Whakatōhea’s social structure, as well as the mana and rangatiratanga of the hapū involved. The Crown acknowledges that its conduct showed reckless disregard for Whakatōhea, went far beyond what was necessary or appropriate in the circumstances, and was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 30 35

Killing of Tio Te Kāhika

- (7) The Crown acknowledges that—
 - (a) Crown forces—
 - (i) killed Tio Te Kāhika despite clearly identifying him as a non-combatant; and 40

- (ii) desecrated his body and gratuitously took possession of it to offend Whakatōhea; and
- (iii) failed to return his body to his relatives; and
- (b) these actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5
- Execution and pardon of Mokomoko*
- (8) The Crown acknowledges—
- (a) the sense of grievance and pain suffered for generations by Te Whānau a Mokomoko in relation to the Crown’s treatment and execution of Mokomoko; and 10
- (b) that its actions led to the stigmatisation of Mokomoko and his descendants, and the burden of shame and culpability Te Whānau a Mokomoko have carried for generations.
- (9) The Crown acknowledges that it interred the body of Mokomoko without ceremony within the Mount Eden prison walls after his execution in 1866 and retained his body until 1989. 15
- (10) The Crown acknowledges that the whānau of Mokomoko were unable to perform the rites of tangi for Mokomoko due to the Crown’s refusal to return his body to them after his execution.
- (11) The Crown acknowledges that the Mokomoko (Restoration of Character, Mana, and Reputation) Act 2013 Te Ture mō Mokomoko (Hei Whakahoki i te Ihi, te Mana, me te Rangatiratanga) 2013 restored the character, mana, and reputation of Mokomoko and the character, mana, and reputation of his uri, and acknowledged that— 20
- (a) the free pardon of June 1992 did not expressly restore the character, mana, and reputation of Mokomoko and his uri; and 25
- (b) the Crown should have consulted with Te Whānau a Mokomoko about the wording of the free pardon.
- (12) The Crown further acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it failed to consult with Te Whānau a Mokomoko about the wording of the 1992 free pardon. 30
- Military actions in 1870*
- (13) The Crown acknowledges that during the occupation by Crown forces of Ōhiwa and Ōpōtiki and the campaign against Te Kooti in the Whakatōhea rohe in 1870— 35
- (a) Crown forces looted Whakatōhea crops and livestock at Ōpōtiki and Ōpape; and
- (b) Crown forces carried out scorched earth tactics against Whakatōhea at Maraetahi, Wairātā, and Waipuna, burning whare, including a whare karakia, and destroying large quantities of crops; and 40

- (c) Crown forces summarily executed prisoners at Wairātā and Waipuna, with 2 Whakatōhea men, Rehara and Timoti Maruru, listed among the dead.
- (14) As a result of Crown actions Whakatōhea suffered loss of life, and the destruction of their homes, property, and cultivations, disrupting their attempts to rebuild their struggling economy after the devastation of war and raupatu. The Crown acknowledges that its conduct showed reckless disregard for Whakatōhea, went far beyond what was necessary or appropriate in the circumstances, and was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5
10
Old land claims/surplus lands—Pakihi land
- (15) The Crown acknowledges that 7,638 acres of Whakatōhea land at Pakihi became Crown land under its surplus land policy, after settlers claimed 3,840 acres of Pakihi land from Whakatōhea on 27 January 1840 and confirmation of the transaction in 1844. The Crown acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by confirming the pre-Treaty transaction without ensuring the Pakihi block had been adequately surveyed, and by later applying its surplus lands policy to the block, without having assessed whether Whakatōhea would retain adequate lands for their needs after the Pakihi land was taken. 15
20
Confiscation of Whakatōhea land and creation of Ōpape Native Reserve
- (16) The Crown acknowledges that—
- (a) its confiscation and subsequent retention of a significant proportion of land in which Whakatōhea had interests was unjust and unconscionable; and 25
- (b) the Crown compounded the impact of the raupatu by requiring Whakatōhea hapū to move to the Ōpape Native Reserve, established on traditional lands of Ngāti Rua which had been included in the confiscation; and
- (c) those hapū the Crown forced to move to the Ōpape Native Reserve were separated from their maunga, awa, wāhi tapu, and other traditional sites and deprived of links with their history and whakapapa; and 30
- (d) by requiring Whakatōhea hapū to live within the Ōpape Native Reserve the Crown contributed to tensions between hapū as they competed for limited resources; and 35
- (e) the Crown’s extinguishment of Whakatōhea customary title over a wide area of land, including Ōpape, and its retention of most of this confiscated land were breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (17) The Crown further acknowledges that it unfairly labelled Whakatōhea as rebels and that the confiscation of land, taonga, and other resources under the New 40

Zealand Settlements Act 1863 has had a profoundly harmful impact on the welfare, economy, and development of Whakatōhea, devastating the iwi's mana and mauri and causing great distress and suffering.

Impact of Compensation Court and out-of-court settlements

- (18) The Crown acknowledges that— 5
- (a) inadequacies in the Compensation Court and out-of-court settlement process exacerbated the prejudice to Whakatōhea caused by the confiscation of their lands; and
 - (b) in most cases the Compensation Court awarded lands confiscated from Whakatōhea to individuals rather than to hapū, which was not consistent with customary tenure. The Compensation Court system was imposed on Whakatōhea without consultation with them; and 10
 - (c) the impact of the Compensation Court and the Crown's out-of-court settlements eroded the traditional social structures, mana, and rangatiranga of Whakatōhea. The Crown failed to adequately protect Whakatōhea from the impact of these processes and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 15

Impact of Native Land laws

- (19) The Crown acknowledges that the operation of the Native Land laws caused great prejudice to Whakatōhea and that— 20
- (a) the awarding of lands to individuals, rather than to iwi or hapū, made Whakatōhea lands more susceptible to fragmentation, partition, and alienation; and
 - (b) Whakatōhea had to alienate land to meet the significant survey costs imposed on them by the Native Land Court process; and 25
 - (c) the overall operation of the Native Land laws eroded the traditional social structures, mana, and rangatiranga of Whakatōhea. The Crown failed to adequately protect Whakatōhea from the impact of these processes and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 30
- (20) The Crown acknowledges that in introducing the Native Lands Act 1862 and 1865 it imposed a new land tenure system without consulting with Whakatōhea. Whakatōhea had no choice but to participate in the system, which was the only means to obtain legally recognisable land title that was protected from claims by others. 35

Oamaru block survey costs

- (21) The Crown acknowledges that, in lieu of survey fees, it took 28,825 acres of the Oamaru block land as awarded to Whakatōhea. This was more than a quarter of the total area of the block awarded to Whakatōhea. This was an unreasonable amount of land to take to cover survey costs and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 40

Tahora No. 2 block survey

- (22) The Crown acknowledges that—
- (a) it retrospectively authorised the secret survey of Tahora No. 2, which had been conducted without approval and contrary to survey regulations; and 5
 - (b) it was aware of significant Whakatōhea opposition to the survey, its authorisation, and subsequent court hearings; and
 - (c) it acquired land from Tahora No. 2 that Whakatōhea had wished to retain, when Whakatōhea transferred land to meet the resulting survey costs; and 10
 - (d) its failure to act with utmost good faith and honesty, and to actively protect Whakatōhea interests in land they wished to retain, was in breach of the Treaty of Waitangi and its principles.

Public works—Moutohora quarry

- (23) The Crown acknowledges that— 15
- (a) its compulsory acquisition of the Moutohora quarry in 1937 deprived the Whakapaupākihi No. 2 owners and Whakatōhea of one of the few sources of income left to them in the aftermath of raupatu and Crown land purchasing; and
 - (b) the Crown did not adequately consult the owners before taking their land, and failed to consider alternatives to compulsory acquisition such as attempting to negotiate a lower price for metal from the quarry; and 20
 - (c) while the Crown paid the compensation required under the relevant legislation, this did not properly compensate the owners for the taking, and the Crown did not pay any compensation for the land taken or for the loss of royalties on the quarry metal sold to Government or local bodies; and 25
 - (d) the taking was unnecessary, and it caused great prejudice to owners and Whakatōhea already enduring economic hardship, and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 30

Environmental issues

- (24) The Crown acknowledges that environmental changes and pollution since the nineteenth century have been a source of distress and grievance for Whakatōhea. The Crown acknowledges that the natural environment of the Whakatōhea rohe has been degraded by deforestation and subsequent erosion and flooding, by pollution, by over-exploitation of fish and kaimoana, and by the introduction of weeds and pests, which has severely damaged traditional food sources and mahinga kai. 35

Whakatōhea landlessness

- (25) The Crown acknowledges that the cumulative effect of its acts and omissions, including raupatu, Crown purchasing practices, survey costs, and the operation and impact of Native Land laws, has left Whakatōhea virtually landless. This has caused deep pain to Whakatōhea, leaving them separated from maunga, awa, and traditional sites, contributing to the loss of traditional knowledge, and has hindered their economic, social, and cultural development. The Crown's failure to ensure that Whakatōhea retained sufficient land for their present and future needs was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5 10

Socio-economic issues

- (26) The Crown acknowledges that—
- (a) Whakatōhea had little access to adequate healthcare over a prolonged period and that Whakatōhea suffered from diseases such as measles, mumps, cholera, influenza, tuberculosis, typhoid, catarrhal conjunctivitis, and pneumonia; and 15
 - (b) for many years the education system had low expectations of Whakatōhea achievement and strongly discouraged the use of te reo Māori, and this contributed to the Crown's failure to actively protect te reo Māori and encourage its use by Whakatōhea in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles; and 20
 - (c) the lack of employment opportunities and Crown support for urban migration encouraged a situation where, by 2020, 90% of Whakatōhea lived outside their traditional rohe, with a subsequent separation from their whanaunga, reo, and tikanga. 25
- (27) The Crown acknowledges that its acts and omissions in breach of the Treaty have caused devastating prejudice to Whakatōhea. Insufficient arable land, lack of infrastructure, poor housing, and lack of economic opportunities have left Whakatōhea impoverished and suffering significant economic hardship. 30

Te reo Māori

- (28) The Crown acknowledges—
- (a) the significant harm Whakatōhea children suffered by being punished for speaking their own language in Crown-established schools for many decades; and
 - (b) that it failed to actively protect te reo Māori and encourage its use by Whakatōhea, which had a detrimental impact on te reo Māori and the iwi of Whakatōhea, and that this failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35

Whakatōhea resilience

- (29) The Crown acknowledges Whakatōhea resilience in the face of the injustices they have endured as a consequence of Crown actions since the iwi signed te 40

Tiriti o Waitangi/the Treaty of Waitangi. The Crown pays tribute to Whakatōhea efforts to maintain their identity and tikanga despite the social, economic, and cultural hardship they have endured due to Crown actions.

10 Apology

The text of the apology offered by the Crown to Whakatōhea, as set out in the deed of settlement, is as follows: 5

Whakapāha

- “(a) Ki ngā uri o Te Whakatōhea, ki ngā tīpuna me ngā mokopuna.
- (b) Nō te hainatanga a ngā rangatira o Te Whakatōhea i te Tiriti o Waitangi, i mahia i runga i te wairua o te whakapono me te mahitahi, me te aro ki ngā hua ka hua mai ki tō rātou iwi mā te mahitahi i raro i te Tiriti. I takahia tērā whakapono e te Karauna nā tāna tahu i te ahi o Tūmataunga me te raupatu i te whenua o Te Whakatōhea, ka noho ko te Karauna anake hai whakairinga mō wēnei mate. Nā ngā mahi hara o te Karauna i mate parekura a Te Whakatōhea me te whakangaromanga i wōna papakāinga, i tipu ai te riri i waenganui i ngā hapū me ngā whānau o Te Whakatōhea, ā i raupatutia ai ngā pātaka kōrero o Te Whakatōhea, ā kai te rongohia nuitia tonutia wēnei whakawhiunga i wēnei rā tonu. 10
- (c) Ka whakapāha te Karauna ki ngā rangatira i mate taurekarekatia i ngā ringaringa o te Karauna. Ka whakapāha te Karauna ki ngā uri o Te Whakatōhea, nāna i whakarawakore ā ohaoha, ā ahurea, ā wairua, ā kua noho matekai nā ngā mahi hara a te Karauna. Kīhai hoki te Karauna i whakatutuki i wōna oati i raro i te Tiriti o Waitangi, anā kua tau te whakamā o te hōnōre-kore ki runga ki a ia anō. Nā runga i ana takahitanga i te Tiriti o Waitangi me ngā mamae pōuri nui i whiua kinotia ki runga ki Te Whakatōhea i wāna mahi hara me wōna hara nunui rawa atu e koropiko nei, e tūohu nei me te tuku i te aroha tino nunui rawa atu. 20
- (d) Ka whakahōnoretia e te Karauna ngā uri o Te Whakatōhea, kua tohenihorautia te tohe nui ki te whakatau tika i te hē, kua tohenihorautia te pakanga ki te pupuri, ki te whakarauora i Te Whakatōheatanga o roto i ngā whakatipuranga tangata. Mā roto mai i tēnei whakataunga, ko te tūmanako o te Karauna, ko te whakahōnōre i te oati o te mahitahi nāna i kī taurangi ki a Te Whakatōhea i te tau 1840. Me kupu whakaari tātou ki te anamata o te hua rau nui ki ngā uri o Te Whakatōhea me te haere ngātahi i runga i te mahitahi o roto i te wairua o tūmanako nui me te aroha o maruwehi ki te Tiriti o Waitangi.” 30 35

Apology

- “(a) To ngā uri o Te Whakatōhea, to ngā tīpuna and ngā mokopuna.
- (b) When Whakatōhea rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi, they did so in a spirit of trust and co-operation, with a view to 40

the benefits Treaty partnership could bring to their people. The Crown betrayed that trust by waging war and confiscating Whakatōhea land in a raupatu for which the Crown alone is responsible. The Crown's actions caused significant loss of life, devastated Whakatōhea communities, created conflict between Whakatōhea hapū and whānau, and led to the loss of mātauranga Whakatōhea which is still felt today. 5

- (c) The Crown apologises to the rangatira who died at its hands. The Crown apologises to ngā uri o Te Whakatōhea, who have lived with economic, cultural, and spiritual loss and deprivation as a result of the Crown's actions. The Crown has failed to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and brought dishonour upon itself. For its breaches of te Tiriti o Waitangi/the Treaty of Waitangi, and for the pain it has caused Whakatōhea through its acts and omissions, the Crown is deeply sorry. 10
- (d) The Crown pays tribute to the resilience of ngā uri o Te Whakatōhea, who have strived for justice and fought to retain and rebuild Whakatōheatanga over generations. Through this settlement, the Crown hopes to honour the promise of partnership it made with Whakatōhea in 1840. Let us look forward to a future of prosperity for the people of Whakatōhea and move towards it together in a spirit of good faith, partnership, and respect for te Tiriti o Waitangi/the Treaty of Waitangi." 15 20

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. 25

12 Interpretation

In this Act, unless the context otherwise requires,—

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

appointer,— 30

- (a) for the joint management body for the Oroī property, has the meaning given in **section 99(3)**;
- (b) for the joint management body of certain reserves under **subpart 5 of Part 2**, has the meaning given in **section 105(1)**;
- (c) for the Whakatōhea Kaitiaki Forum, has the meaning given in **section 166(1)** 35

aquatic life has the meaning given in section 2(1) of the Conservation Act 1987

- area of interest** means the area shown as the Whakatōhea area of interest in part 1 of the attachments
- attachments** means the attachments to the deed of settlement
- coastal marine area** has the meaning given in section 2(1) of the Resource Management Act 1991 5
- commercial redress property** has the meaning given in **section 118**
- 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 10
- conservation area** 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 47**
- deed of recognition**— 15
- (a) means a deed of recognition issued under **section 38** by—
- (i) the Minister of Conservation and the Director-General; or
- (ii) the Commissioner of Crown Lands; and
- (b) includes any amendments made under **section 38(4)**
- deed of settlement**— 20
- (a) means the deed of settlement dated 27 May 2023 and signed by—
- (i) the Honourable Andrew James Little, Minister for Treaty of Waitangi Negotiations, and the Honourable Grant Robertson, Minister of Finance, for and on behalf of the Crown; and
- (ii) Kate Hudson, Graeme Riesterer, Robert Tuahuru Edwards, Bruce Pukepuke, Erin Linley Rangiwahakarewa Moore, Tahu Alfred Taia, Vaughan Raymond John Payne, and Anau Edna Apanui, for and on behalf of Whakatōhea; and 25
- (iii) Kate Hudson, Graeme Riesterer, Robert Tuahuru Edwards, Bruce Pukepuke, Erin Linley Rangiwahakarewa Moore, Tahu Alfred Taia, Vaughan Raymond John Payne, and Anau Edna Apanui, being the trustees of Te Tāwharau o Te Whakatōhea; and 30
- (b) includes—
- (i) the schedules of, and attachments to, the deed; and
- (ii) any amendments to the deed or its schedules and attachments 35
- deferred selection property** has the meaning given in **section 118**
- 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	
historical claims	has the meaning given in section 14	
interest	means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property	
iwi aquaculture organisation	means an organisation recognised under section 33(1) of the Maori Commercial Aquaculture Claims Settlement Act 2004	5
LINZ	means Land Information New Zealand	
local authority	has the meaning given in section 5(1) of the Local Government Act 2002	
mandated iwi organisation	means an organisation recognised under section 13(1) of the Maori Fisheries Act 2004	10
member of Whakatōhea	means an individual referred to in section 13(1)(a)	
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
Registrar-General	has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017	
representative entity	means—	
(a)	the trustees; and	20
(b)	any person, including any trustee, acting for or on behalf of—	
(i)	the collective group referred to in section 13(1)(a) ; or	
(ii)	1 or more members of Whakatōhea; or	
(iii)	1 or more of the whānau, hapū, or groups referred to in section 13(1)(c)	25
reserve	has the meaning given in section 2(1) of the Reserves Act 1977	
reserve management plan	means the management plan for reserves administered by Ōpōtiki District Council that has been prepared and approved by the council under section 41 of the Reserves Act 1977	
reserve property	has the meaning given in section 47	30
resource consent	has the meaning given in section 2(1) of the Resource Management Act 1991	
RFR	means the right of first refusal provided for by subpart 2 of Part 3	
RFR area	has the meaning given in section 127	
RFR land	has the meaning given in section 128	35
settlement date	means the date that is 40 working days after the date on which this section comes into force	

statutory acknowledgement has the meaning given in **section 29**

Te Tāwharau o Te Whakatōhea means the trust of that name established by a trust deed dated 4 April 2023

tikanga means customary values and practices

triennial local election means a triennial general election held under the Local Electoral Act 2001 5

trustees of Te Tāwharau o Te Whakatōhea and **trustees** mean the trustees, acting in their capacity as trustees, of Te Tāwharau o Te Whakatōhea

Whakatōhea Kaitiaki Forum or **forum** means the entity established by **section 160** 10

Whakatōhea Māori Trust Board or **Board** means the Board continued by section 12 of the Maori Trust Boards Act 1955

working day means a day other than—

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

13 Meaning of Whakatōhea

(1) In this Act, **Whakatōhea**—

- (a) means the collective group composed of individuals who are descended from an ancestor of Whakatōhea; and 25
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group, including the following, to the extent that it is composed of those individuals:
 - (i) Ngāti Rua: 30
 - (ii) Ngāi Tamahaua:
 - (iii) Ngāti Patumoana:
 - (iv) Ngāti Ngāhere:
 - (v) Ngāti Ira:
 - (vi) Te Ūpokorehe. 35

(2) In this section and **section 14**,—

ancestor of Whakatōhea means an individual who—

- (a) exercised customary rights by virtue of being descended from—
 - (i) Muriwai or Tūtāmure; or
 - (ii) any other recognised ancestor of a group referred to **subsection (1)(c)(i) to (vi)**; and
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840

5

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

10

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

- (a) birth; or
- (b) legal adoption; or
- (c) Māori customary adoption in accordance with Whakatōhea tikanga.

15

14 Meaning of historical claims

(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)**.

20

(2) The historical claims are every claim that Whakatōhea or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

- (a) is founded on a right arising—
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law (including aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or
 - (v) otherwise; and

25

(b) arises from, or relates to, acts or omissions before 21 September 1992—

30

- (i) by or on behalf of the Crown; or
- (ii) by or under legislation.

(3) The historical claims include—

- (a) a claim to the Waitangi Tribunal that relates exclusively to Whakatōhea or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:

35

-
- | | | |
|---------|---|----|
| (i) | Wai 87—Whakatōhea raupatu claim: | |
| (ii) | Wai 203—Mokomoko whānau claim: | |
| (iii) | Wai 339—Hiwarau Block claim: | |
| (iv) | Wai 1092—Ūpokorehe claim: | |
| (v) | Wai 1433—Nepia Whānau Trust claim: | 5 |
| (vi) | Wai 1758—Roimata marae, Ūpokorehe hapū, Ngāti Raumoa Roimata Marae Trust claim: | |
| (vii) | Wai 1775—Ngāti Patu claim: | |
| (viii) | Wai 1781—Ngāi Tamahaua claim: | |
| (ix) | Wai 1782—Ngāti Rua claim: | 10 |
| (x) | Wai 1787—Rongopopoia ki Ūpokorehe claim: | |
| (xi) | Wai 1794—Turangapikitoi hapū claim: | |
| (xii) | Wai 1795—Ngāti Rua claim: | |
| (xiii) | Wai 1827—the descendants of Rangihaerepō claim: | |
| (xiv) | Wai 1884—Ngāti Ngahere claim: | 15 |
| (xv) | Wai 2006—Ūpokorehe and Whakatōhea claim: | |
| (xvi) | Wai 2008—Pākowhai claim: | |
| (xvii) | Wai 2055—Ngāi Tama of Opape claim: | |
| (xviii) | Wai 2066—Ngāti Ruatakenga claim: | |
| (xix) | Wai 2107—Ngāti Ngahere/Ngāti Ira claim: | 20 |
| (xx) | Wai 2160—Whakatōhea/Ngāti Muriwai claim; and | |
| (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 Whakatōhea or a representative entity: | |
| (i) | Wai 287—school history claim: | 25 |
| (ii) | Wai 558—Ngāti Ira o Waioweka rohe claim: | |
| (iii) | Wai 864—Moutohora Quarry claim: | |
| (iv) | Wai 1511—Ngāi Tamatea claim: | |
| (v) | Wai 1789—descendants of Hineato Savage claim: | |
| (vi) | Wai 2510—Te Kahika claim. | 30 |
| (4) | However, the historical claims do not include— | |
| (a) | a claim that a member of Whakatōhea, or a whānau, hapū, or group referred to in section 13(1)(c) , had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Whakatōhea; or | 35 |

- (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**.
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date. 5

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. 10
- (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— 15
- (a) the historical claims; or
- (b) the deed of settlement; or
- (c) this Act; or
- (d) the redress provided under the deed of settlement or this Act. 20
- (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.
- (6) The Waitangi Tribunal,—
- (a) despite **subsection (4)(a)**, has jurisdiction to complete its inquiry, and release a report, on Wai 1750—North-Eastern Bay of Plenty District inquiry,— 25
- (i) including jurisdiction to make any findings in respect of the historical claims; but
- (ii) excluding jurisdiction to make any recommendations in respect of the historical claims; and 30
- (b) to avoid doubt, does not have jurisdiction in respect of the matters in **subsection (4)(b) to (d)** in relation to that inquiry and report.

Amendment to Treaty of Waitangi Act 1975

- 16 Amendment to Treaty of Waitangi Act 1975** 35
- (1) This section amends the Treaty of Waitangi Act 1975.

- (2) In Schedule 3, insert in its appropriate alphabetical order:
 Whakatōhea Claims Settlement Act **2023, section 15(4) to (6)**

Resumptive memorials no longer to apply

17 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply— 5
- (a) to a cultural redress property; or
 - (b) to a commercial redress property; or
 - (c) to the RFR land referred to in **section 128(1)(a)**; or
 - (d) to land in the RFR area; or
 - (e) for the benefit of Whakatōhea or a representative entity. 10
- (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: 15
 - (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 is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)** and that— 20
- (a) is all or part of—
 - (i) a cultural redress property:
 - (ii) a commercial redress property: 25
 - (iii) the RFR land referred to in **section 128(1)(a)**; or
 - (b) is solely within the RFR area.
- (2) The chief executive of LINZ must issue each certificate as soon as is reasonably practicable after the settlement date.
- (3) Each certificate must state that it is issued under this section. 30
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
- (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.

Miscellaneous matters

- 19 Limit on duration of trusts does not apply** 5
- (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) Te Tāwharau o Te Whakatōhea may exist in law; or
- (ii) the trustees may hold or deal with property or income derived from property; and 10
- (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. 15
- (2) However, if Te Tāwharau o Te Whakatōhea is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.
- 20 Access to deed of settlement**
- The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the deed of settlement available— 20
- (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. 25
- 21 Treatment of Te Tāwharau o Te Whakatōhea under Te Ture Whenua Maori Act 1993**
- Te Tāwharau o Te Whakatōhea must not be treated as a trust constituted in respect of any General land owned by Māori, for the purposes of section 236(1)(c) of Te Ture Whenua Maori Act 1993. 30

Part 2 Cultural redress

Subpart 1—Protocols

22 Interpretation	
In this subpart,—	5
protocol—	
(a) means each of the following protocols issued under section 23(1) or (2) :	
(i) the Crown minerals protocol:	
(ii) the primary industries protocol:	10
(iii) Appendix B of the Whakaaetanga Tiaki Taonga; and	
(b) includes any amendments made under section 23(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 5.100 of the deed of settlement (in the form set out in part 5 of the documents schedule).	15
<i>General provisions applying to protocols</i>	
23 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 3 of the documents schedule.	20
(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 5 of the documents schedule.	25
(3) The responsible Minister may amend or cancel a protocol at the initiative of—	
(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.	30
24 Protocols subject to rights, functions, and duties	
A protocol does not restrict—	
(a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability—	35

- (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; 5
or
- (c) the legal rights of Whakatōhea or a representative entity.
- 25 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 10
may enforce the protocol, subject to the Crown Proceedings Act 1950.
- (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.
- (4) To avoid doubt,— 15
- (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and
- (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under **subsection (2)**.
- Crown minerals* 20
- 26 Crown minerals protocol**
- (1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—
- (a) a register of protocols maintained by the chief executive; and 25
- (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—
- (a) for the purpose of public notice only; and
- (b) not a change to the minerals programmes for the purposes of the Crown 30
Minerals Act 1991.
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals.
- (4) In this section,— 35

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

5

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.

Primary industries

10

27 Primary industries protocol

- (1) The chief executive of the Ministry for Primary Industries must note a summary of the terms of the primary industries protocol in any fisheries plan that affects the primary industries protocol area.

- (2) The noting of the summary is—

15

- (a) for the purpose of public notice only; and
- (b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.

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

20

- (a) the Fisheries Act 1996;
- (b) the Maori Commercial Aquaculture Claims Settlement Act 2004;
- (c) the Maori Fisheries Act 2004;
- (d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

25

- (4) In this section,—

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

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

30

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.

35

- (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 deeds of recognition 5

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

statement of association, for a statutory area, means the statement— 10

- (a) made by Whakatōhea of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 1 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 15

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—

- (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 20
- (b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

30 Statutory acknowledgement by the Crown 25

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 30
- (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 35

- (c) to enable the trustees and any member of Whakatōhea to cite the statutory acknowledgement as evidence of the association of Whakatōhea with a statutory area, in accordance with **section 37**.

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. 5
- (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. 10
- (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

- (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. 15
- (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. 20
- (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

- (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. 30
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
- (a) in determining whether the trustees are persons directly affected by the decision; and 35
- (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.

- (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. 5
- (2) The information attached to a statutory plan must include—
- (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 10
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
- (a) part of the statutory plan; or 15
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

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. 30
- (3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application. 35

- (4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
- (a) waive the right to be provided with a summary or copy of a notice under this section; and 5
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application: 10
 - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.
- 37 Use of statutory acknowledgement**
- (1) The trustees and any member of Whakatōhea may, as evidence of the association of Whakatōhea 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 20
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, because of the statutory acknowledgement, binding as fact on— 25
- (a) the bodies referred to in **subsection (1)**; or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account. 30
- (4) To avoid doubt,—
- (a) the trustees and the members of Whakatōhea are not precluded from stating that Whakatōhea has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made. 35

*Deeds of recognition***38 Issuing and amending deeds of recognition**

- (1) This section applies in respect of all of the statutory areas.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 2.1 of the documents schedule for the statutory areas administered by the Department of Conservation. 5
- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 2.2 of the documents schedule for the statutory areas administered by the Commissioner.
- (4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees. 10

*General provisions relating to statutory acknowledgement and deeds of recognition***39 Application of statutory acknowledgement and deed of recognition to river or stream** 15

- (1) If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement—
- (a) applies only to—
- (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and 20
- (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
- (b) does not apply to— 25
- (i) a part of the bed of the river or stream that is not owned by the Crown; or
- (ii) an artificial watercourse.
- (2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed— 30
- (a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
- (b) does not apply to—
- (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or 35
- (ii) the bed of an artificial watercourse.

- 40 Exercise of powers and performance of functions and duties**
- (1) The statutory acknowledgement and a deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Whakatōhea with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 5
- (3) **Subsection (2)** does not limit **subsection (1)**. 10
- (4) This section is subject to—
- (a) the other provisions of this subpart; and
- (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.
- 41 Rights not affected** 15
- (1) The statutory acknowledgement and a 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. 20
- (2) This section is subject to the other provisions of this subpart.
- Consequential amendment to Resource Management Act 1991*
- 42 Amendment to Resource Management Act 1991**
- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order: 25
- Whakatōhea Claims Settlement Act **2023**
- Subpart 3—Official geographic names
- 43 Interpretation**
- In this subpart,—
- Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 30
- Board** has the meaning given in section 4 of the Act
- Crown protected area** has the meaning given in section 4 of the Act
- official geographic name** has the meaning given in section 4 of the Act.

44 Official geographic names

- (1) A name specified in the second column of the table in clause 5.130 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.
- (2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act. 5
- (3) **Subsection (4)** applies to the remaining Crown protected area of Waioueka Gorge Scenic Reserve, after—
- (a) the reservation is revoked from the parts of the reserve that are reserve properties (by **sections 58, 69, and 81**); and 10
- (b) those parts lose their status, and official geographic name, as a Crown protected area (under **sections 94 and 95**).
- (4) The name of the Crown protected area is changed to Waioweka Gorge Scenic Reserve. 15
- (5) The new name given to the Crown protected area 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. 20

45 Publication of official geographic names

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 44**.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date. 25

46 Subsequent alteration of official geographic names

- (1) In making a determination to alter the official geographic name of a feature named under **section 44(1)**, the Board—
- (a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but 30
- (b) must have the written consent of the trustees.
- (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.
- (3) The official geographic name of the Crown protected area named under **section 44(4)** 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. 35

Subpart 4—Vesting of cultural redress properties

47 Interpretation

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 2**: 5

Properties vested in fee simple

- (1) Paerātā property:
- (2) Pakihi site 1:
- (3) Pakihikura property:
- (4) Tāwai: 10
- (5) Tawhitinui:
- (6) Te Papa property:
- (7) Te Roto Urupā:
- (8) Tirohanga Dunes site 1 (*see section 55 or 56*):
- (9) Urupā Tawhito: 15

Properties vested in fee simple to be administered as reserves

- (10) Kiwikiwi and Te Tawa Flats property:
- (11) Kōtare property:
- (12) Marawaiwai:
- (13) Matekerepu: 20
- (14) Matepuritaka:
- (15) Mātītī:
- (16) Meremere property:
- (17) Ōhiwa property:
- (18) Oroi property: 25
- (19) Pakihi site 2:
- (20) Pātaua Island property:
- (21) Raetakohia property:
- (22) Te Ngaio property:
- (23) Te Papa Tākaro o Ōhui property: 30
- (24) Te Papa Tākaro o Whiti kau property:
- (25) Tirohanga Dunes site 2 (*see section 74 or 75*):
- (26) Toatoa property:
- (27) Tukainoke:

- (28) Tutaetoko property:
- (29) Waiaua property:
- (30) Waiōtahe property:
- (31) Waioweka property:
- (32) Whenua Maumahara o Hukutaia: 5
- (33) Whitikau property

reserve property means each of the properties named in **paragraphs (10) to (33)** of the definition of cultural redress property.

Properties vested in fee simple

- 48 Paerātā property** 10
- (1) The reservation of the Paerātā property as a recreation reserve subject to the Reserves Act 1977 is revoked.
 - (2) The fee simple estate in the Paerātā property vests in the trustees.
- 49 Pakihi site 1**
- (1) Pakihi site 1 ceases to be a conservation area under the Conservation Act 1987. 15
 - (2) The fee simple estate in Pakihi site 1 vests in the trustees.
 - (3) Improvements in or on Pakihi site 1 do not vest in the trustees, despite the vesting under **subsection (2)**.
- 50 Pakihikura property**
- (1) The Pakihikura property ceases to be a conservation area under the Conservation Act 1987. 20
 - (2) The fee simple estate in the Pakihikura property vests in the trustees.
 - (3) **Subsections (1) and (2)** do not take effect until the Minister of Conservation has provided Ōpōtiki District Council with a registrable easement in gross for a right to drain sewage on the terms and conditions set out in part 9.1 of the documents schedule. 25
 - (4) The easement—
 - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act. 30
- 51 Tāwai**
- (1) The reservation of Tāwai (being Kutarere Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
 - (2) The fee simple estate in Tāwai vests in the trustees. 35

- 52 Tawhitinui**
- (1) Tawhitinui ceases to be a conservation area under the Conservation Act 1987.
 - (2) The fee simple estate in Tawhitinui vests in the trustees.
- 53 Te Papa property**
- (1) The reservation of the part of the Te Papa property that is a local purpose reserve subject to the Reserves Act 1977 is revoked. 5
 - (2) The fee simple estate in the Te Papa property vests in the trustees.
 - (3) **Subsections (1) and (2)** 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 9.2 of the documents schedule. 10
- 54 Te Roto Urupā**
- (1) The reservation of Te Roto Urupā as a local purpose reserve subject to the Reserves Act 1977 is revoked.
 - (2) The fee simple estate in Te Roto Urupā vests in the trustees.
- 55 Tirohanga Dunes site 1** 15
- (1) This section applies only if there exists on the settlement date an unconditional agreement for sale and purchase between the Crown and the registered owners of the land in record of title 58271 that relates to Sections 8, 10, 11, and 12 SO 577243.
 - (2) The agreement is enforceable in accordance with its terms, despite the provisions of the Conservation Act 1987 or the Land Act 1948. 20
 - (3) Section 9 SO 577243 ceases to be a conservation area under the Conservation Act 1987.
 - (4) Section 10 SO 577243 vests in the Crown as Crown land subject to the Land Act 1948. 25
 - (5) The fee simple estate in Tirohanga Dunes site 1 vests in the trustees.
 - (6) Improvements in or on Tirohanga Dunes site 1 do not vest in the trustees, despite the vesting under **subsection (5)**.
 - (7) In this section, **Tirohanga Dunes site 1** means the land of that name described in **Part 1 of Schedule 2**. 30
- 56 Tirohanga Dunes site 1—alternative vesting**
- (1) This section applies only if the unconditional agreement for sale and purchase referred to in **section 55(1)** does not exist on the settlement date.
 - (2) Tirohanga Dunes site 1 ceases to be a conservation area under the Conservation Act 1987. 35
 - (3) The fee simple estate in Tirohanga Dunes site 1 vests in the trustees.

- (4) Improvements in or on Tirohanga Dunes site 1 do not vest in the trustees, despite the vesting under **subsection (3)**.
- (5) In this section, **Tirohanga Dunes site 1** means the land of that name described in **Part 2 of Schedule 2**.

57 Urupā Tawhito 5

- (1) Urupā Tawhito ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Urupā Tawhito vests in the trustees.

Properties vested in fee simple to be administered as reserves

58 Kiwikiwi and Te Tawa Flats property 10

- (1) The reservation of the Kiwikiwi and Te Tawa Flats property (being part of Waioeka Gorge Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Kiwikiwi and Te Tawa Flats property vests in the trustees. 15
- (3) The Kiwikiwi and Te Tawa Flats 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 Te Whenua o Te Whakatōhea—Kiwikiwi and Te Tawa Flats Scenic Reserve. 20

59 Kōtare property

- (1) The reservation of the Kōtare property (being Kotare Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Kōtare property vests in the trustees.
- (3) The Kōtare 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. 25
- (4) The reserve is named Te Whenua o Te Whakatōhea—Kōtare Scenic Reserve.

60 Marawaiwai

- (1) The reservation of Marawaiwai (being Marawaiwai Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 30
- (2) The fee simple estate in Marawaiwai vests in the trustees.
- (3) Marawaiwai 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 Te Whenua o Te Whakatōhea—Marawaiwai Scenic Reserve. 35

- 61 Matekerepu**
- (1) The reservation of the part of Matekerepu that is a historic reserve subject to the Reserves Act 1977 (being Matekerepu Historic Reserve) is revoked.
- (2) The reservation of the part of Matekerepu that is a scenic reserve subject to the Reserves Act 1977 is revoked. 5
- (3) The fee simple estate in Matekerepu vests in the trustees.
- (4) Matekerepu 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 Te Whenua o Te Whakatōhea—Matekerepu Scenic Reserve. 10
- 62 Matepuritaka**
- (1) Matepuritaka ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Matepuritaka vests in the trustees.
- (3) Matepuritaka 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 Te Whenua o Te Whakatōhea—Matepuritaka Scenic Reserve.
- 63 Mātītī**
- (1) Mātītī ceases to be a conservation area under the Conservation Act 1987. 20
- (2) The fee simple estate in Mātītī vests in the trustees.
- (3) Mātītī 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 Te Whenua o Te Whakatōhea—Mātītī Scenic Reserve.
- 64 Meremere property** 25
- (1) The reservation of the Meremere property (being part of Meremere Hill Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Meremere property vests in the trustees.
- (3) The Meremere 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 Te Whenua o Te Whakatōhea—Meremere Scenic Reserve.
- 65 Ōhiwa property**
- (1) The Ōhiwa property ceases to be a conservation area under the Conservation Act 1987. 35
- (2) The fee simple estate in the Ōhiwa property vests in the trustees.

- (3) The Ōhiwa 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 Te Whenua o Te Whakatōhea—Ōhiwa Scenic Reserve.

66 Oroi property

- (1) The reservation of the Oroi property (being part of Oroi Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in the Oroi property vests in the trustees.
- (3) The Oroi 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 Te Whenua o Te Whakatōhea—Oroi Scenic Reserve. 10
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided Ōpōtiki District Council with a registrable right of way easement in gross on the terms and conditions set out in part 9.7 of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and 15
- (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

67 Pakihi site 2

- (1) Pakihi site 2 ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Pakihi site 2 vests in the trustees. 20
- (3) Pakihi site 2 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 Te Whenua o Te Whakatōhea—Pakihi Scenic Reserve.

68 Pātaua Island property

- (1) The reservation of the Pātaua Island property (being part of Pataua Island Scientific Reserve) as a scientific reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in the Pātaua Island property vests in the trustees.
- (3) The Pātaua Island 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 Te Whenua o Te Whakatōhea—Pātaua Island Scenic Reserve.

69 Raetakohia property

- (1) The reservation of the Raetakohia property (being part of Waioeka Gorge Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 35

- (2) The fee simple estate in the Raetakohia property vests in the trustees.
- (3) The Raetakohia 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 Te Whenua o Te Whakatōhea—Raetakohia Scenic Reserve. 5
- (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 9.8 of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and 10
- (b) is to be treated as having been granted in accordance with the Reserves Act 1977.
- 70 Te Ngaio property**
- (1) The reservation of the Te Ngaio property as a recreation reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in the Te Ngaio property vests in the trustees.
- (3) The Te Ngaio property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Te Whenua o Te Whakatōhea—Te Ngaio Recreation Reserve. 20
- (5) The joint management body established by **section 104** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 100**. 25
- (7) Improvements in or on the Te Ngaio property do not vest in the trustees, despite the vesting under **subsection (2)**.
- (8) **Subsections (1) to (7)** do not take effect until the trustees have provided Ōpōtiki District Council with a registrable easement in gross for the following rights on the terms and conditions set out in part 9.9 of the documents schedule: 30
- (a) a right of way (for pedestrians and vehicles):
- (b) a right of way (for pedestrians and cycles):
- (c) a right of way, a right to use groundwater testing bores, and a right to take and convey water. 35
- (9) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and

- (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

71 Te Papa Tākaro o Ōhui property

- (1) The reservation of the Te Papa Tākaro o Ōhui property as a recreation reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in the Te Papa Tākaro o Ōhui property vests in the trustees.
- (3) The Te Papa Tākaro o Ōhui property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Te Whenua o Te Whakatōhea—Te Papa Tākaro o Ōhui Recreation Reserve. 10
- (5) Ōpōtiki District Council is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the council under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 100**. 15

72 Council improvements attached to Te Papa Tākaro o Ōhui property

- (1) This section applies to the improvements that are owned by Ōpōtiki District Council and attached to the Te Papa Tākaro o Ōhui property (the **property**) immediately before the property is vested by **section 71(2)** (the **council improvements**), and applies despite the vesting. 20

Ownership of improvements

- (2) The council improvements—
- (a) remain vested in the council; and
- (b) are personal property, not forming part of the property, and do not confer an estate or interest in the property. 25
- (3) The council improvements may, at the council’s discretion, remain attached to the property—
- (a) without the consent of the owners of the property or the administering body of the reserve over the property (if no longer the council); and 30
- (b) without charge.
- (4) **Subsections (2) and (3)** are subject to any other enactment that governs the ownership of a council improvement.

Use and removal of improvements

- (5) In the rest of this section,— 35
- removal** includes demolition of an improvement
- use** includes access to, or occupation, repair, or maintenance of, an improvement.

- (6) The council, or a person authorised by the council, may at any time use or remove a council improvement—
- (a) without the consent of the owners of the property or the administering body (if no longer the council); and
 - (b) without charge; and 5
 - (c) otherwise in accordance with the Reserves Act 1977 and any other relevant enactments.
- (7) In removing a council improvement, the council must—
- (a) give the owners of the property and the administering body (if no longer the council) at least 15 working days' written notice of the intended removal; and 10
 - (b) ensure that the land is left in a clean and tidy condition afterwards.

Liability for improvements

- (8) The trustees are not liable for the council improvements to the extent that they would, apart from this section, have been liable for them because they own the property. 15

73 Te Papa Tākaro o Whitikau property

- (1) The reservation of the Te Papa Tākaro o Whitikau property as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Te Papa Tākaro o Whitikau property vests in the trustees. 20
- (3) The Te Papa Tākaro o Whitikau property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Te Whenua o Te Whakatōhea—Te Papa Tākaro o Whitikau Recreation Reserve. 25
- (5) Ōpōtiki District Council is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the council under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 100**. 30
- (7) Improvements in or on the Te Papa Tākaro o Whitikau property do not vest in the trustees, despite the vesting under **subsection (2)**.
- (8) The following powers and responsibilities of Bay of Plenty Regional Council under the Soil Conservation and Rivers Control Act 1941 continue to apply as if the vesting under **subsection (2)** had not happened: 35
- (a) to access, construct, reconstruct, alter, repair, or maintain any works in or on the Te Papa Tākaro o Whitikau property that minimise or prevent damage by floods or erosion and that are owned by the Council:

- (b) to access any works in or on any adjacent land that minimise or prevent damage by floods or erosion.
- (9) **Subsections (1) to (8)** do not take effect until the trustees have provided Ōpōtiki District Council with a registrable easement in gross for the following rights on the terms and conditions set out in part 9.10 of the documents schedule: 5
- (a) a right of way (for pedestrians and cycles):
- (b) a right of way (for pedestrians and vehicles) and a right to park:
- (c) a right to convey electricity:
- (d) a right to convey sewage: 10
- (e) a right to convey stormwater:
- (f) a right to convey water.
- (10) 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. 15
- 74 Tirohanga Dunes site 2**
- (1) This section applies only if the unconditional agreement for sale and purchase referred to in **section 55(1)** exists on the settlement date.
- (2) Sections 1, 2, 3, 4, 5, 6, 8, and 12 SO 577243 cease to be a conservation area under the Conservation Act 1987. 20
- (3) Section 11 SO 577243 vests in the Crown as Crown land subject to the Land Act 1948.
- (4) The fee simple estate in Sections 8 and 12 SO 577243 vests in the registered owners of the land in record of title 58271. 25
- (5) As soon as practicable after an order is produced for a record of title, the Registrar-General must create a single record of title for the fee simple estate in the following in the name of the registered owners of the land in record of title 58271:
- (a) Sections 8 and 12 SO 577243; and 30
- (b) the balance of the land in record of title 58271 (after the vestings of Sections 10 and 11 SO 577243 by **section 55(4)** and **subsection (3)**).
- (6) The fee simple estate in Tirohanga Dunes site 2 vests in the trustees.
- (7) Tirohanga Dunes site 2 is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 35
- (8) The reserve is named Te Whenua o Te Whakatōhea—Tirohanga Dunes Scenic Reserve.

- (9) The joint management body established by **section 104** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.
- (10) **Subsection (9)** continues to apply despite any subsequent transfer under **section 100**. 5
- (11) **Sections 91(1), 92(1)(c), and 93(1) and (4)** apply to Sections 8 and 12 SO 577243 as if the land were a cultural redress property (and, for **section 91(1)**, were vested in the trustees under this subpart).
- (12) **Subsections (2) to (11)** do not take effect until the trustees have— 10
- (a) provided the registered owners of the land in record of title 58271 with a registrable right of way easement on the terms and conditions set out in part 9.3 of the documents schedule; and
- (b) provided a registrable right of way easement in favour of Tirohanga Dunes site 1 on the terms and conditions set out in part 9.4 of the documents schedule. 15
- (13) Despite the provisions of the Reserves Act 1977, the easements—
- (a) are enforceable in accordance with their terms; and
- (b) are to be treated as having been granted in accordance with the Reserves Act 1977. 20
- (14) In this section, **Tirohanga Dunes site 2** means the land of that name described in **Part 1 of Schedule 2**.
- 75 Tirohanga Dunes site 2—alternative vesting**
- (1) This section applies only if the unconditional agreement for sale and purchase referred to in **section 55(1)** does not exist on the settlement date. 25
- (2) Tirohanga Dunes site 2 ceases to be a conservation area under the Conservation Act 1987.
- (3) The fee simple estate in Tirohanga Dunes site 2 vests in the trustees.
- (4) Tirohanga Dunes site 2 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
- (5) The reserve is named Te Whenua o Te Whakatōhea—Tirohanga Dunes Scenic Reserve.
- (6) The joint management body established by **section 104** 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 100**.
- (8) **Subsections (2) to (7)** do not take effect until the trustees have—

- (a) provided the registered owners of the land in record of title 58271 with a registrable right of way easement on the terms and conditions set out in part 9.5 of the documents schedule; and
- (b) provided a registrable right of way easement in favour of Tirohanga Dunes site 1 on the terms and conditions set out in part 9.6 of the documents schedule. 5
- (9) Despite the provisions of the Reserves Act 1977, the easements—
- (a) are enforceable in accordance with their terms; and
- (b) are to be treated as having been granted in accordance with the Reserves Act 1977. 10
- (10) Improvements in or on Sections 8 and 12 SO 577243 do not vest in the trustees, despite the vesting under **subsection (3)**.
- (11) In this section, **Tirohanga Dunes site 2** means the land of that name described in **Part 2 of Schedule 2**.
- 76 Toatoa property** 15
- (1) The reservation of the Toatoa property (being part of Toa Toa Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Toatoa property vests in the trustees.
- (3) The Toatoa 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. 20
- (4) The reserve is named Te Whenua o Te Whakatōhea—Toatoa Scenic Reserve.
- 77 Tukainoke**
- (1) The reservation of Tukainoke (being part of Tukainuka Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tukainoke vests in the trustees. 25
- (3) Tukainoke 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 Te Whenua o Te Whakatōhea—Tukainoke Scenic Reserve.
- 78 Tutaetoko property** 30
- (1) The Tutaetoko property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Tutaetoko property vests in the trustees.
- (3) The Tutaetoko 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. 35
- (4) The reserve is named Te Whenua o Te Whakatōhea—Tutaetoko Scenic Reserve.

79 Waiaua property

- (1) The reservation of the Waiaua property (being Waiaua Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Waiaua property vests in the trustees.
- (3) The Waiaua 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
- (4) The reserve is named Te Whenua o Te Whakatōhea—Waiaua Scenic Reserve.

80 Waiōtahe property

- (1) The reservation of the Waiōtahe property (being Waiōtahe Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 10
- (2) The fee simple estate in the Waiōtahe property vests in the trustees.
- (3) The Waiōtahe 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 Te Whenua o Te Whakatōhea—Waiōtahe Scenic Reserve. 15

81 Waioweka property

- (1) The reservation of the part of the Waioweka property that is a scenic reserve subject to the Reserves Act 1977 (being part of Waioweka Gorge Scenic Reserve) is revoked.
- (2) The reservation of the part of the Waioweka property that is a local purpose reserve subject to the Reserves Act 1977 is revoked. 20
- (3) The road shown as A on OMCR-087-35 (subject to survey) is stopped, and ceases to be State highway under the Land Transport Management Act 2003.
- (4) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road. 25
- (5) The fee simple estate in the Waioweka property vests in the trustees.
- (6) The Waioweka 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.
- (7) The reserve is named Te Whenua o Te Whakatōhea—Waioweka Scenic Reserve. 30

82 Whenua Maumahara o Hukutaia

- (1) The reservation of Whenua Maumahara o Hukutaia (being Hukutaia Domain Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Whenua Maumahara o Hukutaia vests in the trustees. 35
- (3) Whenua Maumahara o Hukutaia is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

- (4) The reserve is named Te Whenua o Te Whakatōhea—Whenua Maumahara o Hukutaia Recreation Reserve.
- (5) Ōpōtiki District Council is the administering body of the reserve as if the council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977. 5
- (6) Improvements in or on Whenua Maumahara o Hukutaia do not vest in the trustees, despite the vesting under **subsection (2)**.
- 83 Future interests relating to Whenua Maumahara o Hukutaia reserve land**
- (1) In this section and **section 84**,—
- Council** means Ōpōtiki District Council 10
- Whenua Maumahara o Hukutaia reserve land** and **reserve land** mean all or the part of Whenua Maumahara o Hukutaia that remains a reserve under the Reserves Act 1977.
- (2) This section applies to the Whenua Maumahara o Hukutaia reserve land, but only while the trustees are the owners, and the Council is the administering body, of that land. 15
- Interests in land*
- (3) Despite the Council being the administering body, the trustees may, as if they were the administering body of the reserve land,—
- (a) accept, grant, or decline to grant any interest in land that affects the reserve land; or 20
- (b) renew or vary such an interest.
- (4) If a person wishes to obtain an interest in land in the reserve land, or renew or vary such an interest, the person must apply under this section, in writing, through the Council. 25
- (5) The Council must—
- (a) advise the trustees of the applications it receives; and
- (b) undertake the administrative processes required by the Reserves Act 1977 in relation to each application.
- (6) Before the trustees determine an application, the trustees must consult the Council. 30
- Interests that are not interests in land*
- (7) The Council may—
- (a) accept, grant, or decline to grant any interest that affects the reserve land other than an interest in land; or 35
- (b) renew or vary such an interest.

Application of Reserves Act 1977

- (8) The Reserves Act 1977, except section 59A of that Act, applies to the accepting, granting, declining, renewing, or varying of any interests under this section.

84 Administering body of Whenua Maumahara o Hukutaia reserve land 5

- (1) This section applies to the Whenua Maumahara o Hukutaia reserve land, but only while the trustees are the owners of that land.
- (2) The trustees and the Council may jointly—
- (a) agree that the Council no longer be the administering body of the reserve land; and 10
- (b) give the Minister of Conservation written notice of the agreement.
- (3) The Minister must, no later than 20 working days after receiving the notice, publish a notice in the *Gazette* declaring that—
- (a) the Council is no longer the administering body of the reserve land; and
- (b) the trustees are the administering body of the reserve land. 15
- (4) The Minister may, at their sole discretion, revoke the appointment of the Council as the administering body of the reserve land, if requested in writing to do so by the trustees or the Council.
- (5) Before deciding whether to revoke the appointment, the Minister must consult the trustees and the Council. 20
- (6) When the Minister has decided whether to revoke the appointment, the Minister must—
- (a) give written notice of the decision to the trustees and the Council; and
- (b) if the Minister decides to revoke the appointment, publish a notice in the *Gazette*, no later than 20 working days after giving notice of the decision, declaring that— 25
- (i) the Council is no longer the administering body of the reserve land; and
- (ii) the trustees are the administering body of the reserve land.
- (7) The trustees are the administering body of the reserve land on and from the date on which a notice is published under **subsection (3) or (6)(b)**. 30

85 Whitikau property

- (1) The reservation of the Whitikau property (being Whitikau Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Whitikau property vests in the trustees. 35
- (3) The Whitikau 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 Te Whenua o Te Whakatōhea—Whitikau Scenic Reserve.

General provisions applying to vesting of cultural redress properties

86 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in **Schedule 2**. 5

87 Interests in land for Oroī property

- (1) This section applies to all or the part of the Oroī property that remains a reserve under the Reserves Act 1977 (the **reserve land**), but only after the registration of a transfer under **section 98**. 10
- (2) If the Oroī property is affected by an interest in land immediately before the transfer is registered, the interest applies as if the joint management body established by **section 99** were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land. 15
- (3) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the joint management body were the registered owner of the reserve land.
- (4) **Subsections (2) and (3)** continue to apply despite any subsequent transfer of the reserve land under **section 100**. 20

88 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. 25
- (2) The reserve properties are—
- (a) the Te Ngaio property; and
 - (b) the Te Papa Tākaro o Ōhui property; and
 - (c) the Te Papa Tākaro o Whitikau property; and
 - (d) Tirohanga Dunes site 2. 30
- (3) If the reserve property is affected by an interest in land listed for the property in **Schedule 2**, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.
- (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. 35

- (5) However, **subsections (3) and (4)** do not affect the registration of the easements referred to in **sections 70(8), 73(9), 74(12), and 75(8)**.
- (6) **Subsections (3) and (4)** continue to apply despite any subsequent transfer of the reserve land under **section 100**.

89 Interests that are not interests in land 5

- (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 2**, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies. 10
- (3) If all or part of the cultural redress property is reserve land to which **section 88** 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. 15
- (4) The interest applies—
- (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and
 - (b) with any other necessary modifications; and 20
 - (c) despite any change in status of the land in the property.

90 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 Tāwai, the Kōtare property, or Matekerepu), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate. 25
- (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 30
 - (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) **Subsection (5)** applies to—
- (a) a cultural redress property, but only to the extent that **subsection (2)** does not apply to the property; and 35
 - (b) Tāwai; and
 - (c) the Kōtare property; and

- (d) Matekerepu, despite the property being located in 2 land registration districts.
- (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 names of the trustees; and 5
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (6) **Subsection (5)** is subject to the completion of any survey necessary to create a record of title. 10
- (7) A record of title must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—
- (a) 24 months after the settlement date; or
- (b) any later date that is agreed in writing by the Crown and the trustees.
- (8) In this section, **authorised person** means a person authorised by— 15
- (a) the chief executive of LINZ, for the Te Papa property;
- (b) the Director-General, for all other properties.
- 91 Application of Part 4A of Conservation Act 1987**
- (1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 20
- (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. 25
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.
- 92 Matters to be recorded on record of title** 30
- (1) The Registrar-General must record on the record of title—
- (a) for a reserve property listed in **section 88(2)**—
- (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 88(4), 91(3), and 96**; and 35
- (b) for any other 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 91(3) and 96**; and
- (c) for any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987. 5
- (2) A notation made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.
- (3) For a reserve property, if the reservation of the property under this subpart is revoked for— 10
- (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—
- (i) that section 24 of the Conservation Act 1987 does not apply to the property; and 15
- (ii) that the property is subject to **sections 91(3) and 96**; and
- (iii) if the property is listed in **section 88(2)**, that the property is subject to **section 88(4)**; 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. 20
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)(a)**.
- 93 Application of other enactments**
- (1) The vesting of the fee simple estate in a cultural redress property under this subpart does not— 25
- (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. 30
- (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— 35
- (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.

94 Names of Crown protected areas discontinued

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area.
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly. 5
- (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. 10

*Further provisions applying to reserve properties***95 Application of other enactments to reserve properties**

- (1) The trustees are the administering body of a reserve property, except as provided for in **sections 70, 71, 73, 74 (or 75), and 82**.
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property. 15
- (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.
- (4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act. 20
- (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. 25
- (6) **Subsection (2)** does not apply to—
- (a) the Te Papa Tākaro o Ōhūi property, the Te Papa Tākaro o Whītikau property, or Whenua Maumahara o Hukutaia while Ōpōtiki District Council is the administering body of the reserve property: 30
- (b) the Te Ngaio property or Tirohanga Dunes site 2.
- (7) Despite section 41(1) of the Reserves Act 1977, for whichever of the Te Papa Tākaro o Ōhūi property, the Te Papa Tākaro o Whītikau property, and Whenua Maumahara o Hukutaia that Ōpōtiki District Council remains the administering body for,— 35
- (a) the reserve management plan that is in effect immediately before the settlement date continues to apply to the properties; and
- (b) when the Council is reviewing that plan, a separate part of the plan that applies to the properties must be—

- (i) prepared under that section by the Council and the trustees; and
- (ii) approved under that section by the Minister or, if the Minister’s power of approval is delegated to the Council, by the Council and the trustees.
- (8) When the administering body of the Kōtare property, Matekerepu, or the Pātaua Island property prepares or reviews a management plan for the property under section 41 of the Reserves Act 1977, it must— 5
- (a) seek and have regard to the views of the trustees of Tūhoe Te Uru Taumatua (as defined in section 12 of the Tūhoe Claims Settlement Act 2014) or of their nominee; and 10
- (b) if section 41(6)(e) of the Reserves Act 1977 applies (because the management plan requires the approval of the Minister), also attach to the plan submitted for approval a summary of how the administering body has sought and had regard to the views of the trustees of Tūhoe Te Uru Taumatua or of their nominee. 15
- 96 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 the Oroī property may be transferred only in accordance with **section 98 or 100**. 20
- (3) The fee simple estate in the reserve land in the following properties may be transferred only in accordance with **section 100**:
- (a) the Te Ngaio property;
- (b) Tirohanga Dunes site 2. 25
- (4) The fee simple estate in the reserve land in any other property may be transferred only in accordance with **section 97 or 100**.
- (5) In this section and **sections 97 to 101**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.
- 97 Transfer of reserve land to new administering body** 30
- (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 a beneficial entity.
- (2) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the beneficial entity is able— 35
- (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 owner of the fee simple estate in the reserve land.
- (4) The required documents are—
- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the beneficial entity, including a notification that the beneficial entity is 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 5
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and 10
 - (c) the written consent of the administering body of the reserve land, if the trustees are transferring the reserve land but are not the administering body; and
 - (d) any other document required for the registration of the transfer instrument. 15
- (5) The beneficial entity, from the time of its registration under this section,—
- (a) is the administering body of the reserve land; and
 - (b) holds 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. 20
- (7) In this section, **beneficial entity** means a legal entity that—
- (a) represents only a group of members of Whakatōhea (for example, a hapū of Whakatōhea); and
 - (b) is approved by the trustees by unanimous resolution. 25
- 98 Transfer of reserve land in Oroī property to governance entity for Ngāi Tai Iwi**
- (1) The trustees may apply in writing to the Minister of Conservation for consent to transfer an undivided half share in the fee simple estate in the reserve land in the Oroī property to the governance entity for Ngāi Tai Iwi as tenants in common (the **new owners**). 30
- (2) The application must—
- (a) state that both parties have formally agreed to the transfer; and
 - (b) include a copy of the formal resolutions to support the agreement; and
 - (c) include the statement “Upon transfer, under **section 98** of the Whakatōhea Claims Settlement Act **2023**, the joint management body established by **section 99** of that Act will be the administering body of the reserve land and is able to comply with the requirements under that section”. 35

- (3) The Minister of Conservation must give written consent to the transfer to the new owners if satisfied with the information provided.
- (4) The Registrar-General must, upon receiving the required documents,—
- (a) register the new owners as the owners of an undivided half share in the fee simple estate in the reserve land; and 5
 - (b) note on both the record of title for the undivided half share held by the new owners, and on the record of title for the undivided half share retained by the trustees, that the land is subject to **section 87**.
- (5) 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 new owners, including— 10
 - (i) 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 by the administering body immediately before the transfer; and
 - (ii) the statement “The reserve land is subject to **section 87** of the Whakatōhea Claims Settlement Act **2023**”; and 15
 - (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
 - (c) any other document required for the registration of the transfer instrument. 20
- (6) From the time of the new owners’ registration under this section,—
- (a) the joint management body established by **section 99** is the administering body of the reserve land, and the Reserves Act 1977 applies to the reserve land, as if the reserve land were vested in the body (as if the body were trustees) under section 26 of that Act; and 25
 - (b) the new owners’ share in the reserve land is held for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.
- (7) A transfer that complies with this section need not comply with any other requirements. 30
- (8) After a transfer in accordance with this section, neither the new owners nor the trustees may transfer their undivided half shares in the reserve land except in accordance with **section 100** (to update trustee names).
- (9) In this section and **section 99**, **governance entity for Ngāi Tai Iwi** means an entity, or the trustees of a trust, that— 35
- (a) is established to receive redress for the settlement of the historical claims of Ngāi Tai Iwi, meaning the iwi of that name that lives in the eastern Bay of Plenty; and
 - (b) is approved by the Crown, and ratified by the members of Ngāi Tai Iwi, for that purpose. 40

99 Joint management body for Oroī property

(1) This section applies if a share in the reserve land in the Oroī property is transferred under **section 98**.

(2) On the date of registration of the transfer to the new owners, a joint management body is established for the Oroī property. 5

Appointment of members

(3) The appointers of the joint management body are—

- (a) the trustees; and
- (b) the governance entity for Ngāi Tai Iwi.

(4) Each appointer may appoint 2 members to the joint management body. 10

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

- (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. 15

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

(7) A member may be appointed, reappointed, or replaced at the discretion of their appointer.

Meetings, contracts, and liability 20

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

(9) However, the first meeting of the joint management body must be held no later than 2 months after the date of the transfer to the new owners.

Management plans 25

(10) If the trustees have not prepared a management plan for the reserve land as required by section 41 of the Reserves Act 1977 before the joint management body is established by this section, the joint management body must prepare the plan in accordance with that section.

100 Transfer of reserve land if trustees change 30

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

- (a) the transferors of the reserve land are or were the trustees of a trust; and
- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and 35

- (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.

101 Reserve land not to be mortgaged

The owners of reserve land must not mortgage, or give a security interest in, the reserve land. 5

102 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. 10
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

Subpart 5—Joint management of certain reserves 15

103 Interpretation in this subpart

In this subpart,—

body's term means,—

- (a) for an appointment made to the first joint management body, the period— 20
- (i) starting on the settlement date; and
 - (ii) ending on the first day after the settlement date that is the 89th day after a triennial local election:
- (b) for any other appointment, the period—
- (i) starting on the first day after the appointment is made that is the 90th day after a triennial local election; and 25
 - (ii) ending on the 89th day after the triennial local election after that one

Council reserves means—

- (a) Hukuwai Recreation Reserve; and 30
- (b) a local purpose (esplanade) reserve, meaning land comprising 4.3678 hectares, more or less, being Sections 1, 2, 3, 4, 5, 6, and 7 SO 461791, all record of title 650718 for the fee simple estate

Hukuwai Recreation Reserve means land comprising 5.4632 hectares, more or less, being Section 1 Block III Opotiki Survey District, all *Gazette* notice 139859.1 35

joint management body means the joint management body established by **section 104**

replacement appointment means an appointment made to replace a member before the end of the joint management body's term (including to fill a vacancy because a member's appointment ends before then).

5

104 Joint management body for Te Ngaio property, Tirohanga Dunes site 2, and Council reserves

(1) A joint management body is established for the following reserves:

- (a) the Te Ngaio property; and
- (b) Tirohanga Dunes site 2; and
- (c) the Council reserves.

10

(2) The joint management body is the administering body of the Council reserves, and the Reserves Act 1977 applies to the Council reserves, as if those reserves were vested in the body (as if the body were trustees) under section 26 of that Act.

15

(3) Despite **subsection (2) and sections 70(5) and 74(9) (or 75(6))** (which are similar provisions relating to the Te Ngaio property and Tirohanga Dunes site 2), the joint management body may exercise or perform a power or function that the Minister of Conservation has delegated to local authorities under section 10 of the Reserves Act 1977—

20

- (a) as if the joint management body were a local authority; but
- (b) only to the extent that the power or function is relevant to the reserve.

(4) To avoid doubt, the joint board is not a committee or a joint committee for the purposes of the Local Government Act 2002.

105 Appointment and term of members of joint management body

25

(1) The following are appointers for the purposes of this subpart:

- (a) the trustees; and
- (b) Ōpōtiki District Council.

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

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

30

- (a) the full name, address, and other contact details of the member; and
- (b) the date on which the appointment takes effect in accordance with **section 106**.

(4) A member may be removed only by their appointer giving written notice, stating the date on which the removal takes effect, to the other appointer.

35

(5) A member may be appointed, reappointed, or removed at the discretion of their appointer.

106 Term of office of joint management body

- (1) An appointment of a member to the joint management body takes effect—
- (a) at the start of the body’s term; or
 - (b) in the case of a replacement appointment, on the date stated in the notice of appointment. 5
- (2) An appointment of a member to the joint management body ends on whichever of the following comes first:
- (a) the end of the body’s term;
 - (b) the removal of the member by the appointer or the replacement of the member by the appointer appointing another member. 10
- (3) If an appointment ends but no successor has been appointed before the start of the next of the body’s terms, the member must be treated as having been reappointed for that next term.

107 Application of Reserves Act 1977 to joint management body

- (1) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board. 15
- (2) The following provisions apply despite the specified requirements of the Reserves Act 1977:
- First meeting*
- (a) the first meeting of the joint management body must be held no later than 6 months after the settlement date (despite section 32(1) of that Act): 20
- Chairperson and deputy chairperson*
- (b) a chairperson must be appointed, and a deputy chairperson may be appointed, for the joint management body as follows (despite section 32(5) of that Act): 25
 - (i) the trustees must appoint a member as chairperson:
 - (ii) Ōpōtiki District Council may appoint a member as deputy chairperson:
 - (iii) an appointment takes effect at the start of the body’s term (or, for the initial chairperson and deputy chairperson and any replacement appointment, on the date stated in the notice of appointment): 30
 - (iv) an appointment ends at the end of the body’s term or when the person’s membership ends: 35
 - (v) the person must be appointed by the appointer giving written notice of the appointment to the other appointer:

- (vi) an appointer may replace the chairperson or deputy chairperson appointed by that appointer at any time during the body's term:
- (c) if the chairperson is not present at a meeting and there is a deputy chairperson, the deputy chairperson must preside at the meeting (despite section 32(6) of that Act): 5
- Voting and quorum*
- (d) the chairperson has a deliberative vote but not a casting vote (despite section 32(7) of that Act):
- (e) the quorum consists of 4 members but each member may appoint a person to replace them at a meeting, or in voting, if the member is not available (despite section 32(9) of that Act): 10
- Management plans*
- (f) despite section 41(1) of that Act,—
- (i) the reserve management plan that is in effect immediately before the settlement date continues to apply to the Te Ngaio property and Hukuwai Recreation Reserve; and 15
- (ii) when Ōpōtiki District Council is reviewing that plan, a separate part of the plan that applies to the Te Ngaio property and Hukuwai Recreation Reserve must be—
- (A) prepared under that section by the joint management body; and 20
- (B) approved under that section by the Minister or, if the Minister's power of approval is delegated to the Council, by the joint management body (*see section 104(3)*):
- Financial provisions* 25
- (g) Part 4 of the Reserves Act 1977, which relates to financial provisions, applies to the joint management body as if it were a local authority:
- (h) Ōpōtiki District Council must, to the extent that it is reasonably practicable to distinguish the revenue from the reserve or reserves from any other revenue received by the Council,— 30
- (i) hold the revenue received by the joint management body as the administering body of the reserve or reserves; and
- (ii) account for that revenue separately from the Council's other revenue; and
- (iii) use that revenue, under the direction of the joint management body, but only in relation to the reserve or reserves. 35
- 108 Interests in Council reserves**
- Sections 88 and 89** apply to a Council reserve as if—
- (a) the Council reserve were a reserve property listed in **section 88(2)**; and

- (b) **section 88(3)** referred to an interest in land that affects the Council reserve (without requiring the interest to be listed); and
- (c) the Council reserve were a cultural redress property for the purposes of **section 89**; and
- (d) **section 89(1)** referred to an interest (other than an interest in land) to which the reserve is subject (without requiring the interest to be listed). 5

Subpart 6—Bay of Plenty conservation management strategy

109 Interpretation

In this subpart,—

Bay of Plenty conservation management strategy means any conservation management strategy that— 10

- (a) is prepared and approved under section 17F of the Conservation Act 1987; and
- (b) is in effect in an area that includes all or part of the Whakatōhea place

Whakatōhea chapter means a chapter— 15

- (a) of the Bay of Plenty conservation management strategy; and
- (b) comprising outcomes, policies, and milestones that apply exclusively to the Whakatōhea place, identified as an area for the purposes of integrated conservation management (*see* “Place” in the glossary of the conservation general policy approved by the Minister under section 17B of the Conservation Act 1987) 20

Whakatōhea place means the area shown on the map in part 3 of the attachments.

110 Partial review of conservation management strategy to include Whakatōhea chapter 25

The Director-General must, within 3 years after the settlement date, notify the trustees in writing that the Director-General intends to initiate a review of part of the Bay of Plenty conservation management strategy under section 17H of the Conservation Act 1987 to include the Whakatōhea chapter in it.

111 Requirements when reviewing or amending conservation management strategy 30

- (1) This section applies to the following reviews of, or amendments to, the Bay of Plenty conservation management strategy:
 - (a) the review for which notice is given under **section 110**; and
 - (b) any later review under section 17H, or amendment under section 17I, of the Conservation Act 1987. 35

- (2) After the review or amendment, the conservation management strategy must include the Whakatōhea chapter.
- (3) Despite sections 17D and 17F of the Conservation Act 1987, the trustees and the Director-General must jointly prepare, amend, or review the Whakatōhea chapter. 5
- (4) The Director-General must notify the trustees in writing if the Director-General intends to prepare, amend, or review the conservation management strategy in any way that affects the Whakatōhea chapter.
- (5) 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 Whakatōhea chapter. 10

112 Other responsibilities continue

- (1) This section is for the avoidance of doubt about the effects of **sections 110 and 111**.
- (2) Those sections do not change the role, under the Conservation Act 1987, of— 15
- (a) the New Zealand Conservation Authority in approving the Bay of Plenty conservation management strategy:
 - (b) the relevant Conservation Board in recommending the Bay of Plenty conservation management strategy to the New Zealand Conservation Authority for approval: 20
 - (c) the Director-General in determining the boundaries of any conservation management strategy.
- (3) Those sections—
- (a) apply only in respect of the Whakatōhea chapter; and
 - (b) do not apply in respect of anything else set out in the Bay of Plenty conservation management strategy, including the national and regional objectives, policies, and milestones for implementing the general statutory and policy requirements of the Department of Conservation. 25

Subpart 7—Cultural materials

113 Interpretation 30

In this subpart,—

conservation legislation means—

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

cultural materials means plants, plant materials, and dead protected wildlife that— 35

- (a) the Department of Conservation is responsible for; and

- (b) are found within the area of interest; and
- (c) are important to Whakatōhea in expressing and maintaining their cultural values and practices

cultural materials plan means a plan that has been agreed in accordance with **section 114**

5

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

10

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

Cultural materials plan

114 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 Whakatōhea to collect and possess cultural materials. 15
- (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. 20

115 Scope of cultural materials plan

The cultural materials plan must set out the terms and conditions on which the trustees may grant authorisations, in accordance with **section 116**, to members of Whakatōhea to collect and possess cultural materials for non-commercial purposes. 25

Authorisations for collecting and possessing cultural materials

116 Authorisation to collect or possess cultural materials

- (1) The trustees may issue a written authorisation to a member of Whakatōhea—
 - (a) to collect plants or plant materials:
 - (b) to possess dead protected wildlife. 30
- (2) An authorisation may be issued without the requirement for a permit or other authorisation under the conservation legislation.
- (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. 35

- (4) An authorisation to possess dead protected wildlife must not permit the hunting, taking alive, or killing of living wildlife.

117 Possession of dead protected wildlife

Despite the Wildlife Act 1953 or regulations made under that Act, a member of Whakatōhea may possess dead protected wildlife if the member— 5

- (a) holds a written authorisation issued under **section 116(1)**; and
 (b) has acted in accordance with—
 (i) the terms and conditions of the authorisation; and
 (ii) the relevant provisions of the cultural materials plan.

Part 3

10

Commercial redress

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

118 Interpretation

- (1) In this subpart,— 15

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

cross-leased property means the commercial redress property described in part 3 of the property redress schedule as Flats 1, 2, 3, and 4, 72 Richard Street, Ōpōtiki 20

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

land holding agency means the land holding agency specified,—

- (a) for a commercial redress property, in part 3 of the property redress schedule; or 25
 (b) for a deferred selection property, in subpart A of part 4 of the property redress schedule.
- (2) In this subpart, a reference to the transfer of a commercial redress 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

119 The Crown may transfer properties and grant easements

- (1) To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—

-
- (a) to transfer the fee simple estate in a commercial redress property or a deferred selection property to the trustees; and
- (b) to transfer each leasehold estate in the cross-leased property to the trustees; and
- (c) to sign a transfer instrument or other document, or do anything else, as necessary to effect a transfer. 5
- (2) The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to a commercial redress property or deferred selection property.
- (3) Any such easement— 10
- (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
- (b) is to be treated as having been granted in accordance with Part 3B of that Act.
- 120 Records of title for commercial redress properties and deferred selection properties** 15
- (1) This section applies to each of the following properties that is to be transferred under **section 119(1)** to the trustees:
- (a) a commercial redress property other than the cross-leased property:
- (b) a deferred selection property. 20
- (2) However, this section applies only to the extent that—
- (a) the property is not all of the land contained in a record of title for a fee simple estate; or
- (b) there is no record of title for the fee simple estate in all or part of the property. 25
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for the fee simple estate in the property in the name of the Crown; and
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but 30
- (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.
- (5) In this section and **section 121**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 35

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

- (1) For the purposes of **section 120**, the authorised person may grant a covenant for the later creation of a record of title for the fee simple estate in any of the following:
- (a) a commercial redress property other than the cross-leased property: 5
 - (b) a deferred selection property.
- (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 10
 - (b) the Registrar-General must comply with the request.

122 Application of other enactments

- (1) This section applies to the transfer to the trustees of—
- (a) the fee simple estate in a commercial redress property or deferred selection property; or 15
 - (b) each leasehold estate in the cross-leased property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (3) The transfer does not— 20
- (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. 25
- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.
- (6) In exercising the powers conferred by **section 119(1)**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 30
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.

123 Status of certain commercial redress properties

Conservation areas cease 35

- (1) Each of the following commercial redress properties described in part 3 of the property redress schedule ceases to be a conservation area under the Conservation Act 1987:

- (a) Hukutaia Conservation Area:
- (b) Part Old Town of Ōhiwa Conservation Area site A:
- (c) Part Old Town of Ōhiwa Conservation Area site B:
- (d) Pakihi Stream Conservation Area:
- (e) Part Waiotahi Conservation Area. 5
- Reserves revoked*
- (2) For each of the following commercial redress properties described in part 3 of the property redress schedule, the reservation of the property as a reserve subject to the Reserves Act 1977 is revoked:
- (a) Part Tukainuka Scenic Reserve: 10
- (b) Part Waioeka Gorge Roadside Reserve.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status.
- Name of Crown protected area discontinued*
- (4) **Subsection (5)** applies to the land in the commercial redress property described in part 3 of the property redress schedule as Part Tukainuka Scenic Reserve that, immediately before the settlement date, was part of a Crown protected area. 15
- (5) The official geographic name of the Crown protected area is discontinued in respect of the land and the Board must amend the Gazetteer accordingly. 20
- (6) 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.
- 124 Status of certain deferred selection properties**
- (1) This section applies to each of the following properties described in subpart A of part 4 of the property redress schedule that becomes a deferred selection property (because the requirements for its transfer under the deed of settlement have been satisfied): 25
- (a) Ōpōtiki School:
- (b) Woodlands School. 30
- (2) The reservation of any part of the property that is a reserve subject to the Reserves Act 1977 is revoked immediately before the property is transferred to the trustees under **section 119(1)**.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status. 35
- 125 Transfer of properties subject to lease**
- (1) This section applies to a deferred selection property—

- (a) for which the land holding agency is the Ministry of Education, the Ministry of Justice, or the New Zealand Police; and
 - (b) the ownership of which is to be transferred to the trustees; and
 - (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. 5
- (3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to **section 126** upon the registration of the transfer.
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that— 10
- (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) the land is subject to **section 126**.
- (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. 15

126 Requirements if lease terminates or expires

- (1) This section applies if the lease referred to in **section 125(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. 20
- (2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.
- (3) The registered owners of the property must apply in writing to the Registrar-General,— 25
- (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 30
 - (ii) the property is subject to this section; or
 - (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 35
 - (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.

Subpart 2—Right of first refusal over RFR land

*Interpretation***127 Interpretation**

In this subpart and **Schedule 3**,—

control, for the purposes of **paragraph (d)** of the definition of Crown body, means,— 5

- (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— 10

- (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 15
- (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: 20
 - (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— 25
 - (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— 30
 - (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 35

expiry date, in relation to an offer, means its expiry date under **sections 130(2)(a) and 131**

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 130**, to dispose of RFR land to the trustees 5

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

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

RFR area means the area shown on SO 557498

RFR landowner, in relation to RFR land,— 10

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

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

(c) includes a local authority to which RFR land has been disposed of under **section 136(1)**; but 15

(d) to avoid doubt, does not include an administering body in which RFR land is vested under **section 137(1)**

RFR period means the period of 181 years that starts on the settlement date

subsidiary has the meaning given in section 5 of the Companies Act 1993. 20

128 Meaning of RFR land

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

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

(i) is vested in the Crown; or 25

(ii) is held in fee simple by the Crown; and

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

(i) is vested in the Crown; or

(ii) is held in fee simple by the Crown; or

(iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and 30

(c) any land obtained in exchange for a disposal of RFR land under **section 141(1)(c) or 142**. 35

(2) RFR land does not include a commercial redress property.

(3) Land ceases to be RFR land if—

- (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under **section 119(1)** in the case of a deferred selection property or under a contract formed under **section 134**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 129(d)**; or 5
- (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
 - (i) under any of **sections 138 to 144** (which relate to permitted disposals of RFR land); or 10
 - (ii) under any matter referred to in **section 145(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or
- (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 153**; or 15
- (d) the RFR period ends.

Restrictions on disposal of RFR land

129 Restrictions on disposal of RFR land

- An RFR landowner must not dispose of RFR land to a person other than the trustees or their nominee unless the land is disposed of— 20
- (a) under any of **sections 135 to 144**; or
 - (b) under any matter referred to in **section 145(1)**; or
 - (c) in accordance with a waiver or variation given under **section 153**; or
 - (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees if the offer to the trustees was— 25
 - (i) made in accordance with **section 130**; and
 - (ii) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
 - (iii) not withdrawn under **section 132**; and 30
 - (iv) not accepted under **section 133**.

Trustees' right of first refusal

130 Requirements for offer

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees. 35
- (2) The notice must include—

- (a) the terms of the offer, including its expiry date; and
- (b) the legal description of the land, including any interests affecting it, and the reference for any record of title for the land; and
- (c) a street address for the land (if applicable); and
- (d) a street address, postal address, and fax number or electronic address for the trustees to give notices to the RFR landowner in relation to the offer. 5

131 Expiry date of offer

- (1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the trustees receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the trustees receive notice of the offer if— 10
 - (a) the trustees received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and 15
 - (c) the earlier offer was not withdrawn.

132 Withdrawal of offer

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

133 Acceptance of offer 20

- (1) The trustees may, by notice to the RFR landowner who made an offer, accept the offer if—
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less. 25

134 Formation of contract

- (1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer. 30
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees may nominate a nominee only if— 35
 - (a) the nominee is lawfully able to hold the RFR land; and

- (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify—
- (a) the full name of the nominee; and
- (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee. 5
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

Disposals to others where land remains RFR land

135 Disposal to the Crown or Crown bodies 10

- (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. 15

136 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— 20
- (a) the RFR landowner of the land; and
- (b) subject to the obligations of an RFR landowner under this subpart.

137 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. 25
- (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. 30
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
- (a) the RFR landowner of the land; and
- (b) subject to the obligations of an RFR landowner under this subpart.

Disposals to others where land may cease to be RFR land

- 138 Disposal in accordance with obligations under enactment or rule of law**
An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.
- 139 Disposal in accordance with legal or equitable obligations** 5
An RFR landowner may dispose of RFR land in accordance with—
- (a) a legal or an equitable obligation that—
 - (i) was unconditional before the settlement date; or
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or 10
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
 - (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.
- 140 Disposal under certain legislation** 15
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 20
 - (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. 25
- 141 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 30
 - (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 35

- (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. 5
- 142 Disposal for reserve or conservation purposes**
- An RFR landowner may dispose of RFR land in accordance with—
- (a) section 15 of the Reserves Act 1977; or
- (b) section 16A or 24E of the Conservation Act 1987. 10
- 143 Disposal for charitable purposes**
- An RFR landowner may dispose of RFR land as a gift for charitable purposes.
- 144 Disposal to tenants**
- The Crown may dispose of RFR land,—
- (a) if the land was held on the settlement date for education purposes, to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or 15
- (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—
- (i) before the settlement date; or 20
- (ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or
- (c) under section 93(4) of the Land Act 1948.
- RFR landowner obligations*
- 145 RFR landowner’s obligations subject to other matters** 25
- (1) An RFR landowner’s obligations under this subpart in relation to RFR land are subject to—
- (a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and 30
- (b) any interest or legal or equitable obligation—
- (i) that prevents or limits an RFR landowner’s disposal of RFR land to the trustees; and
- (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and 35
- (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.

Notices about RFR land

146 Notice to LINZ of RFR land with record of title after settlement date

- (1) If a record of title is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the record of title has been created. 5
- (2) If land for which there is a record of title becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land. 10
- (3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the legal description of the land and the reference for the record of title.

147 Notice to trustees of disposal of RFR land to others 15

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal.
- (3) The notice must include— 20
- (a) the legal description of the land, including any interests affecting it; and
 - (b) the reference for any record of title for the land; and
 - (c) the street address for the land (if applicable); and
 - (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 129**; and 25
 - (f) if the disposal is to be made under **section 129(d)**, a copy of any written contract for the disposal.

148 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a record of title is to cease being RFR land because— 30
- (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under **section 119(1)** in the case of a deferred selection property, or under a contract formed under **section 134**); or 35
 - (ii) any other person (including the Crown or a Crown body) under **section 129(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—
- (i) under any of **sections 138 to 144**; or
 - (ii) under any matter referred to in **section 145(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 153**. 5
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land. 10
- (3) The notice must include—
- (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) the details of the transfer or vesting of the land.
- 149 Notice requirements** 15
- Schedule 3** applies to notices given under this subpart by or to—
- (a) an RFR landowner; or
 - (b) the trustees.
- Right of first refusal recorded on records of title*
- 150 Right of first refusal to be recorded on records of title for RFR land** 20
- (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,—
- (a) the RFR land for which there is a record of title on the settlement date; and 25
 - (b) the RFR land for which a record of title is first created after the settlement date; and
 - (c) land for which there is a record of title that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable— 30
- (a) after the settlement date, for RFR land for which there is a record of title on the settlement date; or
 - (b) after receiving a notice under **section 146** that a record of title has been created for the RFR land or that the land has become RFR land, for any other land. 35
- (3) Each certificate must state that it is issued under this section.

- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is— 5
- (a) RFR land, as defined in **section 128**; and
- (b) subject to this subpart (which restricts disposal, including leasing, of the land).
- 151 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 148(2)**, issue to the Registrar-General a certificate that includes— 10
- (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 15
- (d) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, 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 150** for the land described in the certificate. 20
- 152 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, issue to the Registrar-General a certificate that includes— 25
- (a) the reference for each record of title for RFR land that still has a notation recorded under **section 150**; and
- (b) a statement that the certificate is issued under this section. 30
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notation recorded under **section 150** from any record of title identified in the certificate. 35

*General provisions applying to right of first refusal***153 Waiver and variation**

- (1) The trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this subpart.
- (2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart. 5
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

154 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. 10

155 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 15
- (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 20
- (b) specify the date of the assignment; and
- (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
- (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees. 25
- (3) This subpart and **Schedule 3** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.
- (4) In this section,—
- constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder 30
- RFR holder** means the 1 or more persons who have the rights and obligations of the trustees under this subpart, because—
- (a) they are the trustees; or
- (b) they have previously been assigned those rights and obligations under this section. 35

Subpart 3—Coastal permits in reserved area of coastal marine area

156 Interpretation

In this subpart,—

20-year period means the period of 20 years starting on the commencement of this section 5

aquaculture activities has the meaning given in section 2(1) of the Resource Management Act 1991

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

replacement area means the area described in a notice made under **section 158(1)** 10

reserved area means—

- (a) the coastal marine area shown as A and B on the plan in part 4 of the attachments; and
- (b) either— 15
 - (i) the coastal marine area shown as C on the plan in part 4 of the attachments (**area C**); or
 - (ii) the replacement area.

157 Exclusive right to apply for coastal permits for aquaculture activities in reserved area 20

- (1) This section applies during the 20-year period.
- (2) No person may apply for a coastal permit authorising occupation of space in the reserved area, for the purpose of aquaculture activities, except the trustees or their nominee.
- (3) A consent authority may grant a coastal permit authorising any other activity in the reserved area, but only— 25
 - (a) to the extent that the activity is compatible with aquaculture activities in the reserved area; and
 - (b) after consultation with the trustees.
- (4) **Subsection (2)** does not affect any application received by a consent authority— 30
 - (a) before the start of the 20-year period; or
 - (b) in respect of the replacement area, before the notice under **section 158(1)** takes effect.
- (5) This section overrides section 165E of the Resource Management Act 1991. 35

158 Part of reserved area may be changed

- (1) The Minister for Oceans and Fisheries (the **relevant Minister**) may, by notice in the *Gazette*, declare that the reserved area comprising area C is replaced by an area that—
- (a) is coastal marine area in the area of interest, even if it includes any part of area C; and 5
 - (b) is no more than 1,000 hectares; and
 - (c) is described in the notice.
- (2) The relevant Minister must not make the notice unless—
- (a) the trustees apply in writing to the relevant Minister with— 10
 - (i) a request for the notice to be made; and
 - (ii) a full description of the proposed replacement area; and
 - (b) the relevant Minister consults the Minister for Treaty of Waitangi Negotiations and the Minister of Conservation about the proposed replacement area; and 15
 - (c) the relevant Minister is satisfied that any other affected iwi (as iwi is defined in the Maori Fisheries Act 2004) have been consulted about the proposed replacement area and that their views have been considered; and
 - (d) the notice is published within 3 years after the start of the 20-year period. 20

159 Regional coastal plan to identify reserved area

- (1) Bay of Plenty Regional Council must amend its regional coastal plan, as soon as is reasonably practicable after—
- (a) the start of the 20-year period, to identify the reserved area and to record the effect of **section 157**; and 25
 - (b) the date on which the notice under **section 158(1)** takes effect, to identify the reserved area as changed by the notice; and
 - (c) the end of the 20-year period, to remove the amendments made under **paragraphs (a) and (b)**. 30
- (2) The Council must make the amendments without using the process in Schedule 1 of the Resource Management Act 1991.

Part 4

Natural resources arrangements

Subpart 1—Whakatōhea Kaitiaki Forum

Whakatōhea Kaitiaki Forum established

- 160 Establishment of Whakatōhea Kaitiaki Forum** 5
- (1) This section establishes the Whakatōhea Kaitiaki Forum.
- (2) Despite its membership (as described in **section 166**), the Whakatōhea Kaitiaki Forum is a joint committee of Bay of Plenty Regional Council and Ōpōtiki District Council for the purposes of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. 10
- (3) Despite Schedule 7 of the Local Government Act 2002, the Whakatōhea Kaitiaki Forum—
- (a) is a permanent committee; and
- (b) must not be discharged except with the unanimous agreement of all of the appointers; and 15
- (c) is subject to Schedule 7 of that Act only to the extent that that schedule is not inconsistent with this subpart and **Schedule 4**.

Principles, purpose, functions, powers, and area of forum

- 161 Principles of forum**
- The principles that underpin the Whakatōhea Kaitiaki Forum are as follows: 20
- Kaupapa*
- (a) Kia mau ki te wairua o Te Tiriti o Waitangi:
- (b) Kia mahi tahi ki te whakatutuki ngātahi i ngā whāinga pāhekoheko, ko te āhukahuka me te tūtohu i ngā hua taupuhipuhi i te mahi tahi ki ngā rōpū:
- (c) Kia whakatūturu i te whakapāpātanga wawe i ngā take kua āhukahukatia te whai pāngataupuhipuhi: 25
- (d) Kia whakamana i ngā mātāpono o te mana raraunga me tō Te Whakatōhea whai pānga ki te mātauranga Māori me te raraunga:
- (e) Kia tūtohu kei te hangore, kei te whanake tēnei piringa mahi:
- (f) Kia whakaute i te motuhaketanga o ngā rōpū me ō rātou mana ake, whakahaere, haepapa hoki: 30
- (g) Kia mōhio, kia tūtohu ka whai hua ngā rōpū i te mahitahi, me whakaae ngātahi kia whakaurua mai ētahi atu manatū, iwi rānei ki ngā kaupapa:
- (h) Ā, kia whakatūturu te noho haepapa ki ngā whakatau me ngā mahi kua whakaetia. 35

Principles

- (a) Upholding the spirit of the Treaty of Waitangi:
- (b) Working in a spirit of co-operation to achieve joint outcomes, and recognising and acknowledging the mutual benefits that the parties gain from working together: 5
- (c) Ensuring early engagement on issues of recognised mutual interest:
- (d) Recognising and seeking to uphold the principles of Māori data sovereignty and Whakatōhea's rights and interests in mātauranga Māori and data:
- (e) Acknowledging that the relationship is flexible and evolving: 10
- (f) Respecting the independence of the parties and their individual mandates, roles, and responsibilities:
- (g) Recognising and acknowledging that the parties benefit from working together and may include other agencies or iwi in work programmes by mutual agreement: 15
- (h) Ensuring accountability for agreed decisions and actions.

162 Purpose of forum

The purpose of the Whakatōhea Kaitiaki Forum is—

- (a) to enhance the ability of Whakatōhea to—
 - (i) express and discuss their interests and views in relation to the rivers and catchments in the Whakatōhea rohe with relevant councils and agencies; and 20
 - (ii) participate in the design and implementation of developed solutions; and
- (b) to assist relevant councils and agencies to better understand Whakatōhea's interests and views in relation to the rivers and catchments in the Whakatōhea rohe; and 25
- (c) to support the kaitiakitanga and mana whakahaere of Whakatōhea hapū; and
- (d) to promote te mana o te wai—the protection and enhancement of the health and well-being of the rivers and catchments in the Whakatōhea rohe; and 30
- (e) to strengthen relationships between Whakatōhea and relevant councils and agencies; and
- (f) any other purpose that the forum considers to be relevant to the rivers and catchments in the Whakatōhea rohe and the principles that underpin the forum. 35

163 Functions of forum

- (1) The principal function of the Whakatōhea Kaitiaki Forum is to achieve its purpose.
- (2) In seeking to achieve its purpose, the other functions of the forum are—
- (a) to promote the ability of Whakatōhea to exercise kaitiakitanga and mana whakahaere; and 5
 - (b) to work with local authorities, neighbouring iwi, and other stakeholders on achieving integrated river and catchment management; and
 - (c) to consider and promote the outcomes sought in the environmental management plans of the Whakatōhea iwi and hapū; and 10
 - (d) to prepare and approve **Te Rautaki Kaitiaki**, which means a document that—
 - (i) reflects the Whakatōhea kaitiakitanga and mana whakahaere; and
 - (ii) outlines a vision and aspirations for the rivers and catchments and recommends actions for achieving those aspirations; and 15
 - (iii) identifies resource management issues; and
 - (iv) identifies projects and funding sources; and
 - (v) recommends actions for relevant local authorities to address identified issues; and
 - (vi) provides a monitoring framework for identified issues; and 20
 - (e) to oversee and monitor the implementation of Te Rautaki Kaitiaki and the environmental management plans of the Whakatōhea iwi and hapū; and
 - (f) to review, and discuss with the trustees, the proposed joint management agreement under **section 172**; and 25
 - (g) to take any other action that the forum considers appropriate to achieving its purpose.
- (3) The forum has discretion in any particular circumstance as to whether, how, and to what extent it will perform any of its functions.

164 Capacity and powers of forum 30

The Whakatōhea Kaitiaki Forum has full capacity, and the powers that are reasonably necessary, to carry out its functions in accordance with this subpart and **Schedule 4**.

165 Area of forum

The purpose, functions, and powers of the Whakatōhea Kaitiaki Forum— 35

- (a) apply in respect of the area shown on the plan in part 8 of the attachments (the **forum area**); and

- (b) are to be pursued, carried out, or exercised with a focus on the rivers and catchments in that area.

Members

166 Appointment of members of forum

- (1) The Whakatōhea Kaitiaki Forum consists of 10 members appointed by notice given by the specified **appointer** as follows: 5
- (a) 6 members appointed by the trustees:
- (b) 3 members appointed by Bay of Plenty Regional Council:
- (c) 1 member appointed by Ōpōtiki District Council.
- (2) In appointing a member to the forum, an appointer must— 10
- (a) be satisfied that the person has the mana, skills, knowledge, and experience to—
- (i) understand and respect the mana and tikanga of Whakatōhea; and
- (ii) participate effectively in the forum; and
- (iii) ensure that the purpose of the forum is achieved; and 15
- (b) have regard to any members already appointed, or to be appointed, to the forum to ensure that the membership reflects a balanced mix of skills, knowledge, and experience so that the forum can best achieve its purpose.
- (3) A member of the forum may, by notice,— 20
- (a) resign; or
- (b) be reappointed or removed, at their appointer’s discretion.

167 Duties and liability of members

- (1) A member of the Whakatōhea Kaitiaki Forum must act in a way that promotes the purpose, and the effective carrying out of the functions, of the forum. 25
- (2) A member of the forum is not personally liable for doing, or not doing, anything in their capacity as a member, as long as they act lawfully, in accordance with this subpart, and in good faith.
- (3) A person is not a member of a local authority just because they are a member of the forum. 30

168 Validity of acts not affected

Nothing done by the Whakatōhea Kaitiaki Forum is invalid because of—

- (a) a vacancy in the membership of the forum when the thing was done; or
- (b) the later discovery of a defect in the appointment of a person as a member. 35

169 Term of appointment

- (1) An appointer who appoints a member of the Whakatōhea Kaitiaki Forum must do so no later than the 60th day after the polling day for the most recent triennial local election, unless filling a vacancy or appointing the first members of the forum. 5
- (2) The term for which a member is appointed—
- (a) starts on the 60th day after the polling day for the most recent triennial local election; and
 - (b) ends after 3 years.
- (3) However, the term for which the first members of the forum are appointed— 10
- (a) starts on the date specified in the notices of appointment, which must be on, or within 6 months after, the settlement date; and
 - (b) ends on the 59th day after the polling day for the next triennial local election after the settlement date.
- (4) Despite the rest of this section, a member's term may— 15
- (a) start later if they are filling a vacancy; and
 - (b) end earlier if they resign or are removed by their appointer.

*Administration of forum***170 Administration of forum**

Schedule 4 has effect, and provides for the administration of the Whakatōhea Kaitiaki Forum (appointments, procedures, meetings, decision-making, committees, support, and review). 20

*Subpart 2—Joint management agreements***171 Interpretation**

In this subpart,— 25

joint management agreement means a joint management agreement, as defined by section 2(1) of the Resource Management Act 1991, that is entered into under this subpart

parties, for a joint management agreement, means—

- (a) the trustees; and 30
- (b) the relevant council or councils; and
- (c) a person who is to, or does, enter into or join the agreement under **section 174**

relevant council, for a joint management agreement, means a council that is to, or does, enter into the agreement. 35

172 Trustees may require joint management agreement

- (1) The trustees may at any time give written notice to—
- (a) either Bay of Plenty Regional Council or Ōpōtiki District Council to enter into a joint management agreement with the trustees; or
 - (b) both Bay of Plenty Regional Council and Ōpōtiki District Council to together enter into a joint management agreement with the trustees. 5
- (2) The trustees may give notice to a council only if the trustees have first—
- (a) discussed the proposed agreement with the Whakatōhea Kaitiaki Forum and the relevant council or councils; and
 - (b) considered the views of the forum, and the relevant council or councils, on the proposed agreement. 10
- (3) The trustees may enter into more than 1 joint management agreement with each council.

173 When joint management agreement required

A joint management agreement must be entered into, as required by a notice given under **section 172**, by— 15

- (a) 18 months after the date of the notice; or
- (b) any later date agreed in writing by the trustees and the relevant council or councils.

174 Additional parties to joint management agreement 20

Any person may at any time join, or help to develop and agree to enter into, a joint management agreement if the other parties agree to it.

175 Area of joint management agreement

- (1) A joint management agreement must apply to the rivers and catchments within all or part of the forum area. 25
- (2) However, the trustees may at any time give written notice to the relevant council or councils to expand a joint management agreement to apply to the rivers and catchments—
- (a) within any other part of the forum area; or
 - (b) within any coastal marine area in the area of interest, if the Minister of Conservation agrees. 30
- (3) The trustees may give the notice only if the trustees have first—
- (a) discussed the proposed expansion with the Whakatōhea Kaitiaki Forum, the relevant council or councils, and any other party to the agreement; and 35
 - (b) considered the views of the forum, the relevant council or councils, and any other party about the proposed expansion.

- (4) In this section, **forum area** has the meaning given in **section 165(a)**.

176 Scope of joint management agreement

- (1) A joint management agreement must cover how the parties will work together in relation to—
- (a) processes that involve planning under the Resource Management Act 1991; and 5
 - (b) processes that involve resource consents under the Resource Management Act 1991, including in relation to gravel extraction; and
 - (c) the monitoring of water quality; and
 - (d) other processes that involve freshwater management under the Resource Management Act 1991 and that are particularly important to the trustees. 10
- (2) A joint management agreement may also cover other matters under the Resource Management Act 1991.
- (3) A joint management agreement must set out details of—
- (a) the resourcing required to administer the agreement; and 15
 - (b) how the costs of administering the agreement will be paid.

177 Legal framework

- (1) Sections 36B to 36E of the Resource Management Act 1991 do not apply to a joint management agreement.
- (2) The exercise of a power, or performance of a function or duty, by the trustees or a relevant council under a joint management agreement has the same legal effect as a power exercised, or function or duty performed, by a council. 20
- (3) A council must not use the special consultative procedure under section 83 of the Local Government Act 2002 in relation to a joint management agreement.
- (4) Schedule 7 of the Local Government Act 2002 does not apply to the parties when they develop, or operate under, a joint management agreement. 25
- (5) A joint management agreement is enforceable by the parties.
- (6) A joint management agreement ends only if the trustees and the relevant council or councils agree.
- (7) A person who enters into or joins a joint management agreement under **section 174** may cease to be a party to the agreement in accordance with the terms of the agreement. 30

178 Development and operation of joint management agreement

- (1) The parties must work together—
- (a) to develop a joint management agreement; and 35
 - (b) to operate under a joint management agreement.
- (2) In working together, the parties must act in a way that—

- (a) promotes the purpose of the Whakatōhea Kaitiaki Forum (*see section 162*); and
- (b) respects the principles that underpin the forum (*see section 161*); and
- (c) reflects a shared commitment to—
 - (i) working together in good faith and a spirit of co-operation; and 5
 - (ii) communicating openly, honestly, and transparently; and
 - (iii) doing their best to ensure that the purpose of a joint management agreement is achieved in an enduring way; and
 - (iv) recognising that a joint management agreement operates within statutory frameworks, and the importance of complying with those statutory frameworks and time frames and of minimising delays and costs. 10

Part 5

Governance reorganisation and taxation matters

- 179 Interpretation** 15
- (1) In **subparts 1 and 2**, unless the context otherwise requires,—
- assets and liabilities**—
- (a) means the assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement of this Part by the Whakatōhea Māori Trust Board, the Whakatōhea Fisheries Trust, or a relevant subsidiary; and 20
 - (b) includes—
 - (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and
 - (ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere) 25
- exempt income** has the meaning given in section YA 1 of the Income Tax Act 2007
- Inland Revenue Acts** has the meaning given in section 3(1) of the Tax Administration Act 1994 30
- mandated organisation** means,—
- (a) for the purposes of the Maori Fisheries Act 2004, a mandated iwi organisation; and
 - (b) for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004, an iwi aquaculture organisation 35

relevant subsidiary means any of the following:

- (a) Whakatohea Fisheries Asset Holding Company Limited, being a subsidiary company owned by the Whakatōhea Māori Trust Board, in its capacity as the asset-holding company of—
 - (i) the mandated iwi organisation of Whakatōhea, for the purposes of the Maori Fisheries Act 2004; and
 - (ii) the iwi aquaculture organisation, for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004:
- (b) Te Pou Oranga o Whakatōhea Limited, being a subsidiary company owned by the Whakatōhea Māori Trust Board:
- (c) Pakihi Trading Company Limited, being a subsidiary company owned by the Whakatōhea Fisheries Trust

tax charity has the meaning given in section YA 1 of the Income Tax Act 2007

taxable income has the meaning given in section YA 1 of the Income Tax Act 2007

transferred employee means a person to whom **section 195** applies

Whakatōhea Fisheries Trust or **Trust** means the charitable trust of that name established by a trust deed dated 8 November 2006, and includes its trustees.

- (2) In **subparts 1 and 2**, unless the context otherwise requires, terms used and not defined in those subparts, but defined in—
 - (a) the Maori Fisheries Act 2004 or the Maori Commercial Aquaculture Claims Settlement Act 2004, have the meanings given in those Acts; or
 - (b) the Inland Revenue Acts, have the meanings given in those Acts.

Subpart 1—Governance reorganisation

Board and Trust dissolved 25

180 Whakatōhea Māori Trust Board dissolved

- (1) On the commencement of this Part,—
 - (a) the Whakatōhea Māori Trust Board is dissolved; and
 - (b) the term of office of the members of the Board expires.
- (2) A person holding office as a member of the Board immediately before the commencement of this Part is not entitled to compensation as a result of the expiry under this section of their term of office. 30

181 Whakatōhea Fisheries Trust dissolved

- (1) On the commencement of this Part,—
 - (a) the Whakatōhea Fisheries Trust is dissolved; and 35

- (b) the term of office of the trustees of the Whakatōhea Fisheries Trust expires.
- (2) A person holding office as a trustee of the Whakatōhea Fisheries Trust immediately before the commencement of this Part is not entitled to compensation as a result of the expiry under this section of their term of office. 5

Vesting of assets and liabilities

182 Vesting of assets and liabilities of Board and Whakatōhea Fisheries Trust

- (1) On the commencement of this Part, the assets and liabilities of the Board and of the Whakatōhea Fisheries Trust—
- (a) vest in the trustees of Te Tāwharau o Te Whakatōhea and become the assets and liabilities of the trustees; and 10
- (b) to the extent that those assets and liabilities are owned or held subject to any charitable trusts, are freed of all charitable trusts.
- (2) However, those assets and liabilities—
- (a) remain subject to any other trusts, covenants, or conditions affecting them; and 15
- (b) become subject to any trusts expressed in the deed of trust of Te Tāwharau o Te Whakatōhea.

Relevant subsidiaries

183 Treatment of assets and liabilities of relevant subsidiaries 20

- (1) If, on the commencement of this Part, a relevant subsidiary is a tax charity for the purposes of the Inland Revenue Acts, that subsidiary ceases to be a tax charity on that date.
- (2) To the extent that the assets and liabilities of a relevant subsidiary are held subject to any charitable trusts, on and from the commencement of this Part,— 25
- (a) those assets and liabilities are freed of all charitable trusts but remain subject to any other trusts, covenants, or conditions affecting those assets and liabilities; and
- (b) the constitution of the relevant subsidiary is deemed to have been amended to the extent necessary to give effect to **paragraph (a)**. 30
- (3) To avoid doubt,—
- (a) nothing in this subpart has the effect, of itself, of causing a relevant subsidiary to be a different person for the purposes of the Inland Revenue Acts; and
- (b) the assets and liabilities of a relevant subsidiary continue to be the assets and liabilities of that subsidiary; and 35

- (c) the income of a relevant subsidiary derived from revenue account property is exempt income until immediately before that company ceases to be a registered charitable entity.
- (4) In this section, **revenue account property** includes financial arrangements, trading stock, and depreciable property. 5

Trustees of Te Tāwharau o Te Whakatōhea become mandated organisation

184 Recognition of new mandated organisation

- (1) On and from the commencement of this Part,—
- (a) the trustees of Te Tāwharau o Te Whakatōhea are, and are recognised by Te Ohu Kai Moana Trustee Limited as, the mandated organisation for Whakatōhea in place of the Board, as if the trustees were recognised as the mandated iwi organisation or the iwi aquaculture organisation, as the case may require; and 10
- (b) Whakatōhea Fisheries Asset Holding Company Limited is the asset-holding company of the trustees of Te Tāwharau o Te Whakatōhea. 15
- (2) However, any reference in the Maori Fisheries Act 2004 to the date on which the mandated organisation is recognised must be treated as a reference to the date on which the iwi's first mandated organisation was recognised.
- (3) On and from the commencement of this Part,—
- (a) the trust deed of Te Tāwharau o Te Whakatōhea is approved by Te Ohu Kai Moana Trustee Limited as the constitutional document of Te Tāwharau o Te Whakatōhea, as if it were approved under section 17 of the Maori Fisheries Act 2004; and 20
- (b) the trustees of Te Tāwharau o Te Whakatōhea must—
- (i) meet the criteria in section 14 of the Maori Fisheries Act 2004 for continuing recognition as a mandated iwi organisation; and 25
- (ii) satisfy section 12(1)(d) of the Maori Fisheries Act 2004; and
- (iii) ensure that the requirements in section 33(1) of the Maori Commercial Aquaculture Claims Settlement Act 2004 for recognition as an iwi aquaculture organisation are satisfied. 30

185 Certain effects of recognition of new mandated organisation

On and from the commencement of this Part,—

- (a) any registered coastline entitlement held by the Board immediately before the commencement of this Part is to be treated as a registered coastline entitlement held by the trustees of Te Tāwharau o Te Whakatōhea; and 35
- (b) any coastline claim, agreement, or written statement of the Board made under Part 1 of Schedule 6 of the Maori Fisheries Act 2004 before the

commencement of this Part is to be treated as a coastline claim, agreement, or written statement of the trustees of Te Tāwharau o Te Whakatōhea.

186 Functions of Te Ohu Kai Moana Trustee Limited

- (1) On and from the commencement of this Part, and without further authorisation than this section, Te Ohu Kai Moana Trustee Limited is deemed to have taken, and must continue to take, all actions necessary, in accordance with the requirements of the Maori Fisheries Act 2004 and the Maori Commercial Aquaculture Claims Settlement Act 2004,— 5
- (a) to provide administratively for the matters set out in **sections 184 and 185**, as if those matters were done under the Maori Fisheries Act 2004; and 10
- (b) to make the appropriate changes to the iwi register or iwi aquaculture register, as relevant, in accordance with the relevant legislation.
- (2) Te Ohu Kai Moana Trustee Limited is not liable, and no action may be brought against it, for any act described in the deed of settlement that it does or omits to do, to the extent that the act is done in good faith and with reasonable cause. 15

General matters relating to reorganisation

187 Final report of Board and Whakatōhea Fisheries Trust

- (1) As soon as is reasonably practicable after the commencement of this Part, the trustees of Te Tāwharau o Te Whakatōhea must prepare a final report (as if the report were an annual report required by section 31 of the Maori Trust Boards Act 1955) to show fully the financial results of the operations of both the Board and the Whakatōhea Fisheries Trust for the period starting on the day after the last day covered by the previous annual report and ending on the day before the commencement of this Part. 20 25
- (2) The final report must consist of—
- (a) a statement of the financial position of both the Board and the Whakatōhea Fisheries Trust and other statements of accounts necessary to provide the information required by **subsection (1)**; and 30
- (b) an audit report prepared by the Auditor-General on the statement and information referred to in **paragraph (a)**.
- (3) As soon as is reasonably practicable after the final report is completed, the trustees of Te Tāwharau o Te Whakatōhea must provide it to the Minister for Māori Development, who must present it to the House of Representatives as soon as is reasonably practicable after receiving it. 35

188 Matters not affected by transfer

Nothing given effect to, or authorised by, this subpart—

-
- (a) places any person in breach of a contract or confidence, or makes them guilty of a civil wrong; or
- (b) gives rise to a right for any person to terminate or cancel any contract or arrangement, to accelerate the performance of an obligation, to impose a penalty, or to increase a charge; or 5
- (c) places any person in breach of an enactment, a rule of law, or a contract that prohibits, restricts, or regulates the assignment or transfer of an asset or a liability or the disclosure of information; or
- (d) releases a surety wholly or in part from an obligation; or
- (e) invalidates or discharges a contract. 10
- 189 Status of existing instruments**
- (1) The trustees of Te Tāwharau o Te Whakatōhea are to be treated as if they were the members of the Board, or were the trustees of the Whakatōhea Fisheries Trust, under any existing instrument—
- (a) to which the members of the Board or the trustees of the Trust were a party; or 15
- (b) that the members of the Board or the trustees of the Trust gave, received, or were to give or receive.
- (2) An express or implied reference to the Board or the Whakatōhea Fisheries Trust in an existing instrument or in a register must be read as a reference to the trustees of Te Tāwharau o Te Whakatōhea, unless the context otherwise requires. 20
- (3) In this section, **existing instrument** means any agreement, application, deed (other than the deed of settlement), notice, undertaking, instrument recording an interest in land, or other document in effect immediately before the commencement of this Part. 25
- 190 Status of existing securities**
- (1) A security held by the Board or the Whakatōhea Fisheries Trust as security for a debt or other liability to the Board or the Trust incurred before the commencement of this Part— 30
- (a) is available to the trustees of Te Tāwharau o Te Whakatōhea as security for the discharge of that debt or liability; and
- (b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to the trustees of Te Tāwharau o Te Whakatōhea incurred on or after the commencement of this Part. 35
- (2) The trustees of Te Tāwharau o Te Whakatōhea are entitled to the same rights and priorities, and are subject to the same liabilities, in relation to the security

as the Board or the Whakatōhea Fisheries Trust would be if this Act had not been passed.

191 Continuation of proceedings

- (1) An action, arbitration, proceeding, or cause of action that was pending or existing by, against, or in favour of the Board or the Whakatōhea Fisheries Trust before the commencement of this Part may be continued and enforced by, against, or in favour of the trustees of Te Tāwharau o Te Whakatōhea. 5
- (2) It is not necessary to amend a pleading, writ, or other document to continue the action, arbitration, proceeding, or cause of action.

192 Books and documents to remain evidence 10

- (1) A document, matter, or thing that would have been admissible in evidence for or against the Board or the Whakatōhea Fisheries Trust is, on and from the commencement of this Part, admissible in evidence for or against the trustees of Te Tāwharau o Te Whakatōhea.
- (2) In this section, **document** has the same meaning as in section 4(1) of the Evidence Act 2006. 15

193 Removal of charitable entities from register

- (1) The Board, the Whakatōhea Fisheries Trust, and any relevant subsidiary must be removed, under section 31 of the Charities Act 2005, from the register of charitable entities, with effect on and from the commencement of this Part. 20
- (2) This section applies despite anything in the Charities Act 2005.

194 Other registers

- (1) The Registrar-General or any other person charged with keeping books or registers is not required, solely because of the provisions in this subpart, to change the name of the Board, the members of the Board, or the Whakatōhea Fisheries Trust to the names of the trustees of Te Tāwharau o Te Whakatōhea in the books or registers or in a document. 25
- (2) If the trustees of Te Tāwharau o Te Whakatōhea present an instrument to a registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in the trustees, as specified in the instrument. 30
- (3) For the purposes of **subsection (2)**, the instrument need not be an instrument of transfer, but must—
 - (a) be executed or purport to be executed by the trustees of Te Tāwharau o Te Whakatōhea; and 35
 - (b) relate to assets or liabilities owned, controlled, or held, wholly or in part, by the Board or the Whakatōhea Fisheries Trust immediately before the commencement of this Part; and

- (c) be accompanied by a certificate given by the trustees of Te Tāwharau o Te Whakatōhea or their solicitor stating that the property was vested in the trustees by or under this Act.

Employees

- 195 Transfer of employees** 5
- On and from the commencement of this Part, each employee of the Board or the Whakatōhea Fisheries Trust ceases to be an employee of the Board or the Trust and becomes an employee of the trustees of Te Tāwharau o Te Whakatōhea.
- 196 Protection of terms and conditions of employment** 10
- (1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to the employee immediately before the commencement of this Part.
- (2) This section—
- (a) continues to apply to the terms and conditions of employment of a transferred employee until they are varied by agreement between the transferred employee and the trustees of Te Tāwharau o Te Whakatōhea; and 15
- (b) does not apply to a transferred employee who accepts any subsequent appointment with the trustees of Te Tāwharau o Te Whakatōhea.
- 197 Continuity of employment** 20
- For the purposes of an enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee, the transfer of the employee from the Board or the Whakatōhea Fisheries Trust to the trustees of Te Tāwharau o Te Whakatōhea does not, of itself, break the employment of that person, and the period of their employment by the Board or the Trust is to be regarded as having been a period of service with the trustees. 25
- 198 No compensation for technical redundancy**
- A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that—
- (a) the position held by the employee with the Board or the Whakatōhea Fisheries Trust has ceased to exist; or 30
- (b) the employee has ceased, as a result of the person's transfer to the trustees of Te Tāwharau o Te Whakatōhea, to be an employee of the Board or the Whakatōhea Fisheries Trust.
- 199 Liability of employees and agents** 35
- (1) A person who, at any time before the commencement of this Part, held office as a member of the Board or a trustee of the Whakatōhea Fisheries Trust or

- who was an officer, employee, agent, or representative of the Board or the Trust, is not personally liable in respect of an act or thing done or omitted to be done by that person before the commencement of this Part in the exercise or bona fide purported exercise of an authority conferred by or under the Maori Trust Boards Act 1955 or any other enactment. 5
- (2) This section applies only—
- (a) in the absence of actual fraud; and
- (b) if the act or omission does not amount to an offence under any enactment or rule of law.
- Subpart 2—Taxation provisions 10
- 200 Application and interpretation**
- (1) This subpart applies, by virtue of the reorganisation of the governance of Whakatōhea under **subpart 1**, for the purposes of the Inland Revenue Acts.
- (2) In this subpart,—
- taxable Māori authority distribution** has the meaning given in section HF 7 of the Income Tax Act 2007 15
- undistributed charitable amount** means,—
- (a) in relation to the Board or the Whakatōhea Fisheries Trust, the amount described in **section 201(5)**; or
- (b) in relation to a relevant subsidiary, the amount described in **section 204(1)(b) and (2)**. 20
- 201 Taxation in respect of transfer of assets and liabilities of Board**
- (1) On and from the date on which the assets and liabilities of the Board and the Whakatōhea Fisheries Trust vest in the trustees of Te Tāwharau o Te Whakatōhea under **subpart 1**,— 25
- (a) the trustees are deemed to be the same person as the Board and as the Whakatōhea Fisheries Trust; and
- (b) everything done by the Board or the Whakatōhea Fisheries Trust before that date is deemed to have been done by the trustees on the date that it was done by the Board or the Trust. 30
- (2) Income derived or expenditure incurred by the Board or the Whakatōhea Fisheries Trust before the assets and liabilities vest in the trustees of Te Tāwharau o Te Whakatōhea does not become income derived or expenditure incurred by the trustees just because the assets and liabilities vest in those trustees under **subpart 1**. 35
- (3) **Subsection (4)** applies if income of the Board or the Whakatōhea Fisheries Trust—

- (a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and
- (b) is exempt income of the Board or the Whakatōhea Fisheries Trust but is not exempt income of the trustees of Te Tāwharau o Te Whakatōhea.
- (4) The trustees of Te Tāwharau o Te Whakatōhea must be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property— 5
- (a) on the day that it becomes the property of the trustees; and
- (b) for a consideration that is its market value on that day.
- (5) The trustees of Te Tāwharau o Te Whakatōhea must identify the undistributed charitable amount, which is the sum of the 2 amounts calculated by applying the following formula to the Board and the Whakatōhea Fisheries Trust: 10
- $$x - y$$
- where—
- x is the total amounts derived by the Board or the Trust that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by the Board or the Trust before the commencement of this Part 15
- y is the total of the amounts described in variable x that have been distributed before the commencement of this Part. 20
- (6) However, if applying the formula to the Board or the Whakatōhea Fisheries Trust under **subsection (5)** results in a number that is less than 0, the result of that calculation must be treated as 0.
- (7) The undistributed charitable amount is excluded from the corpus of the trustees of Te Tāwharau o Te Whakatōhea for the purposes of the Income Tax Act 2007, to the extent to which it would be included but for this subsection. 25
- (8) If the trustees of Te Tāwharau o Te Whakatōhea distribute any of the undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless **subsection (9)** applies. 30
- (9) If the trustees of Te Tāwharau o Te Whakatōhea distribute any of the undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient.

202 Election by trustees to be Māori authority

- (1) If the trustees of Te Tāwharau o Te Whakatōhea elect under section HF 11 of the Income Tax Act 2007 to become a Māori authority, to the extent that the undistributed charitable amount is distributed in an income year, that distribution will be— 35
- (a) exempt income if the distribution is applied for a charitable purpose; or

- (b) a taxable Māori authority distribution.
- (2) If this section applies, the amounts must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Relevant subsidiaries

- 203 Taxation in respect of assets and liabilities of relevant subsidiaries** 5
- (1) This section applies if—
 - (a) the assets and liabilities of a relevant subsidiary remain the assets and liabilities of the subsidiary; and
 - (b) income of the relevant subsidiary derived from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of the subsidiary before the commencement of this Part, and ceases to be exempt income as a result of the application of **section 183(1)**. 10
 - (2) The relevant subsidiary is to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property for a consideration that is its market value on the date of the commencement of this Part. 15
- 204 Election by relevant subsidiary to be Māori authority**
- (1) This section applies if a relevant subsidiary—
 - (a) elects under section HF 11 of the Income Tax Act 2007 to become a Māori authority; and 20
 - (b) when the election is made, has an undistributed charitable amount arising from income that was exempt income under sections CW 41 and CW 42 of the Income Tax Act 2007 when the income was derived.
 - (2) The undistributed charitable amount must be calculated on the date on which the relevant subsidiary ceases to be a tax charity under **section 183(1)**. 25
 - (3) A distribution of the undistributed charitable amount by the relevant subsidiary after its election to be a Māori authority is—
 - (a) a distribution from exempt income of the subsidiary if the distribution is for a charitable purpose; or 30
 - (b) if **paragraph (a)** does not apply, a taxable Māori authority distribution.
 - (4) A distribution that is a taxable Māori authority distribution under **subsection (3)(b)** must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Subpart 3—Consequential amendments and revocation

*Amendment to Act***205 Amendment to Maori Trust Boards Act 1955**

- (1) This section amends the Maori Trust Boards Act 1955.
- (2) On the commencement of this Part, repeal section 12 and the heading above section 12. 5

*Revocation and amendment of secondary legislation***206 Revocation of Whakatōhea Māori Trust Board Order 2018**

On the commencement of this Part, the Whakatōhea Māori Trust Board Order 2018 (LI 2018/258) is revoked. 10

207 Amendment to Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2018

- (1) This section amends the Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2018.
- (2) On the commencement of this Part, in the Schedule, revoke the item relating to the Whakatōhea Māori Trust Board. 15
- (3) On the commencement of this Part, in the Schedule, insert in its appropriate alphabetical order:
Te Tāwharau o Te Whakatōhea

208 Amendment to Maori Trust Boards Regulations 1985 20

- (1) This section amends the Maori Trust Boards Regulations 1985.
- (2) On the commencement of this Part, in Schedules 1 and 2, revoke the item relating to the Whakatohea Maori Trust Board.

209 Amendment to Maori Trust Boards (Transitional Provisions) Order 2012

- (1) This section amends the Maori Trust Boards (Transitional Provisions) Order 2012. 25
- (2) On the commencement of this Part, revoke clause 3(c).

Schedule 1

Statutory areas

s 29

Statutory area	Location
Nukuhou River and its tributaries within the area of interest	As shown on OMCR-087-01
Opape Stream and its tributaries	As shown on OMCR-087-02
Ōtara River and its tributaries	As shown on OMCR-087-03
Waiau River and its tributaries within the area of interest	As shown on OMCR-087-04
Waiotahe River and its tributaries within the area of interest	As shown on OMCR-087-05
Waioweka River and its tributaries within the area of interest	As shown on OMCR-087-06

Schedule 2

Cultural redress properties

ss 47, 55, 56, 74, 75, 86, 88, 89

Part 1

Properties vested in fee simple

5

Name of property	Description	Interests
Paerātā property	<i>Gisborne Land District—Ōpōtiki District</i> 1.6187 hectares, more or less, being Allotment 519 Waiotahi Parish. Part <i>Gazette</i> notice 136601.1.	
Pakihi site 1	<i>Gisborne Land District—Ōpōtiki District</i> 0.1959 hectares, more or less, being Section 1 SO 574374.	
Pakihikura property	<i>Gisborne Land District—Ōpōtiki District</i> 3.5840 hectares, more or less, being Section 1 SO 577874. Part record of title GS5D/1330 for the fee simple estate.	Subject to the easement in gross for a right to drain sewage referred to in section 50(3) . Subject to an unregistered licence with concession number 81462-OTH to Ōpōtiki District Council.
Tāwai	<i>Gisborne Land District—Ōpōtiki District</i> 7.4290 hectares, more or less, being Section 1 SO 573818. Part <i>Gazette</i> notice 136596.1 and all record of title GS6C/317 for the fee simple estate.	
Tawhitinui	<i>Gisborne Land District—Ōpōtiki District</i> 22.2120 hectares, more or less, being Sections 1 and 2 SO 574529.	
Te Papa property	<i>Gisborne Land District—Ōpōtiki District</i> 3.5093 hectares, more or less, being Lot 4 DP 11064/AK. All record of title GS5B/939 for the fee simple estate. 6.7164 hectares, more or less, being Section 1 SO 560014. Part records of title GS2D/596 and GS5B/940 for the fee simple estate.	Subject to the right of way easement in gross referred to in section 53(3) . Subject to an unregistered lease to the Whakatōhea Māori Trust Board dated 14 October 2016.
Te Roto Urupā	<i>Gisborne Land District—Ōpōtiki District</i>	

Name of property	Description	Interests
Tirohanga Dunes site 1	1.8970 hectares, more or less, being Section 2 SO 576129. Part <i>Gazette</i> notice 143494.2 <i>Gisborne Land District—Ōpōtiki District</i> 0.0109 hectares, more or less, being Section 10 SO 577243. Part record of title 58271 for the fee simple estate.	Together with the right of way easement referred to in section 74(12)(b) . Subject to an unregistered licence to occupy to Lewis and Dorothy Wilson dated 27 August 2018, as varied.
Urupā Tawhito	0.0234 hectares, more or less, being Section 9 SO 577243. <i>Gisborne Land District—Ōpōtiki District</i> 1.1940 hectares, more or less, being Section 3 SO 574529.	

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Kiwikiwi and Te Tawa Flats property	<i>Gisborne Land District—Ōpōtiki District</i> 10.0000 hectares, more or less, being Section 1 SO 573747. Part <i>Gazette</i> notice 85292.	Subject to being a scenic reserve, as referred to in section 58(3) . Subject to an unregistered permit with concession number 40350-AIR to Eastland Heli Services Limited. Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare. Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.
Kōtare property	<i>South Auckland Land District—Whakatane District</i> 18.1516 hectares, more or less, being Sections 1 and 2 SO 576311. Balance record of title SA712/1 for the fee simple estate.	Subject to being a scenic reserve, as referred to in section 59(3) .
Marawaiwai	<i>Gisborne Land District—Ōpōtiki District</i> 70.5165 hectares, more or less, being Allotments 82, 83, 84, and 85 Waioeka Parish. Part <i>Gazette</i> 1883, p 253.	Subject to being a scenic reserve, as referred to in section 60(3) . Subject to an unregistered right of way easement with concession number ECHB-063-CON assigned to Marawaiwai Park Limited.

Name of property	Description	Interests
Matekerepu	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>0.0934 hectares, more or less, being Sections 1 and 2 SO 573786. Part <i>Gazette</i> 1912, p 2434.</p> <p><i>South Auckland Land District—Ōpōtiki District</i></p> <p>22.8093 hectares, more or less, being Section 3 SO 573786. All Proclamation 779 and balance Proclamation 3052.</p>	<p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p> <p>Subject to being a scenic reserve, as referred to in section 61(4).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Matepuritaka	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>5.0000 hectares, more or less, being Section 1 SO 573748.</p>	<p>Subject to being a scenic reserve, as referred to in section 62(3).</p> <p>Subject to an unregistered permit (and variation) with concession number 38587-AIR to Kahu NZ Limited.</p> <p>Subject to an unregistered permit with concession number 40350-AIR to Eastland Heli Services Limited.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p>
Mātītī	<p><i>Gisborne Land District—Ōpōtiki District</i></p>	<p>Subject to being a scenic reserve, as referred to in section 63(3).</p>

Name of property	Description	Interests
	1000.0021 hectares, more or less, being Sections 1, 2, 3, and 4 SO 574114. Part record of title GS3D/13 for the fee simple estate.	<p>Subject to an easement in gross for a right to lay a pipeline and to convey natural gas created by transfer 189085.4.</p> <p>Subject to an unregistered grazing licence with concession number 76745-GRA to Avtam Orchards Limited.</p> <p>Subject to an unregistered permit with concession number 40350-AIR to Eastland Heli Services Limited.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p> <p>Together with a right of way easement created by easement certificate 104182 (affects Lot 2 DP 5623).</p>
Meremere property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>430.0013 hectares, more or less, being Sections 1, 2, and 3 SO 573749. Part <i>Gazette</i> notice 145463.1.</p> <p>4.0000 hectares, more or less, being Section 12 Block XIV Waiaua Survey District. All <i>Gazette</i> notice 121559.1.</p> <p>565.6678 hectares, more or less, being Sections 5, 7, 8, and 11 Block XIV Waiaua Survey District. Part <i>Gazette</i> notice 121559.2.</p>	<p>Subject to being a scenic reserve, as referred to in section 64(3).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Ōhiwa property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>1.1125 hectares, more or less, being Section 1 SO 575627 and Sections 20, 31, and 45 Block V Town of Ohiwa.</p>	<p>Subject to being a scenic reserve, as referred to in section 65(3).</p> <p>Subject to a right of way easement created by transfer TE83349.</p> <p>Together with a right of way easement created by transfer TE83349 (affects Section 31 Block V Town of Ohiwa).</p>

Name of property	Description	Interests
Oroi property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>19.2706 hectares, more or less, being Lot 1 DP 5463. Part record of title GS3D/200 for the fee simple estate.</p> <p>0.4160 hectares, more or less, being Section 4 Block I Waiaua Survey District. All <i>Gazette</i> notice 150591.1.</p>	<p>Subject to being a scenic reserve, as referred to in section 66(3).</p> <p>Subject to the right of way easement in gross referred to in section 66(5).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Pakihi site 2	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>99.9813 hectares, more or less, being Section 2 SO 574374 and Sections 8, 13, and 16 Block XIII Waiaua Survey District.</p>	<p>Subject to being a scenic reserve, as referred to in section 67(3).</p> <p>Subject to an unregistered right of way easement (and variation) with concession number BP-31064-OTH to Derek Adriaan Slabber.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Pātaua Island property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>11.4650 hectares, more or less, being Section 1 SO 573817. Part <i>Gazette</i> notice 147161.2.</p>	<p>Subject to being a scenic reserve, as referred to in section 68(3).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>

Name of property	Description	Interests
Raetakohia property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>5.0000 hectares, more or less, being Sections 1, 2, and 3 SO 573751. Part <i>Gazette</i> notice 145104.1.</p>	<p>Subject to being a scenic reserve, as referred to in section 69(3).</p> <p>Subject to the right of way easement in gross referred to in section 69(5).</p> <p>Subject to an unregistered permit with concession number 40350-AIR to Eastland Heli Services Limited.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p>
Te Ngaio property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>15.0565 hectares, more or less, being Section 1 SO 576129. Part <i>Gazette</i> notice 77613 and part <i>Gazette</i> 1914, p 4268.</p>	<p>Subject to being a recreation reserve, as referred to in section 70(3).</p> <p>Subject to the easement in gross for certain rights referred to in section 70(8).</p>
Te Papa Tākaro o Ōhui property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>4.1076 hectares, more or less, being Allotment 384 Waioeka Parish. Part <i>Gazette</i> notice 139159.1.</p>	<p>Subject to being a recreation reserve, as referred to in section 71(3).</p>
Te Papa Tākaro o Whitikau property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>0.1435 hectares, more or less, being Part Allotment 334 Section 1 Town of Opotiki. Part <i>Gazette</i> notice 147322.1.</p>	<p>Subject to being a recreation reserve, as referred to in section 73(3).</p> <p>Subject to the easement in gross for certain rights referred to in section 73(9).</p>
Tirohanga Dunes site 2	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>0.0072 hectares, more or less, being Section 11 SO 577243.</p>	<p>Subject to being a scenic reserve, as referred to in section 74(7).</p> <p>Subject to the right of way easements referred to in section 74(12).</p>

Name of property	Description	Interests
Toatoa property	<p>Part record of title 58271 for the fee simple estate.</p> <p>72.1469 hectares, more or less, being Sections 1, 2, 3, 4, 5, and 6 SO 577243.</p>	<p>Subject to a deed of easement for a right to take and convey water held in record of title GS1B/75.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Toatoa property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>923.4000 hectares, more or less, being Sections 1 and 2 SO 573750. Part <i>Gazette</i> notices 120411.1, 136597.1, and 144766.1.</p>	<p>Subject to being a scenic reserve, as referred to in section 76(3).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Tukainoke	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>16.80 hectares, approximately, being Part Section 4 Block V and Part Section 5 Block I Waioeka Survey District. All <i>Gazette</i> notice 113096.1. Subject to survey.</p> <p>11.00 hectares, approximately, being Part Section 3 Block V Waioeka Survey District. All <i>Gazette</i> 1966, p 1554. Subject to survey.</p> <p>As shown on OMCR-087-30.</p>	<p>Subject to being a scenic reserve, as referred to in section 77(3).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Tutaetoko property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>361.5096 hectares, more or less, being Sections 1, 2, and 3 SO 573752.</p>	<p>Subject to being a scenic reserve, as referred to in section 78(3).</p> <p>Subject to an unregistered research and collection authority with authorisation number 71016-RES to Institute of Geological and Nuclear Sciences Limited.</p>

Name of property	Description	Interests
Waiaua property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>192.3156 hectares, more or less, being Section 10 Block IX Waiaua Survey District and Lots 1, 2, and 3 DP 9535. All record of title GS6C/970 for the fee simple estate.</p> <p>37.4000 hectares, more or less, being Lot 1 DP 6638. All record of title GS4C/1086 for the fee simple estate.</p> <p>607.4000 hectares, more or less, being Section 7 Block VIII Opotiki Survey District. All <i>Gazette</i> notice 142163.1.</p>	<p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p> <p>Subject to being a scenic reserve, as referred to in section 79(3).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Waiōtahe property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>261.8400 hectares, more or less, being Allotment 486 Waiotahi Parish. All <i>Gazette</i> 1925, p 3192, and all <i>Gazette</i> notice 58525A.</p>	<p>Subject to being a scenic reserve, as referred to in section 80(3).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Waioweka property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>995.35 hectares, approximately, being Parts Section 10 Block III Waioweka Survey District. Part <i>Gazette</i> notice 85292. Subject to survey.</p>	<p>Subject to being a scenic reserve, as referred to in section 81(3).</p> <p>Subject to an easement in gross for a right to lay a pipeline, and to convey natural gas, held in record of title GSPR5A/1449.</p> <p>Subject to an unregistered licence with concession number 39732-OTH assigned to Allan Pimm,</p>

Name of property	Description	Interests
Whenua Maumahara o Hukutaia	<p>0.92 hectares, approximately, being Part Section 6 Block II Waioeka Survey District. Part record of title 108990 for the fee simple estate. Subject to survey.</p> <p>3.73 hectares, approximately, being Parts State highway, shown as A on the deed plan. Subject to survey.</p> <p>As shown on OMCR-087-35.</p>	<p>Barbara Pimm, Paul Carter, and Stacey Carter.</p> <p>Subject to an unregistered permit with concession number 40350-AIR to Eastland Heli Services Limited.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>
Whitikaia property	<p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>4.5957 hectares, more or less, being Section 24S Hukutaia Settlement. All record of title GS4B/455 for the fee simple estate.</p> <p>0.0169 hectares, more or less, being Lot 1 DP 5730. All record of title GS4A/1378 for the fee simple estate.</p> <p><i>Gisborne Land District—Ōpōtiki District</i></p> <p>3.5868 hectares, more or less, being Section 4 Block VII Urutawa Survey District. All <i>Gazette</i> notice 145058.1.</p> <p>32.9819 hectares, more or less, being Part Section 2 Block I Urutawa East Survey District. All <i>Gazette</i> notice 146947.5.</p> <p>312.9839 hectares, more or less, being Section 5 Block I and Section 3 Block II Urutawa East Survey District and Section 8 Block VIII Urutawa Survey District. All <i>Gazette</i> notice 62057.</p> <p>522.6843 hectares, more or less, being Section 1 Block I Urutawa East Survey District and Section 4 Block VIII Urutawa Survey District. All <i>Gazette</i> notice 144765.1.</p>	<p>Subject to being a recreation reserve, as referred to in section 82(3).</p> <p>Subject to being a scenic reserve, as referred to in section 85(3).</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare.</p> <p>Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin.</p> <p>Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.</p>

Part 2

Tirohanga Dunes site 1 and site 2—alternative vestings if sections 56 and 75 apply

Property vested in fee simple

Name of property	Description	Interests
Tirohanga Dunes site 1	<i>Gisborne Land District—Ōpōtiki District</i> 0.0234 hectares, more or less, being Section 9 SO 577243.	Together with the right of way easement referred to in section 75(8)(b) .

Property vested in fee simple to be administered as reserve

5

Name of property	Description	Interests
Tirohanga Dunes site 2	<i>Gisborne Land District—Ōpōtiki District</i> 72.1738 hectares, more or less, being Sections 1, 2, 3, 4, 5, 6, 8, and 12 SO 577243.	Subject to being a scenic reserve, as referred to in section 75(4) . Subject to the right of way easements referred to in section 75(8) . Subject to a deed of easement for a right to take and convey water held in record of title GS1B/75. Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70813-DOA to Geraldine Karekare. Subject to an unregistered research and collection authority with authorisation number 70805-FLO to Earl Brendan Coffin. Subject to an unregistered authority under the Wildlife Act 1953 with authorisation number 70808-DOA to Tania Savage.

Schedule 3

Notices in relation to RFR land

ss 127, 149, 155(3)

1 Requirements for giving notice

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

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, for a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,— 10
 - (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or 15
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 130**, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and 20
- (c) for a notice given under **section 146 or 148**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and
- (d) given by—
 - (i) delivering it by hand to the recipient's street address; or 25
 - (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

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. 30

3 Time when notice received

- (1) A notice is to be treated as having been received— 35
 - (a) at the time of delivery, if delivered by hand; or
 - (b) on the sixth day after posting, if posted; or

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

5

Schedule 4

Administration of Whakatōhea Kaitiaki Forum

ss 160, 167, 170

Vacancies and appointment of chairperson and deputy

- | | | |
|----------|--|----|
| 1 | Vacancies | 5 |
| (1) | If there is a vacancy on the Whakatōhea Kaitiaki Forum, the relevant appointer must fill the vacancy as soon as is reasonably practicable. | |
| (2) | The ability of the Whakatōhea Kaitiaki Forum to carry out its functions is not affected by any vacancy or a failure by an appointer to make an appointment or a replacement appointment. | 10 |
| 2 | Appointment of chairperson and deputy | |
| (1) | At the first meeting of each term of the Whakatōhea Kaitiaki Forum,— | |
| (a) | 1 member must be appointed as the chairperson for that term by the members appointed by the trustees; and | |
| (b) | 1 member must be appointed as the deputy chairperson for that term by the members appointed by Bay of Plenty Regional Council or Ōpōtiki District Council. | 15 |
| (2) | The chairperson or deputy chairperson— | |
| (a) | holds the position for their term as a member (ignoring any further term of reappointment as a member), unless they resign or are removed from the position; and | 20 |
| (b) | may be reappointed to the position. | |
| 3 | Alternative members | |
| (1) | An appointer may at any time notify the Whakatōhea Kaitiaki Forum of the names of alternative members who may attend the meetings of the forum if a member is not able to attend. | 25 |
| (2) | An alternative member may act in the place of the member. | |

Procedures of forum

- | | | |
|----------|--|----|
| 4 | Procedures of forum | |
| (1) | At its first meeting, the Whakatōhea Kaitiaki Forum must adopt a set of procedures that apply to the forum, including procedures to deal with conflicts of interest (if considered necessary). | 30 |
| (2) | The forum may amend its procedures at any time. | |
| (3) | The procedures must not be inconsistent with this schedule. | |

- (4) Each member of the forum must comply with the procedures.

Meetings of Whakatōhea Kaitiaki Forum

5 Schedule of meetings

- (1) At its first meeting of each year, the Whakatōhea Kaitiaki Forum must agree to a schedule of its meetings for that year. 5
- (2) The forum must regularly review the schedule to ensure that there are sufficient meetings to enable the forum to achieve its purpose and effectively carry out its functions.

6 Meetings in person or not

A meeting of the Whakatōhea Kaitiaki Forum must be held in person or in any other way agreed to by the forum. 10

7 Quorum

The quorum for a meeting of the Whakatōhea Kaitiaki Forum is a majority of its members, which must include—

- (a) at least 1 member appointed by the trustees; and 15
- (b) at least 1 member appointed by Bay of Plenty Regional Council or Ōpōtiki District Council.

Decision making

8 Decision making

- (1) The Whakatōhea Kaitiaki Forum must make its decisions by vote at a meeting of the forum. 20
- (2) When making a decision, the forum must strive to achieve consensus, meaning that no member at the meeting expressly disagrees.
- (3) However, the person chairing the meeting may allow a decision to be made by a majority vote of the members who are present and voting if, after there has been reasonable discussion on the matter, the person is satisfied that consensus is unlikely to be achieved. 25
- (4) The chairperson and deputy chairperson may vote on a matter but do not have a casting vote.
- (5) The members of the forum must approach decision making in a way that— 30
- (a) is consistent with the purpose, functions, and co-operative nature of the forum; and
- (b) acknowledges the interests of the hapū of Whakatōhea in the particular area to which the decision relates; and
- (c) promotes decision making by consensus. 35

Committees

9 Committees

The Whakatōhea Kaitiaki Forum may appoint any committee or subcommittee in relation to the carrying out of 1 or more of its functions.

Administrative support 5

10 Administrative support

(1) The following are responsible for the administrative support of the Whakatōhea Kaitiaki Forum:

- (a) Bay of Plenty Regional Council, for the forum's first term:
- (b) the trustees, for the forum's other terms. 10

(2) However, the forum—

- (a) must regularly review its administrative requirements; and
- (b) may agree to ask another appointer to be responsible for the forum's administrative support.

Review 15

11 Review of forum

(1) The Whakatōhea Kaitiaki Forum must start a review—

- (a) 5 years after it is established; and
- (b) at any other times that the appointers agree to.

(2) A review must consider— 20

- (a) the extent to which the forum is achieving its purpose; and
- (b) whether the forum could improve its functioning; and
- (c) whether the forum should focus more on any particular areas.

(3) The forum must provide a report to the appointers on the outcome of a review.