

Te Tau Ihu Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

This Bill gives effect to the deeds of settlement in which the Crown and Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau, Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui, and Ngati Toa Rangatira agree to the final settlement of the historical claims of those iwi.

It is intended to divide the Bill at the committee of the whole House stage so that—

- *Parts 1 to 3* become the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Bill:
- *Parts 4 to 7* become the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Bill:
- *Parts 8 to 10* become the Ngati Toa Rangatira Claims Settlement Bill:
- *Part 11* becomes the Haka Ka Mate Attribution Bill.

*Parts 1 to 3—Ngāti Apa ki te Rā Tō, Ngāti Kuia,
and Rangitāne o Wairau Claims Settlement Bill*

Parts 1 to 3 give effect to the deeds of settlement of Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau.

*Parts 4 to 7—Ngāti Kōata, Ngāti Rārua, Ngāti Tama
ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Claims Settlement Bill*

Parts 4 to 7 give effect to the deeds of settlement of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui.

*Parts 8 to 10—Ngati Toa Rangatira Claims
Settlement Bill*

Parts 8 to 10 give effect to the deed of settlement of Ngati Toa Rangatira.

Part 11—Haka Ka Mate Attribution Bill

Part 11 also gives effect to the deed of settlement of Ngati Toa Rangatira. It provides for redress to Ngati Toa Rangatira relating to the haka Ka Mate.

It is the intention of the Crown and Ngati Toa Rangatira that Ngati Toa Rangatira have a right of attribution in perpetuity in relation to the haka Ka Mate that is not assignable.

Clause by clause analysis

Clause 1 states the Bill's Title.

Clause 2 specifies the Bill's commencement date.

Part 1
**Preliminary matters and settlement of
historical claims**

Parts 1 to 3 relate to 3 iwi, Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau, and to their 3 deeds of settlement, the settlement of their historical claims, and redress provided to them.

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

**Subpart 1—Purpose of Act, historical
accounts, acknowledgements, and apologies**

Clause 3 states the purpose of *Parts 1 to 3* of the Bill.

Clause 4 provides that the provisions of *Parts 1 to 3* of the Bill take effect on the settlement date unless a provision states otherwise.

Clause 5 provides that *Parts 1 to 3* of the Bill bind the Crown.

Clause 6 provides an outline of *Parts 1 to 3* of the Bill.

Clauses 7 to 16 summarise the historical accounts from the 3 deeds of settlement (which provide backgrounds to the deeds) and record the acknowledgements and the apologies given by the Crown to the iwi in the deeds.

Subpart 2—Interpretation

Clause 17 provides that *Parts 1 to 3* of the Bill are to be interpreted in a manner that best furthers the agreements in the deeds of settlement.

Clauses 18 and 19 define certain terms used in *Parts 1 to 3* of the Bill.

Clause 20 defines Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau.

Clause 21 defines historical claims.

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

Clause 22 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 deeds of settlement, *Parts 1 to 3* of the Bill, and the settlement redress (but not in respect of the interpretation or implementation of the deeds of settlement or *Parts 1 to 3* of the Bill).

Consequential amendment to Treaty of Waitangi Act 1975

Clause 23 amends the Treaty of Waitangi Act 1975 to remove the jurisdiction of the Waitangi Tribunal as provided in *clause 22*.

Protections no longer apply

Clause 24 provides that certain enactments do not apply to specified land.

Clause 25 provides for the removal of existing memorials from the computer registers relating to the specified land.

Subpart 4—Other matters

Clause 26 provides for an exception to the rule against perpetuities and any relevant provisions of the Perpetuities Act 1964 for the settlement trusts and in respect of documents entered into by the Crown to give effect to the deeds of settlement.

Clause 27 requires the chief executive of the Ministry of Justice to make copies of the deeds of settlement available for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington on any working day. The deeds must also be made available free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

Clause 28 provides that if a provision in *Parts 1 to 3* has the same effect as a provision in *Parts 4 to 7* or *8 to 10*, the provisions must be given effect to only once.

Part 2 Cultural redress

Part 2 provides for cultural redress.

Subpart 1—Protocols

Subpart 1 (clauses 29 to 36) provides for the issue of protocols by the Minister of Conservation, the Minister for Primary Industries, the Minister of Energy and Resources, and the Minister for Arts, Culture and Heritage. The subpart provides that the protocols are subject to the Crown's obligations and limits the rights arising under them.

Subpart 2—Statutory acknowledgement and deeds of recognition

Subpart 2 (clauses 37 to 52) contains the Crown's acknowledgement of the statements made by the relevant iwi of their association with certain statutory areas and of their coastal values. The purposes and limits of the statutory acknowledgement are specified. The subpart

also provides that the Crown may issue and amend deeds of recognition.

Subpart 3—Overlay classification

Subpart 3 (clauses 53 to 71) provides for an overlay classification to be declared in relation to certain overlay sites. The purposes and limits of the overlay classification are specified. The subpart authorises the making of certain regulations and bylaws relating to the overlay classification.

Subpart 4—Vesting of cultural redress properties

Subpart 4 (clauses 72 to 97) provides for the vesting of 24 cultural redress properties in the trustees of the relevant settlement trusts (in some cases, jointly with each other or with the trustees of trusts for iwi under related settlements). Of the 24 properties, 11 vest in fee simple, 1 vests in fee simple subject to a conservation covenant, and 12 vest in fee simple to be administered as reserves.

Subpart 5—General provisions relating to vesting of cultural redress properties

Subpart 5 (clauses 98 to 111) contains technical provisions to facilitate the vesting of the cultural redress properties.

Subpart 6—Vesting and gifting back of properties

Subpart 6 (clauses 112 and 113) provides for the vesting of a property in the trustees of the Ngāti Apa ki te Rā Tō Trust, the vesting of another property in those trustees (jointly with the trustees of trusts for iwi under a related settlement), and the gifting back of the properties to the Crown.

Subpart 7—Geographic names

Subpart 7 (clauses 114 to 117) provides for the alteration and assignment of geographic names, sets out the requirements for publishing

a notice of a new geographic name, and provides for the process for altering any new geographic name.

Subpart 8—Customary use of eels

Subpart 8 (clauses 118 and 119) contains the Crown's acknowledgement of the association of Ngāti Apa ki te Rā Tō with eels in the part of the Nelson Lakes National Park within the Ngāti Apa conservation protocol area, and provides for the customary use of the eels by members of the iwi.

Subpart 9—Pakohe removal and consultation

Subpart 9 (clauses 120 to 127) contains the Crown's acknowledgement of the association of Ngāti Kuia and Rangitāne o Wairau with pakohe, provides for members of those iwi to remove pakohe from certain riverbeds by hand, and requires the Director-General to consult the trustees of the settlement trusts of those iwi in relation to pakohe in certain situations.

Subpart 10—Minerals fossicking right

Subpart 10 (clauses 128 to 132) provides for members of the settlement iwi to remove natural material from certain riverbeds by hand.

Subpart 11—Statutory kaitiaki and customary use of tītī

Subpart 11 (clauses 133 to 136) appoints the trustees of the Te Runanga o Ngāti Kuia Trust as statutory kaitiaki of Tītī Island and the Chetwode Islands with the power to advise the Minister of Conservation and the Director-General on certain matters relating to the islands, and provides for the customary use of tītī by members of Ngāti Kuia and Rangitāne o Wairau.

Subpart 12—Recognition of historical association with Endeavour Inlet

Subpart 12 (clause 137) contains the Crown's recognition of the historical association of Rangitāne o Wairau with Endeavour Inlet.

Subpart 13—River and freshwater advisory committee

Subpart 13 (clauses 138 to 144) establishes an iwi advisory committee to provide advice on the management of rivers and fresh water within the regions of certain councils. Members may be appointed to the committee by the trustees of the settlement trusts of the 8 iwi under the Bill.

Subpart 14—Wairau Boulder Bank conservation management plan

Subpart 14 (clause 145) provides for the preparation of a conservation management plan for the historic reserve being created over the Wairau Boulder Bank. Certain decisions about the plan must be made jointly by the Nelson/Marlborough Conservation Board and the trustees of the Rangitāne o Wairau Settlement Trust.

Part 3 Commercial redress

Part 3 provides for commercial redress.

Subpart 1—Transfer of commercial properties, deferred selection properties, and Woodbourne land

Subpart 1 (clauses 146 to 151) contains provisions relating to the transfer of commercial properties, deferred selection properties, and the Woodbourne land, and provides for the creation of computer freehold registers for the properties and other related matters.

Subpart 2—Unlicensed land

Subpart 2 (clauses 152 to 155) provides for the status of the unlicensed land and its associated assets, and the rights of the land's lessee, if the land is transferred.

Subpart 3—Right of access to protected sites

Subpart 3 (clauses 156 to 160) provides a right of access to certain protected sites on the unlicensed land to Māori for whom the sites are of special cultural, spiritual, or historical significance.

Subpart 4—Right of first refusal in relation to RFR land

Subpart 4 (clauses 161 to 191) provides the trustees of each of the 3 settlement trusts in *Parts 1 to 3* with a right of first refusal in relation to certain RFR land. For certain RFR land, the right of first refusal is shared between various combinations of the trustees of the 3 settlement trusts, the trustees of 4 related settlement trusts, and the trustee of the Toa Rangatira Trust. The owner of RFR land must not dispose of the land to a person other than the relevant trustees (without offering it to the trustees on the same or better terms) unless a specified exception applies. The right of first refusal lasts for different periods depending on the type of RFR land.

Part 4

Preliminary matters and settlement of historical claims

Parts 4 to 7 relate to 4 iwi, Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui, and to their 4 deeds of settlement, the settlement of their historical claims, and redress provided to them.

Part 4 provides for preliminary matters and the settlement of the historical claims.

Subpart 1—Purpose of Act, historical accounts, acknowledgements, and apologies

Clause 192 states the purpose of *Parts 4 to 7* of the Bill.

Clause 193 provides that the provisions of *Parts 4 to 7* of the Bill take effect on the settlement date unless a provision states otherwise.

Clause 194 provides that *Parts 4 to 7* of the Bill bind the Crown.

Clause 195 provides an outline of *Parts 4 to 7* of the Bill.

Clauses 196 to 208 summarise the historical accounts from the 4 deeds of settlement (which provide backgrounds to the deeds) and record the acknowledgements and the apologies given by the Crown to the iwi in the deeds.

Subpart 2—Interpretation

Clause 209 provides that *Parts 4 to 7* of the Bill are to be interpreted in a manner that best furthers the agreements in the deeds of settlement.

Clauses 210 and 211 define certain terms used in *Parts 4 to 7* of the Bill.

Clause 212 defines Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui.

Clause 213 defines historical claims.

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

Clause 214 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 deeds of settlement, *Parts 4 to 7* of the Bill, and the settlement redress (but not in respect of the interpretation or implementation of the deeds of settlement or *Parts 4 to 7* of the Bill).

Consequential amendment to Treaty of Waitangi Act 1975

Clause 215 amends the Treaty of Waitangi Act 1975 to remove the jurisdiction of the Waitangi Tribunal as provided in *clause 214*.

Protections no longer apply

Clause 216 provides that certain enactments do not apply to specified land.

Clause 217 provides for the removal of existing memorials from the computer registers relating to the specified land.

Subpart 4—Other matters

Clause 218 provides for an exception to the rule against perpetuities and any relevant provisions of the Perpetuities Act 1964 for the settlement trusts and in respect of documents entered into by the Crown to give effect to the deeds of settlement.

Clause 219 requires the chief executive of the Ministry of Justice to make copies of the deeds of settlement available for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington on any working day. The deeds must also be made available free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

Clause 220 provides that if a provision in *Parts 4 to 7* has the same effect as a provision in *Parts 1 to 3 or 8 to 10*, the provisions must be given effect to only once.

Part 5

Cultural redress

Part 5 provides for cultural redress.

Subpart 1—Protocols

Subpart 1 (clauses 221 to 228) provides for the issue of protocols by the Minister of Conservation, the Minister for Primary Industries, the Minister of Energy and Resources, and the Minister for Arts, Culture and Heritage. The subpart provides that the protocols are subject to the Crown's obligations and limits the rights arising under them.

Subpart 2—Statutory acknowledgement and deeds of recognition

Subpart 2 (clauses 229 to 244) contains the Crown's acknowledgement of the statements made by the relevant iwi of their association with certain statutory areas and of their coastal values. The purposes and limits of the statutory acknowledgement are specified. The subpart also provides that the Crown may issue and amend deeds of recognition.

Subpart 3—Overlay classification

Subpart 3 (clauses 245 to 263) provides for an overlay classification to be declared in relation to certain overlay sites. The purposes and limits of the overlay classification are specified. The subpart authorises the making of certain regulations and bylaws relating to the overlay classification.

Subpart 4—Vesting of cultural redress properties

Subpart 4 (clauses 264 to 305) provides for the vesting of 41 cultural redress properties in the trustees of the relevant settlement trusts (in some cases, jointly with each other or with the trustees of trusts for iwi under related settlements). Of the 41 properties, 13 vest in fee simple, 11 vest in fee simple subject to conservation covenants, and 17 vest in fee simple to be administered as reserves.

Subpart 5—General provisions relating to vesting of cultural redress properties

Subpart 5 (clauses 306 to 321) contains technical provisions to facilitate the vesting of the cultural redress properties.

Subpart 6—Delayed vesting of cleared land

Subpart 6 (clauses 322 to 325) provides for the delayed vesting of land that is no longer required for a public work and is not subject to rights or obligations that are inconsistent with vesting the area in the trustees of Te Pātaka a Ngāti Kōata.

Subpart 7—Vesting and gifting back of properties

Subpart 7 (clauses 326 and 327) provides for the vesting of a property in the trustees of 3 settlement trusts, the vesting of another property in the trustees of 3 settlement trusts (jointly with the trustees of a trust for iwi under a related settlement), and the gifting back of the properties to the Crown.

Subpart 8—Easement over part of D’Urville Island Scenic Reserve

Subpart 8 (clause 328) provides for the grant of an easement over part of D’Urville Island Scenic Reserve.

Subpart 9—Geographic names

Subpart 9 (clauses 329 to 332) provides for the alteration and assignment of geographic names, sets out the requirements for publishing a notice of a new geographic name, and provides for the process for altering any new geographic name.

Subpart 10—Minerals fossicking right

Subpart 10 (clauses 333 to 337) provides for members of the settlement iwi to remove natural material from certain riverbeds by hand.

Subpart 11—Statutory advisers

Subpart 11 (clauses 338 and 339) provides for the appointment of the trustees of Te Pātaka a Ngāti Kōata as statutory advisers to the Minister of Conservation and the Director-General in relation to Takapourewa, Whangarae, and Moawhitu.

Subpart 12—Statutory kaitiaki, acknowledgement as kaitiaki, and kaitiaki plan

Subpart 12 (clauses 340 to 344) appoints the trustees of the Te Ātiawa o Te Waka-a-Māui Trust as statutory kaitiaki of 5 islands in Queen Charlotte Sound / Tōtaranui with the power to advise the Minister of Conservation and the Director-General on certain matters relating to the islands. The subpart also provides for the trustees of the Te Ātiawa o Te Waka-a-Māui Trust to prepare and lodge a kaitiaki plan with Marlborough District Council. The plan applies to the coastal marine area of Queen Charlotte Sound / Tōtaranui and affects certain functions of the council relating to resource management in the area.

**Subpart 13—Acknowledgement of historical
association with West of Separation Point /
Te Matau**

Subpart 13 (clause 345) contains the Crown's acknowledgement of the historical association of Ngāti Kōata with West of Separation Point / Te Matau.

**Subpart 14—River and freshwater advisory
committee**

Subpart 14 (clauses 346 to 352) establishes an iwi advisory committee to provide advice on the management of rivers and fresh water within the regions of certain councils. Members may be appointed to the committee by the trustees of the settlement trusts of the 8 iwi under the Bill.

**Part 6
Commercial redress**

Part 6 provides for commercial redress.

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

Subpart 1 (clauses 353 to 358) contains provisions relating to the transfer of commercial redress properties (including the licensed properties and unlicensed land) and deferred selection properties and provides for the creation of computer freehold registers for the properties and other related matters.

**Subpart 2—Licensed properties and
unlicensed land**

Subpart 2 (clauses 359 to 364) provides for the status of the licensed properties and the unlicensed land and their associated assets. The provisions set out the respective rights and obligations of the Crown and the trustees of the settlement trusts in relation to the licensed properties.

Subpart 3—Right of access to protected sites

Subpart 3 (clauses 365 to 368) provides a right of access to certain protected sites on the licensed properties or unlicensed land to Māori for whom the sites are of special cultural, spiritual, or historical significance.

Subpart 4—Right of first refusal in relation to RFR land

Subpart 4 (clauses 369 to 399) provides the trustees of each of the 4 settlement trusts in *Parts 4 to 7* with a right of first refusal in relation to RFR land. For certain RFR land, the right of first refusal is shared between various combinations of the trustees of the 4 settlement trusts, the trustees of 3 related settlement trusts, and the trustee of the Toa Rangatira Trust. The owner of RFR land must not dispose of the land to a person other than the relevant trustees (without offering it to the trustees on the same or better terms) unless a specified exception applies. The right of first refusal lasts for different periods depending on the type of RFR land.

Part 7

Transitional matters for Ngāti Tama ki Te Tau Ihu—governance reorganisation and taxation

Part 7 provides for the reorganisation of the governance arrangements of Ngāti Tama ki Te Tau Ihu and for transitional matters, including taxation, that relate to the reorganisation. These matters take effect on the commencement of *Parts 4 to 7*.

Subpart 1—Governance reorganisation

Clause 400 defines certain terms used in *Part 7*.

Clause 401 dissolves the Ngati Tama Manawhenua Ki Te Tau Ihu Trust, the charitable trust board of Ngāti Tama ki Te Tau Ihu.

Clause 402 provides for the charitable trust board's assets and liabilities to vest in the trustees of the Ngāti Tama ki Te Waipounamu Trust, the trustees that receive redress for the benefit of Ngāti Tama ki Te Tau Ihu under the Bill. The assets and liabilities vest free of any charitable trusts.

Clause 403 removes any charitable purposes from the assets and liabilities of the charitable trust board's subsidiary.

Clause 404 requires the trustees of the Ngāti Tama ki Te Waipounamu Trust to prepare a final annual report of the charitable trust board and to present it to members of Ngāti Tama ki Te Tau Ihu at a general meeting.

Clauses 405 to 413 provide for various transitional matters relating to the reorganisation of the governance arrangements.

Subpart 2—Transitional taxation provisions

Subpart 2 (clauses 414 to 418) provides for transitional taxation matters relating to the reorganisation of the governance arrangements.

Part 8

Preliminary matters and settlement of historical claims

Parts 8 to 10 relate to the iwi Ngati Toa Rangatira and to their deed of settlement, the settlement of their historical claims, and redress provided to them.

Part 8 provides for preliminary matters and the settlement of the historical claims.

Subpart 1—Purpose of Act, historical account, acknowledgements, and apology

Clause 419 states the purpose of *Parts 8 to 10* of the Bill.

Clause 420 provides that the provisions of *Parts 8 to 10* of the Bill take effect on the settlement date unless a provision states otherwise.

Clause 421 provides that *Parts 8 to 10* of the Bill bind the Crown.

Clause 422 provides an outline of *Parts 8 to 10* of the Bill.

Clauses 423 to 426 summarise the historical account from the deed of settlement (which provides a background to the deed) and record the acknowledgements and the apology given by the Crown to Ngati Toa Rangatira in the deed.

Subpart 2—Interpretation

Clause 427 provides that *Parts 8 to 10* of the Bill are to be interpreted in a manner that best furthers the agreements in the deed of settlement.

Clauses 428 and 429 define certain terms used in *Parts 8 to 10* of the Bill.

Clause 430 defines Ngati Toa Rangatira.

Clause 431 defines historical claims.

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

Clause 432 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, *Parts 8 to 10* of the Bill, and the settlement redress (but not in respect of the interpretation or implementation of the deed of settlement or *Parts 8 to 10* of the Bill).

Consequential amendment to Treaty of Waitangi Act 1975

Clause 433 amends the Treaty of Waitangi Act 1975 to remove the jurisdiction of the Waitangi Tribunal as provided in *clause 432*.

Protections no longer apply

Clause 434 provides that certain enactments do not apply to specified land.

Clause 435 provides for the removal of existing memorials from the computer registers relating to the specified land.

Subpart 4—Other matters

Clause 436 provides for an exception to the rule against perpetuities and any relevant provisions of the Perpetuities Act 1964 for the Toa Rangatira Trust and in respect of documents entered into by the Crown to give effect to the deed of settlement.

Clause 437 requires the chief executive of the Ministry of Justice to make copies of the deed of settlement available for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington on any working day. The deed must also be made available free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

Clause 438 provides that if a provision in *Parts 8 to 10* has the same effect as a provision in *Parts 1 to 3 or 4 to 7*, the provisions must be given effect to only once.

Clause 439 amends the Fisheries (South Island Customary Fishing) Regulations 1999 to change a definition that affects Ngati Toa Rangatira.

Part 9

Cultural redress

Part 9 provides for cultural redress.

Subpart 1—Statutory acknowledgement and deeds of recognition

Subpart 1 (clauses 440 to 455) contains the Crown's acknowledgement of the statements made by Ngati Toa Rangatira of their association with certain statutory areas and of their coastal values. The purposes and limits of the statutory acknowledgement are specified. The subpart also provides that the Crown may issue and amend deeds of recognition.

Subpart 2—Nga paihau

Subpart 2 (clauses 456 to 474) provides for a nga paihau to be declared in relation to certain nga paihau sites. The purposes and limits of the nga paihau are specified. The subpart authorises the making of certain regulations and bylaws relating to the nga paihau.

Subpart 3—Vesting of cultural redress properties

Subpart 3 (clauses 475 to 496) provides for the vesting of 21 cultural redress properties in the trustee of the Toa Rangatira Trust (in

some cases, jointly with the trustees of trusts for iwi under related settlements). Of the 21 properties, 7 vest in fee simple, 2 vest in fee simple subject to conservation covenants, 10 vest in fee simple to be administered as reserves, and 2 vest in fee simple to be held as Maori reservations.

Subpart 4—General provisions relating to vesting of cultural redress properties

Subpart 4 (clauses 497 to 515) contains technical provisions to facilitate the vesting of the cultural redress properties.

Subpart 5—Geographic names

Subpart 5 (clauses 516 to 519) provides for the alteration and assignment of geographic names, sets out the requirements for publishing a notice of a new geographic name, and provides for the process for altering any new geographic name.

Subpart 6—Delayed vesting and gifting back of balance of Mana Island

Subpart 6 (clauses 520 to 522) provides for the vesting of the balance of Mana Island in the trustee of the Toa Rangatira Trust, and for the gifting back of the land to the Crown 10 days later. The initial vesting date is a date no later than 31 December 2024 that is appointed by the trustee.

Subpart 7—Kapiti Island redress

Subpart 7 (clauses 523 to 560) provides for the vesting of 3 sites on Kapiti Island in the trustee of the Toa Rangatira Trust, on various terms, and for the establishment of a strategic advisory committee whose members include appointees of the trustee, the Director-General, and potentially others.

The Kapiti Island site is vested in the trustee subject to a conservation covenant, and access rights to the site are provided. The Kapiti Island North Nature Reserve site is classified as a nature reserve before vesting in the trustee in trust, with the Crown continuing to administer, control, and manage the reserve. If certain requirements are satisfied after the settlement date, an Order in Council may be made so that

additional land is treated as part of the Kapiti Island North Nature Reserve site. The Kapiti Island Nature Reserve site initially vests in the trustee, before vesting as a gift back to the Crown 10 days later. The initial vesting date is a date no later than 31 December 2024 that is appointed by the trustee.

The strategic advisory committee is established to perform functions in relation to the Kapiti Island North Nature Reserve site and the Kapiti Island Nature Reserve site and associated land. The committee's functions include the provision of advice and involvement in preparing and approving a conservation management plan for those sites.

Subpart 8—Poutiaki plan

Subpart 8 (clauses 561 to 564) provides for the trustee of the Toa Rangatira Trust to prepare and lodge a poutiaki plan with certain councils. The plan applies to a defined area and affects certain functions of the councils relating to resource management in the area. The plan also relates to fisheries management in the area.

Subpart 9—Whitireia Park redress

Subpart 9 (clauses 565 to 572) establishes a joint board whose members include appointees of the trustee of the Toa Rangatira Trust and Wellington Regional Council. The joint board becomes the administering body of Whitireia Recreation Reserve. The joint board also becomes the administering body of 2 additional reserves until the trustee takes certain steps, such as giving a notice so that the trustee itself becomes the administering body.

Subpart 10—Queen Elizabeth Park campground site

Subpart 10 (clauses 573 to 577) provides for the trustee of the Toa Rangatira Trust to become the administering body of a campground site. The site is a reserve that must be administered for the purpose of providing a reasonable opportunity for affordable camping.

Subpart 11—River and freshwater advisory committee

Subpart 11 (clauses 578 to 584) establishes an iwi advisory committee to provide advice on the management of rivers and fresh water within the regions of certain councils. Members may be appointed to the committee by the trustees of the settlement trusts of the 8 iwi under the Bill.

Part 10 Commercial redress

Part 10 provides for commercial redress.

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

Subpart 1 (clauses 585 to 590) contains provisions relating to the transfer of commercial redress properties (including the licensed properties), commercial properties, and deferred selection properties and provides for the creation of computer freehold registers for the properties and other related matters.

Subpart 2—Licensed properties

Subpart 2 (clauses 591 to 594) provides for the status of the licensed properties. The provisions set out the respective rights and obligations of the Crown and the trustee of the Toa Rangatira Trust in relation to the licensed properties.

Subpart 3—Right of access to protected sites

Subpart 3 (clauses 595 to 598) provides a right of access to certain protected sites on the licensed properties to Māori for whom the sites are of special cultural, spiritual, or historical significance.

Subpart 4—Right of first refusal in relation to RFR land

Subpart 4 (clauses 599 to 632) provides the trustee of the Toa Rangatira Trust with a right of first refusal in relation to RFR land. For

certain RFR land, the right of first refusal is shared between various combinations of the trustee of the Toa Rangatira Trust and the trustees of 7 related settlement trusts. The owner of RFR land must not dispose of the land to a person other than the relevant trustees (without offering it to the trustees on the same or better terms) unless a specified exception applies. The right of first refusal lasts for different periods depending on the type of RFR land.

Part 11

Haka Ka Mate attribution

Part 11 provides for redress to Ngati Toa Rangatira relating to the haka Ka Mate.

Clause 633 states the purpose of *Part 11* of the Bill.

Clause 634 provides that the provisions of *Part 11* of the Bill take effect on the settlement date.

Clause 635 provides that *Part 11* of the Bill binds the Crown.

Clause 636 provides that *Part 11* of the Bill is to be interpreted in a manner that best furthers the agreements in the deed of settlement.

Clause 637 defines certain terms used in *Part 11* of the Bill.

Clause 638 provides for the Crown's acknowledgement of the significance of Ka Mate to Ngati Toa Rangatira and the statement made by Ngati Toa Rangatira relating to Ka Mate.

Clause 639 confers a right of attribution on Ngati Toa Rangatira in relation to Ka Mate. Anything to which the right of attribution applies must include a statement that Te Rauparaha was the composer of Ka Mate and a chief of Ngati Toa Rangatira.

Clause 640 describes the things to which the right of attribution applies and some things to which it does not apply.

The right of attribution applies to—

- any publication of Ka Mate for commercial purposes:
- any communication of Ka Mate to the public:
- any film that includes Ka Mate and is shown in public or is issued to the public.

But the right of attribution does not apply to—

- any performance of Ka Mate, including by a kapa haka group:
- anything used for educational purposes:

- anything made for the purpose of criticism, review, or reporting current events.

Clause 641 restricts the remedies for a failure to comply with the right of attribution to a declaratory judgment or order. Costs may also be awarded.

Clause 642 requires the Ministry of Business, Innovation, and Employment to review *Part 11* after the fifth anniversary of its commencement. The review may consider additional protection for the interests of Ngāti Toa Rangatira relating to Ka Mate.

Schedules

There are 15 schedules.

The schedules relating to *Parts 1 to 3*, and to redress provided to the 3 iwi Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau,—

- describe the statutory areas to which the statutory acknowledgement relates and for which (with some exceptions) a deed of recognition is issued (*Schedule 1*):
- describe the overlay sites to which the overlay classification applies (*Schedule 2*):
- describe the 24 cultural redress properties (*Schedule 3*):
- set out provisions that apply to notices given in relation to RFR land (*Schedule 4*).

The schedules relating to *Parts 4 to 7*, and to redress provided to the 4 iwi Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui,—

- describe the statutory areas to which the statutory acknowledgement relates and for which (with some exceptions) a deed of recognition is issued (*Schedule 5*):
- describe the overlay sites to which the overlay classification applies (*Schedule 6*):
- describe the 41 cultural redress properties (*Schedule 7*):
- describe the properties for delayed vesting or vesting and gift-giving back (*Schedule 8*):
- set out provisions that apply to notices given in relation to RFR land (*Schedule 9*).

The schedules relating to *Parts 8 to 10*, and to redress provided to the iwi Ngati Toa Rangatira,—

- describe the statutory areas to which the statutory acknowledgement relates and for which (with some exceptions) a deed of recognition is issued (*Schedule 10*):
- describe the nga paihau sites to which the nga paihau applies (*Schedule 11*):
- describe the 21 cultural redress properties (*Schedule 12*):
- describe the properties to which the Kapiti Island redress relates (*Schedule 13*):
- set out provisions that apply to notices given in relation to RFR land (*Schedule 14*).

The schedule relating to *Part 11* sets out the statement made by Ngati Toa Rangatira relating to Ka Mate (*Schedule 15*).

Hon Christopher Finlayson

Te Tau Ihu Claims Settlement Bill

Government Bill

Contents

		Page
1	Title	27
2	Commencement	27
	Part 1	
	Preliminary matters and settlement of historical claims	
	Subpart 1—Purpose of Act, historical accounts, acknowledgements, and apologies	
3	Purpose	27
4	Provisions take effect on settlement date	27
5	Act binds the Crown	27
6	Outline	27
7	Historical accounts and the Crown’s acknowledgements and apologies	30
	<i>Historical account, acknowledgements, and apology for Ngāti Apa ki te Rā Tō</i>	
8	Summary of historical account for Ngāti Apa ki te Rā Tō	31
9	Text of acknowledgements for Ngāti Apa ki te Rā Tō	33
10	Text of apology for Ngāti Apa ki te Rā Tō	36
	<i>Historical account, acknowledgements, and apology for Ngāti Kuia</i>	
11	Summary of historical account for Ngāti Kuia	36
12	Text of acknowledgements for Ngāti Kuia	39
13	Text of apology for Ngāti Kuia	41

Te Tau Ihu Claims Settlement Bill

	<i>Historical account, acknowledgements, and apology for Rangitāne o Wairau</i>	
14	Summary of historical account for Rangitāne o Wairau	42
15	Text of acknowledgements for Rangitāne o Wairau	45
16	Text of apology for Rangitāne o Wairau	47
	Subpart 2—Interpretation	
17	Interpretation of Act generally	48
18	Interpretation	48
19	Interpretation: iwi and trusts	56
20	Meaning of Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau	57
21	Meaning of historical claims	60
	Subpart 3—Settlement of historical claims <i>Historical claims settled and jurisdiction of courts, etc, removed</i>	
22	Settlement of historical claims final	63
	<i>Consequential amendment to Treaty of Waitangi Act 1975</i>	
23	Amendment to Treaty of Waitangi Act 1975	63
	<i>Protections no longer apply</i>	
24	Certain enactments do not apply	63
25	Removal of memorials	64
	Subpart 4—Other matters	
26	Rule against perpetuities does not apply	64
27	Access to deeds of settlement	65
28	Provisions of other Acts that have same effect	65
	Part 2 Cultural redress Subpart 1—Protocols <i>General provisions</i>	
29	Interpretation	65
30	Issue, amendment, and cancellation of protocols	65
31	Protocols subject to rights, functions, and obligations	66
32	Enforceability of protocols	66
33	Limitation of rights	67
	<i>Noting of conservation, fisheries, and minerals protocols</i>	
34	Noting of conservation protocols	68
35	Noting of fisheries protocols	68

Te Tau Ihu Claims Settlement Bill

36	Noting of minerals protocols	68
	Subpart 2—Statutory acknowledgement and deeds of recognition	
	<i>Statutory acknowledgement</i>	
37	Interpretation	69
38	Statutory acknowledgement by the Crown	70
39	Purposes of statutory acknowledgement	70
40	Relevant consent authorities to have regard to statutory acknowledgement	70
41	Environment Court to have regard to statutory acknowledgement	71
42	Historic Places Trust and Environment Court to have regard to statutory acknowledgement	71
43	Recording statutory acknowledgement on statutory plans	71
44	Provision of summaries or notices of certain applications to relevant trustees	72
45	Use of statutory acknowledgement	73
46	Relevant trustees may waive rights	74
	<i>Deeds of recognition</i>	
47	Issue and amendment of deeds of recognition	74
	<i>General provisions</i>	
48	Application to river or stream	75
49	Exercise of powers and performance of functions and duties	76
50	Rights not affected	76
51	Limitation of rights	76
	<i>Consequential amendment to Resource Management Act 1991</i>	
52	Amendment to Resource Management Act 1991	76
	Subpart 3—Overlay classification	
53	Interpretation	77
54	Declaration of overlay classification	78
55	Acknowledgement by the Crown of statements of iwi values	78
56	Purposes of overlay classification	78
57	Agreement on protection principles	78
58	New Zealand Conservation Authority and Conservation Boards to have particular regard to certain matters	79

Te Tau Ihu Claims Settlement Bill

59	New Zealand Conservation Authority and Conservation Boards to consult relevant trustees	79
60	Conservation management strategy	79
61	Noting of overlay classification	80
62	Notification in <i>Gazette</i>	80
63	Actions by Director-General	80
64	Amendment to strategy or plan	81
65	Regulations	81
66	Bylaws	81
67	Existing classification of overlay sites	82
68	Termination of overlay classification	82
69	Exercise of powers and performance of functions and duties	83
70	Rights not affected	83
71	Limitation of rights	83
	Subpart 4—Vesting of cultural redress properties	
72	Interpretation	83
	<i>Sites that vest in fee simple</i>	
73	St Arnaud	85
74	Te Tai Tapu (Tombstone)	85
75	Port Gore	85
76	Titiraukawa (Pelorus Bridge)	85
77	Ngā Tai Whakaū (Kawai, World's End)	86
78	Waimea Pā (Appleby School)	86
79	Te Hora (Canvastown School)	86
80	Picton Recreation Reserve	87
81	Tuamatene Marae, Grovetown	87
82	Rārangi	87
83	Wairau Lagoons (reinterment)	87
	<i>Site that vests in fee simple subject to conservation covenant</i>	
84	Titirangi Bay site	88
	<i>Sites that vest in fee simple to be administered as reserves</i>	
85	Aorere Scenic Reserve	88
86	Cullen Point (Havelock)	89
87	Moenui	89
88	Tarakaipa Island urupā	90
89	Agreement relating to Te Pokohiwi	90
90	Te Pokohiwi	91
91	Waikutakuta / Robin Hood Bay	92

Te Tau Ihu Claims Settlement Bill

92	Ngākuta Bay	92
93	Momorangi	92
94	Endeavour Inlet site	93
95	Mātangi Āwhio (Nelson)	93
96	Pukatea / Whites Bay	94
97	Horahora-kākahu	95
	Subpart 5—General provisions relating to vesting of cultural redress properties	
	<i>General provisions</i>	
98	Properties are subject to, or benefit from, interests	95
99	Interests in land for reserve sites that are jointly vested sites	96
100	Interests that are not interests in land	96
101	Registration of ownership	96
102	Application of Part 4A of Conservation Act 1987	98
103	Recording application of Part 4A of Conservation Act 1987 and sections of this Act	98
104	Application of other enactments	100
	<i>Provisions relating to reserve sites</i>	
105	Application of Reserves Act 1977 to reserve sites	100
106	Joint management body for Pukatea / Whites Bay and Horahora-kākahu	101
107	Subsequent transfer of reserve sites (other than jointly vested sites)	101
108	Subsequent transfer of jointly vested sites	103
109	No mortgage of reserve land	103
110	Saving of bylaws, etc, in relation to reserve sites	103
111	Names of Crown protected areas and reserve sites	104
	Subpart 6—Vesting and gifting back of properties	
112	Vesting and gifting back of alpine tarns	104
113	Vesting and gifting back of Te Tai Tapu	106
	Subpart 7—Geographic names	
114	Interpretation	107
115	New names of features	107
116	Publication of new names	108
117	Alteration of new names	108
	Subpart 8—Customary use of eels	
118	Acknowledgement of association	108
119	Customary use of eels	108

Te Tau Ihu Claims Settlement Bill

	Subpart 9—Pakohe removal and consultation	
120	Interpretation	109
121	Acknowledgement of association	110
122	Authorisation to search for and remove pakohe	110
123	Access to riverbed to search for and remove pakohe	110
124	Obligations if accessing riverbed	111
125	Relationship with other enactments	111
126	Consultation in relation to pakohe	111
127	Relevant pakohe area may be added to, or removed from, deed of settlement	112
	Subpart 10—Minerals fossicking right	
128	Interpretation	113
129	Authorisation to search for and remove sand, shingle, or other natural material	113
130	Access to riverbed to search for and remove sand, shingle, or other natural material	113
131	Obligations if accessing riverbed	114
132	Relationship with other enactments	114
	Subpart 11—Statutory kaitiaki and customary use of tītī	
133	Interpretation	114
134	Statutory kaitiaki may advise Minister of Conservation and Director-General	115
135	Customary use of tītī by Ngāti Kuia	115
136	Customary use of tītī by Rangitāne o Wairau	116
	Subpart 12—Recognition of historical association with Endeavour Inlet	
137	Recognition of historical association with Endeavour Inlet	117
	Subpart 13—River and freshwater advisory committee	
138	Advisory committee established	117
139	Appointment of members to advisory committee	117
140	Advisory committee may provide advice	117
141	Council must invite and have regard to advice	118
142	Procedure and meetings of advisory committee	118
143	Advisory committee may request information	119
144	Other obligations under Resource Management Act 1991	119
	Subpart 14—Wairau Boulder Bank conservation management plan	
145	Preparation of conservation management plan	119

Part 3

Commercial redress

Subpart 1—Transfer of commercial properties, deferred
selection properties, and Woodbourne land

146	The Crown may transfer properties	120
147	Registrar-General to create computer freehold register	121
148	Application of other enactments	122
149	Transfer of certain deferred selection properties	123
150	Transfer of Nelson High/District Courthouse	124
151	Transfer of properties subject to lease	125

Subpart 2—Unlicensed land

152	Transfer of unlicensed land as deferred selection RFR land	127
153	Application of rest of subpart	127
154	Effect of transfer of unlicensed land	127
155	Management of marginal strips	127

Subpart 3—Right of access to protected sites

156	Application of subpart	128
157	Interpretation	128
158	Right of access to protected site	128
159	Right of access subject to registered lease	129
160	Notation on computer freehold register	129

Subpart 4—Right of first refusal in relation to RFR land

Interpretation

161	Interpretation	130
162	Meaning of RFR land	132

Restrictions on disposal of RFR land

163	Restrictions on disposal of RFR land	133
-----	--------------------------------------	-----

Trustees' right of first refusal

164	Requirements for offer	133
165	Expiry date of offer	134
166	Withdrawal of offer	134
167	Acceptance of offer	135
168	Formation of contract	135

Disposals to others where land remains RFR land

169	Disposals to the Crown or Crown bodies	136
170	Disposals of existing public works to local authorities	136
171	Disposals of reserves to administering bodies	136

Te Tau Ihu Claims Settlement Bill

	<i>Disposals to others where land may cease to be RFR land</i>	
172	Disposals in accordance with enactment or rule of law	137
173	Disposals in accordance with legal or equitable obligation	137
174	Disposals under certain legislation	137
175	Disposals of land held for public works	138
176	Disposals for reserve or conservation purposes	138
177	Disposals for charitable purposes	138
178	Disposals to tenants	138
179	Disposals by Housing New Zealand Corporation	139
180	RFR landowner's obligations subject to other things	139
	<i>Notices</i>	
181	Notice to LINZ of certain RFR land with computer register	139
182	Notice to trustees of potential disposal of RFR land	140
183	Notice to trustees of disposals of RFR land to others	141
184	Notice to LINZ of land ceasing to be RFR land	141
185	Notice requirements	142
	<i>Memorials for RFR land</i>	
186	Recording memorials on computer registers for RFR land	142
187	Removal of memorials when land to be transferred or vested	143
188	Removal of memorials when RFR period ends	143
	<i>General provisions</i>	
189	Waiver and variation	144
190	Disposal of Crown bodies not affected	144
191	Assignment of rights and obligations under this subpart	144
	Part 4	
	Preliminary matters and settlement of historical claims	
	Subpart 1—Purpose of Act, historical accounts, acknowledgements, and apologies	
192	Purpose	145
193	Provisions take effect on settlement date	145
194	Act binds the Crown	145
195	Outline	145
196	Historical accounts and the Crown's acknowledgements and apologies	149
	<i>Historical account, acknowledgements, and apology for Ngāti Kōata</i>	
197	Summary of historical account for Ngāti Kōata	149

Te Tau Ihu Claims Settlement Bill

198	Text of acknowledgements for Ngāti Kōata	151
199	Text of apology for Ngāti Kōata	154
	<i>Historical account, acknowledgements, and apology for Ngāti Rārua</i>	
200	Summary of historical account for Ngāti Rārua	155
201	Text of acknowledgements for Ngāti Rārua	157
202	Text of apology for Ngāti Rārua	160
	<i>Historical account, acknowledgements, and apology for Ngāti Tama ki Te Tau Ihu</i>	
203	Summary of historical account for Ngāti Tama ki Te Tau Ihu	161
204	Text of acknowledgements for Ngāti Tama ki Te Tau Ihu	163
205	Text of apology for Ngāti Tama ki Te Tau Ihu	166
	<i>Historical account, acknowledgements, and apology for Te Ātiawa o Te Waka-a-Māui</i>	
206	Summary of historical account for Te Ātiawa o Te Waka-a-Māui	167
207	Text of acknowledgements for Te Ātiawa o Te Waka-a-Māui	169
208	Text of apology for Te Ātiawa o Te Waka-a-Māui	172
	Subpart 2—Interpretation	
209	Interpretation of Act generally	172
210	Interpretation	173
211	Interpretation: iwi and trusts	180
212	Meaning of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui	181
213	Meaning of historical claims	185
	Subpart 3—Settlement of historical claims	
	<i>Historical claims settled and jurisdiction of courts, etc, removed</i>	
214	Settlement of historical claims final	189
	<i>Consequential amendment to Treaty of Waitangi Act 1975</i>	
215	Amendment to Treaty of Waitangi Act 1975	190
	<i>Protections no longer apply</i>	
216	Certain enactments do not apply	190
217	Removal of memorials	191

Te Tau Ihu Claims Settlement Bill

	Subpart 4—Other matters	
218	Rule against perpetuities does not apply	191
219	Access to deeds of settlement	191
220	Provisions of other Acts that have same effect	192
	Part 5	
	Cultural redress	
	Subpart 1—Protocols	
	<i>General provisions</i>	
221	Interpretation	192
222	Issue, amendment, and cancellation of protocols	192
223	Protocols subject to rights, functions, and obligations	193
224	Enforceability of protocols	193
225	Limitation of rights	193
	<i>Noting of conservation, fisheries, and minerals protocols</i>	
226	Noting of conservation protocols	194
227	Noting of fisheries protocols	195
228	Noting of minerals protocols	195
	Subpart 2—Statutory acknowledgement and deeds of recognition	
	<i>Statutory acknowledgement</i>	
229	Interpretation	195
230	Statutory acknowledgement by the Crown	196
231	Purposes of statutory acknowledgement	196
232	Relevant consent authorities to have regard to statutory acknowledgement	197
233	Environment Court to have regard to statutory acknowledgement	197
234	Historic Places Trust and Environment Court to have regard to statutory acknowledgement	197
235	Recording statutory acknowledgement on statutory plans	198
236	Provision of summaries or notices of certain applications to relevant trustees	199
237	Use of statutory acknowledgement	199
238	Relevant trustees may waive rights	200
	<i>Deeds of recognition</i>	
239	Issue and amendment of deeds of recognition	201
	<i>General provisions</i>	
240	Application to river or stream	202

Te Tau Ihu Claims Settlement Bill

241	Exercise of powers and performance of functions and duties	202
242	Rights not affected	203
243	Limitation of rights	203
	<i>Consequential amendment to Resource Management Act 1991</i>	
244	Amendment to Resource Management Act 1991	203
	Subpart 3—Overlay classification	
245	Interpretation	203
246	Declaration of overlay classification	205
247	Acknowledgement by the Crown of statements of iwi values	205
248	Purposes of overlay classification	205
249	Agreement on protection principles	205
250	New Zealand Conservation Authority and Conservation Boards to have particular regard to certain matters	206
251	New Zealand Conservation Authority and Conservation Boards to consult relevant trustees	206
252	Conservation management strategy	206
253	Noting of overlay classification	207
254	Notification in <i>Gazette</i>	207
255	Actions by Director-General	207
256	Amendment to strategy or plan	208
257	Regulations	208
258	Bylaws	208
259	Existing classification of overlay sites	209
260	Termination of overlay classification	209
261	Exercise of powers and performance of functions and duties	210
262	Rights not affected	210
263	Limitation of rights	210
	Subpart 4—Vesting of cultural redress properties	
264	Interpretation	210
	<i>Sites that vest in fee simple</i>	
265	Catherine Cove	212
266	Whangarae Bay (Okiwi Bay)	212
267	Glenhope (Kawatiri)	213
268	Kawatiri Confluence	214
269	Wairau Pā	214
270	Rārangi (Ngāti Rārua)	214

Te Tau Ihu Claims Settlement Bill

271	Wainui urupā	214
272	Tapu Bay (Kaiteriteri)	215
273	Umukuri Bay urupā (Arapaoa Island)	215
274	Tapu Bay (Motueka)	215
275	Pūponga Farm, Cape House	216
276	Pūponga Farm, Triangle Flat	216
277	Puketawai	217
	<i>Sites that vest in fee simple subject to conservation covenant</i>	
278	Lucky Bay	217
279	Whangarae Estuary	218
280	Wharf Road (Okiwi Bay)	218
281	Te Tai Tapu (Snake Creek)	219
282	Coombe Rocks	219
283	Hori Bay	220
284	Pakawau Inlet	220
285	Onauku Bay (Arapaoa Island)	221
286	Anatoia Islands	221
287	Te Tai Tapu (Anatori South)	221
288	Te Tai Tapu (Anatori North)	222
	<i>Sites that vest in fee simple to be administered as reserves</i>	
289	Moukirikiri Island	223
290	Pah Point (Whanganui Inlet)	223
291	Waikutakuta / Robin Hood Bay	223
292	Tākaka River Mouth	224
293	Parapara Peninsula	224
294	Momorangi Point	224
295	Wedge Point	225
296	Ngākuta Point	226
297	Ngaruru (Arapaoa Island)	226
298	Arapawa Māori Rowing Club site	227
299	Katoa Point	227
300	Moioio Island	228
301	Pūponga Point Pā site	228
302	Mātangi Āwhio (Nelson)	229
303	Pukatea / Whites Bay	230
304	Horahora-kākahu	230
305	Tokomaru / Mount Robertson	231

Te Tau Ihu Claims Settlement Bill

Subpart 5—General provisions relating to vesting of cultural redress properties

General provisions

306	Properties are subject to, or benefit from, interests	232
307	Interests in land for reserve sites that are jointly vested sites	232
308	Interests that are not interests in land	233
309	Registration of ownership	234
310	Application of Part 4A of Conservation Act 1987	235
311	Recording application of Part 4A of Conservation Act 1987, sections of this Act, and fencing covenant	236
312	Application of other enactments	238

Provisions relating to reserve sites

313	Application of Reserves Act 1977 to reserve sites	239
314	Joint management body for Pūponga Point Pā site	239
315	Joint management body for Pukatea / Whites Bay and Horahora-kākahu	240
316	Joint management body for Tokomaru / Mount Robertson	241
317	Subsequent transfer of reserve sites (other than jointly vested sites)	241
318	Subsequent transfer of jointly vested sites	243
319	No mortgage of reserve land	243
320	Saving of bylaws, etc, in relation to reserve sites	243
321	Names of Crown protected areas and reserve sites	244

Subpart 6—Delayed vesting of cleared land

322	Interpretation	244
323	French Pass School and teachers' residence	245
324	Registration of ownership of cleared land	245
325	Application of other enactments to cleared land	246

Subpart 7—Vesting and gifting back of properties

326	Vesting and gifting back of Kaka Point	247
327	Vesting and gifting back of Te Tai Tapu	248

Subpart 8—Easement over part of D'Urville Island Scenic Reserve

328	Easement over part of D'Urville Island Scenic Reserve	249
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Subpart 9—Geographic names

329	Interpretation	250
330	New names of features	250
331	Publication of new names	251

Te Tau Ihu Claims Settlement Bill

332	Alteration of new names	251
	Subpart 10—Minerals fossicking right	
333	Interpretation	251
334	Authorisation to search for and remove sand, shingle, or other natural material	252
335	Access to riverbed to search for and remove sand, shingle, or other natural material	252
336	Obligations if accessing riverbed	252
337	Relationship with other enactments	252
	Subpart 11—Statutory advisers	
338	Interpretation	253
339	Statutory advisers may advise Minister of Conservation and Director-General	254
	Subpart 12—Statutory kaitiaki, acknowledgement as kaitiaki, and kaitiaki plan	
340	Interpretation	254
341	Statutory kaitiaki may advise Minister of Conservation and Director-General	255
342	Preparation of kaitiaki plan	255
343	Effect of kaitiaki plan on council	256
344	Limitation of rights	256
	Subpart 13—Acknowledgement of historical association with West of Separation Point / Te Matau	
345	Acknowledgement of historical association with West of Separation Point / Te Matau	256
	Subpart 14—River and freshwater advisory committee	
346	Advisory committee established	257
347	Appointment of members to advisory committee	257
348	Advisory committee may provide advice	257
349	Council must invite and have regard to advice	258
350	Procedure and meetings of advisory committee	258
351	Advisory committee may request information	259
352	Other obligations under Resource Management Act 1991	259

Part 6

Commercial redress

	Subpart 1—Transfer of commercial redress properties and deferred selection properties	
353	The Crown may transfer properties	259

Te Tau Ihu Claims Settlement Bill

354	Registrar-General to create computer freehold register	259
355	Minister of Conservation may grant easements	262
356	Application of other enactments	262
357	Transfer of certain commercial redress properties and deferred selection properties	263
358	Transfer of properties subject to lease	265
	Subpart 2—Licensed properties and unlicensed land	
	<i>Licensed properties</i>	
359	Interpretation	266
360	Licensed property ceases to be Crown forest land	267
361	Trustees confirmed beneficiaries and licensors in relation to licensed property	267
362	Effect of transfer of licensed property	268
	<i>Unlicensed land</i>	
363	Unlicensed land	270
364	Management of marginal strips	270
	Subpart 3—Right of access to protected sites	
365	Interpretation	271
366	Right of access to protected site	271
367	Right of access subject to Crown forestry licence and registered lease	271
368	Notation on computer freehold register	272
	Subpart 4—Right of first refusal in relation to RFR land	
	<i>Interpretation</i>	
369	Interpretation	272
370	Meaning of RFR land	275
	<i>Restrictions on disposal of RFR land</i>	
371	Restrictions on disposal of RFR land	276
	<i>Trustees' right of first refusal</i>	
372	Requirements for offer	276
373	Expiry date of offer	277
374	Withdrawal of offer	277
375	Acceptance of offer	277
376	Formation of contract	278
	<i>Disposals to others where land remains RFR land</i>	
377	Disposals to the Crown or Crown bodies	279
378	Disposals of existing public works to local authorities	279
379	Disposals of reserves to administering bodies	279

Te Tau Ihu Claims Settlement Bill

	<i>Disposals to others where land may cease to be RFR land</i>	
380	Disposals in accordance with enactment or rule of law	280
381	Disposals in accordance with legal or equitable obligation	280
382	Disposals under certain legislation	280
383	Disposals of land held for public works	280
384	Disposals for reserve or conservation purposes	281
385	Disposals for charitable purposes	281
386	Disposals to tenants	281
387	Disposals by Housing New Zealand Corporation	282
388	RFR landowner's obligations subject to other things	282
	<i>Notices</i>	
389	Notice to LINZ of certain RFR land with computer register	282
390	Notice to trustees of potential disposal of RFR land	283
391	Notice to trustees of disposals of RFR land to others	283
392	Notice to LINZ of land ceasing to be RFR land	284
393	Notice requirements	285
	<i>Memorials for RFR land</i>	
394	Recording memorials on computer registers for RFR land	285
395	Removal of memorials when land to be transferred or vested	286
396	Removal of memorials when RFR period ends	286
	<i>General provisions</i>	
397	Waiver and variation	287
398	Disposal of Crown bodies not affected	287
399	Assignment of rights and obligations under this subpart	287
	Part 7	
	Transitional matters for Ngāti Tama ki Te Tau Ihu—governance reorganisation and taxation	
	Subpart 1—Governance reorganisation	
400	Interpretation	288
	<i>Dissolution of charitable trust board</i>	
401	Dissolution of charitable trust board	289
402	Vesting of assets and liabilities of charitable trust board	289
403	Assets and liabilities of subsidiary freed of charitable purposes	290
404	Final annual report of charitable trust board	290

Te Tau Ihu Claims Settlement Bill

General matters relating to dissolution of charitable trust board

405	Matters not affected by transfer	290
406	Status of contracts and other instruments	291
407	Status of existing securities	291
408	Books and documents to remain evidence	292
409	Registers	292

Employees of charitable trust board

410	Transfer of employees	293
411	Protection of terms and conditions of employment	293
412	Continuity of employment	293
413	No compensation for technical redundancy	293

Subpart 2—Transitional taxation provisions

414	Application of this subpart	294
415	Taxation in respect of transfer of assets and liabilities of charitable trust board	294

Election by NTTW trustees to be Maori authority

416	Election by NTTW trustees to be Maori authority	295
-----	---	-----

Subsidiary

417	Taxation in respect of assets and liabilities of subsidiary	295
418	Election by subsidiary to be Maori authority	296

Part 8

Preliminary matters and settlement of historical claims

Subpart 1—Purpose of Act, historical account, acknowledgements, and apology

419	Purpose	296
420	Provisions take effect on settlement date	296
421	Act binds the Crown	297
422	Outline	297
423	Historical account and the Crown's acknowledgements and apology	299
424	Summary of historical account	299
425	Text of acknowledgements	301
426	Text of apology	304

Subpart 2—Interpretation

427	Interpretation of Act generally	305
428	Interpretation	306
429	Interpretation: iwi and trusts	312

Te Tau Ihu Claims Settlement Bill

430	Meaning of Ngati Toa Rangatira	314
431	Meaning of historical claims	314
	Subpart 3—Settlement of historical claims	
	<i>Historical claims settled and jurisdiction of courts, etc, removed</i>	
432	Settlement of historical claims final	316
	<i>Consequential amendment to Treaty of Waitangi Act 1975</i>	
433	Amendment to Treaty of Waitangi Act 1975	317
	<i>Protections no longer apply</i>	
434	Certain enactments do not apply	317
435	Removal of memorials	318
	Subpart 4—Other matters	
436	Rule against perpetuities does not apply	319
437	Access to deed of settlement	320
438	Provisions of other Acts that have same effect	320
439	Amendment to Fisheries (South Island Customary Fishing) Regulations 1999	320

Part 9

Cultural redress

Subpart 1—Statutory acknowledgement and deeds of recognition

Statutory acknowledgement

440	Interpretation	321
441	Statutory acknowledgement by the Crown	321
442	Purposes of statutory acknowledgement	321
443	Relevant consent authorities to have regard to statutory acknowledgement	322
444	Environment Court to have regard to statutory acknowledgement	322
445	Historic Places Trust and Environment Court to have regard to statutory acknowledgement	323
446	Recording statutory acknowledgement on statutory plans	323
447	Provision of summaries or notices of certain applications to trustee	324
448	Use of statutory acknowledgement	325
449	Trustee may waive rights	325

Deeds of recognition

450	Issue and amendment of deeds of recognition	326
-----	---	-----

Te Tau Ihu Claims Settlement Bill

	<i>General provisions</i>	
451	Application to river or stream	326
452	Exercise of powers and performance of functions and duties	327
453	Rights not affected	328
454	Limitation of rights	328
	<i>Consequential amendment to Resource Management Act 1991</i>	
455	Amendment to Resource Management Act 1991	328
	Subpart 2—Nga paihau	
456	Interpretation	328
457	Declaration of nga paihau	329
458	Acknowledgement by the Crown of statements of iwi values	329
459	Purposes of nga paihau	329
460	Agreement on protection principles	330
461	New Zealand Conservation Authority and Conservation Boards to have particular regard to certain matters	330
462	New Zealand Conservation Authority and Conservation Boards to consult trustee	330
463	Conservation management strategy	331
464	Noting of nga paihau	331
465	Notification in <i>Gazette</i>	331
466	Actions by Director-General	331
467	Amendment to strategy or plan	332
468	Regulations	332
469	Bylaws	332
470	Existing classification of nga paihau sites	333
471	Termination of nga paihau	333
472	Exercise of powers and performance of functions and duties	334
473	Rights not affected	334
474	Limitation of rights	334
	Subpart 3—Vesting of cultural redress properties	
475	Interpretation	335
	<i>Sites that vest in fee simple</i>	
476	Rarangi (Ngati Toa Rangatira)	336
477	Akatarawa Road conservation area	336
478	Former Tuamarina school house	336
479	Rangihaeata	336

Te Tau Ihu Claims Settlement Bill

480	Pelorus Bridge	336
481	Titahi Bay Road site A	337
482	Titahi Bay Road site B	337
	<i>Sites that vest in fee simple subject to conservation covenant</i>	
483	Waikutakuta / Robin Hood Bay	337
484	Elaine Bay	338
	<i>Sites that vest in fee simple to be administered as reserves</i>	
485	Whitianga site	338
486	Te Mana a Kupe	339
487	Taputeranga Island	340
488	Onehunga Bay	340
489	Wainui	341
490	Te Onepoto Bay	341
491	Te Arai o Wairau	342
492	Pukatea / Whites Bay	342
493	Horahora-kākahu	343
494	Tokomaru / Mount Robertson	344
	<i>Sites that vest in fee simple to be held as Maori reservations</i>	
495	Taupo urupa	345
496	Whitireia urupa	345
	Subpart 4—General provisions relating to vesting of cultural redress properties	
	<i>General provisions</i>	
497	Properties are subject to, or benefit from, interests	346
498	Interests in land for certain reserve sites	346
499	Interests that are not interests in land	346
500	Registration of ownership	347
501	Application of Part 4A of Conservation Act 1987	348
502	Recording application of Part 4A of Conservation Act 1987 and sections of this Act	349
503	Application of other enactments	351
	<i>Provisions relating to reserve sites</i>	
504	Application of Reserves Act 1977 to reserve sites	351
505	Joint management body for Pukatea / Whites Bay and Horahora-kākahu	352
506	Joint management body for Tokomaru / Mount Robertson	352

Te Tau Ihu Claims Settlement Bill

507	Subsequent transfer of Whitianga site, Wainui, or Te Arai o Wairau	353
508	Subsequent transfer of Te Mana a Kupe	355
509	Subsequent transfer of Taputeranga Island	356
510	Subsequent transfer of Onehunga Bay or Te Onepoto Bay	357
511	Subsequent transfer of jointly vested sites	359
512	No mortgage of reserve land	359
513	Saving of bylaws, etc, in relation to reserve sites	360
514	Names of Crown protected areas and reserve sites	360
	<i>Repeal and amendment</i>	
515	Consequential repeal of certain sections of Wellington City Empowering and Amendment Act 1927	361
	Subpart 5—Geographic names	
516	Interpretation	361
517	New names of features	361
518	Publication of new names	361
519	Alteration of new names	362
	Subpart 6—Delayed vesting and gifting back of balance of Mana Island	
520	Interpretation	362
521	Notice appointing vesting date for balance of Mana Island	362
522	Delayed vesting and gifting back of balance of Mana Island	363
	Subpart 7—Kapiti Island redress	
523	Interpretation	364
	<i>Kapiti Island site</i>	
524	Kapiti Island site	364
525	Right of access over reserves to Kapiti Island site	365
526	Registration of ownership of Kapiti Island site	365
527	Application of enactments to Kapiti Island site	366
	<i>Kapiti Island North Nature Reserve site</i>	
528	Kapiti Island North Nature Reserve site	367
529	Registration of ownership of Kapiti Island North Nature Reserve site	368
530	Application of enactments to Kapiti Island North Nature Reserve site	369
531	Change of named registered proprietor of Kapiti Island North Nature Reserve site	370

Te Tau Ihu Claims Settlement Bill

532	Trustee may divest all or part of Kapiti Island North Nature Reserve site	371
533	Vesting of Kapiti Island North Nature Reserve balance site	371
	<i>Kapiti Island Nature Reserve site</i>	
534	Notice appointing vesting date for Kapiti Island Nature Reserve site	372
535	Delayed vesting and gifting back of Kapiti Island Nature Reserve site	373
536	Recording right of access on register for Kapiti Island Nature Reserve site	374
	<i>Strategic advisory committee for Kapiti Island reserve sites</i>	
537	Strategic advisory committee established	374
538	Appointment of members to strategic advisory committee	374
539	Interim members of strategic advisory committee	375
540	Functions of strategic advisory committee	376
541	Procedure and meetings of strategic advisory committee	376
542	Quorum at meetings of strategic advisory committee	377
	<i>Consultation with and advice provided by strategic advisory committee</i>	
543	Strategic advisory committee may provide advice on conservation matters	379
544	Strategic advisory committee to be consulted, and may provide advice, on annual planning	379
545	Strategic advisory committee may provide advice on burial caves at Wharekohu Bay	379
546	Conservation management strategy that affects Kapiti Island reserve site	380
547	General provision about advice	380
	<i>Conservation management plan for Kapiti Island reserve sites</i>	
548	Interpretation	381
549	Process for preparation and approval of Kapiti Island plan	381
550	Preparation of draft plan	382
551	Notification of draft plan	382
552	Submissions on draft plan	382
553	Hearing of submissions	383
554	Revision of draft plan	383

Te Tau Ihu Claims Settlement Bill

555	Referral of draft plan to Conservation Authority and Minister	384
556	Approval of draft plan	385
557	Referral of disagreement to Conservation Authority	385
558	Mediation of disagreement	386
559	Review of Kapiti Island plan	387
560	Amendment of Kapiti Island plan	387
	Subpart 8—Poutiaki plan	
561	Interpretation	388
562	Preparation of poutiaki plan	388
563	Effect on relevant councils	389
564	Limitation of rights	389
	Subpart 9—Whitireia Park redress	
565	Interpretation	389
566	Joint board established	390
567	Joint board is administering body of reserves	390
568	Application for statutory authorisation over additional reserve	390
569	Interests in favour of additional reserves	391
570	Management plan	391
571	Procedure and meetings of joint board	392
572	Trustee may become administering body of additional reserve	392
	Subpart 10—Queen Elizabeth Park campground site	
573	Interpretation	393
574	Change of reserve classification and appointment of administering body	393
575	Improvements on campground site	393
576	Management of site and income	394
577	Revocation of appointment of administering body	394
	Subpart 11—River and freshwater advisory committee	
578	Advisory committee established	395
579	Appointment of members to advisory committee	395
580	Advisory committee may provide advice	395
581	Council must invite and have regard to advice	396
582	Procedure and meetings of advisory committee	396
583	Advisory committee may request information	397
584	Other obligations under Resource Management Act 1991	397

Part 10

Commercial redress

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

585	The Crown may transfer properties	397
586	Registrar-General to create computer freehold register	398
587	Minister of Conservation may grant easements	399
588	Application of other enactments	399
589	Transfer of commercial redress property for no consideration	400
590	Transfer of properties subject to lease	401

Subpart 2—Licensed properties

591	Interpretation	402
592	Licensed property ceases to be Crown forest land	402
593	Trustee confirmed beneficiary and licensor in relation to licensed property	403
594	Effect of transfer of licensed property	404

Subpart 3—Right of access to protected sites

595	Interpretation	405
596	Right of access to protected site	406
597	Right of access subject to Crown forestry licence	406
598	Notation on computer freehold register	406

Subpart 4—Right of first refusal in relation to RFR land

Interpretation

599	Interpretation	407
600	Meaning of RFR land	411

Restrictions on disposal of RFR land

601	Restrictions on disposal of RFR land	411
-----	--------------------------------------	-----

Trustees' right of first refusal

602	Requirements for offer	412
603	Expiry date of offer	413
604	Withdrawal of offer	414
605	Acceptance of offer	414
606	Formation of contract	415

Disposals to others where land remains RFR land

607	Disposals to the Crown or Crown bodies	415
608	Disposals of existing public works to local authorities	415
609	Disposals of reserves to administering bodies	416

Te Tau Ihu Claims Settlement Bill

	<i>Disposals to others where land may cease to be RFR land</i>	
610	Disposals in accordance with enactment or rule of law	416
611	Disposals in accordance with legal or equitable obligation	416
612	Disposals under certain legislation	417
613	Disposals of land held for public works	417
614	Disposals for reserve or conservation purposes	417
615	Disposals for charitable purposes	417
616	Disposals to tenants	417
617	Disposals by Housing New Zealand Corporation	418
618	Disposals by Capital and Coast District Health Board	418
619	RFR landowner's obligations subject to other things	418
	<i>Notices</i>	
620	Notice to trustees if land becomes RFR land	419
621	Notice to LINZ of certain RFR land with computer register	419
622	Notice to trustees of potential disposal of RFR land	420
623	Notice to trustees of disposals of RFR land to others	420
624	Notice to LINZ of land ceasing to be RFR land	421
625	Notice to LINZ of transfer of certain deferred selection RFR land to trustees	422
626	Notice requirements	422
	<i>Memorials for RFR land</i>	
627	Recording memorials on computer registers for RFR land	422
628	Removal of memorials when land to be transferred or vested	423
629	Removal of memorials when RFR period ends	423
	<i>General provisions</i>	
630	Waiver and variation	424
631	Disposal of Crown bodies not affected	424
632	Assignment of rights and obligations under this subpart	424
	Part 11	
	Haka Ka Mate attribution	
633	Purpose	425
634	Provisions take effect on settlement date	425
635	Act binds the Crown	425
636	Interpretation of Act generally	425
637	Interpretation	425
638	Acknowledgements by the Crown	426
639	Right of attribution	427
640	Right of attribution applies to certain things	427

Te Tau Ihu Claims Settlement Bill

641	Remedy for failure to attribute	428
642	Review of this Act	428
	Schedule 1	429
	Statutory areas	
	Schedule 2	431
	Overlay sites	
	Schedule 3	433
	Cultural redress properties	
	Schedule 4	440
	Notices in relation to RFR land	
	Schedule 5	442
	Statutory areas	
	Schedule 6	446
	Overlay sites	
	Schedule 7	450
	Cultural redress properties	
	Schedule 8	460
	Properties for delayed vesting or vesting and gifting back	
	Schedule 9	461
	Notices in relation to RFR land	
	Schedule 10	463
	Statutory areas	
	Schedule 11	465
	Nga paihau sites	
	Schedule 12	467
	Cultural redress properties	
	Schedule 13	472
	Kapiti Island redress	
	Schedule 14	474
	Notices in relation to RFR land	
	Schedule 15	476
	Statement relating to Ka Mate	

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Te Tau Ihu Claims Settlement Act **2013**.

2 Commencement

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

Part 1**Preliminary matters and settlement of historical claims**

Subpart 1—Purpose of Act, historical accounts, acknowledgements, and apologies 10

3 Purpose

The purpose of **Parts 1 to 3** is to give effect to certain provisions of the deeds of settlement that settle the historical claims of Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau. 15

4 Provisions take effect on settlement date

- (1) The provisions of **Parts 1 to 3** take effect on the settlement date unless a provision states 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— 20
 - (a) for the provision to have full effect on that date; or
 - (b) for a power to be exercised, or for a duty to be performed, under the provision on that date.

5 Act binds the Crown

Parts 1 to 3 bind the Crown. 25

6 Outline

- (1) This section is a guide to the overall scheme and effect of **Parts 1 to 3**, but does not affect the interpretation or application of the other provisions of **Parts 1 to 3** or the deeds of settlement. 30

- (2) This Part—
- (a) sets out the purpose of **Parts 1 to 3** and specifies that **Parts 1 to 3** bind the Crown; and
 - (b) provides that the provisions of **Parts 1 to 3** take effect on the settlement date unless a provision states otherwise; and 5
 - (c) specifies that **Parts 1 to 3** bind the Crown; and
 - (d) summarises the historical accounts from the deeds of settlement and records the acknowledgements and the apology given by the Crown in the deeds; and 10
 - (e) defines terms used in **Parts 1 to 3**, including key terms such as Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau, and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and 15
 - (g) provides for—
 - (i) the effect of the settlement 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 20
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and
 - (v) access to the deeds of settlement. 25
- (3) **Part 2** provides for cultural redress, including—
- (a) the issuing of protocols to the trustees of the settlement trusts by the Minister of Conservation, the Minister for Primary Industries, the Minister of Energy and Resources, and the Minister for Arts, Culture and Heritage; and 30
 - (b) a statutory acknowledgement by the Crown of the statements made by the settlement iwi of their cultural, spiritual, historical, and traditional associations with certain statutory areas; and 35
 - (c) provision for deeds of recognition issued by the Crown to the trustees of the settlement trusts; and
 - (d) the application of an overlay classification to certain overlay sites by the Crown’s acknowledgement of the

- values of the settlement iwi in relation to the relevant sites; and
- (e) the vesting of cultural redress properties in the trustees of each settlement trust, in some cases jointly with each other or with the trustees of trusts for iwi under related settlements; and 5
 - (f) the vesting of the alpine tarns in the trustees of the Ngāti Apa ki te Rā Tō Trust, and the vesting of the tarns back to the Crown as a gift from the trustees; and
 - (g) the vesting of Te Tai Tapu in the trustees of the Ngāti Apa ki te Rā Tō Trust (jointly with the trustees of trusts for iwi under a related settlement), and the vesting of the site back to the Crown as a gift from the trustees; and 10
 - (h) the alteration and assignment of names for certain geographic features; and 15
 - (i) the Crown's acknowledgement of the association of Ngāti Apa ki te Rā Tō with eels in the part of the Nelson Lakes National Park within the Ngāti Apa conservation protocol area, and provision for customary use of the eels; and 20
 - (j) the Crown's acknowledgement of the association of Ngāti Kuia and Rangitāne o Wairau with pakohe, provision for iwi members to remove pakohe from certain riverbeds by hand, and a requirement for the Director-General to consult in relation to pakohe; and 25
 - (k) provision for members of the settlement iwi to remove natural material from certain riverbeds by hand; and
 - (l) the appointment of the trustees of the Te Runanga o Ngāti Kuia Trust as statutory kaitiaki of Tītī Island and the Chetwode Islands, and provision for the customary use of tītī by members of Ngāti Kuia and Rangitāne o Wairau; and 30
 - (m) the Crown's recognition of the historical association of Rangitāne o Wairau with Endeavour Inlet; and 35
 - (n) the establishment of an iwi advisory committee to provide advice on the management of rivers and fresh water within the regions of certain councils, with members ap-

- pointed by the trustees of the settlement trusts, the related settlement trusts, and the Toa Rangatira Trust; and
- (o) the preparation of a conservation management plan for the historic reserve being created over the Wairau Boulder Bank, with certain decisions about the plan being made jointly by the Nelson/Marlborough Conservation Board and the trustees of the Rangitāne o Wairau Settlement Trust. 5
- (4) **Part 3** provides for commercial redress, including—
- (a) authorisation for the transfer of commercial properties, deferred selection properties (which may include the unlicensed land), and any Woodbourne land to the trustees of each settlement trust to give effect to the deeds of settlement; and 10
- (b) provision for a right of access to certain protected sites on the unlicensed land; and 15
- (c) a right of first refusal in relation to RFR land that may be exercised by the trustees of the settlement trusts (and, in some cases, the trustees of the related settlement trusts and the Toa Rangatira Trust). 20
- (5) There are 4 schedules, as follows:
- (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:
- (b) **Schedule 2** describes the overlay sites to which the overlay classification applies: 25
- (c) **Schedule 3** describes the cultural redress properties:
- (d) **Schedule 4** sets out provisions that apply to notices given in relation to RFR land.
- 7 Historical accounts and the Crown’s acknowledgements and apologies 30**
- (1) **Section 8** summarises the historical account from the deed of settlement for Ngāti Apa ki te Rā Tō, which provides a background to the deed of settlement.
- (2) **Sections 9 and 10** record the acknowledgements and the apology given by the Crown to Ngāti Apa ki te Rā Tō in the deed of settlement for Ngāti Apa ki te Rā Tō. 35

- (3) **Section 11** summarises the historical account from the deed of settlement for Ngāti Kuia, which provides a background to the deed of settlement.
- (4) **Sections 12 and 13** record the acknowledgements and the apology given by the Crown to Ngāti Kuia in the deed of settlement for Ngāti Kuia. 5
- (5) **Section 14** summarises the historical account from the deed of settlement for Rangitāne o Wairau, which provides a background to the deed of settlement.
- (6) **Sections 15 and 16** record the acknowledgements and the apology given by the Crown to Rangitāne o Wairau in the deed of settlement for Rangitāne o Wairau. 10

*Historical account, acknowledgements, and
apology for Ngāti Apa ki te Rā Tō*

- 8 Summary of historical account for Ngāti Apa ki te Rā Tō** 15
The historical account set out in the deed of settlement for Ngāti Apa ki te Rā Tō (**Ngāti Apa**) is summarised as follows:
- (1) Ngāti Apa have resided in the northern South Island for many generations. At 1820 Ngāti Apa occupied and used resources in the outer Marlborough Sounds at Anamahanga (Port Gore), Waimea, Whakatu (Nelson), Te Tai Aorere (Golden Bay), Te Tai Tapu (Tasman Bay, Whanganui and the northern West Coast) and down to the Kawatiri region. In the 1820s and 1830s iwi from the North Island invaded and settled in the northern South Island. Although Ngāti Apa no longer had exclusive possession of all their territory they retained their tribal structures, chiefly lines and ancestral connections to the land. There was also opportunity for the recovery of status and the revival of rights as British rule began to take effect after 1840. 20 25 30
- (2) In 1839 the New Zealand Company signed deeds with Māori that purported to purchase the entire northern South Island. Ngāti Apa were not consulted by the Company. The validity of the Company's purchases was investigated in 1844 by a Crown-appointed Commissioner. The Commissioner found that the Company had made a limited purchase of land in the northern South Island and recommended a grant of 151 000 35

acres. The Crown failed to investigate the rights of Ngāti Apa before granting land to the Company. The Company also made an additional payment to Te Tau Ihu Māori in 1844. Ngāti Apa did not directly receive a share of this payment for their interests or a share in the Nelson Tenths reserves that were set aside from the land granted to the Company. 5

- (3) Between 1847 and 1856 the Crown sought to purchase most of the remaining Māori land in the northern South Island. Despite the Crown being aware that Ngāti Apa claimed rights in some of the areas that were being purchased, Ngāti Apa were not included in any of the transactions. Consequently Ngāti Apa, in contrast to all the other northern South Island iwi, received no payment for the alienation of their land, and no reserves were set aside for them. 10

- (4) Ngāti Apa received some recognition in the 1860 Arahura (West Coast) purchase. The Ngāti Apa rangatira Pūaha Te Rangi was a signatory to the deed. Ngāti Apa received a small share of the purchase price and several occupation reserves were set aside for them. The reserves were insufficient for the present and future needs of the iwi. In the first half of the twentieth century Ngāti Apa obtained a beneficial share in several endowment reserves on the West Coast. For various reasons, including inefficient Māori and Public Trustee administration, Ngāti Apa did not obtain significant economic benefit from these reserves. During the twentieth century Ngāti Apa occupation and endowment reserves were reduced through public works and scenery preservation takings and sales by their owners. 15 20 25

- (5) In 1977 the remaining reserves on the West Coast were transferred to the Mawhera Incorporation. This included the Westport town sections in which Ngāti Apa held a nine-tenths interest. The 1973 Commission of Inquiry into Māori Reserved Lands had earlier put forward two options for the future management of the Westport sections—if the owners desired, the lands might be included in an incorporation, together with other West Coast reserves; or two owner representatives might work with the Māori Trustee to determine the future administration of the sections. The Crown did not consult separately with the Ngāti Apa owners and did not offer them the option of 30 35

working with the Māori Trustee. Following the transfer of the Westport and other Ngāti Apa reserves to Mawhera the Ngāti Apa owners became shareholders in the Incorporation but no longer controlled the land and could not utilise it for tribal or community purposes.

5

- (6) In 1883 and 1892 the Native Land Court investigated the ownership of land that had been excluded from Crown purchases and the Nelson Tenth's reserves. Ngāti Apa made several claims before the Court. In the Te Tai Tapu and Nelson Tenth's ownership investigations the Court deemed that Ngāti Apa did not have rights and they were excluded from ownership. In 1889 the Court granted Ngāti Apa two small reserves at Anamahanga (Port Gore). When the larger of the reserves was sold in 1929 the remaining reserve of 5 acres was the only land remaining in Ngāti Apa ownership outside the West Coast.

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- (7) By the late nineteenth century, Ngāti Apa were landless. The Crown attempted to alleviate their position through the provision of "Landless Natives Reserves". Hoani Mahuika of Ngāti Apa petitioned the Crown to provide additional land in the Kawatiri region. Ngāti Apa individuals were allocated land at Whakapoai on the West Coast but the Crown never granted them title to the land. Ultimately the reserves scheme did nothing to alleviate the landless position of Ngāti Apa in the northern South Island.

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9 Text of acknowledgements for Ngāti Apa ki te Rā Tō

The text of the acknowledgements set out in the deed of settlement for Ngāti Apa ki te Rā Tō (**Ngāti Apa**) is as follows:

- (1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngāti Apa in an appropriate way and that recognition of these grievances is long overdue. The Crown further acknowledges that at relevant times it has failed to carry out an adequate inquiry into the nature and extent of Ngāti Apa customary rights and interests. This meant that the Crown failed to recognise or protect Ngāti Apa rights and interests to their full extent, which resulted in prejudice to the iwi. This was a breach of the Treaty of Waitangi and its principles.

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35

- (2) The Crown acknowledges that it failed to adequately investigate the customary rights of Ngāti Apa before granting land to the New Zealand Company. As a result the Crown did not consult, negotiate with, and compensate Ngāti Apa for their rights in those lands. The Crown failed to actively protect the interests of Ngāti Apa and this was a breach of the Treaty of Waitangi and its principles. 5
- (3) The Crown failed to adequately protect the interests of Ngāti Apa when it arranged the completion of the New Zealand Company's Nelson purchase and did not establish a process in a timely manner that ensured Ngāti Apa received consideration, including a share in the tenths, for this purchase. This was a breach of the Treaty of Waitangi and its principles. 10
- (4) The Crown acknowledges that its failure to adequately investigate the rights of Ngāti Apa at the time of the Spain Commission and protect the interests of Ngāti Apa when completing the Company's Nelson purchase had an ongoing effect on Ngāti Apa. From this point, the ability of Ngāti Apa to represent and protect their interests, including at pivotal Native Land Court cases in 1883 and 1892, and to maintain their connections to the whenua, was significantly impacted. The Crown acknowledges that this negative impact has continued down to the present day. 15 20
- (5) The Crown acknowledges that it failed to investigate and recognise Ngāti Apa customary rights or deal with the iwi when it embarked on a series of purchases in Te Tau Ihu between 1847 and 1856. Ngāti Apa were afforded minimal recognition in the 1860 Arahura purchase. The Crown acknowledges that— 25
- (a) Ngāti Apa received no payment for the alienation of their land in Crown purchases carried out between 1847–1856; and 30
 - (b) it did not acquire the Ngāti Apa interests in land it later treated as purchased; and
 - (c) no reserves were set aside for Ngāti Apa from the Crown's Waipounamu purchase; and 35
 - (d) the occupation reserves set aside for Ngāti Apa in connection with the Crown's Arahura purchase were insufficient for the present and future needs of Ngāti Apa

and that over time these reserves were subject to further alienation.

The Crown acknowledges that these failures were in breach of the Treaty of Waitangi and its principles.

- (6) The Crown acknowledges that in purchasing almost the entire Te Tau Ihu region, Ngāti Apa were the only iwi in Te Tau Ihu the Crown did not sign a purchase deed with or provide with reserves. 5
- (7) The Crown acknowledges that Ngāti Apa received little economic return from the endowment reserves granted to them on the West Coast. 10
- (8) The Crown acknowledges that it failed to adequately consult the Ngāti Apa owners of West Coast reserves between Kahurangi Point and Westport about the future management of those lands. This included failing to present the Westport town section owners with the full range of options recommended by the 1973 Commission of Inquiry into Maori Reserved Land. All Ngāti Apa's remaining West Coast reserves were subsequently vested in the Greymouth-based Mawhera Incorporation. Ngāti Apa owners became shareholders in the Incorporation, but lost control of their lands. This gave rise to a grievance which is still keenly felt by Ngāti Apa today. 15 20
- (9) The Crown acknowledges that members of Ngāti Apa were never issued title to land allocated to them at Whakapoai under the "landless natives" scheme. The Crown's failure to effectively implement the scheme meant that it did nothing to alleviate the landless position of Ngāti Apa in Te Tau Ihu. This failure was a breach of the Treaty of Waitangi and its principles. 25
- (10) The Crown acknowledges that its actions have impacted on the ability of Ngāti Apa to access many of their traditional resources, including the rivers, lakes, forests, and wetlands. The Crown also acknowledges that Ngāti Apa have lost control of many of their significant sites, including wahi tapu, and that this has had an ongoing impact on their physical and spiritual relationship with the land. 30 35
- (11) The Crown acknowledges that by 1900 Ngāti Apa were a landless iwi. The Crown failed to ensure that Ngāti Apa were left

with sufficient land for their present and future needs and this failure was a breach of the Treaty of Waitangi and its principles.

10 Text of apology for Ngāti Apa ki te Rā Tō

The text of the apology set out in the deed of settlement for Ngāti Apa ki te Rā Tō (**Ngāti Apa**) is as follows: 5

- (1) The Crown makes the following apology to Ngāti Apa, and to their ancestors and descendants.
- (2) The Crown is deeply sorry that it has not always fulfilled its obligations to Ngāti Apa under the Treaty of Waitangi and unreservedly apologises to Ngāti Apa for the breaches of the Treaty of Waitangi and its principles acknowledged above. 10
- (3) The Crown profoundly regrets its failure since 1840 to appropriately acknowledge the mana and rangatiratanga of Ngāti Apa. The Crown's failure to recognise Ngāti Apa in any land purchases in Te Tau Ihu quickly left Ngāti Apa landless and almost wrote the iwi out of the history of Te Tau Ihu. The Crown is deeply sorry that its failure to recognise and protect the interests of Ngāti Apa has had a devastating impact on the social and economic well-being and development of Ngāti Apa. 15 20
- (4) The Crown regrets and apologises for the cumulative effect of its actions and omissions, which have had a damaging impact on the social and traditional tribal structures of Ngāti Apa, their autonomy and ability to exercise customary rights and responsibilities, and their access to customary resources and sites of significance. 25
- (5) Through this apology the Crown seeks to atone for these wrongs, restore its honour, and begin the process of healing. The Crown looks forward to building a new relationship with Ngāti Apa that is based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles. 30

Historical account, acknowledgements, and apology for Ngāti Kuia

11 Summary of historical account for Ngāti Kuia

The historical account set out in the deed of settlement for Ngāti Kuia is summarised as follows: 35

- (1) Ngāti Kuia have resided in Te Tau Ihu o Te Waka a Maui (the northern South Island or the prow of the waka of Maui) for generations. By 1820 Ngāti Kuia were established primarily in the Kaituna, Te Hora, Te Hoiere (the Pelorus area), Rangitoto (D'Urville Island), Whangarae, Whakapuaka, and Whakatū (Nelson) districts. In the 1820s and 1830s iwi from the North Island invaded and settled in Te Tau Ihu. Although Ngāti Kuia no longer had exclusive possession of all their territory they retained their tribal structures, chiefly lines, and ancestral connections to the land. There was also opportunity for the recovery of status and the revival of rights as British rule began to take effect after 1840. 5
- (2) In 1839 the New Zealand Company signed deeds with Māori that purported to purchase the entire northern South Island. Ngāti Kuia were not consulted by the Company. The validity of the Company's purchases was investigated in 1844 by a Crown-appointed Commissioner. The Commissioner deemed that the Company had made a limited purchase of land in Te Tau Ihu and recommended a grant of 151 000 acres. However, the Crown failed to investigate the rights of Ngāti Kuia before granting land to the Company. The Company also made an additional payment to Te Tau Ihu Māori in 1844. Ngāti Kuia did not directly receive a share of this payment for their interests or a share in the Nelson Tenth's reserves that were set aside from the land granted to the Company. 15 20 25
- (3) Between 1847 and 1856 the Crown sought to purchase most of the remaining Māori land in Te Tau Ihu. In 1853 the Crown signed with other iwi the Te Waipounamu deed that purported to purchase all remaining Māori land in the region. Ngāti Kuia were not present at negotiations or signatories to the deed. Under the deed a share of the purchase money was to be distributed among resident Te Tau Ihu Māori. In 1854 Ngāti Kuia at Te Hoiere disputed the idea the Waipounamu deed had acquired their interests in the land and demanded a fair payment directly from the Government. The Crown did not meet with resident Māori to finalise the Te Waipounamu purchase until 1856. The Crown used the 1853 deed to pressure resident Māori, including Ngāti Kuia, to agree to the alienation of their land. In 1856 Ngāti Kuia signed a deed with the Crown and 30 35

were paid £100 for their interests in Te Tau Ihu and granted reserves in the Te Hoiere district.

- (4) The 790 acres of reserves provided to Ngāti Kuia were insufficient for the iwi to either maintain their customary practices of resource use or develop effectively in the new economy. As a result Ngāti Kuia became economically marginalised. In 1889 the Native Land Court determined ownership of the reserves granted to Ngāti Kuia. Title to the land was given to individual Ngāti Kuia rather than to iwi or hapū collectives. Over time the reserves became increasingly fragmented and uneconomic as individuals sold their shares and as titles became crowded through succession. By the end of the twentieth century Ngāti Kuia retained less than 230 acres of their reserves. 5 10
- (5) In 1883 and 1892 the Native Land Court investigated the ownership of land that had been excluded from Crown purchases and the Nelson Tenth's reserves. Ngāti Kuia made several claims before the Court. In the Te Tai Tapu and Nelson Tenth's ownership investigations the Court deemed that Ngāti Kuia did not have rights and they were excluded from ownership. Ngāti Kuia protested unsuccessfully against the Court's Nelson Tenth's decision. 15 20
- (6) Ngāti Kuia also made claims to islands in Te Hoiere Sound they considered had not been sold. These included the Tītī Islands, which were an important mahinga kai (harvesting area) for Ngāti Kuia. From 1918 Ngāti Kuia, under an agreement with the Crown, were able to harvest tītī (muttonbirds) and other resources from the islands. From 1960 the Crown denied Ngāti Kuia permission to land on the islands owing to declining numbers of tītī. Ngāti Kuia expressed strong opposition to this decision. 25 30
- (7) By the late nineteenth century, Ngāti Kuia were landless. Ngāti Kuia submitted a petition to the Government requesting additional land to live on and described themselves as “the poorest tribe under the Heavens”. The Crown attempted to alleviate their position through the provision of “Landless Natives Reserves”. The reserves, however, were in isolated locations, of poor quality, and generally unable to be developed for effective economic use. Ngāti Kuia were also allocated land on Stewart Island but the Crown never granted 35

them title to the land. Ultimately the reserves granted did little to alleviate the landless position of Ngāti Kuia in Te Tau Ihu.

12 Text of acknowledgements for Ngāti Kuia

The text of the acknowledgements set out in the deed of settlement for Ngāti Kuia is as follows:

- (1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngāti Kuia in an appropriate way and that recognition of these grievances is long overdue. The Crown further acknowledges that at relevant times it has failed to carry out an adequate inquiry into the nature and extent of Ngāti Kuia customary rights and interests across Te Tau Ihu. This meant that the Crown failed to recognise or protect Ngāti Kuia rights and interests to their full extent, which resulted in prejudice to the iwi. This was a breach of the Treaty of Waitangi and its principles.
- (2) The Crown acknowledges that it failed to adequately investigate the customary rights of Ngāti Kuia before granting land to the New Zealand Company. As a result the Crown did not consult, negotiate with, and compensate Ngāti Kuia for their rights in those lands. Consequently the Crown failed to actively protect the interests of Ngāti Kuia and this was a breach of the Treaty of Waitangi and its principles.
- (3) The Crown failed to adequately protect the interests of Ngāti Kuia when it arranged the completion of the New Zealand Company's Nelson purchase and did not establish a process in a timely manner that ensured Ngāti Kuia received the full consideration, including a share in the tenths, for this purchase. This was a breach of the Treaty of Waitangi and its principles.
- (4) The Crown acknowledges that its failure to adequately investigate the rights of Ngāti Kuia and include the iwi at the time of the Spain Commission and protect the interests of Ngāti Kuia when completing the New Zealand Company's Nelson purchase had an ongoing effect on Ngāti Kuia. From this point, the ability of Ngāti Kuia to represent and protect their interests, including at pivotal Native Land Court cases in 1883 and 1892, and to maintain their connections to the whenua, was significantly affected. The Crown acknowledges that this negative impact has continued down to the present day.

- (5) The Crown acknowledges that it failed to recognise the full nature and extent of Ngāti Kuia customary rights when it embarked on a series of purchases from 1847:
- (a) it did not consult or negotiate with Ngāti Kuia prior to signing the 1853 Te Waipounamu deed; and 5
 - (b) Ngāti Kuia were heavily pressured by the Crown into accepting the Te Waipounamu purchase and alienating their interests in Te Tau Ihu for a small price; and
 - (c) the reserves set aside for Ngāti Kuia from the Waipounamu purchase were insufficient for the immediate 10 and future needs of Ngāti Kuia.
- The Crown acknowledges that these failures were in breach of the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that for Ngāti Kuia the 1856 deed of sale with the Crown represented more than a transfer of land. 15 The Crown further acknowledges that the collateral benefits Ngāti Kuia expected in entering into the Te Waipounamu sale agreement with the Crown were not always realised.
- (7) The Crown acknowledges that during the late nineteenth century Ngāti Kuia made several claims to the Crown for 20 islands and land areas they did not believe had been sold in the Waipounamu transaction. This included the Tītī Islands, which were an important mahinga kai source for Ngāti Kuia. The Crown's 1933 agreement with Ngāti Kuia over harvesting from the Tītī Islands enabled the iwi to exercise a kaitiaki role 25 over their use of the resource. The Crown acknowledges its decision in the mid-twentieth century to withhold permission for Ngāti Kuia to harvest tītī from these islands has been an ongoing source of frustration for the iwi.
- (8) The Crown acknowledges that the operation and impact of the 30 native land laws on the reserves granted to Ngāti Kuia, in particular the awarding of land to individual Ngāti Kuia rather than to the iwi or its hapū, made those lands more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of the traditional tribal structures of 35 Ngāti Kuia. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.

- (9) The Crown acknowledges that under the “landless natives” scheme—
- (a) the land allocated to members of Ngāti Kuia was mostly of poor quality, in remote locations, of little economic utility and therefore inadequate; and 5
 - (b) members of Ngāti Kuia were never issued title to land allocated to them on Stewart Island; and
 - (c) it failed to issue title to the Ngāti Kuia owners of the Te Māpou and Te Raetihi reserves until 1968; and
 - (d) the provision of land to Ngāti Kuia did little to relieve 10 their landless position in Te Tau Ihu.
- The Crown acknowledges that it failed to effectively implement the scheme designed to alleviate the landless position of Ngāti Kuia in Te Tau Ihu. This failure was a breach of the Treaty of Waitangi and its principles. 15
- (10) The Crown acknowledges that its actions have impacted on the ability of Ngāti Kuia to access many of their traditional resources, including the rivers, lakes, forests, and wetlands. The Crown also acknowledges that Ngāti Kuia has lost control of many of their significant sites, including wahi tapu, and that 20 this has had an ongoing impact on their physical and spiritual relationship with the land.
- (11) The Crown acknowledges that by 1900 Ngāti Kuia were landless. The Crown failed to ensure that Ngāti Kuia were left with sufficient land for their immediate and future needs and 25 this failure was a breach of the Treaty of Waitangi and its principles.

13 Text of apology for Ngāti Kuia

The text of the apology set out in the deed of settlement for Ngāti Kuia is as follows: 30

- (1) The Crown recognises the efforts and struggles of the ancestors of Ngāti Kuia over several generations in pursuit of their grievances against the Crown and makes this apology to Ngāti Kuia, to their ancestors and descendants.
- (2) The Crown is deeply sorry that it has not always fulfilled its 35 obligations to Ngāti Kuia under the Treaty of Waitangi.

- (3) The Crown profoundly regrets its long-standing failure to appropriately acknowledge the mana and rangatiratanga of Ngāti Kuia. The Crown is deeply sorry that its failure to protect the interests of Ngāti Kuia when purchasing their land in Te Tau Ihu rapidly left Ngāti Kuia landless. Its failure to provide Ngāti Kuia with sufficient reserves in Te Tau Ihu marginalised them from the benefits of economic development in the region. 5
- (4) The Crown regrets and apologises for the cumulative effect of its actions and omissions, which have had a damaging impact on the social and traditional tribal structures of Ngāti Kuia, their autonomy and ability to exercise customary rights and responsibilities, and their access to customary resources and significant sites. 10
- (5) The Crown unreservedly apologises to Ngāti Kuia for the breaches of the Treaty of Waitangi and its principles. Through this apology the Crown seeks to atone for these wrongs, restore its honour, and begin the process of healing. The Crown looks forward to building a new relationship with Ngāti Kuia that is based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles. 15 20

*Historical account, acknowledgements, and
apology for Rangitāne o Wairau*

14 Summary of historical account for Rangitāne o Wairau

The historical account set out in the deed of settlement for Rangitāne o Wairau (**Rangitāne**) is summarised as follows: 25

- (1) Rangitāne have resided in the northern South Island for many generations. Rangitāne occupied and used resources within a territory stretching from the Waiau-toa (Clarence) River in the south to the Wairau (Marlborough), including the Nelson Lakes, and north to Kaituna and the Marlborough Sounds and west into the Whakatu (Nelson) area. In the 1820s and 1830s iwi from the North Island invaded and settled in the northern South Island. Although Rangitāne no longer had exclusive possession of all their territory they retained their tribal structures, chiefly lines and ancestral connections to the land. 30 35
- There was also opportunity for the recovery of status and the revival of rights after 1840 as British rule began to take ef-

- fect. In 1840 their rangatira Ihaia Kaikoura signed the Treaty of Waitangi at Horahora Kākahu Island in Port Underwood.
- (2) In 1839 the New Zealand Company signed deeds with Māori that purported to purchase the entire northern South Island. Rangitāne were not consulted by the Company. The validity of the Company's purchases was investigated in 1844 by a Crown-appointed Commissioner. The Commissioner found that the Company had made a limited purchase of land in the northern South Island and recommended a grant of 151 000 acres. However, the Crown failed to investigate the rights of Rangitāne before granting land to the Company. The Company also made an additional payment to Te Tau Ihu Māori in 1844. Rangitāne did not directly receive a share of this payment for their interests or a share in the Nelson Tenths reserves that were set aside from the land granted to the Company.
- (3) Between 1847 and 1856 the Crown sought to purchase the remaining Māori land in Te Tau Ihu. In 1847 the Crown purchased the Wairau district from three North Island chiefs. The Crown did not identify other right-holders in the region and the rights of Rangitāne were ignored. In 1853 the Crown signed with other iwi the Te Waipounamu deed that purported to purchase all remaining Māori land in the region. Rangitāne were not present at negotiations or signatories to the deed. Under the deed a share of the purchase money was to be distributed among resident Te Tau Ihu Māori, including Rangitāne. The Crown did not meet with resident Māori to finalise the Te Waipounamu purchase until 1856. The Crown used the 1853 deed to pressure resident Māori, including Rangitāne, to agree to the alienation of their land. In 1856 Rangitāne were paid £100 for their interests in Te Tau Ihu and granted reserves in the Wairau district. Land south of the Wairau River was not sold by Rangitāne in 1856.
- (4) Despite the Crown purchase agent, Donald McLean, considering that an appropriate reserve in the Wairau comprised a block of around 13,400 acres, the reserves finally established by the Crown were wholly inadequate. The two reserves established—the Pukatea and Wairau—were shared between three iwi and were insufficient for Rangitāne to either maintain their customary practices of resource use or developed effectively in

- the new economy. As a result Rangitāne became economically marginalised. In 1889 the reserves granted to Rangitāne and other iwi were investigated by the Native Land Court. Title to the land was given to individual Rangitāne rather than to iwi or hapū collectives. Over time the reserves became increasingly fragmented and uneconomic as individuals sold their shares and as titles became crowded through succession. 5
- (5) In 1883 and 1892 the Native Land Court investigated the ownership of land that had been excluded from Crown purchases and the Nelson Tenth's reserves. Rangitāne made several claims before the Court. In the Te Tai Tapu and Nelson Tenth's ownership investigations the Court deemed that Rangitāne did not have rights and they were excluded from ownership. Rangitāne also made several claims for land they did not think had been included in the 1856 transaction but these claims were dismissed by the Court. 15
- (6) The Pukatea reserve was mainly leased by the Crown. Because of its isolation and poor quality it provided only a small return to its owners. Most of Rangitāne's reserved land at Pukatea was purchased by the Crown in the 1950s in order to create a recreation and scenic reserve. 20
- (7) The Wairau reserve was subject to frequent flooding and from the 1930s, at the request of Rangitāne and other Wairau Māori, it was included in a land development scheme. The scheme was ineffective at preventing flooding and the reserve became encumbered with debt. The Wairau reserve was eventually released from the scheme between 1955 and 1970. The reserve was still subject to serious flooding at least until 1960. 25
- (8) By the late nineteenth century, Rangitāne were landless. The Crown attempted to alleviate their position through the provision of "Landless Natives Reserves". The reserves, however, were in isolated locations, of poor quality and generally unable to be developed for effective economic use. Rangitāne were also allocated land on Stewart Island but the Crown never granted them title to the land. Ultimately the reserves did little to alleviate the landless position of Rangitāne in the northern South Island. 30 35

15 Text of acknowledgements for Rangitāne o Wairau

The text of the acknowledgements set out in the deed of settlement for Rangitāne o Wairau (**Rangitāne**) is as follows:

- (1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Rangitāne in an appropriate way and that recognition of these grievances is long overdue. The Crown further acknowledges that at relevant times it has failed to carry out an adequate inquiry into the nature and extent of Rangitāne customary rights and interests. This meant that the Crown failed to recognise or protect Rangitāne rights and interests to their full extent, and resulted in prejudice to the iwi. This was a breach of the Treaty of Waitangi and its principles. 5 10
- (2) The Crown acknowledges that—
 - (a) the rapid shift of Commissioner Spain's hearing from investigation to arbitration denied Rangitāne an opportunity to present evidence on the New Zealand Company's claims; and 15
 - (b) Rangitāne were not involved in the arbitration between Te Tau Ihu Māori and the New Zealand Company, did not directly receive any of the Company's compensation payment, and did not sign any of the deeds of release before the Crown granted the Company 151 000 acres. 20

The Crown's failure to investigate the customary rights of Rangitāne before granting land to the New Zealand Company meant that it failed to actively protect the interests of Rangitāne in those lands and was a breach of the Treaty of Waitangi and its principles. 25
- (3) The Crown failed to protect the interests of Rangitāne when it arranged the completion of the New Zealand Company's Nelson purchase and did not establish a process in a timely manner that ensured Rangitāne received the full consideration, including a share in the tenths, for this purchase. This was a breach of the Treaty of Waitangi and its principles. 30 35
- (4) The Crown acknowledges that its failure to investigate the rights of Rangitāne at the time of the Spain Commission and protect the interests of Rangitāne when completing the Company's Nelson purchase had an ongoing effect on Rangitāne.

From this point, the ability of Rangitāne to represent and protect their interests, including at pivotal Native Land Court cases in 1883 and 1892, and to maintain their connections to the whenua, was significantly impacted. The Crown acknowledges that this negative impact has continued down to the present day. 5

- (5) The Crown acknowledges that it failed to recognise the full nature and extent of Rangitāne customary rights when it embarked on a series of purchases from 1847:
- (a) it failed to deal with Rangitāne in its negotiation of the 1847 Wairau deed; and 10
 - (b) it did not negotiate with Rangitāne prior to signing the 1853 Te Waipounamu deed; and
 - (c) Rangitāne were heavily pressured into accepting the Te Waipounamu purchase and alienating their interests in Te Tau Ihu for a small price; and 15
 - (d) Rangitāne rights and interests in lands south of Parinui-o-Whiti were not acquired by the Crown in the Te Waipounamu purchase, and Rangitāne were not consulted when these lands were later purchased from other iwi; and 20
 - (e) the reserves set aside for Rangitāne from the Waipounamu purchase were wholly inadequate for the present and future needs of Rangitāne.
- The Crown acknowledges that these failures were in breach of the Treaty of Waitangi and its principles. 25
- (6) The Crown acknowledges that the collateral benefits Rangitāne expected in entering into the Te Waipounamu sale agreement with the Crown were not always realised.
- (7) The Crown acknowledges that the operation and impact of the native land laws on the reserves granted to Rangitāne, in particular the awarding of land to individual Rangitāne rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of the traditional tribal structures of Rangitāne. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles. 30 35

- (8) The Crown acknowledges that the flood-prone nature of the Wairau reserve limited its usefulness. The Crown further acknowledges that the development scheme which operated on the reserve during the mid-twentieth century was largely ineffective in alleviating the flooding problem and meant Rangitāne lost effective control of their land for a period. 5
- (9) The Crown acknowledges that owing to its isolation and poor quality the Pukatea reserve provided little economic return to the Rangitāne owners. The Crown further acknowledges that considerable public pressure contributed to the decision of Rangitāne to sell their share in Pukatea 3 to the Crown in 1955 and that Rangitāne received little benefit from this transaction. 10
- (10) The Crown acknowledges that— 15
- (a) the land allocated to members of Rangitāne under the “landless natives” scheme was mostly of poor quality, in remote locations, of little economic utility, and therefore inadequate; and
 - (b) members of Rangitāne were never issued title to land allocated to them on Stewart Island; and 20
 - (c) the provision of land to Rangitāne did little to relieve their landless position in Te Tau Ihu.
- The Crown acknowledges that it failed to effectively implement the scheme designed to alleviate the landless position of Rangitāne in Te Tau Ihu. This failure was a breach of the Treaty of Waitangi and its principles. 25
- (11) The Crown acknowledges that by 1900 Rangitāne were landless. The Crown failed to ensure that Rangitāne were left with sufficient land for their present and future needs and this failure was a breach of the Treaty of Waitangi and its principles. 30

16 Text of apology for Rangitāne o Wairau

The text of the apology set out in the deed of settlement for Rangitāne o Wairau (**Rangitāne**) is as follows:

- (1) The Crown makes the following apology to Rangitāne, and to their ancestors and descendants. 35
- (2) On 17 June 1840 the Rangitāne rangatira Ihaia Kaikoura signed the Treaty of Waitangi at Horahora-kākahu, Port Un-

derwood. The Crown is deeply sorry that it has not fulfilled its obligations to Rangitāne under the Treaty of Waitangi and unreservedly apologises to Rangitāne for the breaches of the Treaty of Waitangi and its principles acknowledged above.

- (3) The Crown profoundly regrets its long-standing failure to appropriately acknowledge the mana and rangatiratanga of Rangitāne. The Crown did not recognise Rangitāne when it purchased the Wairau district in 1847 and recognition of Rangitāne mana in the Te Waipounamu purchase was belated. The Crown is deeply sorry that its acts and omissions quickly left Rangitāne landless and this has had a devastating impact on the economic, social, and cultural well-being and development of Rangitāne. 5 10
- (4) The Crown regrets and apologises for the cumulative effect of its actions and omissions, which have had a damaging impact on the social and traditional structures of Rangitāne, their autonomy and ability to exercise customary rights and responsibilities, and their access to customary resources and significant sites. 15
- (5) With this apology the Crown seeks to atone for its past wrongs and begin the process of healing. It looks forward to re-establishing its relationship with Rangitāne based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles. 20

Subpart 2—Interpretation

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17 Interpretation of Act generally

It is the intention of Parliament that the provisions of **Parts 1 to 3** are interpreted in a manner that best furthers the agreements expressed in the deeds of settlement.

18 Interpretation

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- (1) In **Parts 1 to 3**, unless the context requires another meaning,—
administering body has the meaning given by section 2(1) of the Reserves Act 1977

advisory committee means the committee established by **section 138** to provide advice in relation to the management of rivers and fresh water within the regions of certain councils

affected person has the meaning given by section 2AA(2) of the Resource Management Act 1991

5

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

commercial property means a property listed in part 3.8 of the property redress schedule of the deed of settlement for Rangitāne o Wairau in respect of which the agreement for sale and purchase (formed under clause 6.8 of that deed) has not been cancelled

10

Commissioner of Crown Lands has the same meaning as Commissioner in section 2 of the Land Act 1948

consent authority has the meaning given by section 2(1) of the Resource Management Act 1991

15

conservation land means land that is—

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

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

20

conservation legislation means the Conservation Act 1987 and the Acts listed in Schedule 1 of that Act

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

25

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

conservation protocol—

(a) means a protocol issued by the Minister of Conservation under **section 30(1)(a)**; and

30

(b) includes any amendments made to the protocol under **section 30(1)(b)**

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

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

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(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—

- (a) has the meaning given by section 2(1) of the Public Finance Act 1989; and 5
- (b) for the purposes of **subpart 1 of Part 3**, includes New Zealand Post Limited and the New Zealand Transport Agency

Crown body means—

- (a) a Crown entity (as defined by section 7(1) of the Crown Entities Act 2004); and 10
- (b) a State enterprise (as defined by 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)**

Crown-owned mineral means a mineral (as defined by section 2(1) of the Crown Minerals Act 1991)— 25

- (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

cultural redress property has the meaning given by **section 72** 30

deed of recognition—

- (a) means a deed of recognition issued under **section 47** to the trustees of a settlement trust by—
 - (i) the Minister of Conservation and the Director-General; or 35
 - (ii) the Commissioner of Crown Lands; and
- (b) includes any amendments to the deed made under **section 47**; and

(c) for Ngāti Kuia, is known as pou whakāro

deed of settlement—

(a) means each of the following 3 deeds of settlement, including any schedules or attachments and including any amendments: 5

(i) the deed of settlement for Ngāti Apa ki te Rā Tō dated 29 October 2010, entered into by the Crown, Ngāti Apa ki te Rā Tō, and the Ngāti Apa ki te Rā Tō Trust:

(ii) te whakatau (the deed of settlement) for Ngāti Kuia dated 23 October 2010, entered into by the Crown, Ngāti Kuia, and the Te Runanga o Ngāti Kuia Trust: 10

(iii) the deed of settlement for Rangitāne o Wairau dated 4 December 2010, entered into by the Crown, Rangitāne o Wairau, and the Rangitāne o Wairau Settlement Trust; but 15

(b) in **section 161 and Schedule 4**,—

(i) for a related settlement iwi, means the deed of settlement for that iwi defined by **section 210(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**; or 20

(ii) for Ngati Toa Rangatira, means the deed of settlement for Ngati Toa Rangatira defined by **section 428(1) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013** 25

deferred selection property means a property listed in part 3.6 or 3.7 of the property redress schedule of a deed of settlement (including the unlicensed land)—

(a) that the trustees of the relevant settlement trust have elected to purchase from the Crown or the New Zealand Transport Agency by giving notice under paragraph 1.4 of part 3.1 of that schedule; and 30

(b) in respect of which the agreement for sale and purchase (formed under paragraph 2.1 of that part 3.1) has not been cancelled 35

Director-General means the Director-General of Conservation

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

fisheries protocol—

- (a) means a protocol issued by the Minister for Primary Industries under **section 30(1)(a)**; and 5
- (b) includes any amendments made to the protocol under **section 30(1)(b)**

fisheries protocol area means the area shown on the map attached to a fisheries protocol, together with the adjacent waters

freshwater fisheries management plan has the meaning 10
given by section 2(1) of the Conservation Act 1987

Historic Places Trust means the New Zealand Historic Places Trust (Pouhere Taonga) continued by section 38 of the Historic Places Act 1993

historical claims has the meaning given by **section 21** 15

interest, in relation to land, means a lease, tenancy, licence, licence to occupy, easement, covenant, or other right or obligation affecting the land

land holding agency means,—

- (a) for a commercial property, the land holding agency specified for the property in part 3.8 of the property redress schedule of the deed of settlement for Rangitāne o Wairau: 20
- (b) for a deferred selection property,—
 - (i) the land holding agency specified for the property in part 3.6 or 3.7 of the property redress schedule of the relevant deed of settlement; and 25
 - (ii) in relation to a lease back to the Crown of the courthouse site defined in **section 150(1)**, the Ministry of Justice: 30
- (c) for the Woodbourne land, the New Zealand Defence Force

LINZ means Land Information New Zealand

local authority has the meaning given by section 5(1) of the Local Government Act 2002 35

member, for a settlement iwi, means an individual referred to in **paragraph (a)** of the definition of that iwi in **section 20(1)**

minerals protocol—

- (a) means a protocol issued by the Minister of Energy and Resources under **section 30(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 30(1)(b)**

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minerals protocol area means the area shown on the map attached to a minerals protocol, together with the adjacent waters

national park management plan has the same meaning as management plan in section 2 of the National Parks Act 1980

New Zealand Transport Agency means the agency established by section 93 of the Land Transport Management Act 2003

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overlay classification has the meaning given by **section 53(1)**

protocol—

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- (a) means a protocol issued under **section 30(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 30(1)(b)**

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

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

Registrar-General means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

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

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related settlement iwi has the meaning given by **section 19**

related settlement trust has the meaning given by **section 19**

representative entity means—

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- (a) the trustees of each settlement trust; and
- (b) any person (including any trustees) acting for, or on behalf of,—
 - (i) the collective group referred to in **paragraph (a)** of the definition of Ngāti Apa ki te Rā Tō, Ngāti Kuia, or Rangitāne o Wairau in **section 20(1)**; or

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- (ii) 1 or more members of Ngāti Apa ki te Rā Tō, Ngāti Kuia, or Rangitāne o Wairau; or
- (iii) 1 or more of the whānau, hapū, or groups referred to in **paragraph (c)** of the definition of Ngāti Apa ki te Rā Tō, Ngāti Kuia, or Rangitāne o Wairau in **section 20(1)** 5

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

responsible Minister means,—

- (a) for a conservation protocol, the Minister of Conservation; or 10
- (b) for a fisheries protocol, the Minister for Primary Industries; or
- (c) for a minerals protocol, the Minister of Energy and Resources; or 15
- (d) for a taonga tūturu protocol, the Minister for Arts, Culture and Heritage; or
- (e) for any protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers, and perform functions and duties, in relation to the protocol 20

RFR land has the meaning given by **section 162**

settlement date means the date that is 70 working days after the date on which **Parts 1 to 3** come into force

settlement iwi has the meaning given by **section 19**

settlement trust has the meaning given by **section 19** 25

statutory acknowledgement has the meaning given by **section 37(1)**

statutory plan—

- (a) means a district plan, regional plan, regional coastal plan, regional policy statement, or proposed policy statement (as defined by section 43AA of the Resource Management Act 1991); and 30
- (b) includes a proposed plan (as defined by section 43AAC of that Act)

subsidiary has the meaning given by section 5 of the Companies Act 1993 35

taonga tūturu—

- (a) has the meaning given by section 2(1) of the Protected Objects Act 1975; and
- (b) includes ngā taonga tūturu (as defined by section 2(1) of that Act)

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taonga tūturu protocol—

- (a) means a protocol issued by the Minister for Arts, Culture and Heritage under **section 30(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 30(1)(b)**

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trustees means the trustees of a trust acting in their capacity as trustees

unlicensed land means the land described as Speeds Valley in part 3.6 of the property redress schedule of the deed of settlement for Ngāti Apa ki te Rā Tō

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Woodbourne land means any area of land defined in the general matters schedule of a deed of settlement as the cleared current surplus land, the cleared non-operational land, or the leaseback land—

- (a) that the trustees of the relevant settlement trust have elected to acquire from the Crown by giving notice under paragraph 1.15 of part 4.1, 5.1, or 6.1 of the property redress schedule of the relevant deed of settlement; and
- (b) in respect of which any agreement for sale and purchase (formed under paragraph 2.1 of that part 4.1, 5.1, or 6.1) has not been cancelled

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working day means a day of the week other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and
- (b) a day in the period starting on 25 December in a year and ending on 15 January in the following year; and
- (c) the day observed as the anniversary of the province of Nelson, Marlborough, or Wellington.

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- (2) In **Parts 1 to 3**, a reference to a transfer or vesting of any land (being the fee simple estate in the land) to or in any trustees

includes the transfer or vesting of an undivided share of the fee simple estate in the land.

- (3) **Subsection (2)** applies unless the context requires another meaning.

19 Interpretation: iwi and trusts 5

In **Parts 1 to 3**, unless the context requires another meaning,—

Ngāti Apa ki te Rā Tō has the meaning given by **section 20(1)**

Ngāti Apa ki te Rā Tō Trust means the trust with that name established by a deed of trust dated 28 October 2010 10

Ngāti Kōata has the meaning given by **section 212(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

Ngāti Kuia has the meaning given by **section 20(1)** 15

Ngāti Rārua has the meaning given by **section 212(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

Ngāti Rārua Settlement Trust has the meaning given by **section 211 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** 20

Ngāti Tama ki Te Tau Ihu has the meaning given by **section 212(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

Ngāti Tama ki Te Waipounamu Trust has the meaning given by **section 211 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** 25

Ngāti Toa Rangatira has the meaning given by **section 430(1) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013** 30

Rangitāne o Wairau has the meaning given by **section 20(1)**

Rangitāne o Wairau Settlement Trust means the trust with that name established by a deed of trust dated 25 October 2010
related settlement iwi means each of the following iwi:

(a) **Ngāti Kōata:** 35

(b) **Ngāti Rārua:**

(c) Ngāti Tama ki Te Tau Ihu:

(d) Te Ātiawa o Te Waka-a-Māui

related settlement trust means,—

(a) for Ngāti Kōata, Te Pātaka a Ngāti Kōata:

(b) for Ngāti Rārua, the Ngāti Rārua Settlement Trust: 5

(c) for Ngāti Tama ki Te Tau Ihu, the Ngāti Tama ki Te Waipounamu Trust:

(d) for Te Ātiawa o Te Waka-a-Māui, the Te Ātiawa o Te Waka-a-Māui Trust

settlement iwi means each of the following iwi: 10

(a) Ngāti Apa ki te Rā Tō:

(b) Ngāti Kuia:

(c) Rangitāne o Wairau

settlement trust means,—

(a) for Ngāti Apa ki te Rā Tō, the Ngāti Apa ki te Rā Tō Trust: 15

(b) for Ngāti Kuia, the Te Runanga o Ngāti Kuia Trust:

(c) for Rangitāne o Wairau, the Rangitāne o Wairau Settlement Trust

Te Ātiawa o Te Waka-a-Māui has the meaning given by **section 212(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** 20

Te Ātiawa o Te Waka-a-Māui Trust has the meaning given by **section 211 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** 25

Te Pātaka a Ngāti Kōata has the meaning given by **section 211 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

Te Runanga o Ngāti Kuia Trust means the trust with that name established by a deed of trust dated 2 November 2009 30

Toa Rangatira Trust has the meaning given by **section 429 of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**.

20 **Meaning of Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau** 35

(1) In **Parts 1 to 3**,—

Ngāti Apa ki te Rā Tō—

- (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Apa ki te Rā Tō; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals

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Ngāti Kuia—

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

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Rangitāne o Wairau—

- (a) means the collective group composed of individuals who are descended from an ancestor of Rangitāne o Wairau; and
- (b) includes those individuals; and
- (c) includes any whānau or group to the extent that it is composed of those individuals.

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(2) In this section,—

ancestor of Ngāti Apa ki te Rā Tō means an individual who—

- (a) exercised customary rights by virtue of being descended from—
 - (i) Ruatea (who was on board the Kurahaupō waka that arrived in Aotearoa); and
 - (ii) a recognised tupuna of 1 or both of the following hapū:
 - (A) Puaha Te Rangi (West Coast);
 - (B) Tarakaipa (Te Tau Ihu); and
- (b) exercised the customary rights predominantly in relation to the area of interest of Ngāti Apa ki te Rā Tō at any time after 6 February 1840

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ancestor of Ngāti Kuia means an individual who—

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- (a) exercised customary rights by virtue of being descended from—
 - (i) a tupuna, or a union of tupuna, identified in clause 8.7 of the deed of settlement for Ngāti Kuia; and

- (ii) 1 or more of the following:
 - (A) an individual who originally signed the Ngāti Kuia deed of sale dated 16 February 1856 for Ngāti Kuia (including such individuals who are listed in clause 8.8 of the deed of settlement for Ngāti Kuia): 5
 - (B) an individual listed in the South Island landless natives lists who has been identified as Ngāti Kuia (including such individuals who are listed in clause 8.8 of the deed of settlement for Ngāti Kuia): 10
 - (C) a sibling of an individual described in **sub-subparagraph (A) or (B)**; and
- (b) exercised the customary rights predominantly in relation to the area of interest of Ngāti Kuia at any time after 6 February 1840 15

ancestor of Rangitāne o Wairau means an individual who—

- (a) exercised customary rights by virtue of being descended from a primary ancestor of Rangitāne o Wairau identified in clause 8.6 of the deed of settlement for Rangitāne o Wairau; and 20
- (b) exercised the customary rights predominantly in relation to the area of interest of Rangitāne o Wairau at any time after 6 February 1840

area of interest of Ngāti Apa ki te Rā Tō means the area of interest of Ngāti Apa ki te Rā Tō shown in part 1 of the attachments schedule of the deed of settlement for Ngāti Apa ki te Rā Tō 25

area of interest of Ngāti Kuia means te kupenga-a-Kuia (the area of interest of Ngāti Kuia) shown in part 1 of the attachments schedule of the deed of settlement for Ngāti Kuia 30

area of interest of Rangitāne o Wairau means the area of interest of Rangitāne o Wairau shown in part 1 of the attachments schedule of the deed of settlement for Rangitāne o Wairau

customary rights means rights according to tikanga Māori (Māori customary values and practices), including— 35

- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources

descended means that a person is descended from another person, or from a union of persons, by—

- (a) birth; or
- (b) legal adoption; or
- (c) Māori customary adoption in accordance with the tikanga (customary values and practices) of the relevant settlement iwi.

21 Meaning of historical claims

(1) In Parts 1 to 3, historical claims—

- (a) means the claims described in **subsection (2)**; and
- (b) includes the claims described in **subsections (3) to (5)**; but
- (c) does not include the claims described in **subsection (6)**.

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

- (a) is, or 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 fiduciary duty; or
 - (v) otherwise; and
- (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by, or on behalf of, the Crown; or
 - (ii) by or under legislation.

(3) The historical claims include—

- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Apa ki te Rā Tō or a representative entity of Ngāti Apa ki te Rā Tō, including the following claim, to the extent that **subsection (2)** applies to the claim: Wai 521—Ngāti Apa iwi lands and fisheries claim; and
- (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāti

Apa ki te Rā Tō or a representative entity of Ngāti Apa
ki te Rā Tō:

- (i) Wai 102—Te Runanganui o Te Tau Ihu o Te
Waka a Maui Inc claims:
 - (ii) Wai 785—Combined record of inquiry for the 5
northern South Island claims:
 - (iii) Wai 1987—Te Awhaiti Village claim.
- (4) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively
to Ngāti Kuia or a representative entity of Ngāti Kuia, 10
including each of the following claims, to the extent that
subsection (2) applies to the claim:
 - (i) Wai 561—Ngāti Kuia iwi claim:
 - (ii) Wai 829—Whakapuaka, Nelson Tenth, and 15
Stewart Island claim:
 - (iii) Wai 2092—Descendants of Amiria Hemi lands
(Wedderspoon) claim; and
 - (b) any other claim to the Waitangi Tribunal, including each
of the following claims, to the extent that **subsection**
(2) applies to the claim and the claim relates to Ngāti 20
Kuia or a representative entity of Ngāti Kuia:
 - (i) Wai 102—Te Runanganui o Te Tau Ihu o Te
Waka a Maui Inc claims:
 - (ii) Wai 785—Combined record of inquiry for the 25
northern South Island claims.
- (5) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively
to Rangitāne o Wairau or a representative entity of Ran-
gitāne o Wairau, including the following claim, to the
extent that **subsection (2)** applies to the claim: Wai 30
44—Kurahaupō Rangitāne claim; and
 - (b) any other claim to the Waitangi Tribunal, including each
of the following claims, to the extent that **subsection**
(2) applies to the claim and the claim relates to Ran- 35
gitāne o Wairau or a representative entity of Rangitāne
o Wairau:
 - (i) Wai 102—Te Runanganui o Te Tau Ihu o Te
Waka a Maui Inc claims:

- (ii) Wai 785—Combined record of inquiry for the northern South Island claims.
- (6) However, the historical claims do not include—
- (a) a claim that a member of Ngāti Apa ki te Rā Tō, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Ngāti Apa ki te Rā Tō in **section 20(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Ngāti Apa ki te Rā Tō (as defined in **section 20(2)**); or
 - (b) a claim that a representative entity of Ngāti Apa ki te Rā Tō had or may have that is, or is founded on, a claim described in **paragraph (a)**; or
 - (c) a claim that a member of Ngāti Kuia, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Ngāti Kuia in **section 20(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Ngāti Kuia (as defined in **section 20(2)**); or
 - (d) a claim that a representative entity of Ngāti Kuia had or may have that is, or is founded on, a claim described in **paragraph (c)**; or
 - (e) a claim that a member of Rangitāne o Wairau, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Rangitāne o Wairau in **section 20(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Rangitāne o Wairau (as defined in **section 20(2)**); or
 - (f) a claim that a representative entity of Rangitāne o Wairau had or may have that is, or is founded on, a claim described in **paragraph (e)**.
- (7) 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.

Subpart 3—Settlement of historical claims

*Historical claims settled and jurisdiction of courts, etc, removed***22 Settlement of historical claims final**

- (1) The historical claims are settled. 5
- (2) The settlement of the historical claims is final and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) **Subsections (1) and (2)** do not limit the acknowledgements expressed in, or the provisions of, the deeds of settlement. 10
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—
 - (a) the historical claims; or 15
 - (b) the deeds of settlement; or
 - (c) **Parts 1 to 3**; or
 - (d) the redress provided under the deeds of settlement or **Parts 1 to 3**.
- (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 deeds of settlement or **Parts 1 to 3**. 20

*Consequential amendment to Treaty of Waitangi Act 1975***23 Amendment to Treaty of Waitangi Act 1975**

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- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order “**Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013, section 22(4) and (5)**”.

Protections no longer apply

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24 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply—
 - (a) to land in the Nelson Land District or Marlborough Land District; or

- (b) for the benefit of a settlement iwi or a representative entity.
- (2) The enactments are—
 - (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975:
 - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986: 5
 - (c) sections 211 to 213 of the Education Act 1989:
 - (d) Part 3 of the Crown Forest Assets Act 1989:
 - (e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990. 10

25 Removal of memorials

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify each computer register for the Nelson Land District or Marlborough Land District that has a memorial recorded under any enactment listed in **section 24(2)**. 15
- (2) The chief executive of LINZ must issue a certificate under **subsection (1)** as soon as is reasonably practicable after the settlement date.
- (3) Each certificate must state that it is issued under this section. 20
- (4) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under **subsection (1)**, remove any memorial recorded under an enactment listed in **section 24(2)** from each computer register identified in the certificate. 25

Subpart 4—Other matters

26 Rule against perpetuities does not apply

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964 do not—
 - (a) prescribe or restrict the period during which— 30
 - (i) a settlement trust may exist in law; or
 - (ii) the trustees of a settlement trust may hold or deal with property (including income derived from property); or
 - (b) apply to a document entered into to give effect to a deed of settlement if the application of that rule or the provi- 35

sions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

- (2) However, if a settlement trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law. 5

27 Access to deeds of settlement

The chief executive of the Ministry of Justice must make copies of the deeds of settlement available— 10

- (a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between 9 am and 5 pm on any working day; and
(b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice. 15

28 Provisions of other Acts that have same effect

If a provision in **Parts 1 to 3** has the same effect as a provision in 1 or both of **Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** and **Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**, the provisions must be given effect to only once as if they were 1 provision. 20

Part 2

Cultural redress

Subpart 1—Protocols 25

General provisions

29 Interpretation

In this subpart, **relevant trustees**, for a protocol, means the trustees of a settlement trust to whom the protocol may be or has been issued. 30

30 Issue, amendment, and cancellation of protocols

- (1) Each responsible Minister—

- (a) must issue a protocol to the trustees of each settlement trust in the form set out in part 4 of the documents schedule of the relevant deed of settlement; and
 - (b) may amend or cancel that protocol.
- (2) The responsible Minister may amend or cancel a protocol at the initiative of—
 - (a) the relevant trustees; or
 - (b) the responsible Minister.
- (3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the relevant trustees.

31 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, which includes the ability to—
 - (i) introduce legislation and change Government policy; and
 - (ii) 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 a responsible Minister or a department of State; or
- (c) the legal rights of a settlement iwi or a representative entity.

32 Enforceability of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails, without good cause, to comply with a protocol, the relevant trustees may, subject to the Crown Proceedings Act 1950, enforce the protocol.
- (3) Despite **subsection (2)**, damages or any form of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.
- (4) To avoid doubt,—

- (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and
- (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the relevant trustees in enforcing the protocol under **subsection (2)**. 5

33 Limitation of rights

- (1) A conservation protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to,—
 - (a) the common marine and coastal area (as defined by section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011); or 10
 - (b) land held, managed, or administered, or flora or fauna managed or administered, under the conservation legislation. 15
- (2) A fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, and seaweed) held, managed, or administered under any of the following enactments: 20
 - (a) the Fisheries Act 1996:
 - (b) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:
 - (c) the Maori Commercial Aquaculture Claims Settlement Act 2004: 25
 - (d) the Maori Fisheries Act 2004.
- (3) A minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown-owned minerals.
- (4) A taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu. 30

*Noting of conservation, fisheries, and minerals
protocols*

34 Noting of conservation protocols

- (1) A summary of the terms of a conservation protocol must be noted in the conservation documents affecting the conservation protocol area for that protocol. 5
- (2) The noting of a conservation protocol is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the conservation documents for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 10
- (3) In this section, **conservation document** means a conservation management plan, conservation management strategy, freshwater fisheries management plan, or national park management plan. 15

35 Noting of fisheries protocols

- (1) A summary of the terms of a fisheries protocol must be noted in fisheries plans affecting the fisheries protocol area for that protocol.
- (2) The noting of a fisheries protocol is— 20
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the fisheries plans for the purposes of section 11A of the Fisheries Act 1996.
- (3) In this section, **fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996. 25

36 Noting of minerals protocols

- (1) A summary of the terms of a minerals protocol must be noted in—
 - (a) a register of protocols maintained by the chief executive of the Ministry of Business, Innovation, and Employment; and 30
 - (b) the minerals programmes affecting the minerals protocol area for that protocol when those programmes are replaced.
- (2) The noting of a minerals protocol is— 35
 - (a) for the purpose of public notice only; and

- (b) not an amendment to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) In this section, **minerals programme** has the meaning given by section 2(1) of the Crown Minerals Act 1991.

Subpart 2—Statutory acknowledgement and deeds of recognition 5

Statutory acknowledgement

37 Interpretation

- (1) In **Parts 1 to 3, statutory acknowledgement**—
 - (a) means the acknowledgement made by the Crown in **section 38** in respect of each statutory area, on the terms set out in this subpart; and 10
 - (b) for Ngāti Kuia, is known as pou rāhui or coastal pou rāhui.
- (2) In this subpart,— 15
 - coastal statutory area**—
 - (a) means the statutory area described in **Schedule 1** as coastal marine area; and
 - (b) for Ngāti Kuia, is known as hineparawhenua
 - 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 20
 - relevant iwi**, for a statutory area, means the 1 or more iwi listed in **Schedule 1** as having an association with the statutory area 25
 - relevant trustees**, for a statutory area, means the trustees of the settlement trust of each of the relevant iwi for the statutory area
 - statements of association** means the statements—
 - (a) made by the relevant iwi of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory area); and 30
 - (b) that are in the form set out in part 2 of the documents schedule of each deed of settlement

statements of coastal values means the statements—

- (a) made by the relevant iwi of their particular values relating to the coastal statutory area; and
- (b) that are in the form set out in part 2.1 of the documents schedule of each deed of settlement

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statutory area means an area described in **Schedule 1**, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

38 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association and the statements of coastal values.

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39 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in **sections 40 to 42**; and
- (b) to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the relevant trustees, as provided for in **section 44**; and
- (c) to enable the relevant trustees and members of the relevant iwi to cite the statutory acknowledgement as evidence of the iwi's association with a statutory area, as provided for in **section 45**.

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40 Relevant consent authorities to have regard to statutory acknowledgement

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

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41 Environment Court to have regard to statutory acknowledgement

- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the relevant trustees are persons who have an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area. 5 10
- (2) **Subsection (1)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.

42 Historic Places Trust and Environment Court to have regard to statutory acknowledgement

- (1) This section applies if, on or after the effective date, an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area. 15
- (2) The Historic Places Trust must have regard to the statutory acknowledgement relating to a statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application, including in determining whether the relevant trustees are directly affected by an extension of time. 20
- (3) The Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 an appeal against a decision of the Historic Places Trust in relation to the application, including in determining whether the relevant trustees are directly affected by the decision. 25 30
- (4) In this section, **archaeological site** has the meaning given by section 2 of the Historic Places Act 1993.

43 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement- 35

ment to all statutory plans that wholly or partly cover a statutory area.

- (2) The information attached to a statutory plan must include—
 - (a) the relevant provisions of **sections 37 to 46** in full; and 5
 - (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) any statements of association or statements of coastal values for the statutory areas.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not— 10
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991. 15

44 Provision of summaries or notices of certain applications to relevant trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the relevant 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) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the relevant trustees and the relevant consent authority. 30
- (3) A summary of an application must be provided under **subsection (1)(a)**—
 - (a) as soon as is reasonably practicable after the consent authority receives the application; but 35

- (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under **subsection (1)(b)** no later than 10 working days after the day on which the consent authority receives the notice. 5
- (5) This section does not affect a relevant consent authority's obligation,—
 - (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or 10
 - (b) under section 95E of that Act, to decide whether the relevant trustees are affected persons in relation to an activity.

45 Use of statutory acknowledgement 15

- (1) The relevant trustees and any member of the relevant iwi may, as evidence of the iwi's association with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area. 20
- (2) The content of a statement of association or statement of coastal values is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) relevant consent authorities:
 - (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991: 30
 - (c) the Environment Court:
 - (d) the Historic Places Trust:
 - (e) parties to proceedings before those bodies:
 - (f) any other person who is entitled to participate in those proceedings. 35
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.

- (4) To avoid doubt,—
- (a) neither the relevant trustees nor members of a relevant iwi are precluded from stating that the iwi has an association with a statutory area that is not described in the statutory acknowledgement; and 5
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

46 Relevant trustees may waive rights

- (1) The relevant trustees may waive the right to be provided with summaries, and copies of notices, of resource consent applications under **section 44** in relation to a statutory area. 10
- (2) The relevant trustees may waive the right to have a relevant consent authority, the Environment Court, or the Historic Places Trust have regard to the statutory acknowledgement under **sections 40 to 42** in relation to the coastal statutory area. 15
- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or the Historic Places Trust stating—
 - (a) the scope of the waiver; and 20
 - (b) the period for which it applies.
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Deeds of recognition 25

47 Issue and amendment of deeds of recognition

- (1) Deeds of recognition must be issued to the trustees of the settlement trust of an iwi in respect of the statutory areas with which the iwi has an association as listed in **Schedule 1**, except the areas referred to as— 30
 - (a) Big River site (Te Tai Tapu); and
 - (b) Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Management Reserve; and
 - (c) coastal marine area. 35

- (2) The Minister of Conservation and the Director-General must issue a deed of recognition for the relevant statutory areas administered by the Department of Conservation.
- (3) The Commissioner of Crown Lands must issue a deed of recognition for the relevant statutory areas administered by the Commissioner. 5
- (4) A deed of recognition must be issued in the form set out in part 3 of the documents schedule of the relevant deed of settlement.
- (5) The person or people who issue a deed of recognition to trustees may amend the deed, but only with the written consent of the trustees. 10

General provisions

48 Application to river or stream

- (1) If any part of the statutory acknowledgement applies to a river or stream (including a tributary), that part of the acknowledgement— 15
 - (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, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or 25
 - (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—
 - (a) applies only to the bed of the river or stream, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but 30
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or 35
 - (ii) the bed of an artificial watercourse.

49 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement and the deeds 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 legislation or a bylaw. 5
- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the association of the relevant iwi with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 10
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to— 15
- (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.

50 Rights not affected

- (1) The statutory acknowledgement and the deeds of recognition do not affect the lawful rights or interests of a person who is not a party to a deed of settlement. 20
- (2) This section is subject to the other provisions of this subpart.

51 Limitation of rights

- (1) The statutory acknowledgement and the deeds of recognition do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area. 25
- (2) This section is subject to the other provisions of this subpart.

*Consequential amendment to Resource
Management Act 1991*

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52 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
“Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013”.

Subpart 3—Overlay classification

- 53 Interpretation** 5
- (1) In **Parts 1 to 3**, overlay classification—
- (a) means the application of this subpart to each overlay site; and
 - (b) for Ngāti Kuia, is known as whenua rāhui.
- (2) In this subpart,— 10
- Conservation Board** means a board established under section 6L of the Conservation Act 1987
- iwi values**, for each overlay site, means the values stated by the relevant iwi in their statements of iwi values
- New Zealand Conservation Authority** means the authority 15
 established by section 6A of the Conservation Act 1987
- overlay site**—
- (a) means a site that is declared under **section 54** to be subject to the overlay classification; but
 - (b) does not include an area that is declared under **section** 20
68(1) to no longer be subject to the overlay classification
- protection principles**, for an overlay site, means the protection principles set out for the site in paragraph 4.1 of part 1 of the documents schedule of the relevant deed of settlement, 25
 including any amendments made to the principles under **section 57(3)**
- relevant iwi**, for an overlay site, means the 1 or more iwi listed in **Schedule 2** as having an association with the overlay site
- relevant trustees**, for an overlay site, means the trustees of the 30
 settlement trust of each of the relevant iwi for the overlay site
- specified actions**, for an overlay site, means the actions set out for the site in paragraph 5.1 of part 1 of the documents schedule of the relevant deed of settlement

statements of iwi values, for each overlay site, means the statements—

- (a) made by the relevant iwi of their values relating to their cultural, spiritual, historical, and traditional association with the overlay site; and 5
- (b) that are in the form set out in paragraph 3 of part 1 of the documents schedule of the relevant deed of settlement.

54 Declaration of overlay classification

Each site described in **Schedule 2** is declared to be subject to the overlay classification. 10

55 Acknowledgement by the Crown of statements of iwi values

The Crown acknowledges the statements of iwi values of the relevant iwi in relation to the overlay sites.

56 Purposes of overlay classification 15

The only purposes of the overlay classification are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to consult the relevant trustees and to have particular regard to the statements of iwi values, the protection principles, and the views of the relevant trustees, as provided for in **sections 58 and 59**; and 20
- (b) to require the New Zealand Conservation Authority to give the relevant trustees an opportunity to make submissions, as provided for in **section 60**; and 25
- (c) to enable the taking of action under **sections 61 to 66**.

57 Agreement on protection principles

- (1) The relevant trustees and the Minister of Conservation may agree on and publicise protection principles that are intended to prevent— 30

- (a) harm to the iwi values in relation to an overlay site; or
- (b) the diminishing of the iwi values in relation to an overlay site.

- (2) The protection principles set out in paragraph 4.1 of part 1 of the documents schedule of a deed of settlement are to be treated as having been agreed by the relevant trustees and the Minister of Conservation.
- (3) The relevant trustees and the Minister of Conservation may agree in writing to any amendments to the protection principles. 5

58 New Zealand Conservation Authority and Conservation Boards to have particular regard to certain matters

When the New Zealand Conservation Authority or a Conservation Board considers or approves a conservation management strategy, conservation management plan, or national park management plan in relation to an overlay site, it must have particular regard to— 10

- (a) the statements of iwi values for the site; and 15
(b) the protection principles for the site.

59 New Zealand Conservation Authority and Conservation Boards to consult relevant trustees

Before approving a conservation management strategy, conservation management plan, or national park management plan in relation to an overlay site, the New Zealand Conservation Authority or a Conservation Board must— 20

- (a) consult the relevant trustees; and
(b) have particular regard to the views of the relevant trustees as to the effect of the strategy or plan on— 25
(i) the iwi values for the site; and
(ii) the protection principles for the site.

60 Conservation management strategy

If the relevant trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay site, the New Zealand Conservation Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns. 30

61 Noting of overlay classification

- (1) The application of the overlay classification to an overlay site must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the site. 5
- (2) The noting of the overlay classification under **subsection (1)**—
 - (a) is for the purpose of public notice only; and
 - (b) is not an amendment to the strategy or plan for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 10

62 Notification in *Gazette*

- (1) The Minister of Conservation must notify the following in the *Gazette*:
 - (a) the application of the overlay classification to each overlay site, as soon as practicable after the settlement date; and 15
 - (b) the protection principles for each overlay site, as soon as practicable after the settlement date; and
 - (c) any amendment to the protection principles agreed under **section 57(3)**, as soon as practicable after the amendment has been agreed in writing. 20
- (2) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 63 or 64**. 25

63 Actions by Director-General

- (1) The Director-General must take action in relation to the protection principles that relate to an overlay site, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken. 30
- (3) The Director-General must notify the relevant trustees in writing of any action intended to be taken.

64 Amendment to strategy or plan

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives relating to the protection principles that relate to an overlay site. 5
- (2) The Director-General must consult any relevant Conservation Board before initiating an amendment under **subsection (1)**.
- (3) An amendment initiated under **subsection (1)** is an amendment for the purposes of section 171(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980, as the case may be. 10

65 Regulations

- The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes: 15
- (a) to provide for the implementation of objectives included in a strategy or plan under **section 64(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay site:
- (c) to create offences for breaching any regulations made under **paragraph (b)**: 20
- (d) to provide for the following fines to be imposed:
- (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$5,000; and
- (ii) for a continuing offence, an additional amount 25
not exceeding \$50 for every day during which the offence continues.

66 Bylaws

- The Minister of Conservation may make bylaws for 1 or more of the following purposes: 30
- (a) to provide for the implementation of objectives included in a strategy or plan under **section 64(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay site:
- (c) to create offences for breaching any bylaws made under **paragraph (b)**: 35
- (d) to provide for the following fines to be imposed:

- (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$1,000; and
- (ii) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues.

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67 Existing classification of overlay sites

- (1) This section applies if the overlay classification applies to any land in—
 - (a) a national park under the National Parks Act 1980; or
 - (b) a conservation area under the Conservation Act 1987; 10
 - or
 - (c) a reserve under the Reserves Act 1977.
- (2) The overlay classification does not affect—
 - (a) the purpose of the national park, conservation area, or reserve; or 15
 - (b) the classification of the land as a national park, conservation area, or reserve.

68 Termination of overlay classification

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that 20
 - all or part of an overlay site is no longer subject to the overlay classification.
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless—
 - (a) the relevant trustees and the Minister of Conservation 25
 - have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to 30
 - be, or has been, transferred to another Minister of the Crown or to the Commissioner of Crown Lands.
- (3) **Subsection (4)** applies if—
 - (a) **subsection (2)(c)** applies; or
 - (b) there is a change in the statutory management regime 35
 - that applies to all or part of the overlay site.

- (4) The Crown must take reasonable steps to ensure that the relevant trustees continue to have input into the management of the relevant area.

69 Exercise of powers and performance of functions and duties

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- (1) The overlay classification does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw.

- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the iwi values that relate to an overlay site than that person would give if the site were not subject to the overlay classification.

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- (3) **Subsection (2)** does not limit **subsection (1)**.

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

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70 Rights not affected

- (1) The overlay classification does not affect the lawful rights or interests of a person who is not a party to a deed of settlement.

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

71 Limitation of rights

20

- (1) The overlay classification does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay site.

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

Subpart 4—Vesting of cultural redress
properties

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72 Interpretation

In **Parts 1 to 3**, unless the context requires another meaning,—

cultural redress property means each of the following sites, and each site means the land described by that name in **Schedule 3**:

- | | | |
|-----|---|----|
| | <i>Sites that vest in fee simple</i> | |
| (a) | St Arnaud: | 5 |
| (b) | Te Tai Tapu (Tombstone): | |
| (c) | Port Gore: | |
| (d) | Titiraukawa (Pelorus Bridge): | |
| (e) | Ngā Tai Whakaū (Kawai, World's End): | |
| (f) | Waimea Pā (Appleby School): | 10 |
| (g) | Te Hora (Canvastown School): | |
| (h) | Picton Recreation Reserve: | |
| (i) | Tuamatene Marae, Grovetown: | |
| (j) | Rārangi: | |
| (k) | Wairau Lagoons (reinterment): | 15 |
| | <i>Site that vests in fee simple subject to conservation covenant</i> | |
| (l) | Tītīrangi Bay site: | |
| | <i>Sites that vest in fee simple to be administered as reserves</i> | 20 |
| (m) | Aorere Scenic Reserve: | |
| (n) | Cullen Point (Havelock): | |
| (o) | Moenui: | |
| (p) | Tarakaipa Island urupā: | |
| (q) | Te Pokohiwi: | 25 |
| (r) | Waikutakuta / Robin Hood Bay: | |
| (s) | Ngākuta Bay: | |
| (t) | Momorangi: | |
| (u) | Endeavour Inlet site: | |
| (v) | Mātangi Āwhio (Nelson): | 30 |
| (w) | Pukatea / Whites Bay: | |
| (x) | Horahora-kākahu | |
| | jointly vested site means each of the following sites: | |
| (a) | Mātangi Āwhio (Nelson): | |
| (b) | Pukatea / Whites Bay: | 35 |
| (c) | Horahora-kākahu | |

reserve site means each of the 12 sites in **paragraphs (m) to (x)** of the definition of cultural redress property.

*Sites that vest in fee simple***73 St Arnaud**

- (1) St Arnaud ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in St Arnaud then vests in the trustees of the Ngāti Apa ki te Rā Tō Trust. 5

74 Te Tai Tapu (Tombstone)

- (1) Te Tai Tapu (Tombstone) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987. 10
- (2) The fee simple estate in Te Tai Tapu (Tombstone) then vests in the trustees of the Ngāti Apa ki te Rā Tō Trust.

75 Port Gore

- (1) The reservation of Port Gore (being part of Titirangi Farm Park) as a recreation reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in Port Gore then vests in the trustees of the Ngāti Apa ki te Rā Tō Trust.

76 Titiraukawa (Pelorus Bridge)

- (1) The reservation of Titiraukawa (Pelorus Bridge) (being part of Pelorus Bridge Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 20
- (2) The fee simple estate in Titiraukawa (Pelorus Bridge) then vests in the trustees of the Te Runanga o Ngāti Kuia Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Runanga o Ngāti Kuia Trust have provided the Crown with— 25
 - (a) a registrable right of way easement over the area shown as A on SO 427361 in favour of Section 3 SO 427361 and Section 64 Block VIII Heringa Survey District (part computer freehold register MB50/234) on the terms and conditions set out in part 5.2 of the documents schedule of the deed of settlement for Ngāti Kuia; and 30
 - (b) a registrable easement in gross for a right to convey water over the area shown as B on SO 427361 on the 35

terms and conditions set out in part 5.1 of the documents
schedule of the deed of settlement for Ngāti Kuia.

- (4) The sign in or on Titiraukawa (Pelorus Bridge) that relates
to tree planting by volunteers does not vest in the trustees of
the Te Runanga o Ngāti Kuia Trust, despite the vesting under 5
subsection (2).

77 Ngā Tai Whakaū (Kawai, World's End)

- (1) The road shown as Section 4 on SO 427401 is stopped.
- (2) Section 345(3) of the Local Government Act 1974 does not
apply to the stopping of the road. 10
- (3) The stopped road then vests in the Crown as a scenic reserve
subject to section 19 of the Reserves Act 1977.
- (4) The reservation of Ngā Tai Whakaū (Kawai, World's End) (be-
ing part of Tennyson Inlet Scenic Reserve) as a scenic reserve
subject to the Reserves Act 1977 is then revoked. 15
- (5) The fee simple estate in Ngā Tai Whakaū (Kawai, World's
End) then vests in the trustees of the Te Runanga o Ngāti Kuia
Trust.

78 Waimea Pā (Appleby School)

- (1) The fee simple estate in Waimea Pā (Appleby School) vests in 20
the trustees of the Te Runanga o Ngāti Kuia Trust.
- (2) **Subsection (1)** does not take effect until the trustees of the Te
Runanga o Ngāti Kuia Trust have provided the Crown with a
registrable lease of Waimea Pā (Appleby School) on the terms
and conditions set out in part 5.5 of the documents schedule of 25
the deed of settlement for Ngāti Kuia.

79 Te Hora (Canvastown School)

- (1) The road shown as Section 1 on SO 4760, Marlborough Land
District, is stopped.
- (2) Section 345(3) of the Local Government Act 1974 does not 30
apply to the stopping of the road.
- (3) The stopped road is then set apart for a school site as if it were
set apart under section 52 of the Public Works Act 1981.

- (4) The fee simple estate in Te Hora (Canvastown School) then vests in the trustees of the Te Runanga o Ngāti Kuia Trust.
- (5) **Subsections (1) to (4)** do not take effect until the trustees of the Te Runanga o Ngāti Kuia Trust have provided the Crown with a registrable lease of Te Hora (Canvastown School) on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Ngāti Kuia. 5
- 80 Picton Recreation Reserve**
- (1) The reservation of Picton Recreation Reserve as a recreation reserve subject to the Reserves Act 1977 is revoked. 10
- (2) The fee simple estate in Picton Recreation Reserve then vests in the trustees of the Rangitāne o Wairau Settlement Trust.
- 81 Tuamatene Marae, Grovetown**
- The fee simple estate in Tuamatene Marae, Grovetown, vests in the trustees of the Rangitāne o Wairau Settlement Trust. 15
- 82 Rārangi**
- (1) Rārangi ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Rārangi then vests in the trustees of the Rangitāne o Wairau Settlement Trust. 20
- 83 Wairau Lagoons (reinterment)**
- (1) The reservation of Wairau Lagoons (reinterment) (being part of Wairau Lagoons Wetland Management Reserve) as a government purpose reserve for wetland management purposes subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Wairau Lagoons (reinterment) then vests in the trustees of the Rangitāne o Wairau Settlement Trust.

*Site that vests in fee simple subject to
conservation covenant*

84 Tītīrangi Bay site

- (1) The reservation of the Tītīrangi Bay site (being part of Titi-rangi Farm Park) as a recreation reserve subject to the Re- 5
serves Act 1977 is revoked.
- (2) The fee simple estate in the Tītīrangi Bay site then vests in the trustees of the Te Runanga o Ngāti Kuia Trust.
- (3) The Minister of Conservation must provide the trustees of the Te Runanga o Ngāti Kuia Trust with a registrable right of way 10
easement over the area shown as A on SO 433149 in favour of the Tītīrangi Bay site on the terms and conditions set out in part 5.4 of the documents schedule of the deed of settlement for Ngāti Kuia.
- (4) The easement— 15
 - (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; and
 - (c) is registrable under section 17ZA(2) of that Act, as if it 20
were a deed to which that provision applied.
- (5) **Subsections (1) to (4)** do not take effect until the trustees of the Te Runanga o Ngāti Kuia Trust have provided the Crown with a registrable covenant in relation to the Tītīrangi Bay site on the terms and conditions set out in part 5.3 of the documents 25
schedule of the deed of settlement for Ngāti Kuia.
- (6) The covenant is to be treated as a conservation covenant for the purposes of—
 - (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987. 30

*Sites that vest in fee simple to be administered
as reserves*

85 Aorere Scenic Reserve

- (1) The reservation of Aorere Scenic Reserve as a scenic reserve subject to the Reserves Act 1977 is revoked. 35
- (2) The fee simple estate in Aorere Scenic Reserve then vests in the trustees of the Ngāti Apa ki te Rā Tō Trust.

- (3) Aorere Scenic Reserve is then 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 Aorere Scenic Reserve.
 - (5) Despite anything in the Reserves Act 1977,— 5
 - (a) the trustees of the Ngāti Apa ki te Rā Tō Trust may construct a building on Aorere Scenic Reserve, with a floor area of no more than 100 m², to be used for private non-commercial purposes; and
 - (b) the building may be used for those purposes. 10
 - (6) However, the building must—
 - (a) be constructed and used in a manner that is consistent with any management plan for Aorere Scenic Reserve prepared and approved under section 41 of the Reserves Act 1977; and 15
 - (b) comply with all other lawful requirements (for example, under the Resource Management Act 1991 or the Building Act 2004).
- 86 Cullen Point (Havelock)**
- (1) The reservation of Cullen Point (Havelock) (being part of Cullen Point Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 20
 - (2) The fee simple estate in Cullen Point (Havelock) then vests in the trustees of the Te Runanga o Ngāti Kuia Trust.
 - (3) Cullen Point (Havelock) is then 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 Poho-a-Kuia Scenic Reserve.
- 87 Moenui**
- (1) The reservation of Moenui (being Moenui Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 30
 - (2) The fee simple estate in Moenui then vests in the trustees of the Te Runanga o Ngāti Kuia Trust.
 - (3) Moenui is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 35

- (4) The reserve is named Moenui / Priestly Recreation Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees of the Te Runanga o Ngāti Kuia Trust have provided Moenui Community Association Incorporated with—
- (a) a registrable right of way easement in gross over the areas shown as A, B, and C on SO 433118 on the terms and conditions set out in part 5.6 of the documents schedule of the deed of settlement for Ngāti Kuia; and 5
 - (b) a registrable easement in gross for a right to convey water over the areas shown as A, C, and D on SO 433118 and A on SO 436369 on the terms and conditions set out in part 5.7 of the documents schedule of the deed of settlement for Ngāti Kuia; and 10
 - (c) a registrable easement in gross for a right to convey electricity over the area shown as A on SO 436369 on the terms and conditions set out in part 5.8 of the documents schedule of the deed of settlement for Ngāti Kuia. 15
- (6) Each easement—
- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and 20
 - (b) is to be treated as having been granted in accordance with that Act.

88 Tarakaipa Island urupā

- (1) The reservation of the Tarakaipa Island urupā (being part of Tarakaipa Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in the Tarakaipa Island urupā then vests in the trustees of the Te Runanga o Ngāti Kuia Trust.
- (3) The Tarakaipa Island urupā is then 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 Oaie Scenic Reserve.

89 Agreement relating to Te Pokohiwi

The Minister of Conservation may, before the settlement date, grant an unregistered agreement for access over Te Pokohiwi in favour of the registered proprietors of the land contained 35

in computer freehold register 546587 at the time of the grant, despite any other enactment or rule of law.

90 Te Pokohiwi

- (1) The reservation of Te Pokohiwi (being part of Wairau Lagoons Wetland Management Reserve) as a government purpose reserve for wetland management purposes subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in Te Pokohiwi then vests in the trustees of the Rangitāne o Wairau Settlement Trust.
- (3) Te Pokohiwi is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. 10
- (4) The reserve is named Te Pokohiwi Historic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees of the Rangitāne o Wairau Settlement Trust have provided the Crown with a registrable right of way easement in gross over the area shown as A on SO 437606 on the terms and conditions set out in part 5.1 of the documents schedule of the deed of settlement for Rangitāne o Wairau. 15
- (6) The easement—
 - (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and 20
 - (b) is to be treated as having been granted in accordance with that Act.
- (7) Immediately after the vesting of Te Pokohiwi under **subsection (2)**, the boulder bank site is changed in classification to be a historic reserve subject to section 18 of the Reserves Act 1977. 25
- (8) The Registrar-General must, as soon as is reasonably practicable after **subsection (7)** takes effect, record on any computer register that contains all or part of the boulder bank site that, under this section, the land in the boulder bank site is classified as a historic reserve subject to section 18 of the Reserves Act 1977. 30
- (9) To avoid doubt, the boulder bank site remains vested in the Crown. 35
- (10) In this section, **boulder bank site** means 180 hectares of land, approximately, being Part Section 4 SO 437606 as shown as

B on OTS–099–68, subject to survey, and being part *Gazette* 1994, p 2481.

91 Waikutakuta / Robin Hood Bay

- (1) The reservation of Waikutakuta / Robin Hood Bay (being part of Robin Hood Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in Waikutakuta / Robin Hood Bay then vests in the trustees of the Rangitāne o Wairau Settlement Trust.
- (3) Waikutakuta / Robin Hood Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 10
- (4) The reserve is named Waikutakuta Recreation Reserve.

92 Ngākuta Bay

- (1) The reservation of Ngākuta Bay (being part of Ngākuta Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in Ngākuta Bay then vests in the trustees of the Rangitāne o Wairau Settlement Trust.
- (3) Ngākuta Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 20
- (4) The reserve is named Te Whakamana Recreation Reserve.

93 Momorangi

- (1) The reservation of Momorangi (being part of Momorangi Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Momorangi then vests in the trustees of the Rangitāne o Wairau Settlement Trust.
- (3) Momorangi is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 30
- (4) The reserve is named Rangitāne Recreation Reserve.

94 Endeavour Inlet site

- (1) The Endeavour Inlet site ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Endeavour Inlet site then vests in the trustees of the Rangitāne o Wairau Settlement Trust. 5
- (3) The Endeavour Inlet site is then 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 Punaruawhiti Scenic Reserve.

95 Mātangi Āwhio (Nelson)

10

- (1) The reservation of Mātangi Āwhio (Nelson) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Mātangi Āwhio (Nelson) then vests as undivided seventh shares in the specified groups of trustees as tenants in common, as follows: 15
 - (a) under this paragraph,—
 - (i) a share vests in the trustees of the Ngāti Apa ki te Rā Tō Trust; and
 - (ii) a share vests in the trustees of the Te Runanga o Ngāti Kuia Trust; and 20
 - (iii) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust; and
 - (b) under **section 302(2)(a) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**,—
 - (i) a share vests in the trustees of Te Pātaka a Ngāti Kōata; and 25
 - (ii) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and
 - (iii) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and 30
 - (iv) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) Mātangi Āwhio (Nelson) is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 35
- (4) The reserve is named Mātangi Āwhio (Nelson) Recreation Reserve.

- (5) Nelson City 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 108**. 5
- (7) Any improvements in or on Mātangi Āwhio (Nelson) do not vest in any of the trustees, despite the vestings referred to in **subsection (2)**.
- 96 Pukatea / Whites Bay** 10
- (1) The reservation of Pukatea / Whites Bay (being part of Whites Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pukatea / Whites Bay then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows: 15
- (a) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust under this paragraph; and
 - (b) a share vests in the trustees of the Ngāti Rārua Settlement Trust under **section 303(2)(a) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**; and 20
 - (c) a share vests in the trustee of the Toa Rangatira Trust under **section 492(2)(a) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**.
- (3) Pukatea / Whites Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 25
- (4) The reserve is named Pukatea / Whites Bay Recreation Reserve.
- (5) The joint management body established by **section 106(1)** 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 in trustees) under section 26 of that Act. 30
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 108**. 35

97 Horahora-kākahu

- (1) The reservation of Horahora-kākahu (being Horahora-kakahu Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Horahora-kākahu then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
 - (a) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust under this paragraph; and
 - (b) a share vests in the trustees of the Ngāti Rārua Settlement Trust under **section 304(2)(a) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**; and
 - (c) a share vests in the trustee of the Toa Rangatira Trust under **section 493(2)(a) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**.
- (3) Horahora-kākahu is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Horahora-kākahu Historic Reserve.
- (5) The joint management body established by **section 106(1)** 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 in trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 108**.
- (7) The historic monument at Horahora-kākahu does not vest in any of the trustees, despite the vestings referred to in **subsection (2)**.

Subpart 5—General provisions relating to
vesting of cultural redress properties

General provisions

98 Properties are subject to, or benefit from, interests

Each cultural redress property vested in the relevant trustees under **subpart 4** is subject to, or benefits from, any interests listed for the property in **Schedule 3**.

99 Interests in land for reserve sites that are jointly vested sites

- (1) This section applies to a jointly vested site while the site has an administering body that is treated as if the site were vested in it. 5
- (2) This section applies to all, or only the part, of the site that remains a reserve under the Reserves Act 1977 (the **reserve land**).
- (3) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered proprietor of the reserve land. 10
- (4) **Subsection (3)** continues to apply despite any subsequent transfer of the reserve land under **section 108**.

100 Interests that are not interests in land

- (1) This section applies if a cultural redress property is subject to an interest listed for the property in **Schedule 3** that is not an interest in land and for which there is a grantor, whether or not the interest also applies to land outside the property. 15
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property. 20
- (3) The interest applies—
 - (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and 25
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the property.

101 Registration of ownership

- (1) This section applies in relation to the fee simple estate in a cultural redress property vested in any trustees under **subpart 4**. 30
- (2) To the extent that a cultural redress property (other than Waikutakuta / Robin Hood Bay, Tuamatene Marae, Grove-town, or a jointly vested site) is all of the land contained in 35

- a computer freehold register, the Registrar-General must, on written application by an authorised person,—
- (a) register the trustees in whom the property is vested under **subpart 4** as the proprietors of the fee simple estate in the land; and 5
 - (b) record anything in the register, and do anything else, that is necessary to give effect to this Part and to part 5 of the relevant deed of settlement.
- (3) To the extent that **subsection (2)** does not apply to a cultural redress property (other than a jointly vested site), or in the case of Waikutakuta / Robin Hood Bay or Tuamatene Marae, Grovetown, the Registrar-General must, in accordance with a written application by an authorised person,— 10
- (a) create 1 or more computer freehold registers for the fee simple estate in the property in the names of the trustees in whom the property is vested under **subpart 4**; and 15
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the application.
- (4) For a jointly vested site, the Registrar-General must, in accordance with written applications by an authorised person,— 20
- (a) create 1 or more computer freehold registers for each undivided equal share of the fee simple estate in the property in the names of the trustees in whom the share is vested under **subpart 4**; and 25
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications.
- (5) **Subsections (3) and (4)** are subject to the completion of any survey necessary to create a computer freehold register. 30
- (6) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—
- (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustees in whom the property is vested under **subpart 4**. 35
- (7) In this section, **authorised person** means a person authorised by—

- (a) the Secretary for Justice, for Tuamatene Marae, Grove-town; or
- (b) the Secretary for Education, for the following properties:
 - (i) Waimea Pā (Appleby School): 5
 - (ii) Te Hora (Canvastown School); or
- (c) the Director-General, for all other properties.

102 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property in any trustees under **subpart 4** is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 10
- (2) Despite **subsection (1)**, the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site in any trustees under **subpart 4**. 15
- (3) If the reservation, under **subpart 4**, of a reserve site is revoked in relation to all or part of the site, then the vesting of the site in any trustees under **subpart 4** is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the site (as the case may be). 20

103 Recording application of Part 4A of Conservation Act 1987 and sections of this Act

- (1) The Registrar-General must record on any computer freehold register for a reserve site (other than a jointly vested site)— 25
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 102(3) and 107**.
- (2) The Registrar-General must record on any computer freehold register created under **section 101** for a jointly vested site— 30
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 99(3), 102(3), and 108**. 35

- (3) The Registrar-General must record on any computer freehold register for any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.
- (4) A notification made under any of **subsections (1) to (3)** 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. 5
- (5) For a reserve site other than a jointly vested site, if the reservation of the site under **subpart 4** is revoked in relation to—
 - (a) all of the site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register for the site—
 - (i) the notification that section 24 of the Conservation Act 1987 does not apply to the site; and
 - (ii) the notifications that the site is subject to **sections 102(3) and 107**; or 15
 - (b) part of the site, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register for the part of the site that remains a reserve. 20
- (6) For a jointly vested site, if the reservation of the site under **subpart 4** is revoked in relation to—
 - (a) all of the site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register created under **section 101** for the site— 25
 - (i) the notification that section 24 of the Conservation Act 1987 does not apply to the site; and
 - (ii) the notification that the site is subject to **sections 99(3), 102(3), and 108**; or 30
 - (b) part of the site, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register, created under **section 101** or derived from a computer freehold register created under **section 101**, for the part of the site that remains a reserve. 35
- (7) The Registrar-General must comply with an application received in accordance with **subsection (5)(a) or (6)(a)**.

104 Application of other enactments

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under **subpart 4**, of the reserve status of a cultural redress property.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting of the fee simple estate in a cultural redress property under **subpart 4**; or
 - (b) any matter incidental to, or required for the purpose of, the vesting.
- (3) The vesting of the fee simple estate in a cultural redress property under **subpart 4** does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of a deed of settlement in relation to a cultural redress property.

*Provisions relating to reserve sites***105 Application of Reserves Act 1977 to reserve sites**

- (1) The trustees in whom a reserve site is vested under **subpart 4** are the administering body of the reserve site, except as provided by **sections 95(5), 96(5), and 97(5)**.
- (2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve site, despite sections 48A(6), 114(5), and 115(6) of that Act.
- (3) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve site (other than Mātangi Āwhio (Nelson)).
- (4) If the reservation, under **subpart 4**, of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site, section 25 (except subsection (2)) of that Act does not apply to the revocation.

106 Joint management body for Pukatea / Whites Bay and Horahora-kākahu

- (1) A joint management body is established for Pukatea / Whites Bay and Horahora-kākahu.
- (2) Each of the following 3 groups of trustees may appoint 2 members to the joint management body:
 - (a) the trustees of the Rangitāne o Wairau Settlement Trust; and
 - (b) the trustees of the Ngāti Rārua Settlement Trust; and
 - (c) the trustee of the Toa Rangatira Trust.
- (3) An appointer may appoint a member only by giving a written notice with the following details to the 1 or more other appointers:
 - (a) the member's full name, address, and other contact details; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first).
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a Board.
- (7) **Subsection (6)** applies subject to **subsections (8) and (9)**.
- (8) The first meeting of the body must be held no later than 2 months after the settlement date.
- (9) If the 3 groups of trustees referred to in **subsection (2)** agree to adopt alternative provisions about meetings of the body,—
 - (a) those provisions apply; and
 - (b) section 32 of the Reserves Act 1977 does not apply.

107 Subsequent transfer of reserve sites (other than jointly vested sites)

- (1) This section applies to a reserve site (other than a jointly vested site).
- (2) This section applies to all, or only the part, of the reserve site that remains a reserve under the Reserves Act 1977 after the

- site has vested in any trustees under **subpart 4** (the **reserve land**).
- (3) The fee simple estate in the reserve land may be transferred to any other person only in accordance with this section, despite any other enactment or rule of law. 5
 - (4) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to another person or persons (the **new owners**) if, upon written application, the registered proprietors of the reserve land satisfy the Minister that the new owners are able to— 10
 - (a) comply with the requirements of the Reserves Act 1977; and
 - (b) perform the duties of an administering body under that Act.
 - (5) The Registrar-General must, upon receiving the documents specified in **subsection (6)**, register the new owners as the proprietors of the fee simple estate in the reserve land. 15
 - (6) The documents are—
 - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer; and 20
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and 25
 - (c) any other document required for registration of the transfer instrument.
 - (7) The new owners, from the time of registration under **subsection (5)**,—
 - (a) are the administering body of the reserve land; and 30
 - (b) hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer.
 - (8) However, **subsections (3) to (7)** do not apply to the transfer of the fee simple estate in the reserve land if— 35
 - (a) the transferors of the reserve land are or were the trustees of a trust; and

- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply. 5

108 Subsequent transfer of jointly vested sites

- (1) This section applies to all, or only the part, of a jointly vested site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 4 of this Part, subpart 4 of Part 5 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013, or subpart 3 of Part 9 of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013** (the reserve land). 10 15
- (2) The fee simple estate in the reserve land may be transferred only 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 20
 - (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply. 25

109 No mortgage of reserve land

- (1) This section applies to all, or only the part, of a reserve site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 4** (the reserve land). 30
- (2) The owners of the reserve land must not mortgage, or give a security interest in, all or part of the land.

110 Saving of bylaws, etc, in relation to reserve sites

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the 35

Minister of Conservation has made or imposed under the Reserves Act 1977 or the Conservation Act 1987 in relation to a reserve site before the site vests in any trustees under **subpart 4**.

- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Reserves Act 1977 or the Conservation Act 1987. 5

111 Names of Crown protected areas and reserve sites

- (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. 10
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.
- (3) A reserve site is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 15
- (4) A reserve site 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 site, and section 16(10A) of that Act does not apply to the proposed change. 20
- (5) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 25

Subpart 6—Vesting and gifting back of properties

112 Vesting and gifting back of alpine tarns

- (1) The trustees of the Ngāti Apa ki te Rā Tō Trust may give written notice to the Minister of Conservation of the date on which the alpine tarns are to vest in the trustees. 30
- (2) The proposed date must be no later than 9 months after the settlement date.

-
- (3) The trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date.
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
- (a) specifying the proposed date given by the trustees in accordance with **subsections (1) to (3)** (the **vesting date**); and 5
 - (b) stating that the fee simple estate in the alpine tarns vests in the trustees of the Ngāti Apa ki te Rā Tō Trust on the vesting date. 10
- (5) The notice must be published as early as practicable before the vesting date.
- (6) The fee simple estate in the alpine tarns vests in the trustees of the Ngāti Apa ki te Rā Tō Trust on the vesting date.
- (7) On the seventh day after the vesting date, the fee simple estate in the alpine tarns vests in the Crown as a gift back to the Crown by the trustees for the people of New Zealand. 15
- (8) Despite the vestings,—
- (a) the alpine tarns remain part of the Nelson Lakes National Park under the National Parks Act 1980, and that Act continues to apply to the national park, as if the vestings had not occurred; and 20
 - (b) any other enactment or any instrument that applied to the alpine tarns immediately before the vesting date continues to apply to them as if the vestings had not occurred; and 25
 - (c) any interest that affected the alpine tarns immediately before the vesting date continues to affect them as if the vestings had not occurred; and
 - (d) to the extent that the statutory acknowledgement, a deed of recognition, or the overlay classification applied to the alpine tarns immediately before the vesting date, it continues to apply to them as if the vestings had not occurred; and 30
 - (e) the Crown retains all liability for the alpine tarns as if the vestings had not occurred. 35

- (9) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.
- (10) In this section, **alpine tarns** means the areas shown as A, B, C, D, E, and F on SO 432660. 5

113 Vesting and gifting back of Te Tai Tapu

- (1) The fee simple estate in Te Tai Tapu vests jointly in—
- (a) the trustees of the Ngāti Apa ki te Rā Tō Trust under this paragraph; and
 - (b) the trustees of the Ngāti Rārua Settlement Trust, the trustees of the Ngāti Tama ki Te Waipounamu Trust, and the trustees of the Te Ātiawa o Te Waka-a-Māui Trust under **section 327(1)(a) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**. 10
- (2) On the seventh day after the settlement date, the fee simple estate in Te Tai Tapu vests in the Crown as a gift back to the Crown by the trustees for the people of New Zealand. 15
- (3) Despite the vestings,—
- (a) Te Tai Tapu remains part of the North-west Nelson Forest Park under the Conservation Act 1987, and that Act continues to apply to the site, as if the vestings had not occurred; and 20
 - (b) any other enactment or any instrument that applied to Te Tai Tapu immediately before the settlement date continues to apply to it as if the vestings had not occurred; and 25
 - (c) any interest that affected Te Tai Tapu immediately before the settlement date continues to affect it as if the vestings had not occurred; and
 - (d) the Crown retains all liability for Te Tai Tapu as if the vestings had not occurred. 30
- (4) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.
- (5) To the extent that the statutory acknowledgement or a deed of recognition applies to Te Tai Tapu, it applies only after the site vests back in the Crown. 35

- (6) In this section, **Te Tai Tapu** means 28 600 hectares, approximately, being Lot 1 DP 11694, Section 5 SO 426795, and Sections 2, 4, and 6 and Parts Section 1 Square 17, Nelson Land District (as shown on SO 433299).

Subpart 7—Geographic names

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114 Interpretation

In this subpart,—

New Zealand Geographic Board has the meaning given to Board by section 4 of the NZGB Act

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

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

115 New names of features

- (1) A name specified in the first column of the table in the following clauses is assigned to the feature described in the second and third columns of the table: 15
- (a) clause 5.26.1 of the deed of settlement for Ngāti Apa ki te Rā Tō:
 - (b) clause 5.19.1 of the deed of settlement for Ngāti Kuia: 20
 - (c) clause 5.18.1 of the deed of settlement for Rangitāne o Wairau.
- (2) A name specified in the first column of the table in the following clauses for the feature described in the third and fourth columns of the table is altered to the name specified in the second column of the table: 25
- (a) clause 5.26.2 of the deed of settlement for Ngāti Apa ki te Rā Tō:
 - (b) clause 5.19.2 of the deed of settlement for Ngāti Kuia:
 - (c) clause 5.18.2 of the deed of settlement for Rangitāne o Wairau. 30
- (3) Each assignment or alteration is to be treated as if it were an assignment or alteration of the official geographic name by a determination of the New Zealand Geographic Board, under section 19 of the NZGB Act, that takes effect on the settlement date. 35

116 Publication of new names

- (1) The New Zealand Geographic Board must, as soon as practicable after the settlement date, give public notice of each assignment or alteration of a name under **section 115** in accordance with section 21(2) and (3) of the NZGB Act. 5
- (2) However, the notices must state that the assignments and alterations took effect on the settlement date.

117 Alteration of new names

- (1) The New Zealand Geographic Board need not comply with the requirements of sections 16, 17, 18, 19(1), and 20 of the NZGB Act in making a determination to alter the official geographic name of a feature named by this subpart. 10
- (2) Instead, the Board may make the determination as long as it has the written consent of the following trustees: 15
 - (a) the trustees of the settlement trusts; and
 - (b) the trustees of the related settlement trusts; and
 - (c) the trustee of the Toa Rangatira Trust.
- (3) To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act. 20

Subpart 8—Customary use of eels**118 Acknowledgement of association**

- (1) The Crown acknowledges the association of Ngāti Apa ki te Rā Tō with eels in the eels redress area.
- (2) In this section and **section 119**, **eels redress area** means the part of the Nelson Lakes National Park within the area shown on the map attached to the proposed conservation protocol set out in part 4 of the documents schedule of the deed of settlement for Ngāti Apa ki te Rā Tō. 25

119 Customary use of eels

- (1) The trustees of the Ngāti Apa ki te Rā Tō Trust may apply to the Minister of Conservation, on behalf of members of Ngāti Apa ki te Rā Tō who are specified in the application, for consent under section 5(2) of the National Parks Act 1980 to take eels for customary use from the eels redress area. 30 35

- (2) The Minister of Conservation may grant the consent to take eels only if he or she is satisfied that—
- (a) there is no other reasonably accessible source of eels; and
 - (b) the eels are to be used for an extraordinary cultural event; and
 - (c) the taking of the eels will not adversely affect the preservation of the eel population and habitat in Nelson Lakes National Park.
- (3) If the Minister of Conservation is deciding whether to grant a consent, and information about the eel population or the adverse effects of the proposed taking of eels is absent, uncertain, unreliable, or inadequate, the Minister—
- (a) must be cautious in deciding whether the requirement in **subsection (2)(c)** is met; and
 - (b) must not use the absence, uncertainty, unreliability, or inadequacy of the information as a reason for granting the consent.
- (4) This section does not affect any provisions of the National Parks Act 1980 that relate to granting a consent, except as provided in **subsections (2) and (3)**.
- (5) A person who takes eels under a consent referred to in this section must also comply with any requirements of the Fisheries Act 1996 and any regulations made under that Act.

Subpart 9—Pakohe removal and consultation 25

120 Interpretation

In this subpart,—

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

pakohe means metamorphosed indurated mudstone (otherwise known as argillite) that is grey-to-black in colour and associated with the Nelson/Marlborough region

relevant pakohe area, for Ngāti Kuia or Rangitāne o Wairau, means an area shown on a deed plan in part 2.5 of the attachments schedule of the deed of settlement for that iwi

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

121 Acknowledgement of association

The Crown acknowledges—

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- (a) the long-standing cultural, historical, and traditional association of Ngāti Kuia and Rangitāne o Wairau with pakohe; and
- (b) the statements of association of Ngāti Kuia and Rangitāne o Wairau with pakohe, in the forms set out in part 2.2 of the documents schedule of the deed of settlement for each iwi.

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122 Authorisation to search for and remove pakohe

- (1) A member of Ngāti Kuia who has written authorisation from the trustees of the Te Runanga o Ngāti Kuia Trust, or a member of Rangitāne o Wairau who has written authorisation from the trustees of the Rangitāne o Wairau Settlement Trust, may, by hand,—

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- (a) search for pakohe in any part of a riverbed in a relevant pakohe area; and
- (b) remove pakohe from that part of the riverbed.

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- (2) A person who removes pakohe from a riverbed under **subsection (1)** may also remove from the riverbed, by hand, any other minerals that are—

- (a) bound to the pakohe; or
- (b) reasonably necessary for working the pakohe by traditional methods.

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- (3) A person who removes pakohe or minerals under **subsection (1) or (2)** must,—

- (a) each day, remove no more than the person can carry by hand in 1 load without assistance; and
- (b) not use machinery or cutting equipment to remove the pakohe or minerals.

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123 Access to riverbed to search for and remove pakohe

A person who is authorised to search for pakohe in, and remove pakohe from, a riverbed under **section 122** may ac-

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cess the riverbed over conservation land for that purpose, but only—

- (a) on foot; or
- (b) by any means that are available to the public; or
- (c) by any other means, and subject to any conditions, specified in writing by the Director-General. 5

124 Obligations if accessing riverbed

A person who accesses a riverbed under **section 122 or 123** must take all reasonable care to do no more than minor damage to vegetation on, and other natural features of, the riverbed and surrounding areas. 10

125 Relationship with other enactments

- (1) A person exercising a right under **section 122 or 123** must comply with all other lawful requirements (for example, under the Resource Management Act 1991). 15
- (2) However,—
 - (a) a person may exercise a right under **section 122 or 123** despite not having any authorisation required by the conservation legislation; and
 - (b) a permit is not required under section 8(1)(a) of the Crown Minerals Act 1991 to exercise a right under **section 122(1)**. 20
- (3) To avoid doubt, an activity that is not performed by exercising a right under **section 122(1)** may require a permit under section 8(1)(a) of the Crown Minerals Act 1991. 25
- (4) The rights under **sections 122 and 123** do not apply in relation to any part of a riverbed that is—
 - (a) an ecological area declared under section 18 of the Conservation Act 1987; or
 - (b) an archaeological site (as defined by section 2 of the Historic Places Act 1993). 30

126 Consultation in relation to pakohe

- (1) This section applies if the Director-General exercises powers, or performs functions or duties, under conservation legislation

in a manner likely to affect the relationship of Ngāti Kuia or Rangitāne o Wairau with pakohe located—

- (a) in any part of a riverbed in a relevant pakohe area; or
- (b) on land in a relevant pakohe area that the Director-General knows is land from which pakohe is traditionally gathered. 5

(2) The Director-General must, in exercising the powers, or performing the functions or duties,—

- (a) have regard to the statements of association of Ngāti Kuia and Rangitāne o Wairau with pakohe referred to in **section 121(b)**; and 10
- (b) consult the trustees of the Te Runanga o Ngāti Kuia Trust and the trustees of the Rangitāne o Wairau Settlement Trust; and
- (c) have regard to the trustees' views. 15

127 Relevant pakohe area may be added to, or removed from, deed of settlement

(1) Part 2.5 of the attachments schedule of the deed of settlement for Ngāti Kuia, or of the deed of settlement for Rangitāne o Wairau, may be amended by adding a deed plan showing another relevant pakohe area for that iwi, with the amendment having legal effect under this subpart, but only if— 20

- (a) the area is conservation land that contains a riverbed; and
- (b) the area is in the conservation protocol area for that iwi; 25
- (c) the amendment is agreed to by the Director-General and the trustees of that iwi's settlement trust.

(2) If a relevant pakohe area is proposed to be added to the deed of settlement for either Ngāti Kuia or Rangitāne o Wairau under **subsection (1)**, and the relevant protocol area is wholly or partly in the conservation protocol area of the other of those 2 iwi, then the Director-General must give written notice of the proposal to that other iwi. 30

(3) Part 2.5 of the attachments schedule of the deed of settlement for Ngāti Kuia, or of the deed of settlement for Rangitāne o Wairau, may be amended by removing a deed plan showing a relevant pakohe area for that iwi, with the amendment having 35

legal effect under this subpart, but only if the amendment is agreed to by the Director-General and the trustees of that iwi's settlement trust.

Subpart 10—Minerals fossicking right

- 128 Interpretation** 5
- In this subpart,—
- relevant fossicking area**, for a settlement iwi, means an area shown on the deed plan in part 2.4 of the attachments schedule of the deed of settlement for that iwi
- riverbed** means the land that the waters of a river or other natural watercourse cover at its fullest flow without flowing over its banks. 10
- 129 Authorisation to search for and remove sand, shingle, or other natural material**
- (1) A member of a settlement iwi who has written authorisation from the trustees of that iwi's settlement trust may, by hand,— 15
- (a) search for any sand, shingle, or other natural material in any part of a riverbed that is, or is bounded on either side by, conservation land in a relevant fossicking area; and 20
- (b) remove the material from that part of the riverbed.
- (2) A person who removes sand, shingle, or other natural material under **subsection (1)** must,—
- (a) each day, remove no more than the person can carry by hand in 1 load without assistance; and 25
- (b) not use machinery or cutting equipment to remove the material.
- 130 Access to riverbed to search for and remove sand, shingle, or other natural material**
- A person who is authorised to search for sand, shingle, or other natural material in, and remove the material from, a riverbed under **section 129** may access the riverbed over conservation land for that purpose, but only— 30
- (a) on foot; or
- (b) by any means that are available to the public; or 35

- (c) by any other means, and subject to any conditions, specified in writing by the Director-General or the Commissioner of Crown Lands.

131 Obligations if accessing riverbed

A person who accesses a riverbed under **section 129 or 130** must take all reasonable care to do no more than minor damage to vegetation on, and other natural features of, the riverbed and surrounding areas.

132 Relationship with other enactments

- (1) A person exercising a right under **section 129 or 130** must comply with all other lawful requirements (for example, under the Resource Management Act 1991).
- (2) However,—
 - (a) a person may exercise a right under **section 129 or 130** despite not having any authorisation required by the conservation legislation; and
 - (b) a person may exercise a right under **section 129** despite not having any authorisation required by the Land Act 1948.
- (3) The rights under **sections 129 and 130** do not apply in relation to any part of a riverbed that is—
 - (a) an ecological area declared under section 18 of the Conservation Act 1987; or
 - (b) an archaeological site (as defined by section 2 of the Historic Places Act 1993); or
 - (c) land described in Schedule 4 of the Crown Minerals Act 1991.

Subpart 11—Statutory kaitiaki and customary use of tīti

133 Interpretation

In this subpart,—

Chetwode Islands means Chetwode Island Nature Reserve, being 323.7485 hectares, more or less, Nature Reserve, Block XXVI Gore Survey District (part *Gazette* 1904, p 2119, all *Gazette* 1934, p 878, and part *Gazette* 1975, p 922)

tītī means the young of the species *Puffinus griseus* (sooty shearwater), commonly known as a muttonbird

Tītī Island means Titi Island Nature Reserve, being 32.3748 hectares, more or less, Nature Reserve, Block XXIII Gore Survey District (part *Gazette* 1901, p 2034, and part *Gazette* 1975, p 922).

134 Statutory kaitiaki may advise Minister of Conservation and Director-General

- (1) The trustees of the Te Runanga o Ngāti Kuia Trust are appointed as statutory kaitiaki of Tītī Island and the Chetwode Islands. 10
- (2) The trustees, as statutory kaitiaki of the islands, may provide written advice to the Minister of Conservation or the Director-General about—
 - (a) the management of the tītī population on the islands; 15
and
 - (b) applications under section 57 of the Reserves Act 1977 for access to the islands.
- (3) The Minister of Conservation or the Director-General must have regard to written advice received from the trustees on a matter referred to in **subsection (2)** when making a decision on the matter. 20

135 Customary use of tītī by Ngāti Kuia

- (1) The trustees of the Te Runanga o Ngāti Kuia Trust may apply to the Minister of Conservation, on behalf of members of Ngāti Kuia who are specified in the application, for— 25
 - (a) an authorisation under section 50(1) of the Reserves Act 1977 to take and kill tītī on Tītī Island and the Chetwode Islands for customary use; and
 - (b) a permit under section 57(1) of the Reserves Act 1977 30
to access the islands for the purposes described in **paragraph (a)**.
- (2) The trustees of the Te Runanga o Ngāti Kuia Trust may apply to the Director-General, on behalf of members of Ngāti Kuia who are specified in the application, for an authorisation under 35

section 53(1) of the Wildlife Act 1953 to kill tītī on Tītī Island and the Chetwode Islands for customary use.

- (3) The Minister of Conservation or the Director-General may grant an authorisation or permit referred to in **subsection (1) or (2)**, in relation to tītī, only if he or she is satisfied that the killing of those tītī will not adversely affect the long-term survival of the tītī population on the islands. 5
- (4) This section does not affect any provisions of the Reserves Act 1977 or the Wildlife Act 1953 that relate to granting an authorisation or permit, except as provided in **subsection (3)**. 10

136 Customary use of tītī by Rangitāne o Wairau

- (1) The trustees of the Rangitāne o Wairau Settlement Trust may apply to the Minister of Conservation, on behalf of members of Rangitāne o Wairau who have traditionally used tītī from Tītī Island and the Chetwode Islands and who are specified in the application, for— 15
 - (a) an authorisation under section 50(1) of the Reserves Act 1977 to take and kill tītī on the islands for customary use; and
 - (b) a permit under section 57(1) of the Reserves Act 1977 to access the islands for the purposes described in **paragraph (a)**. 20
- (2) The trustees of the Rangitāne o Wairau Settlement Trust may apply to the Director-General, on behalf of members of Rangitāne o Wairau who have traditionally used tītī from Tītī Island and the Chetwode Islands and who are specified in the application, for an authorisation under section 53(1) of the Wildlife Act 1953 to kill tītī on the islands for customary use. 25
- (3) The Minister of Conservation or the Director-General may grant an authorisation or permit referred to in **subsection (1) or (2)**, in relation to tītī, only if he or she is satisfied that killing those tītī will not adversely affect the long-term survival of the tītī population on the islands. 30
- (4) This section does not affect any provisions of the Reserves Act 1977 or the Wildlife Act 1953 that relate to granting an authorisation or permit, except as provided in **subsection (3)**. 35

Subpart 12—Recognition of historical association with Endeavour Inlet

137 **Recognition of historical association with Endeavour Inlet**

The Crown recognises the historical association of Rangitāne o Wairau with Endeavour Inlet.

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Subpart 13—River and freshwater advisory committee

138 **Advisory committee established**

An advisory committee is established to provide advice in relation to the management of rivers and fresh water within the regions of the following councils (the **relevant councils**):

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- (a) Marlborough District Council; and
- (b) Nelson City Council; and
- (c) Tasman District Council.

139 **Appointment of members to advisory committee**

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- (1) The advisory committee consists of no more than 8 members.
- (2) One member may be appointed by the trustees of each of the 3 settlement trusts, the 4 related settlement trusts, and the Toa Rangatira Trust.

- (3) The trustees of a trust may appoint a member only by giving a written notice with the following details to the trustees of the 7 other trusts:

- (a) the member's full name, address, and other contact details; and

- (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

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140 **Advisory committee may provide advice**

- (1) The advisory committee may provide written advice, in reply to an invitation under **section 141**, in relation to the management of rivers and fresh water within the region of a relevant council before the council—

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- (a) makes any decisions on the review of a policy statement or plan under section 79 of the Resource Management Act 1991; or

- (b) starts to prepare or change a policy statement or plan under Part 1 of Schedule 1 of that Act; or
 - (c) notifies a proposed policy statement or plan under clause 5 of Schedule 1 of that Act.
- (2) If the committee and a relevant council agree in writing, the committee may provide written advice to the council on any other matter in relation to the Resource Management Act 1991. 5
- (3) The committee or the council may terminate any agreement to provide advice under **subsection (2)** by giving written notice to the other party. 10

141 Council must invite and have regard to advice

- (1) A relevant council must comply with this section before performing any action referred to in **section 140(1)(a) to (c)**.
- (2) The council must provide a written invitation to the advisory committee to provide written advice in relation to the action. 15
- (3) The council must have regard to advice received from the committee under **section 140(1)** in reply to an invitation if the advice is received—
- (a) before the day that is 2 months after the day on which the committee received the invitation; or 20
 - (b) before any other day agreed to by the council and the committee.
- (4) The council must have regard to any advice received from the committee under **section 140(2)** if it is reasonably practicable to do so. 25

142 Procedure and meetings of advisory committee

- (1) The advisory committee must—
- (a) regulate its own procedure; and
 - (b) make decisions only with the agreement of all of the members who are present and who vote at a meeting; 30
 - and
 - (c) conduct proceedings with a quorum of a majority of the members who have been appointed to the committee; and
 - (d) provide the relevant councils with an address to which 35
- the councils must send notices to the committee.

- (2) The committee may request that a relevant council have 1 or more representatives attend a meeting of the committee.
- (3) In making the request, the committee must—
 - (a) give the council 10 working days' notice of the meeting in writing; and 5
 - (b) provide the council with an agenda for the meeting.
- (4) The council must have 1 or more representatives attend the meeting if it is reasonably practicable to do so, but the council may decide on the number of representatives at its discretion.
- (5) Each relevant council need not have representatives attend 10 more than 4 meetings each year.

143 Advisory committee may request information

- (1) The advisory committee may make a written request for information from a relevant council in relation to an action or a proposed action of a council referred to in **section 140(1)(a) to (c)**. 15
- (2) The council must provide the requested information to the committee if it is reasonably practicable to do so.

144 Other obligations under Resource Management Act 1991

This subpart does not limit the obligations of a relevant council 20 under the Resource Management Act 1991.

Subpart 14—Wairau Boulder Bank
conservation management plan

145 Preparation of conservation management plan

- (1) The Director-General must prepare a conservation management plan that applies to— 25
 - (a) the boulder bank site; and
 - (b) Te Pokohiwi.
- (2) The plan is a conservation management plan for the purposes of section 40B of the Reserves Act 1977. 30
- (3) The Director-General must start to prepare a draft of the plan under section 17G of the Conservation Act 1987 no later than 18 months after the settlement date.

- (4) In preparing any draft of the plan, the Director-General must consult the trustees of the Rangitāne o Wairau Settlement Trust and the trustees of the Ngāti Rārua Settlement Trust under section 17F(a) of the Conservation Act 1987.
- (5) Any decision on what to do with the plan under section 17G(2) of the Conservation Act 1987 must be made jointly by the Nelson/Marlborough Conservation Board and the trustees of the Rangitāne o Wairau Settlement Trust. 5
- (6) The plan must, among other things,—
 - (a) include a separate chapter for Te Pokohiwi; and 10
 - (b) address issues with vehicle access for the land contained in computer freehold register 546587.
- (7) In this section, **boulder bank site** has the meaning given by **section 90(10)**.

Part 3

15

Commercial redress

Subpart 1—Transfer of commercial properties, deferred selection properties, and Woodbourne land

- 146 The Crown may transfer properties** 20
- (1) To give effect to part 6 of a deed of settlement, and any of parts 3 to 6 of the property redress schedule of a deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to—
 - (a) transfer the fee simple estate in a commercial property, deferred selection property, or any Woodbourne land to the trustees of a settlement trust; and 25
 - (b) sign a transfer instrument or other document, or do anything else, to effect the transfer.
- (2) However, if any Woodbourne land is to transfer to the trustees of 2 or more settlement trusts, then, to give effect to part 6 of a deed of settlement, and any of parts 4 to 6 of the property redress schedule of a deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to— 30 35

- (a) transfer an undivided share of the fee simple estate in the land to the trustees of each trust as tenants in common; and
- (b) sign 1 or more transfer instruments or other documents, or do anything else, to effect the transfer. 5

147 Registrar-General to create computer freehold register

- (1) To the extent that a commercial property, a deferred selection property, or any Woodbourne land is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; and 15
 - (c) omit any statement of purpose from the computer freehold register.
- (2) However, for any Woodbourne land that is to transfer to the trustees of 2 or more settlement trusts, the Registrar-General must, in accordance with written applications by an authorised person,—
 - (a) create, in the name of the Crown, a computer freehold register for each undivided share of the fee simple estate in the land; and 25
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications; and
 - (c) omit any statement of purpose from the registers. 30
- (3) **Subsections (1) and (2)** are subject to the completion of any survey necessary to create a computer freehold register.
- (4) The authorised person may grant a covenant for the later creation of a computer freehold register for any land that is to be transferred to the trustees of a settlement trust. 35
- (5) Despite the Land Transfer Act 1952,—

- (a) the authorised person may request the Registrar-General to register the covenant under the Land Transfer Act 1952 by creating a computer interest register; and
- (b) the Registrar-General must comply with the request.
- (6) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 5

148 Application of other enactments

- (1) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— 10
 - (a) the transfer of the fee simple estate in a commercial property, a deferred selection property, or any Woodbourne land to the trustees of a settlement trust; or
 - (b) a leaseback of the property to the Crown or another lease for a public work, in accordance with part 6 of a deed of settlement; or 15
 - (c) any matter incidental to, or required for the purpose of, the transfer or lease.
- (2) The transfer of the fee simple estate in a commercial property, a deferred selection property, or any Woodbourne land to the trustees of a settlement trust does not— 20
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (3) The transfer of the fee simple estate in a commercial property, a deferred selection property, or any Woodbourne land to the trustees of a settlement trust is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 25
- (4) In exercising the powers conferred by **section 146**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial property, a deferred selection property, or any Woodbourne land. 30
- (5) **Subsection (4)** is subject to **subsections (2) and (3)**. 35
- (6) 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 part 6 of a deed of settlement, and any of parts 3 to 6 of the property redress schedule of a deed of settlement, in relation to a commercial property, a deferred selection property, or any Woodbourne land. 5

149 Transfer of certain deferred selection properties

- (1) This section applies to—
 - (a) each of the following properties described in part 3.6 of the property redress schedule of the deed of settlement for Ngāti Apa ki te Rā Tō if the property transfers to the trustees of the Ngāti Apa ki te Rā Tō Trust in accordance with part 3 of that schedule: 10
 - (i) Melville Cove / Port Gore:
 - (ii) Tunnel Bay / Port Gore:
 - (b) each of the following properties described in part 3.6 of the property redress schedule of the deed of settlement for Ngāti Kuia if the property transfers to the trustees of the Te Runanga o Ngāti Kuia Trust in accordance with part 3 of that schedule: 15
 - (i) Anakoha / Outer Sounds: 20
 - (ii) Manaroa:
 - (c) each of the following properties described in part 3.6 of the property redress schedule of the deed of settlement for Rangitāne o Wairau if the property transfers to the trustees of the Rangitāne o Wairau Settlement Trust in accordance with part 3 of that schedule: 25
 - (i) Inner Endeavour Inlet (Section 28):
 - (ii) Inner Endeavour Inlet (Section 29).
- (2) Immediately before the transfer,—
 - (a) any part of the property that is a conservation area under the Conservation Act 1987 ceases to be a conservation area; and 30
 - (b) the reservation of any part of the property as any class of reserve subject to the Reserves Act 1977 is revoked.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under **subsection (2)(b)**. 35

150 Transfer of Nelson High/District Courthouse

- (1) This section applies if the property described as Nelson High/District Courthouse (the **courthouse site**) in part 3.6 of the property redress schedule of the deed of settlement for Ngāti Apa ki te Rā Tō transfers to the trustees of the Ngāti Apa ki te Rā Tō Trust in accordance with part 3 of that schedule. 5
- (2) Immediately before the transfer, the reservation of the courthouse site as any class of reserve subject to the Reserves Act 1977 is revoked.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under **subsection (2)**. 10
- (4) Immediately after the transfer, the courthouse site is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (5) The reserve is named Nelson Courthouse Historic Reserve. 15
- (6) The trustees of the Ngāti Apa ki te Rā Tō Trust are the administering body of the reserve.
- (7) Any lease granted to the Crown over the courthouse site in accordance with the deed of settlement for Ngāti Apa ki te Rā Tō— 20
 - (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
 - (b) is to be treated as having been granted in accordance with that Act.
- (8) From the time of the transfer,— 25
 - (a) sections 48A, 114, and 115 of the Reserves Act 1977 apply to the courthouse site, despite sections 48A(6), 114(5), and 115(6) of that Act; and
 - (b) sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to the courthouse site; and 30
 - (c) if the reservation under **subsection (4)** is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the courthouse site, section 25 (except subsection (2)) of that Act does not apply to the revocation; and 35
 - (d) **section 107** applies to the courthouse site as if it were a reserve site that vested in trustees under **subpart 4 of Part 2**.

- (9) The Registrar-General must, upon the registration of the transfer of the courthouse site, record on any computer freehold register for the site that the land is subject to **section 150(8)(d)**.
- (10) If the reservation under **subsection (4)** is revoked in relation to— 5
- (a) all of the courthouse site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register for the site the notification that the site is subject to **section 150(8)(d)**; or 10
 - (b) part of the courthouse site, then the Registrar-General must ensure that the notification referred to in **paragraph (a)** remains only on any computer freehold register for the part of the site that remains a reserve. 15
- (11) The Registrar-General must comply with an application received in accordance with **subsection (10)(a)**.

151 Transfer of properties subject to lease

- (1) This section applies to a commercial property or deferred selection property— 20
- (a) for which the land holding agency is the Ministry of Education; and
 - (b) the ownership of which is to transfer to the trustees of a settlement trust in accordance with part 3 of the property redress schedule of a deed of settlement; and 25
 - (c) that, after the transfer, is to be subject to a lease back to the Crown.
- (2) This section also applies to any Woodbourne land—
- (a) the ownership of which is to transfer to the trustees of a settlement trust in accordance with part 6 of a deed of settlement, and any of parts 4 to 6 of the property redress schedule of a deed of settlement; and 30
 - (b) that, after the transfer, is to be subject to a lease for a public work.
- (3) Despite **section 148(3)** (which refers to section 24(2A) of the Conservation Act 1987), the rest of section 24 of that Act does not apply to the transfer of the property. 35

- (4) The transfer instrument for the transfer of the property must include a notification that the land is to become subject to **section 151(7) and (8)** upon the registration of the transfer.
- (5) The Registrar-General must, upon the registration of the transfer of the property, record on any computer freehold register for the property—
- (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **section 151(7) and (8)**.
- (6) A notification made under **subsection (5)** 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.
- (7) If the lease referred to in **subsection (1)(c) or (2)(b)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, the transfer of the property is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the property, as the case may be.
- (8) If the lease referred to in **subsection (1)(c) or (2)(b)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, then the registered proprietors of the property must apply in writing to the Registrar-General to,—
- (a) if none of the property remains subject to such a lease, remove from the computer freehold register for the property any notifications that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the land; and
 - (ii) the land is subject to **section 151(7) and (8)**; or
 - (b) if only part of the property remains subject to such a lease (the **leased part**), amend any notifications on the computer freehold register for the property to record that, in relation to only the leased part,—
 - (i) section 24 of the Conservation Act 1987 does not apply to that part; and
 - (ii) that part is subject to **section 151(7) and (8)**.

- (9) The Registrar-General must comply with an application received in accordance with **subsection (8)** free of charge to the applicant.

Subpart 2—Unlicensed land

152 Transfer of unlicensed land as deferred selection RFR land 5

- (1) This section applies if the unlicensed land is to transfer to the trustees of the Ngāti Apa ki te Rā Tō Trust under a contract formed under **section 168**.
- (2) **Sections 146(1) and 148(2) to (5)** apply to the unlicensed land as if— 10
- (a) the land were a deferred selection property; and
 - (b) **section 146(1)** were able to be applied to give effect to the contract; and
 - (c) the land holding agency were the Ministry for Primary Industries. 15

153 Application of rest of subpart

The rest of this subpart applies if the unlicensed land transfers to the trustees of the Ngāti Apa ki te Rā Tō Trust—

- (a) in accordance with part 3 of the property redress schedule of the deed of settlement for Ngāti Apa ki te Rā Tō; 20
- or
- (b) under a contract formed under **section 168**.

154 Effect of transfer of unlicensed land

Immediately before the transfer referred to in **section 153**, 25
the unlicensed land ceases to be Crown forest land, and any Crown forestry assets associated with that land cease to be Crown forestry assets, under the Crown Forest Assets Act 1989.

155 Management of marginal strips

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- (1) After the transfer referred to in **section 153**, any lessee of the unlicensed land under registered lease 134699A is to be treated as if it had been appointed, under section 24H(1) of

the Conservation Act 1987, to be the manager of any marginal strip within the unlicensed land.

- (2) The lessee may do 1 or more of the following things in relation to the marginal strip:
- (a) exercise the powers of a manager under section 24H of the Conservation Act 1987: 5
 - (b) establish, develop, grow, manage, replant, and maintain a forest on the marginal strip as if the marginal strip were subject to the lease of the unlicensed land:
 - (c) exercise the lessee's rights under the lease of the unlicensed land as if the marginal strip were subject to the lease. 10

Subpart 3—Right of access to protected sites

156 Application of subpart

This subpart applies only if the unlicensed land transfers to the trustees of the Ngāti Apa ki te Rā Tō Trust— 15

- (a) in accordance with part 3 of the property redress schedule of the deed of settlement for Ngāti Apa ki te Rā Tō; or
- (b) under a contract formed under **section 168**. 20

157 Interpretation

- (1) In this subpart, **protected site** means any area of land situated in the unlicensed land that is—
- (a) a wahi tapu or wahi tapu area; and
 - (b) a registered place. 25
- (2) In **subsection (1)**, **registered place**, **wahi tapu**, and **wahi tapu area** have the meanings given by section 2 of the Historic Places Act 1993.

158 Right of access to protected site

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or a right of occupancy to, the land must allow the people referred to in **subsection (2)** to have access across the land to each protected site. 30
- (2) The people are Māori for whom the protected site is of special cultural, spiritual, or historical significance. 35

- (3) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner, and is subject to the following conditions:
- (a) a person intending to exercise the right of access must give the owner reasonable notice, in writing, of his or her intention to exercise that right; and 5
 - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
 - (c) a person exercising the right must observe any reasonable conditions imposed by the owner that— 10
 - (i) relate to the time, location, or manner of access; and
 - (ii) are reasonably required for the safety of people, for the protection of land, improvements, flora, fauna, plant, equipment, or livestock, or for operational reasons. 15

159 Right of access subject to registered lease

- (1) The right of access under **section 158** is subject to the terms of any registered lease of the unlicensed land—
- (a) granted before the time of the transfer referred to in **section 156**; or 20
 - (b) granted on or after that time under a right of renewal contained in a registered lease granted before that time.
- (2) However, **subsection (1)** does not apply if the lessee has agreed to an exercise of the right. 25
- (3) An amendment to a registered lease is of no effect to the extent that it would—
- (a) delay the date from which a person may exercise a right of access under **section 158**; or
 - (b) adversely affect the right of access in any other way. 30

160 Notation on computer freehold register

- (1) The Registrar-General must, in accordance with a written application by an authorised person, record on the computer freehold register for any unlicensed land that the land is subject to this subpart. 35
- (2) An application must be made as soon as is reasonably practicable after—

- (a) the date of the transfer referred to in **section 156**; or
 - (b) a computer freehold register has been created for the land, if the computer freehold register has not been created by that date.
- (3) In this section, **authorised person** means a person authorised by the chief executive of the Ministry for Primary Industries. 5

Subpart 4—Right of first refusal in relation to RFR land

Interpretation

161 Interpretation 10

In this subpart and **Schedule 4**, unless the context requires another meaning,—

deferred selection RFR land means a property—

- (a) that is listed in part 3.6 or 3.7 of the property redress schedule of the deed of settlement for a settlement iwi, or in part 4 of the property redress schedule of the deed of settlement for a related settlement iwi, other than the property described as Nelson High/District Courthouse in the deed of settlement for Ngāti Apa ki te Rā Tō; and 15
- (b) that has not been transferred, and is no longer able to be transferred,— 20
 - (i) for a settlement iwi, to the trustees of that iwi's settlement trust in accordance with part 3 of the relevant property redress schedule; or
 - (ii) for a related settlement iwi, to the trustees of that iwi's related settlement trust in accordance with parts 5 and 6 of the relevant property redress schedule 25

dispose of, for RFR land,—

- (a) means to— 30
 - (i) transfer or vest the fee simple estate in the land; or
 - (ii) 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), for 50 years or longer; 35
- (b) to avoid doubt, does not include to—

- (i) mortgage, or give a security interest in, the land; or
- (ii) grant an easement over the land; or
- (iii) consent to an assignment of a lease, or to a sub-lease, of the land; or 5
- (iv) remove an improvement, a fixture, or a fitting from the land

expiry date, for an offer, means its expiry date under **sections 164(2)(a) and 165**

general RFR land means land described in part 3 of the attachments schedule of the deed of settlement for a settlement iwi if, on the settlement date, the land is— 10

- (a) vested in the Crown; or
- (b) held in fee simple by the Crown or Housing New Zealand Corporation 15

notice means a notice under this subpart

offer means an offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust

offer trust means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified or each of the trusts specified: 20

- (a) for general RFR land, the settlement trust of the iwi whose deed of settlement describes the land:
- (b) for deferred selection RFR land, the 3 settlement trusts and the 4 related settlement trusts: 25
- (c) for specified area RFR land, the 3 settlement trusts, the 4 related settlement trusts, and the Toa Rangatira Trust

recipient trust means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified: 30

- (a) for general RFR land, the settlement trust of the iwi whose deed of settlement describes the land:
- (b) for deferred selection RFR land or specified area RFR land, the 1 offer trust whose trustees accept an offer to dispose of the land under **section 167** 35

RFR landowner, for RFR land,—

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

- (b) means a Crown body, if the body holds the fee simple estate in the land; and
- (c) includes a local authority to which RFR land has been disposed of under **section 170(1)**; but
- (d) to avoid doubt, does not include an administering body 5
in which RFR land is vested under **section 171(1)**

RFR period means,—

- (a) for general RFR land,—
 - (i) the period of 169 years starting on the settlement date; or 10
 - (ii) the period of 60 years starting on the settlement date, for the land described as the Tītīrangi Bay RFR area, or the land described as the Waitaria Bay RFR area, in part 3 of the attachments schedule of the deed of settlement for Ngāti Kuia: 15
- (b) for deferred selection RFR land or specified area RFR land, the period of 100 years starting on the settlement date

specified area RFR land means land in the South Island within the area shown on deed plan OTS-099-91 (in part 2 20
of the attachments schedule of the deed of settlement for a settlement iwi) that, on the settlement date,—

- (a) is vested in the Crown or held in fee simple by the Crown; and
- (b) is not land that is to, or may, transfer to or vest in trustees 25
in accordance with the deed of settlement for a settlement iwi, a related settlement iwi, or Ngāti Toa Rangatira; and
- (c) is not conservation land; and
- (d) is not subject to a pastoral lease under Part 1 of the 30
Crown Pastoral Land Act 1998.

162 Meaning of RFR land

- (1) In **Parts 1 to 3**, **RFR land** means—
 - (a) the general RFR land; and
 - (b) the deferred selection RFR land; and 35
 - (c) the specified area RFR land; and
 - (d) land obtained in exchange for a disposal of RFR land under **section 175(1)(c) or 176**.

- (2) However, land ceases to be RFR land if—
- (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees of a recipient trust or their nominee (for example, under a contract formed under **section 168**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 163(3)**; or
 - (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body under—
 - (i) any of **sections 172 to 179**; or
 - (ii) anything referred to in **section 180(1)**; or
 - (c) the land's RFR period ends.

Restrictions on disposal of RFR land

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163 Restrictions on disposal of RFR land

- (1) An RFR landowner must not dispose of RFR land to any person other than the trustees of a recipient trust or their nominee unless the land is disposed of under **subsection (2) or (3)**.
- (2) The RFR land may be disposed of under any of **sections 169 to 179** or under anything referred to in **section 180(1)**.
- (3) The RFR land may be disposed of within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust, if the offer to those trustees was—
 - (a) made in accordance with **section 164**; and
 - (b) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person referred to in **subsection (1)**; and
 - (c) not withdrawn under **section 166**; and
 - (d) not accepted under **section 167**.

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Trustees' right of first refusal

164 Requirements for offer

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of the 1 or more offer trusts.

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- (2) The notice must include—
- (a) the terms of the offer, including its expiry date; and
 - (b) a legal description of the land (including any interests affecting it) and the reference for any computer register that contains the land; and 5
 - (c) a street address for the land (if applicable); and
 - (d) a street address, postal address, and fax number for the trustees to give notices to the RFR landowner in relation to the offer; and
 - (e) a statement that the RFR land is general RFR land, deferred selection RFR land, or specified area RFR land (whichever applies). 10

165 Expiry date of offer

- (1) The expiry date of an offer must be on or after the 40th working day after the day on which the trustees of the 1 or more offer trusts receive notice of the offer. 15
- (2) However, **subsections (3) and (4)** override **subsection (1)**.
- (3) The expiry date of an offer may be on or after the 20th working day after the day on which the trustees receive notice of the offer if— 20
 - (a) the trustees received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
 - (c) the earlier offer was not withdrawn. 25
- (4) For an offer of deferred selection RFR land or specified area RFR land, if the RFR landowner has received notice of acceptance from the trustees of 2 or more offer trusts at the end of the expiry date specified in the notice of offer given under **section 164**, the expiry date is extended only for the trustees of those 2 or more offer trusts to the 20th working day after the day on which the trustees receive the landowner's notice given under **section 167(4)**. 30

166 Withdrawal of offer

The RFR landowner may, by notice to the trustees of the 1 or more offer trusts, withdraw an offer at any time before it is accepted. 35

167 Acceptance of offer

- (1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if—
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed. 5
- (2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less.
- (3) For an offer of deferred selection RFR land or specified area RFR land,—
 - (a) the offer is accepted only if the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust at the end of the expiry date; and 10
 - (b) if the landowner has received notice of acceptance from the trustees of 2 or more offer trusts at the end of the expiry date specified in the notice of offer given under **section 164**, the landowner has 10 working days to give notice under **subsection (4)** to the trustees of those 2 or more offer trusts. 15
- (4) The notice must—
 - (a) specify the offer trusts from whose trustees notices of acceptance have been received; and 20
 - (b) state that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th working day after the day on which they receive the landowner's notice under this subsection. 25

168 Formation of contract

- (1) If the trustees of an offer trust accept, under **section 167**, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the landowner and the trustees on the terms in the offer, including the terms set out in **subsections (3) to (6)**. 30
- (2) The terms of the contract may be varied by written agreement between the landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person other than the trustees who is lawfully able to hold the RFR land (the **nominee**) to receive the transfer of the land. 35

- (4) The trustees may nominate a nominee only by giving notice to the 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 5
 - (b) any other details about the nominee that the landowner needs in order to transfer the RFR land to the nominee.
- (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 10

169 Disposals to the Crown or Crown bodies

- (1) An RFR landowner may dispose of RFR land to—
 - (a) the Crown; or
 - (b) a Crown body. 15
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

170 Disposals 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 by section 2 of that Act). 20
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes— 25
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

171 Disposals 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. 30
- (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 35

- (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
 - (a) the RFR landowner of the land; and 5
 - (b) subject to the obligations of an RFR landowner under this subpart.

*Disposals to others where land may cease to be
RFR land*

- 172 Disposals in accordance with enactment or rule of law** 10
An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.
- 173 Disposals in accordance with legal or equitable obligation**
An RFR landowner may dispose of RFR land in accordance with— 15
- (a) a legal or an equitable obligation that—
 - (i) was unconditional before the settlement date; or
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or 20
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
 - (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land. 25
- 174 Disposals under certain legislation**
An RFR landowner may dispose of RFR land in accordance with—
- (a) section 54(1)(d) of the Land Act 1948; or
 - (b) section 355(3) of the Resource Management Act 1991; 30
or
 - (c) subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011.

175 Disposals 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 5
 - (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 10
 - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993 after an application by an RFR landowner 15 under section 41(e) of the Public Works Act 1981.

176 Disposals 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 20
- (b) section 16A or 24E of the Conservation Act 1987.

177 Disposals for charitable purposes

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

178 Disposals to tenants 25

The Crown may dispose of RFR land—

- (a) that was held for education purposes on the settlement date to a person who, immediately before the disposal, is a tenant of the land or of all or part of a building on the land; or 30
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land—
 - (i) granted before the settlement date; or
 - (ii) granted on or after the settlement date under a right of renewal contained in a lease granted before the settlement date; or 35

- (c) under section 93(4) of the Land Act 1948.

179 Disposals by Housing New Zealand Corporation

Housing New Zealand Corporation, or any of its subsidiaries, may dispose of RFR land to any person if the Corporation has given notice to the trustees of the 1 or more offer trusts that, 5 in the Corporation's opinion, the disposal is to give effect to, or assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing.

180 RFR landowner's obligations subject to other things

- (1) An RFR landowner's obligations under this subpart in relation 10 to RFR land are subject to—
- (a) any other enactment or rule of law but, for a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
 - (b) any interest, or legal or equitable obligation,— 15
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and
 - (ii) that the RFR landowner cannot satisfy by taking 20 reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment.

Notices

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181 Notice to LINZ of certain RFR land with computer register

- (1) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become 30 RFR land.
- (2) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.

- (3) The notice must be given as soon as is reasonably practicable after—
 - (a) the land for which there is a computer register becomes RFR land; or
 - (b) the computer register is first created for the RFR land. 5
- (4) The notice must specify the legal description of the land and identify the computer register that contains the land.

182 Notice to trustees of potential disposal of RFR land

- (1) This section applies if an RFR landowner is considering whether to dispose of deferred selection RFR land or specified area RFR land that, in order to be disposed of, may ultimately require the landowner to offer to dispose of the land to the trustees of an offer trust. 10
- (2) The landowner must give the trustees of the 1 or more offer trusts notice that, if the landowner decides to dispose of the land, the landowner may be required to offer to dispose of the land to the trustees of an offer trust. 15
- (3) The notice must—
 - (a) specify the legal description of the land and identify any computer register that contains the land; and 20
 - (b) specify a street address for the land (if applicable); and
 - (c) if the land does not have a street address, include a narrative or diagrammatic description of the land with enough information so that a person who is not familiar with the land can locate and inspect it; and 25
 - (d) state that the RFR land is deferred selection RFR land or specified area RFR land (whichever applies).
- (4) The giving of the notice does not, of itself, mean that an obligation has arisen under—
 - (a) section 207(4) of the Education Act 1989; or 30
 - (b) section 23(1) or 24(4) of the New Zealand Railways Corporation Restructuring Act 1990; or
 - (c) section 40 of the Public Works Act 1981 or that section as applied by another enactment.

183 Notice to trustees of disposals of RFR land to others

- (1) An RFR landowner must give the trustees of the 1 or more offer trusts notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee. 5
- (2) The notice must be given on or before the day that is 20 working days before the day of the disposal.
- (3) The notice must—
 - (a) specify the legal description of the land (including any interests affecting it) and identify any computer register that contains the land; and 10
 - (b) specify a street address for the land (if applicable); and
 - (c) identify the person to whom the land is being disposed of; and
 - (d) explain how the disposal complies with **section 163**; and 15
 - (e) if the disposal is being made under **section 163(3)**, include a copy of the written contract for the disposal.

184 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a computer register is to cease being RFR land because— 20
 - (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) the trustees of a recipient trust or their nominee (for example, under a contract formed under **section 168**); or 25
 - (ii) any other person (including the Crown or a Crown body) under **section 163(3)**; 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 under— 30
 - (i) any of **sections 172 to 179**; or
 - (ii) anything referred to in **section 180(1)**.
- (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. 35
- (3) The notice must—

- (a) specify the legal description of the land and identify the computer register that contains the land; and
- (b) specify the details of the transfer or vesting of the land.

185 Notice requirements

Schedule 4 applies to notices given under this subpart by or to— 5

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

Memorials for RFR land

186 Recording memorials on computer registers for RFR land 10

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers that contain,—
 - (a) the RFR land for which there is a computer register on the settlement date; and 15
 - (b) the land for which there is a computer register that becomes RFR land after the settlement date; and
 - (c) the RFR land for which a computer register is first created after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable after— 20
 - (a) the settlement date, for RFR land for which there is a computer register on the settlement date; or
 - (b) receiving a notice under **section 181** that the land has become RFR land or that a computer register has been created for RFR land, for any other land. 25
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate. 30
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register identified in the certificate that the land described in the certificate (and contained in the computer register) is— 35
 - (a) RFR land as defined by **section 162**; and

- (b) subject to this subpart (which restricts disposal, including leasing, of the land).

187 Removal of memorials 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 184**, issue to the Registrar-General a certificate that—
 - (a) specifies the legal description of the land and identifies the computer register that contains the land; and
 - (b) specifies the details of the transfer or vesting of the land; and
 - (c) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any memorial recorded under **section 186** for the land described in the certificate.

188 Removal of memorials when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends for any RFR land, issue to the Registrar-General a certificate that—
 - (a) identifies each computer register for the RFR land for which the RFR period has ended that still has a memorial recorded on it under **section 186**; and
 - (b) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, re-

move a memorial recorded under **section 186** from any computer register identified in the certificate.

General provisions

189 Waiver and variation

- (1) The trustees of the 1 or more offer trusts may, by notice to an RFR landowner, waive any of the rights the trustees have in relation to the landowner under this subpart. 5
- (2) The trustees of the 1 or more offer trusts and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart. 10
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

190 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. 15

191 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if an 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 documents; and 20
 - (b) has given the notices required by **subsection (2)**.
- (2) Notices must be given to each RFR landowner—
 - (a) stating that the RFR holder's rights and obligations under this subpart are being assigned under this section; and 25
 - (b) specifying the date of the assignment; and
 - (c) specifying the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
 - (d) specifying the street address, postal address, or fax number for notices to the assignees. 30
- (3) This subpart and **Schedule 4** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with all necessary modifications.

- (4) In this section, **RFR holder** means the 1 or more persons who have the rights and obligations of the trustees of an offer trust under this subpart, either because—
- (a) they are the trustees of the offer trust; or
 - (b) they have previously been assigned those rights and obligations under this section. 5

Part 4

Preliminary matters and settlement of historical claims

Subpart 1—Purpose of Act, historical accounts, acknowledgements, and apologies 10

192 Purpose

The purpose of **Parts 4 to 7** is to give effect to certain provisions of the deeds of settlement that settle the historical claims of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui. 15

193 Provisions take effect on settlement date

- (1) The provisions of **Parts 4 to 7** take effect on the settlement date unless a provision states 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—
 - (a) for the provision to have full effect on that date; or
 - (b) for a power to be exercised, or for a duty to be performed, under the provision on that date. 20 25

194 Act binds the Crown

Parts 4 to 7 bind the Crown.

195 Outline

- (1) This section is a guide to the overall scheme and effect of **Parts 4 to 7**, but does not affect the interpretation or application of the other provisions of **Parts 4 to 7** or the deeds of settlement. 30
- (2) This Part—

-
- (a) sets out the purpose of **Parts 4 to 7**; and
 - (b) provides that the provisions of **Parts 4 to 7** take effect on the settlement date unless a provision states otherwise; and
 - (c) specifies that **Parts 4 to 7** bind the Crown; and 5
 - (d) summarises the historical accounts from the deeds of settlement and records the acknowledgements and the apology given by the Crown in the deeds; and
 - (e) defines terms used in **Parts 4 to 7**, including key terms such as Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te 10
Tau Ihu, Te Ātiawa o Te Waka-a-Māui, and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for— 15
 - (i) the effect of the settlement 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 20
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and
 - (v) access to the deeds of settlement.
 - (3) **Part 5** provides for cultural redress, including— 25
 - (a) the issuing of protocols to the trustees of the settlement trusts by the Minister of Conservation, the Minister for Primary Industries, the Minister of Energy and Resources, and the Minister for Arts, Culture and Heritage; and 30
 - (b) a statutory acknowledgement by the Crown of the statements made by the settlement iwi of their cultural, spiritual, historical, and traditional associations with certain statutory areas; and
 - (c) provision for deeds of recognition issued by the Crown 35
to the trustees of the settlement trusts; and
 - (d) the application of an overlay classification to certain overlay sites by the Crown's acknowledgement of the

- values of the settlement iwi in relation to the relevant sites; and
- (e) the vesting of cultural redress properties in the trustees of each settlement trust, in some cases jointly with each other or with the trustees of trusts for iwi under related settlements; and 5
 - (f) the delayed vesting of land that is no longer required for a public work and is not subject to rights or obligations that are inconsistent with the vesting of the area in the trustees of Te Pātaka a Ngāti Kōata; and 10
 - (g) the vesting of Kaka Point in the trustees of 3 settlement trusts, and the vesting of the site back to the Crown as a gift from the trustees; and
 - (h) the vesting of Te Tai Tapu in the trustees of 3 settlement trusts (jointly with the trustees of a trust for iwi under a related settlement), and the vesting of the site back to the Crown as a gift from the trustees; and 15
 - (i) provision for an easement over part of D’Urville Island Scenic Reserve; and
 - (j) the alteration and assignment of names for certain geographic features; and 20
 - (k) the appointment of the trustees of Te Pātaka a Ngāti Kōata as statutory advisers to the Minister of Conservation and the Director-General in relation to Takapourewa, Whangarae, and Moawhitu; and 25
 - (l) provision for members of the settlement iwi to remove natural material from certain riverbeds by hand; and
 - (m) the appointment of the trustees of the Te Ātiawa o Te Waka-a-Māui Trust as statutory kaitiaki of 5 islands in Queen Charlotte Sound / Tōtaranui, and provision for the trustees to prepare and lodge a kaitiaki plan with Marlborough District Council; and 30
 - (n) the Crown’s acknowledgement of the historical association of Ngāti Kōata with West of Separation Point / Te Matau; and 35
 - (o) the establishment of an iwi advisory committee to provide advice on the management of rivers and fresh water within the regions of certain councils, with members ap-

- pointed by the trustees of the settlement trusts, the related settlement trusts, and the Toa Rangatira Trust.
- (4) **Part 6** provides for commercial redress, including—
- (a) authorisation for the transfer of commercial redress properties (including the licensed properties and unlicensed land) and deferred selection properties to the trustees of each settlement trust to give effect to the deeds of settlement; and 5
 - (b) provision for a right of access to certain protected sites on the licensed properties or unlicensed land; and 10
 - (c) a right of first refusal in relation to RFR land that may be exercised by the trustees of the settlement trusts (and, in some cases, the trustees of the related settlement trusts and the Toa Rangatira Trust).
- (5) **Part 7** provides for the reorganisation of the governance arrangements of Ngāti Tama ki Te Tau Ihu, including— 15
- (a) dissolution of the Ngati Tama Manawhenua Ki Te Tau Ihu Trust, the charitable trust board of Ngāti Tama ki Te Tau Ihu; and
 - (b) vesting of the charitable trust board's assets and liabilities in the trustees of the Ngāti Tama ki Te Waipounamu Trust, the trustees that receive redress for the benefit of Ngāti Tama ki Te Tau Ihu under **Parts 4 to 7**; and 20
 - (c) transitional matters, such as taxation, relating to the reorganisation. 25
- (6) There are 5 schedules, as follows:
- (a) **Schedule 5** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:
 - (b) **Schedule 6** describes the overlay sites to which the overlay classification applies: 30
 - (c) **Schedule 7** describes the cultural redress properties:
 - (d) **Schedule 8** describes the properties for delayed vesting or vesting and gifting back:
 - (e) **Schedule 9** sets out provisions that apply to notices given in relation to RFR land. 35

196 **Historical accounts and the Crown's acknowledgements and apologies**

- (1) **Section 197** summarises the historical account from the deed of settlement for Ngāti Kōata, which provides a background to the deed of settlement. 5
- (2) **Sections 198 and 199** record the acknowledgements and the apology given by the Crown to Ngāti Kōata in the deed of settlement for Ngāti Kōata.
- (3) **Section 200** summarises the historical account from the deed of settlement for Ngāti Rārua, which provides a background to the deed of settlement. 10
- (4) **Sections 201 and 202** record the acknowledgements and the apology given by the Crown to Ngāti Rārua in the deed of settlement for Ngāti Rārua.
- (5) **Section 203** summarises the historical account from the deed of settlement for Ngāti Tama ki Te Tau Ihu, which provides a background to the deed of settlement. 15
- (6) **Sections 204 and 205** record the acknowledgements and the apology given by the Crown to Ngāti Tama ki Te Tau Ihu in the deed of settlement for Ngāti Tama ki Te Tau Ihu. 20
- (7) **Section 206** summarises the historical account from the deed of settlement for Te Ātiawa o Te Waka-a-Māui, which provides a background to the deed of settlement.
- (8) **Sections 207 and 208** record the acknowledgements and the apology given by the Crown to Te Ātiawa o Te Waka-a-Māui in the deed of settlement for Te Ātiawa o Te Waka-a-Māui. 25

Historical account, acknowledgements, and apology for Ngāti Kōata

197 **Summary of historical account for Ngāti Kōata**

The historical account set out in the deed of settlement for Ngāti Kōata is summarised as follows: 30

- (1) Ngāti Kōata first came to Te Tau Ihu (the northern South Island) in the mid-1820s after receiving a tuku of land from Tūtepourangi, and also as part of an invasion. Ngāti Kōata primarily settled at Rangitoto Island, Croisilles, Whakapuaka, and Whakatū. 35

- (2) In 1839 the New Zealand Company signed deeds with other iwi that purported to purchase the entire northern South Island. The following year several Ngāti Kōata chiefs signed the Treaty of Waitangi at Rangitoto Island.
- (3) In 1842 the Company presented gifts to local Māori upon establishing its Nelson settlement. In 1844 a Crown-appointed commissioner investigated the Company's purchases. He heard only one Māori witness in Nelson before suspending the inquiry to enable the Company to negotiate a settlement. Māori signed deeds of release in return for accepting payments described by the commissioner as gifts to assist settlement rather than payments for the land. 5 10
- (4) In 1845, on the commissioner's recommendation, the Crown prepared a Company grant of 151 000 acres in Tasman and Golden Bays, which would have reserved 15 100 acres for Māori. However, the Company objected to several aspects of this grant. In 1848 the Company accepted a new Crown grant for a larger area of land that reserved only 5 053 acres at Nelson and Motueka, and areas in the Wairau and Golden Bay. 15 20
- (5) Ngāti Kōata had negligible involvement in the administration of the Nelson and Motueka reserves, known as "Tenths", which were leased to settlers to generate income that was spent on Māori purposes. From 1887 the Tenths were let under perpetually renewable leases. Rentals were infrequently reviewed and over time inflation reduced rental returns. During the twentieth century the Tenths were reduced by the compulsory acquisition of uneconomic shares and the sale of reserves. 25
- (6) In 1852 the Crown purchased the mineral-rich Pakawau block and paid only for its agricultural value. In 1853 the Crown signed the Waipounamu deed with other iwi, and purported to have purchased most of the remaining Māori land in Te Tau Ihu. Ngāti Kōata did not sign the deed, but were to receive a share of the purchase money. The Crown used the 1853 deed as the basis for negotiations with resident Ngāti Kōata in 1856, which led to the alienation of most of their remaining interests for £100. Rangitoto Island was excluded from this purchase. 30 35
- (7) The reserves created for Ngāti Kōata from the Waipounamu sale were mostly inadequate for customary use or effective de-

velopment. In 1883 and 1892 the Native Land Court awarded ownership of the reserves and Rangitoto Island to individual Ngāti Kōata. Over time, sales and successions to the titles made the lands increasingly fragmented and uneconomic.

- (8) In 1883 Ngāti Kōata participated in the Native Land Court's title investigation of Whakapuaka. Ngāti Kōata claimed interests on the basis of the *tuku* and ongoing occupation. The Court deemed that Ngāti Kōata did not have interests and they were excluded from ownership. Ngāti Kōata were again excluded at a rehearing of the block in 1937. 5 10
- (9) By the late nineteenth century, some Ngāti Kōata were virtually landless. In 1894 the Crown allocated some landless Ngāti Kōata individuals land at Te Māpou and Te Raetihi, but did not issue titles to them until 1968.
- (10) Ngāti Kōata struggled to secure safe drinking water and social services on their reserves and Rangitoto Island well into the twentieth century. Many Ngāti Kōata came to Nelson for work and educational and health purposes. A Māori hostel in Nelson used by Ngāti Kōata families was frequently overcrowded resulting in unhygienic conditions. 15 20
- (11) By the end of the twentieth century most of Ngāti Kōata's remaining land, including their reserves and Rangitoto Island, had been sold. Ngāti Kōata had also lost ownership or access to several islands surrounding Rangitoto and in Croisilles Harbour. Virtual landlessness has meant that Ngāti Kōata has lost connection and access to many of their traditional resources and sites, and the demise of a strong cultural base. 25

198 Text of acknowledgements for Ngāti Kōata

The text of the acknowledgements set out in the deed of settlement for Ngāti Kōata is as follows: 30

- (1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngāti Kōata in an appropriate way and that recognition of these grievances is long overdue.
- (2) The Crown acknowledges that it failed to adequately inform itself of and protect the interests, including the ongoing needs, of Ngāti Kōata during the process by which land was granted 35

- to the New Zealand Company in 1848, and this failure was a breach of the Treaty of Waitangi and its principles.
- (3) The Crown acknowledges that in the reserves that became known as the Nelson and Motueka “tenths” it failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Ngāti Kōata. The Crown acknowledges that this failure was in breach of the Treaty of Waitangi and its principles. 5
- (4) The Crown acknowledges that—
- (a) Ngāti Kōata had negligible involvement in the administration of the tenths reserves between 1842 and 1977: 10
 - (b) on occasion, the Crown used tenths funds as a partial replacement to government spending:
 - (c) it was not until 1892, several decades after the establishment of the tenths, that the beneficiaries of the tenths fund were identified. 15
- (5) The Crown acknowledges that certain actions and omissions with respect to the administration of the Nelson and Motueka tenths reserves, including the imposition of a regime of perpetually renewable leases, and permitting the Māori Trustee to sell “uneconomic interests” and tenths land in the twentieth century, resulted in prejudice to those Ngāti Kōata who held a beneficial interest in the tenths reserves fund and were in breach of the Treaty of Waitangi and its principles. 20
- (6) The Crown acknowledges that in 1852 it sought to purchase the Pakawau block before Ngāti Kōata and other Māori became aware of the full potential value of its minerals, and the price paid reflected the agricultural value of the land only. 25
- (7) The Crown acknowledges that when it purchased most of the remaining Māori land in Te Tau Ihu between 1853 and 1856— 30
- (a) it did not negotiate with Ngāti Kōata as an iwi prior to signing the 1853 Te Waipounamu deed, and used the 1853 deed as the basis for its negotiations with resident Ngāti Kōata in 1856, whereby Ngāti Kōata alienated most of their remaining interests for a small price; and 35
 - (b) it did not set aside adequate reserves for the present and future needs of Ngāti Kōata in Te Tau Ihu.

- The Crown acknowledges that it failed to adequately protect the interests of Ngāti Kōata when purchasing their land and this was a breach of the Treaty of Waitangi and its principles.
- (8) The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Ngāti Kōata, in particular the awarding of land to individual Ngāti Kōata rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of the traditional tribal structures of Ngāti Kōata. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.
- (9) The Crown acknowledges that the alienation of the Whakapuaka block has remained a significant grievance for Ngāti Kōata down to the present day. The Crown also acknowledges that it did not take steps to effect a reinvestigation of the Whakapuaka case until 1936.
- (10) The Crown acknowledges that it failed to issue title to the Ngāti Kōata owners of the Te Māpou and Te Raetihi “landless natives” reserves until 1968. The Crown’s failure to implement the scheme effectively meant that it did nothing to alleviate the landless position of those Ngāti Kōata in Te Tau Ihu and this was a breach of the Treaty of Waitangi and its principles.
- (11) The Crown acknowledges that since 1856 much of Ngāti Kōata’s reserve land, Rangitoto Island, and its surrounding islands, including Puangiangi and Whakaterepapanui, have been alienated from Ngāti Kōata ownership. This included the Crown’s acquisition of Takapourewa Island for public works purposes and purchase of part of Whangarae reserve for scenery preservation purposes.
- (12) The Crown acknowledges that several islands at the entrance to Croisilles Harbour continued to be used by Ngāti Kōata as mahinga kai following their sale to the Crown in 1856. The Crown also acknowledges that when it declared the islands as scenic reserves in 1980 this detrimentally impacted on Ngāti Kōata’s customary use of the islands.

- (13) The Crown acknowledges that it made several attempts to acquire ownership of Kurupongi Island from Ngāti Kōata. The Crown also acknowledges that by gazetting Kurupongi as a wildlife sanctuary in 1957 the Crown took effective control of the island, although Ngāti Kōata retained ownership and mutation-birding rights. 5
- (14) The Crown acknowledges that the cumulative effect of the Crown's actions and omissions left Ngāti Kōata virtually landless. The Crown's failure to ensure that Ngāti Kōata retained sufficient land was a breach of the Treaty of Waitangi and its principles. 10
- (15) The Crown acknowledges that the discouragement of the use of Te Reo Māori in Native Schools established in areas where Ngāti Kōata lived detrimentally impacted on the retention of Ngāti Kōata culture. 15
- (16) The Crown acknowledges that the isolation and poor quality of their reserve land at Croisilles and Rangitoto, and the lack or slow delivery of social services in these areas, resulted in poor economic and health conditions for Ngāti Kōata communities. The Crown also acknowledges that these circumstances forced many Ngāti Kōata to leave their land and seek economic, social, and educational opportunities elsewhere, including outside of Te Tau Ihu. 20
- (17) The Crown acknowledges that through the alienation of most of their land Ngāti Kōata have lost control over many of their significant sites and resources. This has had an ongoing impact on the ability of Ngāti Kōata to maintain spiritual connections to their ancestral lands. 25

199 Text of apology for Ngāti Kōata

The text of the apology set out in the deed of settlement for Ngāti Kōata is as follows: 30

- (1) The Crown makes the following apology to Ngāti Kōata, to their ancestors, and to their descendants.
- (2) When Ngāti Kōata rangatira signed the Treaty of Waitangi at Rangitoto Island in May 1840, they entered into a relationship with the Crown based on hope and mutual respect. However, the Crown accepts and is deeply sorry that it has not always 35

fulfilled its obligations under the Treaty of Waitangi and, for this, unreservedly apologises to Ngāti Kōata.

- (3) The Crown regrets and apologises for its failure to properly respect the rangatiratanga of Ngāti Kōata. Crown actions, moreover, left Ngāti Kōata virtually landless in Te Tau Ihu and alienated them from many of their most sacred sites. For this too the Crown apologises. Their disconnection from their lands marginalised Ngāti Kōata in the economic development of Te Tau Ihu, and had devastating consequences for the social, cultural, and spiritual well-being of Ngāti Kōata. Those consequences continue to be felt today.
- (4) With this apology and settlement the Crown seeks to atone for its wrongs. The Crown hopes that through this apology and settlement it can build a new, positive, and enduring relationship with Ngāti Kōata based on mutual trust and co-operation and respect for the Treaty of Waitangi and its principles.

*Historical account, acknowledgements, and
apology for Ngāti Rārua*

200 Summary of historical account for Ngāti Rārua

The historical account set out in the deed of settlement for Ngāti Rārua is summarised as follows:

- (1) Ngāti Rārua came to the northern South Island in the late 1820s. Ngāti Rārua established pā and kainga at Te Tai Tapu, Golden Bay, Tasman Bay, and Wairau.
- (2) In 1839 the New Zealand Company signed deeds with Māori that purported to purchase the entire northern South Island. No Ngāti Rārua resident in the west of the northern South Island signed the Company deeds. In 1842 the Company presented gifts to local Māori, including Ngāti Rārua, upon establishing its Nelson settlement. Ngāti Rārua expressed an interest in European settlement, but denied that the 1839 transactions had effected a sale of their land.
- (3) In 1844 a Crown-appointed commissioner investigated the Company's purchases. He heard from only one Māori witness in Nelson, who was Ngāti Rārua, before suspending the inquiry to enable the company to negotiate a settlement. Local Māori signed deeds of release in return for accepting

payments described by the commissioner as gifts to assist settlement rather than payments for the land. A share of the money was set aside for Golden Bay Ngāti Rārua not present at the commissioner's hearing or arbitration.

- (4) In 1845, on the commissioner's recommendation, the Crown prepared a grant to the New Zealand Company of 151 000 acres of land in Tasman and Golden Bays, which would have reserved 15 100 acres for Māori. However, the Company objected to several aspects of this grant. In 1848 the Company accepted a new Crown grant for a larger area of land that reserved only 5 053 acres at Nelson and Motueka, and areas in Wairau and Golden Bay.
- (5) Ngāti Rārua had negligible involvement in the administration of the Nelson and Motueka reserves, known as "Tenths". Most were leased to settlers to generate income that was spent on Māori purposes. In the 1850s and 1860s the Crown allocated a number of Motueka Tenths sections to Ngāti Rārua for their occupation. However, ownership of these lands was not granted separately to Ngāti Rārua. From 1887 the Tenths were leased under perpetually renewable leases. Rentals were infrequently reviewed and over time inflation reduced rental returns. During the twentieth century the Tenths were reduced by the compulsory acquisition of uneconomic shares and the sale of reserves.
- (6) In 1847 the Crown purchased the Wairau district from three North Island chiefs. No other right holders, including Ngāti Rārua, were consulted or involved in the transaction. In 1852, the Crown purchased the mineral-rich Pakawau block, paying only for its agricultural value. The 1853 Te Waipounamu deed purported to purchase all remaining land in the region. Ngāti Rārua in the west of the northern South Island did not sign the deed, but were to receive a share of the purchase money. Ngāti Rārua protested the Crown's actions, but it was not until 1855 that the Crown met with resident Māori to finalise the purchase. During these negotiations the Crown applied pressure on Ngāti Rārua, including presenting their land as already sold. Ngāti Rārua and another iwi were paid £600 for their remaining interests in Te Waipounamu. The reserves created by the Crown for Ngāti Rārua from the Waipounamu purchase,

particularly at Wairau and Pukatea, were generally inadequate for customary use or agricultural farming.

- (7) Ngāti Rārua had excluded the 88 350 acre Te Tai Tapu block from the Waipounamu sale. In 1873 the Crown took effective control of Te Tai Tapu to regulate gold mining on the land. 5
However, Ngāti Rārua obtained little financial benefit from the arrangement. In 1883 Ngāti Rārua sold the block.
- (8) By the late nineteenth century, Ngāti Rārua were virtually landless. At this time the Crown allocated landless Ngāti Rārua individuals land on Stewart Island, but never granted 10
them title to the land.
- (9) In the decades following the major land purchases of the mid-nineteenth century, the socio-economic position of Ngāti Rārua and the Māori population of the northern South Island became characterised by marginal economic status, poor 15
health, and low educational attainment.

201 Text of acknowledgements for Ngāti Rārua

The text of the acknowledgements set out in the deed of settlement for Ngāti Rārua is as follows:

- (1) The Crown acknowledges that it has failed to deal with the 20
long-standing grievances of Ngāti Rārua in an appropriate way and that recognition of these grievances is long overdue.
- (2) The Crown acknowledges that it failed to adequately inform itself of and protect the interests, including the ongoing needs, of Ngāti Rārua during the process by which land was granted 25
to the New Zealand Company in 1848, and this failure was a breach of the Treaty of Waitangi and its principles.
- (3) The Crown acknowledges that when it purchased most of the remaining Māori land in Te Tau Ihu between 1847 and 1856—
 - (a) it did not deal with Ngāti Rārua in its negotiation of the 30
1847 Wairau purchase:
 - (b) it did not negotiate with Ngāti Rārua in Te Tau Ihu prior to signing the 1853 Te Waipounamu deed and applied heavy pressure in its negotiations with resident Ngāti Rārua in 1855, including presenting the land as already 35
sold:

- (c) it did not set aside adequate reserves for the present and future needs of Ngāti Rārua in Te Tau Ihu.
- The Crown acknowledges that it failed to adequately protect the interests of Ngāti Rārua when purchasing their land and this was a breach of the Treaty of Waitangi and its principles. 5
- (4) The Crown acknowledges that it sought to purchase the Pakawau block before Ngāti Rārua and other Māori became aware of the full potential value of its minerals, and the price paid reflected the agricultural value of the land only.
- (5) The Crown acknowledges that the absence of defined interior boundaries in the 1855 Te Waipounamu deed with Ngāti Rārua contributed to later uncertainty among Ngāti Rārua over what they had alienated and numerous applications to the Native Land Court in 1883 for land they considered they had not sold. 10
- (6) The Crown acknowledges that in the reserves that became known as the Nelson and Motueka “tenths” it failed to adequately provide for Ngāti Rārua to control those lands they occupied and used, and failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Ngāti Rārua. The Crown acknowledges that these failures were in breach of the Treaty of Waitangi and its principles. 15 20
- (7) The Crown acknowledges that the grant of tenths land at Whakarewa in 1853 meant that some Ngāti Rārua whanau had to move from land they were occupying at the time. The Crown further acknowledges that despite protests from Māori beginning in 1881 the Whakarewa lands were not returned until 1993. 25
- (8) The Crown acknowledges that—
- (a) Ngāti Rārua had negligible involvement in the administration of the tenths reserves between 1842 and 1977: 30
- (b) on occasion, the Crown used tenths funds as a partial replacement to government spending:
- (c) it was not until 1892, several decades after the establishment of the tenths, that the beneficiaries of the tenths fund were identified. 35
- (9) The Crown acknowledges that certain actions and omissions with respect to the administration of the Nelson and Motueka tenths reserves, including the imposition of a regime of per-

- petually renewable leases, and permitting the Māori Trustee to sell “uneconomic interests” and tenths land in the twentieth century, resulted in prejudice to those Ngāti Rārua who held a beneficial interest in the tenths reserves fund and were in breach of the Treaty of Waitangi and its principles. 5
- (10) The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Ngāti Rārua, in particular the awarding of land to individual Ngāti Rārua rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of the traditional tribal structures of Ngāti Rārua. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles. 10
- (11) The Crown acknowledges that the Wairau reserve had only a small area of cultivatable land and its flood-prone nature limited the effectiveness of the development scheme that operated on the reserve during the mid-twentieth century. 15
- (12) The Crown acknowledges that owing to its isolation and poor quality the Pukatea reserve provided little return to the Ngāti Rārua owners. The Crown further acknowledges that Ngāti Rārua felt that considerable public pressure contributed to their decision to sell their land at Pukatea to the Crown in the 1950s. 20
- (13) The Crown acknowledges that— 25
- (a) the Ngāti Rārua rangatira Riwai Turangapeke excluded the Te Tai Tapu block from the Crown’s Te Wai-pounamu purchase:
 - (b) between 1862 and 1873 the Crown did not properly manage the issuing of licences and collection of fees from gold miners on Te Tai Tapu: 30
 - (c) in 1873 Ngāti Rārua gave up effective control of Te Tai Tapu to the Crown in order to properly regulate gold mining on the block:
 - (d) between 1862 and 1883 Ngāti Rārua obtained little financial benefit from its agreements with the Crown to allow gold mining on Te Tai Tapu. 35
- (14) The Crown acknowledges that the cumulative effect of the Crown’s actions and omissions left Ngāti Rārua virtually land-

less. The Crown's failure to ensure that Ngāti Rārua retained sufficient land was a breach of the Treaty of Waitangi and its principles.

- (15) The Crown acknowledges that members of Ngāti Rārua were never issued title to land allocated to them on Stewart Island under the "landless natives" scheme. The Crown's failure to implement the scheme effectively meant that it did nothing to alleviate the landless position of those Ngāti Rārua in Te Tau Ihu and this was a breach of the Treaty of Waitangi and its principles.

202 Text of apology for Ngāti Rārua

The text of the apology set out in the deed of settlement for Ngāti Rārua is as follows:

- (1) The Crown sincerely offers the following apology to Ngāti Rārua, to their tūpuna, and to their descendants.
- (2) The Crown recognises the efforts and struggles of Ngāti Rārua and their tūpuna over several generations in pursuit of justice.
- (3) The Crown is deeply sorry that it has not fulfilled its obligations to Ngāti Rārua under Te Tiriti o Waitangi/the Treaty of Waitangi and, for this, unreservedly apologises to Ngāti Rārua.
- (4) The Crown admits it did not include Ngāti Rārua in its purchase of the Wairau district in 1847, and only belatedly recognised Ngāti Rārua interests in its Te Waipounamu purchase. The Crown apologises for these failures to recognise the rangatiratanga of Ngāti Rārua and protect their interests.
- (5) The Crown is sorry that its actions rendered Ngāti Rārua virtually landless in their rohe. This had a devastating impact on the social and cultural well-being of the people of Ngāti Rārua that continues to be seen today. The Crown also accepts that the loss of their land and their restriction to inadequate reserves has significantly marginalised Ngāti Rārua from the benefits of economic development, and limited the autonomy and ability of the iwi to exercise customary rights and responsibilities throughout the Ngāti Rārua rohe.
- (6) The Crown with this settlement acknowledges the rangatiratanga of Ngāti Rārua and seeks to restore the Crown's honour. The Crown hopes this apology and settlement will mark the

beginning of a renewed and enduring relationship with Ngāti Rārua based on mutual trust, co-operation, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

*Historical account, acknowledgements, and
apology for Ngāti Tama ki Te Tau Ihu*

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203 Summary of historical account for Ngāti Tama ki Te Tau Ihu

The historical account set out in the deed of settlement for Ngāti Tama ki Te Tau Ihu (**Ngāti Tama**) is summarised as follows:

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- (1) Ngāti Tama came to Te Tau Ihu o te Waka a Maui (the northern South Island) in the late 1820s and established pā and kainga at several localities in Te Tau Ihu including Te Tai Tapu, Golden Bay, and Wakapuaka.
- (2) In 1839 the New Zealand Company signed deeds with Māori that purported to purchase the entire northern South Island. No Ngāti Tama signed the Company's deeds. In 1842 the New Zealand Company established its Nelson settlement and distributed gifts to local Māori, including Ngāti Tama, as "a present upon settling on the land". Some Ngāti Tama from Wakapuaka who received gifts also objected to their land being sold by the 1839 deeds.
- (3) In 1844 a Crown-appointed Commissioner investigated the Company's purchases. He heard from only one Māori witness in Nelson before suspending the inquiry to enable the Company to negotiate a settlement. Māori, including Ngāti Tama, signed deeds of release in return for payments which the Commissioner described as gifts to assist settlement rather than payments for the land. Golden Bay Ngāti Tama were not present at the Commissioner's hearing or arbitration. Nonetheless a share of the money was set aside for them.
- (4) In 1845, on the Commissioner's recommendation, the Crown prepared a grant to the New Zealand Company of 151 000 acres of land in Tasman and Golden Bays which would have reserved 15 100 acres for Māori. However, the Company objected to several aspects of this grant. In 1848 the Company accepted a new Crown grant for a larger area of land in Te

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- Tau Ihu that reserved only 5 053 acres of land at Nelson and Motueka, as well as areas in Golden Bay and Wairau.
- (5) Ngāti Tama had negligible involvement in the administration of the Nelson and Motueka reserves, known as the “Tenths”. Most were leased to settlers to generate income that was spent on Māori purposes. In 1862 the Crown allocated parts of at least four Motueka Tenths sections for Ngāti Tama occupation. However, ownership of these lands was not separately granted to Ngāti Tama. From 1887 the Tenths were leased under perpetually renewable leases. Rentals were infrequently reviewed and over time inflation reduced the value of rental returns. During the twentieth century the Tenths reserves were reduced by the compulsory acquisition of uneconomic shares and the sale of reserves. 5 10
- (6) In 1853 the Crown granted land at Motueka to the Church of England to establish a school. The grant comprised 160 acres of Crown land and 918 acres of Tenths reserves. Ngāti Tama whanau had to move from the reserves when the school was established. The school was closed in 1881 but the land was not restored to Māori until 1993. Ngāti Tama were not included in the trust established to administer the land. 15 20
- (7) In 1852 the Crown purchased the mineral-rich Pakawau block paying only for its agricultural value. In 1853 the Crown purported to purchase all remaining Māori land in Te Tau Ihu through the Waipounamu deed. Ngāti Tama as an iwi was not involved in the negotiation and protested the Crown’s actions. The Crown did not meet with resident Māori to finalise the purchase until 1855 when Crown agents applied pressure on Ngāti Tama by presenting their land as already sold. Ngāti Tama and another iwi received £600 for their remaining interests in Te Waipounamu, although Ngāti Tama excluded Wakapuaka from the sale. Many of the reserves created for Ngāti Tama from the Waipounamu purchase were found over time to be inadequate for development in the new economy. Some reserves were quickly sold. In 1892 the Native Land Court awarded the remaining reserves to individual Ngāti Tama. Over time, ownership of the reserves became increasingly fragmented through successions to the interests of deceased owners. 25 30 35

- (8) In 1883 the Native Land Court awarded Wakapuaka to a sole Ngāti Tama individual. This disinherited other Ngāti Tama who had lived on Wakapuaka since the 1830s. Protests from Ngāti Tama eventually led the Crown to promote legislation authorising a reinvestigation of the remaining portions of Wakapuaka. In 1937 some Ngāti Tama were awarded interests, but not all Ngāti Tama whanau who had previously resided on Wakapuaka were admitted to the title. 5
- (9) By the end of the twentieth century the virtual landlessness of Ngāti Tama had contributed to some Ngāti Tama leaving Te Tau Ihu and losing their connection with their iwi and turangawaewae. 10

204 Text of acknowledgements for Ngāti Tama ki Te Tau Ihu

The text of the acknowledgements set out in the deed of settlement for Ngāti Tama ki Te Tau Ihu (**Ngāti Tama**) is as follows: 15

- (1) The Crown acknowledges that it has failed to address the long-standing grievances of Ngāti Tama in an appropriate way and that recognition of these grievances is long overdue.
- (2) The Crown acknowledges that it failed to adequately inform itself of and protect the interests of Ngāti Tama, including their ongoing needs, during the process by which land was granted to the New Zealand Company in 1848. The Crown acknowledges that this failure was a breach of the Treaty of Waitangi and its principles. 20
- (3) The Crown acknowledges that, in respect of the reserves that were formally established following the 1848 Crown grant of land to the New Zealand Company and which became known as the Nelson and Motueka “Tenths”,— 25
- (a) it failed to adequately provide for Ngāti Tama to control those lands they occupied and used; and 30
- (b) it failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Ngāti Tama.

The Crown acknowledges that these failures were in breach of the Treaty of Waitangi and its principles and that as a consequence Ngāti Tama was unable to fully benefit from the developing economy of Nelson and the wider Te Tau Ihu region. 35

- (4) The Crown acknowledges that the grant of Tenths land at Whakarewa in 1853 meant that some Ngāti Tama whanau had to move from land they were occupying at the time. The Crown further acknowledges that despite protests from Māori beginning in 1881 the Whakarewa lands were not returned until 1993. 5
- (5) The Crown acknowledges that in 1852 it sought to purchase the Pakawau block before Ngāti Tama and other Māori became aware of the full potential value of its minerals and that the price paid reflected the agricultural value of the land only. 10
- (6) The Crown acknowledges that it did not include Ngāti Tama in its negotiations in 1862 to regulate gold mining on the Te Tai Tapu block.
- (7) The Crown acknowledges that when it purchased most of the remaining Māori land in Te Tau Ihu between 1853 and 1856— 15
- (a) it did not negotiate with Ngāti Tama as an iwi prior to signing the 1853 Te Waipounamu deed and applied heavy pressure in its negotiations with resident Ngāti Tama in 1855, including presenting the land as already sold; and 20
- (b) it did not set aside adequate reserves for the present and future needs of Ngāti Tama in Te Tau Ihu.
- The Crown acknowledges that these failures meant that it failed to adequately protect the interests of Ngāti Tama when purchasing their land and this was in breach of the Treaty of Waitangi and its principles. 25
- (8) The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Ngāti Tama and, in particular, the awarding of land to individuals, rather than to Ngāti Tama as an iwi,— 30
- (a) made those lands more susceptible to partition, fragmentation, and alienation; and
- (b) further contributed to the erosion of the traditional social and cultural structures of Ngāti Tama.
- The Crown acknowledges that it failed to take adequate steps to protect the traditional social and cultural structures of Ngāti Tama and that this was a breach of the Treaty of Waitangi and its principles. 35

- (9) The Crown acknowledges that it first became aware of protest by Ngāti Tama over the Native Land Court’s Wakapuaka decision in 1896, but that it did not take steps to effect a reinvestigation of the Wakapuaka case until 1936. The Crown also acknowledges that the alienation of the Wakapuaka block has remained a significant grievance for Ngāti Tama down to the present day. 5
- (10) The Crown acknowledges that—
- (a) Ngāti Tama had negligible involvement in the administration of the Tenth reserves between 1842 and 1977: 10
 - (b) on occasion, the Crown used Tenth funds as a partial replacement to government spending:
 - (c) it was not until 1892, several decades after the establishment of the Tenth, that the beneficiaries of the Tenth fund were identified: 15
 - (d) while the interests of Ngāti Tama in the Tenth reserves were recognised, beneficial interests in the Tenth fund were awarded to individuals, rather than to Ngāti Tama as an iwi.
- (11) The Crown acknowledges that certain actions and omissions with respect to the administration of the Nelson and Motueka Tenth reserves resulted in prejudice to those Ngāti Tama who held a beneficial interest in the Tenth reserves fund, including— 20
- (a) the imposition of a regime of perpetually renewable leases; and 25
 - (b) permitting the Māori Trustee to sell “uneconomic interests” and Tenth land in the twentieth century.
- The Crown acknowledges that these actions and omissions were in breach of the Treaty of Waitangi and its principles. 30
- (12) The Crown acknowledges that the loss of lands and resources over time has damaged the mana, social structure, and well-being of Ngāti Tama as an iwi. The Crown also acknowledges that this contributed to some Ngāti Tama leaving Te Tau Ihu and losing their connection with Ngāti Tama and their turangawaewae. 35
- (13) The Crown acknowledges that—
- (a) the cumulative effect of the Crown’s actions and omissions has left Ngāti Tama virtually landless; and

- (b) the Crown's failure to ensure that Ngāti Tama retained sufficient land for its present and future needs was a breach of the Treaty of Waitangi and its principles.
- (14) The Crown further acknowledges that the cumulative effect of these actions and omissions has— 5
 - (a) hindered Ngāti Tama's economic, social, and cultural development; and
 - (b) undermined Ngāti Tama's relationship with the Crown.

205 Text of apology for Ngāti Tama ki Te Tau Ihu

The text of the apology set out in the deed of settlement for Ngāti Tama ki Te Tau Ihu (**Ngāti Tama**) is as follows: 10

- (1) The Crown makes the following apology to Ngāti Tama and to their ancestors and descendants.
- (2) The Crown profoundly regrets and unreservedly apologises for breaching its obligations to Ngāti Tama under the Treaty of Waitangi. 15
- (3) The Crown profoundly regrets and apologises for its cumulative acts and omissions which left Ngāti Tama virtually landless in Te Tau Ihu. The Crown deeply regrets and sincerely apologises that it did not adequately protect the interests of Ngāti Tama and appropriately respect Ngāti Tama rangatira-tanga when purchasing their land. 20
- (4) The Crown is deeply remorseful for the significant damage that the alienation of Ngāti Tama from their whenua and customary resources in Golden and Tasman Bays has caused over many generations to the traditional social and cultural structures, mana, and well-being of Ngāti Tama. 25
- (5) The Crown is sincerely sorry that its actions and omissions have detrimentally affected the ability of Ngāti Tama to exercise customary rights and responsibilities within their rohe and contributed to their economic and social marginalisation in Te Tau Ihu. 30
- (6) With this apology the Crown seeks to atone for its past wrongs, restore its honour, which has been damaged by its actions, and begin the process of healing. With this settlement the Crown looks forward to beginning a renewed and enduring relationship with Ngāti Tama based on good faith, mutual trust and 35

co-operation, and respect for the Treaty of Waitangi and its principles.

*Historical account, acknowledgements, and
apology for Te Ātiawa o Te Waka-a-Māui*

- 206 Summary of historical account for Te Ātiawa o Te Waka-a-Māui** 5
- The historical account set out in the deed of settlement for Te Ātiawa o Te Waka-a-Māui (**Te Ātiawa**) is summarised as follows:
- (1) Te Ātiawa came to Te Tau Ihu (the northern South Island) in the late 1820s. Te Ātiawa established pā and kainga at Queen Charlotte Sound (Tōtaranui), Tasman Bay, Golden Bay, and Te Tai Tapu. 10
 - (2) In 1839 the New Zealand Company signed deeds with Māori that purported to purchase the entire northern South Island. In 1840 over twenty Te Ātiawa signed the Treaty of Waitangi at Tōtaranui. 15
 - (3) In 1842 the Company presented gifts to local Māori, including Te Ātiawa, upon establishing its Nelson settlement. Te Ātiawa also contested the meaning of the Company's 1839 transactions. In 1844 a Crown-appointed commissioner investigated the Company's purchases. He heard from one Māori witness in Nelson before suspending the inquiry to enable the Company to negotiate a settlement. Māori signed deeds of release in return for accepting payments described by the commissioner as gifts to assist settlement rather than payments for the land. Some Te Ātiawa from Golden Bay were not present at the commissioner's hearing. 20 25
 - (4) In 1845, on the commissioner's recommendation, the Crown prepared a grant to the New Zealand Company of 151 000 acres in Tasman and Golden Bays, which would have reserved 15 100 acres for Māori. However, the Company objected to several aspects of this grant. In 1848 the Company accepted a new Crown grant for a larger area of land that reserved only 5 053 acres at Nelson and Motueka, and areas in the Wairau and Golden Bay. 30 35

- (5) Te Ātiawa had negligible involvement in the administration of the Nelson and Motueka reserves, known as “Tenths”, which were leased to settlers to generate income that was spent on Māori purposes. In the 1850s and 1860s the Crown allocated a number of Motueka Tenths sections to Te Ātiawa for their occupation. However, ownership of these lands was not granted separately to Te Ātiawa. From 1887 the Tenths were leased under perpetually renewable leases. Rentals were infrequently reviewed and over time inflation reduced rental returns. During the twentieth century the Tenths were reduced by the compulsory acquisition of uneconomic shares and the sale of reserves.
- (6) Between 1848 and 1850 the Crown assisted the New Zealand Company to purchase Waitohi (now known as Picton), the principal settlement of Te Ātiawa in Tōtaranui. As part of the sale Te Ātiawa relocated to a reserve at Waikawa that had less suitable soil for cultivation than Waitohi.
- (7) In 1852, the Crown purchased the mineral-rich Pakawau block. The Crown only paid for the agricultural value of Pakawau. In 1853, the Crown signed the Waipounamu deed with other iwi, and purported to have purchased most of the remaining Māori land in Te Tau Ihu. Te Ātiawa did not sign the deed, but were to receive a share of the purchase money. The Crown used the 1853 deed to pressure resident Te Ātiawa to agree to the sale and the alienation of their land. Resident Te Ātiawa received £613 for the Waipounamu purchase compared with £900 paid to non-resident Te Ātiawa. The reserves created for Te Ātiawa were generally inadequate for customary use or agricultural or pastoral farming. Over time most Te Ātiawa reserves in Tōtaranui and Golden Bay were alienated, including several hundred acres taken by the Crown for public works and scenery preservation purposes.
- (8) By the late nineteenth century, Te Ātiawa were virtually landless. At this time the Crown allocated landless Te Ātiawa individuals land on Stewart Island and on the West Coast, but never granted them title to the land.
- (9) The loss of land and poor quality reserves have contributed to socio-economic hardship for Te Ātiawa. Crown policies of assimilation and integration as well as urbanisation exac-

erbated cultural dislocation. Te Ātiawa have lost connection with many significant sites and resources, which has had a detrimental effect on their spiritual, economic, and cultural well-being.

207 Text of acknowledgements for Te Ātiawa o Te Waka-a-Māui 5

The text of the acknowledgements set out in the deed of settlement for Te Ātiawa o Te Waka-a-Māui (**Te Ātiawa**) is as follows:

- (1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Te Ātiawa in an appropriate way and that recognition of these grievances is long overdue. 10
 - (2) The Crown acknowledges that it failed to adequately inform itself of and protect the interests, including the ongoing needs, of Te Ātiawa during the process by which land was granted to the New Zealand Company in 1848, and this failure was a breach of the Treaty of Waitangi and its principles. 15
 - (3) The Crown acknowledges that Waitohi, at the head of Tōtaranui (Queen Charlotte Sound), was Te Ātiawa's principal settlement on the mainland, and that— 20
 - (a) the Crown's promise to survey a town at Waikawa was the main incentive for Te Ātiawa to finally agree to sell Waitohi and move to Waikawa: 25
 - (b) the Crown did not precisely define the boundaries of the land to be purchased in the preliminary 1848 agreement and did not show the boundaries of the purchase on a map until a deed was signed in 1850: 25
 - (c) the land set aside for Te Ātiawa at Waikawa was less suitable for their cultivations than the land they gave up at Waitohi: 30
 - (d) the Crown did not fulfil its promise in the 1850 deed to build a chapel for Te Ātiawa at Waikawa until 1860. 30
- The Crown acknowledges the sense of grievance felt by Te Ātiawa at having to relocate from Waitohi to Waikawa and that this grievance exists to the present day. 35
- (4) The Crown acknowledges that it sought to purchase the Pakawau block before Te Ātiawa and other Māori became

aware of the potential value of its minerals, and the price paid reflected the agricultural value of the land only.

- (5) The Crown acknowledges that when it purchased most of the remaining Māori land in Te Tau Ihu between 1847 and 1856:
 - (a) it did not negotiate with Te Ātiawa in Te Tau Ihu prior to signing the 1853 Te Waipounamu deed and applied heavy pressure in its negotiations with resident Te Ātiawa in 1856 to agree to the Waipounamu purchase; and
 - (b) it did not set aside adequate reserves for the present and future needs of Te Ātiawa in Te Tau Ihu.

The Crown acknowledges that it failed to adequately protect the interests of Te Ātiawa when purchasing their land and that this was a breach of the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that it did not include Te Ātiawa in its negotiations in 1862 to regulate gold mining on the Taitapu block.
- (7) The Crown acknowledges that in the reserves that became known as the Nelson and Motueka “tenths” it failed to adequately provide for Te Ātiawa to control those lands they occupied and used, and failed to ensure that the area ultimately reserved was sufficient for the ongoing use and benefit of Te Ātiawa. The Crown acknowledges that these failures were in breach of the Treaty of Waitangi and its principles.
- (8) The Crown acknowledges that the grant of tenths land at Whakarewa in 1853 meant that some Te Ātiawa whanau had to move from land they were occupying at the time. The Crown further acknowledges that despite protests from Māori beginning in 1881 the Whakarewa lands were not returned until 1993.
- (9) The Crown acknowledges that—
 - (a) Te Ātiawa had negligible involvement in the administration of the tenths reserves between 1842 and 1977; and
 - (b) it was not until 1892, several decades after the establishment of the tenths, that the beneficiaries of the tenths fund were identified.
- (10) The Crown acknowledges that certain actions and omissions with respect to the administration of the Nelson and Motueka

tenths reserves, including the imposition of a regime of perpetually renewable leases, and permitting the Māori Trustee to sell “uneconomic interests” and tenths land in the twentieth century, resulted in prejudice to those Te Ātiawa who held a beneficial interest in the tenths reserves fund and were in breach of the Treaty of Waitangi and its principles. 5

- (11) The Crown acknowledges that the operation and impact of the native land laws on the reserves granted to Te Ātiawa, in particular the awarding of land to individual Te Ātiawa rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of the traditional tribal structures of Te Ātiawa. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles. 10 15
- (12) The Crown acknowledges that most of the reserves set aside for Te Ātiawa from the Waitohi and Te Waipounamu purchases have over time been alienated from Te Ātiawa ownership, including through Crown takings from their Waikawa reserve for public works, and from their Queen Charlotte Sound reserves for scenery preservation purposes. 20
- (13) The Crown acknowledges that members of Te Ātiawa were never issued title to land allocated to them on Stewart Island and at Whakapoai under the “landless natives” scheme. The Crown’s failure to implement the scheme effectively meant that it did nothing to alleviate the landless position of those Te Ātiawa in Te Tau Ihu and this was a breach of the Treaty of Waitangi and its principles. 25
- (14) The Crown acknowledges that the cumulative effect of Crown actions and omissions left Te Ātiawa virtually landless. The Crown’s failure to ensure that Te Ātiawa retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. 30
- (15) The Crown acknowledges that environmental modification and degradation, particularly in the Marlborough Sounds, has had a detrimental impact on sites of cultural and spiritual significance to Te Ātiawa and limited the ability of Te Ātiawa to access some of their traditional land and sea resources. 35

208 Text of apology for Te Ātiawa o Te Waka-a-Māui

The text of the apology set out in the deed of settlement for Te Ātiawa o Te Waka-a-Māui (**Te Ātiawa**) is as follows:

- (1) The Crown makes the following apology to Te Ātiawa, and to their ancestors and descendants. 5
- (2) The Crown is deeply sorry that it has failed to live up to the obligations it accepted when more than twenty Te Ātiawa rangatira signed the Treaty of Waitangi at Totaranui (Queen Charlotte Sound) in May 1840.
- (3) The Crown profoundly regrets and apologises for its actions, which left Te Ātiawa virtually landless in Te Tau Ihu. The Crown recognises that by 1860 Crown land purchases in Te Tau Ihu had largely restricted Te Ātiawa to isolated reserves and marginalised the iwi from the new emerging economy. In particular the Crown regrets that when it arranged the purchase of Waitohi as the site of a town for settlers, this meant Te Ātiawa had to forsake their principal settlement in Totaranui. 10 15
- (4) The Crown acknowledges that it has failed to appropriately respect Te Ātiawa rangatiratanga. It is greatly remorseful that, over the generations to the present day, Crown actions have undermined your social and traditional structures, and your autonomy and ability to exercise your customary rights and responsibilities. 20
- (5) The Crown unreservedly apologises to Te Ātiawa for failing to honour its obligations under the Treaty of Waitangi. Through this apology the Crown seeks to atone for these wrongs and hopes that this settlement will mark the beginning of a new relationship with Te Ātiawa based on the Treaty of Waitangi and its principles. 25

Subpart 2—Interpretation

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209 Interpretation of Act generally

It is the intention of Parliament that the provisions of **Parts 4 to 7** are interpreted in a manner that best furthers the agreements expressed in the deeds of settlement.

210 Interpretation

- (1) In **Parts 4 to 7**, unless the context requires another meaning,—

administering body has the meaning given by section 2(1) of the Reserves Act 1977 5

advisory committee means the committee established by **section 346** to provide advice in relation to the management of rivers and fresh water within the regions of certain councils

affected person has the meaning given by section 2AA(2) of the Resource Management Act 1991 10

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

commercial redress property—

- (a) means a property listed in part 3 of the property redress schedule of a deed of settlement; and 15

- (b) to avoid doubt, includes a licensed property and the unlicensed land

Commissioner of Crown Lands has the same meaning as Commissioner in section 2 of the Land Act 1948

consent authority has the meaning given by section 2(1) of the Resource Management Act 1991 20

conservation land means land that is—

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

- (b) held, managed, or administered by the Department of Conservation under the conservation legislation 25

conservation legislation means the Conservation Act 1987 and the Acts listed in Schedule 1 of that Act

conservation management plan has the meaning given by section 2(1) of the Conservation Act 1987 30

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

conservation protocol—

- (a) means a protocol issued by the Minister of Conservation under **section 222(1)(a)**; and 35

- (b) includes any amendments made to the protocol under **section 222(1)(b)**

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

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

- (a) for a company, control of the composition of its board of directors; and
- (b) for another body, control of the composition of the group that would be its board of directors if the body were a company

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

Crown body means—

- (a) a Crown entity (as defined by section 7(1) of the Crown Entities Act 2004); and
- (b) a State enterprise (as defined by section 2 of the State-Owned Enterprises Act 1986); and
- (c) the New Zealand Railways Corporation; and
- (d) a company or body that is wholly owned or controlled by 1 or more of the following:
 - (i) the Crown;
 - (ii) a Crown entity;
 - (iii) a State enterprise;
 - (iv) the New Zealand Railways Corporation; and
- (e) a subsidiary, or related company, of a company or body referred to in **paragraph (d)**

Crown forestry licence means a licence granted under section 14 of the Crown Forest Assets Act 1989

Crown-owned mineral means a mineral (as defined by 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

cultural redress property has the meaning given by **section 264**

deed of recognition—

- (a) means a deed of recognition issued under **section 239** to the trustees of a settlement trust by—

- (i) the Minister of Conservation and the Director-General; or
 - (ii) the Commissioner of Crown Lands; and
 - (b) includes any amendments to the deed made under **section 239** 5
- deed of settlement—**
- (a) means each of the following 4 deeds of settlement, including any schedules or attachments and including any amendments:
 - (i) the deed of settlement for Ngāti Kōata dated 21 December 2012, entered into by the Crown, Ngāti Kōata, and Te Pātaka a Ngāti Kōata: 10
 - (ii) the deed of settlement for Ngāti Rārua dated 13 April 2012, entered into by the Crown, Ngāti Rārua, and the Ngāti Rārua Settlement Trust: 15
 - (iii) the deed of settlement for Ngāti Tama ki Te Tau Ihu dated 20 April 2013, entered into by the Crown, Ngāti Tama ki Te Tau Ihu, and the Ngāti Tama ki Te Waipounamu Trust:
 - (iv) the deed of settlement for Te Ātiawa o Te Waka-a-Māui dated 21 December 2012, entered into by the Crown, Te Ātiawa o Te Waka-a-Māui, and the Te Ātiawa o Te Waka-a-Māui Trust; but 20
 - (b) in **section 369 and Schedule 9**,—
 - (i) for a related settlement iwi, means the deed of settlement for that iwi defined by **section 18(1) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**; or 25
 - (ii) for Ngati Toa Rangatira, means the deed of settlement for Ngati Toa Rangatira defined by **section 428(1) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013** 30
- deferred selection property** means a property listed in part 4 of the property redress schedule of a deed of settlement—
- (a) that the trustees of the relevant settlement trust have elected to purchase from the Crown by giving notice under paragraph 5.3 of part 5 of that schedule; and 35

- (b) in respect of which the agreement for sale and purchase (formed under paragraph 5.4 or 5.5 of that part 5) has not been cancelled

Director-General means the Director-General of Conservation 5

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

fisheries protocol—

- (a) means a protocol issued by the Minister for Primary Industries under **section 222(1)(a)**; and 10
- (b) includes any amendments made to the protocol under **section 222(1)(b)**

fisheries protocol area means the area shown on the map attached to a fisheries protocol, together with the adjacent waters

freshwater fisheries management plan has the meaning 15 given by section 2(1) of the Conservation Act 1987

Historic Places Trust means the New Zealand Historic Places Trust (Pouhere Taonga) continued by section 38 of the Historic Places Act 1993

historical claims has the meaning given by **section 213** 20

interest, in relation to land, means a lease, tenancy, licence, licence to occupy, easement, covenant, or other right or obligation affecting the land

land holding agency means,—

- (a) for a commercial redress property, the land holding 25 agency specified for the property in part 3 of the property redress schedule of the relevant deed of settlement:
- (b) for a deferred selection property, the land holding agency specified for the property in part 4 of the property redress schedule of the relevant deed of settlement 30

licensed property—

- (a) means a property listed as a licensed land property in table 1 in part 3 of the property redress schedule of a deed of settlement; but
- (b) excludes— 35
 - (i) all trees growing, standing, or lying on the property; and
 - (ii) all improvements that have been—

- (A) acquired by any purchaser of the trees on the property; or
- (B) made, after the acquisition of the trees by the purchaser, by the purchaser or the licensee

5

licensee means the registered holder of a Crown forestry licence

licensor means the licensor of a Crown forestry licence

LINZ means Land Information New Zealand

local authority has the meaning given by section 5(1) of the Local Government Act 2002

10

member, for a settlement iwi, means an individual referred to in **paragraph (a)** of the definition of that iwi in **section 212(1)**

minerals protocol—

15

- (a) means a protocol issued by the Minister of Energy and Resources under **section 222(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 222(1)(b)**

minerals protocol area means the area shown on the map attached to a minerals protocol, together with the adjacent waters

20

national park management plan has the same meaning as management plan in section 2 of the National Parks Act 1980

overlay classification has the meaning given by **section 245(1)**

25

protocol—

- (a) means a protocol issued under **section 222(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 222(1)(b)**

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

30

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

Registrar-General means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

35

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

related settlement iwi has the meaning given by **section 211**

related settlement trust has the meaning given by **section 211**

representative entity means—

- (a) the trustees of each settlement trust; and 5
- (b) any person (including any trustees) acting for, or on behalf of,—
- (i) the collective group referred to in **paragraph (a)** of the definition of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, or Te Ātiawa o Te Waka-a-Māui in **section 212(1)**; or 10
- (ii) 1 or more members of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, or Te Ātiawa o Te Waka-a-Māui; or
- (iii) 1 or more of the whānau, hapū, or groups referred to in **paragraph (c)** of the definition of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, or Te Ātiawa o Te Waka-a-Māui in **section 212(1)** 15

resource consent has the meaning given by section 2(1) of the Resource Management Act 1991 20

responsible Minister means,—

- (a) for a conservation protocol, the Minister of Conservation; or
- (b) for a fisheries protocol, the Minister for Primary Industries; or 25
- (c) for a minerals protocol, the Minister of Energy and Resources; or
- (d) for a taonga tūturu protocol, the Minister for Arts, Culture and Heritage; or
- (e) for any protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers, and perform functions and duties, in relation to the protocol 30

RFR land has the meaning given by **section 370**

settlement date means the date that is 70 working days after the date on which **Parts 4 to 7** come into force 35

settlement iwi has the meaning given by **section 211**

settlement trust has the meaning given by **section 211**

statutory acknowledgement has the meaning given by **section 229(1)**

statutory plan—

- (a) means a district plan, regional plan, regional coastal plan, regional policy statement, or proposed policy statement (as defined by section 43AA of the Resource Management Act 1991); and 5
- (b) includes a proposed plan (as defined by section 43AAC of that Act)

subsidiary has the meaning given by section 5 of the Companies Act 1993 10

taonga tūturu—

- (a) has the meaning given by section 2(1) of the Protected Objects Act 1975; and
- (b) includes ngā taonga tūturu (as defined by section 2(1) of that Act) 15

taonga tūturu protocol—

- (a) means a protocol issued by the Minister for Arts, Culture and Heritage under **section 222(1)(a)**; and
- (b) includes any amendments made to the protocol under **section 222(1)(b)** 20

trustees means the trustees of a trust acting in their capacity as trustees

unlicensed land means the land described as Koromiko Forest in table 2 in part 3 of the property redress schedule of the deed of settlement for Ngāti Rārua 25

working day means a day of the week other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day; and 30
 - (b) a day in the period starting on 25 December in a year and ending on 15 January in the following year; and
 - (c) the day observed as the anniversary of the province of Nelson, Marlborough, or Wellington.
- (2) In **Parts 4 to 7**, a reference to a transfer or vesting of any land (being the fee simple estate in the land) to or in any trustees includes the transfer or vesting of an undivided share of the fee simple estate in the land. 35

- (3) **Subsection (2)** applies unless the context requires another meaning.

211 Interpretation: iwi and trusts

In **Parts 4 to 7**, unless the context requires another meaning,—

5

Ngāti Apa ki te Rā Tō has the meaning given by **section 20(1) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**

Ngāti Apa ki te Rā Tō Trust has the meaning given by **section 19 of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**

10

Ngāti Kōata has the meaning given by **section 212(1)**

Ngāti Kuia has the meaning given by **section 20(1) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**

Ngāti Rārua has the meaning given by **section 212(1)**

15

Ngāti Rārua Settlement Trust means the trust with that name established by a deed of trust dated 11 April 2013

Ngāti Tama ki Te Tau Ihu has the meaning given by **section 212(1)**

Ngāti Tama ki Te Waipounamu Trust means the trust with that name established by a deed of trust dated 21 April 2013

20

Ngāti Toa Rangatira has the meaning given by **section 430(1) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**

Rangitāne o Wairau has the meaning given by **section 20(1) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**

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Rangitāne o Wairau Settlement Trust has the meaning given by **section 19 of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**

30

related settlement iwi means each of the following iwi:

- (a) **Ngāti Apa ki te Rā Tō**;
- (b) **Ngāti Kuia**;
- (c) **Rangitāne o Wairau**

related settlement trust means,—

- (a) for Ngāti Apa ki te Rā Tō, the Ngāti Apa ki te Rā Tō Trust:
- (b) for Ngāti Kuia, the Te Runanga o Ngāti Kuia Trust:
- (c) for Rangitāne o Wairau, the Rangitāne o Wairau Settlement Trust

settlement iwi means each of the following iwi:

- (a) Ngāti Kōata:
- (b) Ngāti Rārua:
- (c) Ngāti Tama ki Te Tau Ihu:
- (d) Te Ātiawa o Te Waka-a-Māui

settlement trust means,—

- (a) for Ngāti Kōata, Te Pātaka a Ngāti Kōata:
- (b) for Ngāti Rārua, the Ngāti Rārua Settlement Trust:
- (c) for Ngāti Tama ki Te Tau Ihu, the Ngāti Tama ki Te Waipounamu Trust:
- (d) for Te Ātiawa o Te Waka-a-Māui, the Te Ātiawa o Te Waka-a-Māui Trust

Te Ātiawa o Te Waka-a-Māui has the meaning given by **section 212(1)**

Te Ātiawa o Te Waka-a-Māui Trust means the trust with that name established by a deed of trust dated 19 December 2012

Te Pātaka a Ngāti Kōata means the trust with that name established by a deed of trust dated 30 November 2012

Te Runanga o Ngāti Kuia Trust has the meaning given by **section 19 of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**

Toa Rangatira Trust has the meaning given by **section 429 of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**.

212 Meaning of Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui

(1) In **Parts 4 to 7**,—

Ngāti Kōata—

- (a) means the collective group composed of individuals who are descended from both—
 - (i) Te Kōata; and

- (ii) any other recognised ancestor of Ngāti Kōata, including an ancestor identified in clause 8.11 of the deed of settlement for Ngāti Kōata, who exercised customary rights predominantly in relation to the area of interest of Ngāti Kōata at any time after 6 February 1840; and 5
 - (b) includes those individuals; and
 - (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals
- Ngāti Rārua—** 10
 - (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Rārua; and
 - (b) includes those individuals; and
 - (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals 15
- Ngāti Tama ki Te Tau Ihu—**
 - (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Tama ki Te Tau Ihu; and 20
 - (b) includes those individuals; and
 - (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals
- Te Ātiawa o Te Waka-a-Māui—**
 - (a) means the collective group composed of individuals who are descended from an ancestor of Te Ātiawa o Te Waka-a-Māui; and 25
 - (b) includes those individuals; and
 - (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals. 30
- (2) In this section,—
 - ancestor of Ngāti Rārua** means—
 - (a) an individual identified in clause 8.9 of the deed of settlement for Ngāti Rārua (being the individuals who settled in Golden Bay, Motueka, Whakatu, and Wairau as a result of the raupatu during the 1820s and who were recorded on the title to land or reserves in the area of interest of Ngāti Rārua as Ngāti Rārua owners or occupiers): 35

- (b) any other individual who—
 - (i) exercised customary rights by virtue of being descended from a recognised tupuna of Ngāti Rārua; and
 - (ii) exercised the customary rights predominantly in relation to the area of interest of Ngāti Rārua at any time after 6 February 1840

ancestor of Ngāti Tama ki Te Tau Ihu means—

- (a) a tupuna identified in part 8 of the documents schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu:
- (b) any other tupuna who exercised customary rights predominantly in relation to the area of interest of Ngāti Tama ki Te Tau Ihu at any time after 6 February 1840 and who is recognised as 1 or more of the following:
 - (i) a Ngāti Tama ki Te Tau Ihu signatory to the second deed of purchase by the New Zealand Company signed at Arapawa Island in November 1839:
 - (ii) a Ngāti Tama ki Te Tau Ihu signatory to the Treaty of Waitangi in Te Tau Ihu:
 - (iii) a Ngāti Tama ki Te Tau Ihu owner among the original owners of the Māori reserved lands in Nelson and Marlborough (such as native tenths reserves, occupation reserves, original native title blocks, and landless native reserves):
 - (iv) a Ngāti Tama ki Te Tau Ihu signatory to a deed of sale of land to the Crown during the 1840s or 1850s:
 - (v) an individual who, as Ngāti Tama ki Te Tau Ihu, held ahi kā roa in the area of interest of Ngāti Tama ki Te Tau Ihu as established by census records, Native Land Court or Maori Land Court records, or any other document

ancestor of Te Ātiawa o Te Waka-a-Māui means—

- (a) a Ngātiawa/Te Ātiawa tupuna identified in clause 8.10 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui, being the original Ngātiawa owners of the native reserves lands in Nelson, Marlborough, and Stewart Island / Rakiura (such as native tenths reserves, occupa-

tion reserves, original native title blocks, landless native reserves, and Crown grants to Ngātiawa):

- (b) any other tupuna who—
 - (i) is recognised as Ngātiawa/Te Ātiawa; and
 - (ii) exercised customary rights predominantly in relation to the area of interest of Te Ātiawa o Te Waka-a-Māui at any time after 6 February 1840 as established by census records, Native Land Court or Maori Land Court records, or any other document

area of interest of Ngāti Kōata means the area of interest of Ngāti Kōata shown in part 1 of the attachments to the deed of settlement for Ngāti Kōata

area of interest of Ngāti Rārua means the area of interest of Ngāti Rārua shown in part 1 of the attachments to the deed of settlement for Ngāti Rārua

area of interest of Ngāti Tama ki Te Tau Ihu means the area of interest of Ngāti Tama ki Te Tau Ihu shown in part 1 of the attachments to the deed of settlement for Ngāti Tama ki Te Tau Ihu

area of interest of Te Ātiawa o Te Waka-a-Māui means the area of interest of Te Ātiawa o Te Waka-a-Māui shown in part 1 of the attachments to the deed of settlement for Te Ātiawa o Te Waka-a-Māui

customary rights means rights according to tikanga Māori (Māori customary values and practices), including—

- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources

descended,—

- (a) for Ngāti Rārua, means that a person is descended from another person by—
 - (i) birth; or
 - (ii) legal adoption:
- (b) for another settlement iwi, means that a person is descended from another person by—
 - (i) birth; or
 - (ii) legal adoption; or

- (iii) Māori customary adoption in accordance with the tikanga (customary values and practices) of the settlement iwi.

213 Meaning of historical claims

- (1) In **Parts 4 to 7, historical claims**— 5
 - (a) means the claims described in **subsection (2)**; and
 - (b) includes the claims described in **subsections (3) to (6)**; but
 - (c) does not include the claims described in **subsection (7)**. 10
- (2) The historical claims are every claim that a settlement iwi or a representative entity had on or before the settlement date, or may have after the settlement date, and that—
 - (a) is, or is founded on, a right arising—
 - (i) from the Treaty of Waitangi or its principles; or 15
 - (ii) under legislation; or
 - (iii) at common law (including aboriginal title or customary law); or
 - (iv) from fiduciary duty; or
 - (v) otherwise; and 20
 - (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by, or on behalf of, the Crown; or
 - (ii) by or under legislation.
- (3) The historical claims include— 25
 - (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Kōata or a representative entity of Ngāti Kōata, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
 - (i) Wai 184—Whangarae 1C claim: 30
 - (ii) Wai 220/1220—Cape Soucis land claim:
 - (iii) Wai 566—Ngāti Kōata iwi claim:
 - (iv) Wai 1007—Ngāti Kōata marine farming and aquaculture claim:
 - (v) Wai 1733—D’Urville Island Scenic Reserve claim; and 35
 - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection**

- (2)** applies to the claim and the claim relates to Ngāti Kōata or a representative entity of Ngāti Kōata:
- (i) Wai 56—Nelson lands and fisheries claim:
 - (ii) Wai 102—Te Runanganui o Te Tau Ihu o Te Waka a Maui Inc claims: 5
 - (iii) Wai 172—Makara lands claim:
 - (iv) Wai 262—Indigenous flora and fauna and cultural intellectual property claim:
 - (v) Wai 648—Grace Saxton, George Hori Toms, and colonial laws of succession claim. 10
- (4) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Rārua or a representative entity of Ngāti Rārua, including each of the following claims, to the extent that **subsection (2)** applies to the claim: 15
 - (i) Wai 594—Ngāti Rārua claim:
 - (ii) Wai 956—Warren Pahia and Joyce Te Tio Stephens Whānau Trust claim:
 - (iii) Wai 1617—Ngāti Turanga-a-peke lands claim:
 - (iv) Wai 1635—Ngāti Turanga-a-peke marine environment claim; and 20
 - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāti Rārua or a representative entity of Ngāti Rārua: 25
 - (i) Wai 56—Nelson lands and fisheries claim:
 - (ii) Wai 102—Te Runanganui o Te Tau Ihu o Te Waka a Maui Inc claims:
 - (iii) Wai 830—Sandy Bay Section 27 and Motueka Section 157 (Pounamu Block) claim. 30
- (5) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Tama ki Te Tau Ihu or a representative entity of Ngāti Tama ki Te Tau Ihu, including each of the following claims, to the extent that **subsection (2)** applies to the claim: 35
 - (i) Wai 723:
 - (ii) Wai 1043:
 - (iii) Wai 1734; and

- (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāti Tama ki Te Tau Ihu or a representative entity of Ngāti Tama ki Te Tau Ihu: 5
- (i) Wai 56:
 - (ii) Wai 102:
 - (iii) Wai 104.
- (6) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively to Te Ātiawa o Te Waka-a-Māui or a representative entity of Te Ātiawa o Te Waka-a-Māui, including each of the following claims, to the extent that **subsection (2)** applies to the claim: 10
 - (i) Wai 124—Waikawa lands claim: 15
 - (ii) Wai 379—Marlborough Sounds and Picton claim:
 - (iii) Wai 607—Te Ātiawa, Ngātiawa ki Te Tau Ihu claim:
 - (iv) Wai 851—Queen Charlotte Sound claim: 20
 - (v) Wai 920—Waikawa Block claim:
 - (vi) Wai 921—the Waikawa No. 1 Block claim:
 - (vii) Wai 922—Grennell adoption and ancestral lands claim:
 - (viii) Wai 923—Park Motueka Reserves claim: 25
 - (ix) Wai 924—Kinana Waikawa Village claim:
 - (x) Wai 925—Barcello Anatohia Bay claim:
 - (xi) Wai 927—Bowdler Waikawa Village Block claim:
 - (xii) Wai 1002—Te Ātiawa ki Motueka northern South Island claim: 30
 - (xiii) Wai 1005—Te Ātiawa marine farming and aquaculture claim:
 - (xiv) Wai 1454—Te Ātiawa ki Te Tau Ihu water rights claim: 35
 - (xv) Wai 1895—Lake Grassmere lands and resources claim; and
 - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection**

- (2) applies to the claim and the claim relates to Te Ātiawa o Te Waka-a-Māui or a representative entity of Te Ātiawa o Te Waka-a-Māui:
- (i) Wai 56—Nelson lands and fisheries claim:
 - (ii) Wai 102—Te Runanganui o Te Tau Ihu o Te Waka a Maui Inc claims: 5
 - (iii) Wai 104—Whakarewa Trust claim:
 - (iv) Wai 830—Sandy Bay Section 27 and Motueka Section 157 (Pounamu Block) claim:
 - (v) Wai 1987—Te Awhaiti Village claim. 10
- (7) However, the historical claims do not include—
- (a) a claim that a member of Ngāti Kōata, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Ngāti Kōata in **section 212(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from an ancestor who is not referred to in **paragraph (a)** of that definition; or 15
 - (b) a claim that a representative entity of Ngāti Kōata had or may have that is, or is founded on, a claim described in **paragraph (a)**; or 20
 - (c) a claim that a member of Ngāti Rārua, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Ngāti Rārua in **section 212(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Ngāti Rārua (as defined in **section 212(2)**); or 25
 - (d) a claim that a representative entity of Ngāti Rārua had or may have that is, or is founded on, a claim described in **paragraph (c)**; or
 - (e) a claim that a member of Ngāti Tama ki Te Tau Ihu, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Ngāti Tama ki Te Tau Ihu in **section 212(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Ngāti Tama ki Te Tau Ihu (as defined in **section 212(2)**); or 30
 - (f) a claim that a representative entity of Ngāti Tama ki Te Tau Ihu had or may have that is, or is founded on, a claim described in **paragraph (e)**; or 35

- (g) a claim that a member of Te Ātiawa o Te Waka-a-Māui, or a whānau, hapū, or group referred to in **paragraph (c)** of the definition of Te Ātiawa o Te Waka-a-Māui in **section 212(1)**, had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Te Ātiawa o Te Waka-a-Māui (as defined in **section 212(2)**); or 5
- (h) a claim that a representative entity of Te Ātiawa o Te Waka-a-Māui had or may have that is, or is founded on, a claim described in **paragraph (g)**. 10
- (8) 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.

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed 15

214 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. 20
- (3) **Subsections (1) and (2)** do not limit the acknowledgements expressed in, or the provisions of, the deeds 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— 25
 - (a) the historical claims; or
 - (b) the deeds of settlement; or
 - (c) **Parts 4 to 7**; or 30
 - (d) the redress provided under the deeds of settlement or **Parts 4 to 7**.
- (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 deeds of settlement or **Parts 4 to 7**. 35
- (6) **Subsections (1) to (5)** do not affect—

- (a) the ability of a plaintiff to pursue the appeal filed in the Court of Appeal as CA 436/2012; or
 - (b) the ability of any person to pursue an appeal from a decision of the Court of Appeal; or
 - (c) the ability of a plaintiff to obtain any relief claimed in the Wakatū proceedings to which the plaintiff is entitled. 5
- (7) To avoid doubt, **subsection (6)** does not preserve any claim by or on behalf of a person who is not a plaintiff.
- (6) In this section,—
- plaintiff** means a plaintiff named in the Wakatū proceedings 10
- Wakatū proceedings** means the proceedings filed in the High Court as CIV–2010–442–181.

*Consequential amendment to Treaty of Waitangi
Act 1975*

- 215 Amendment to Treaty of Waitangi Act 1975** 15
- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order “**Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013, section 214(4) and (5)**”.

Protections no longer apply 20

- 216 Certain enactments do not apply**
- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to land in the Nelson Land District or Marlborough Land District; or
 - (b) for the benefit of a settlement iwi or a representative 25 entity.
- (2) The enactments are—
- (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975:
 - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986: 30
 - (c) sections 211 to 213 of the Education Act 1989:
 - (d) Part 3 of the Crown Forest Assets Act 1989:
 - (e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

217 Removal of memorials

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify each computer register for the Nelson Land District or Marlborough Land District that has a memorial recorded under any enactment listed in **section 216(2)**. 5
- (2) The chief executive of LINZ must issue a certificate under **subsection (1)** as soon as is reasonably practicable after the settlement date.
- (3) Each certificate must state that it is issued under this section. 10
- (4) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under **subsection (1)**, remove any memorial recorded under an enactment listed in **section 216(2)** from each computer register identified in the certificate. 15

Subpart 4—Other matters

218 Rule against perpetuities does not apply

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964 do not—
 - (a) prescribe or restrict the period during which— 20
 - (i) a settlement trust may exist in law; or
 - (ii) the trustees of a settlement trust may hold or deal with property (including income derived from property); or
 - (b) apply to a document entered into to give effect to a 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. 25
- (2) However, if a settlement trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law. 30

219 Access to deeds of settlement

- The chief executive of the Ministry of Justice must make 35
copies of the deeds of settlement available—

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

220 Provisions of other Acts that have same effect

If a provision in **Parts 4 to 7** has the same effect as a provision in 1 or both of **Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013** and **Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**, the provisions must be given effect to only once as if they were 1 provision. 10

Part 5

Cultural redress

Subpart 1—Protocols 15

General provisions

221 Interpretation

In this subpart, **relevant trustees**, for a protocol, means the trustees of a settlement trust to whom the protocol may be or has been issued. 20

222 Issue, amendment, and cancellation of protocols

- (1) Each responsible Minister—
 - (a) must issue a protocol to the trustees of each settlement trust in the form set out in part 4 of the documents schedule of the relevant deed of settlement; and 25
 - (b) may amend or cancel that protocol.
- (2) The responsible Minister may amend or cancel a protocol at the initiative of—
 - (a) the relevant trustees; or
 - (b) the responsible Minister. 30
- (3) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, the relevant trustees.

223 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, which includes the ability to— 5
 - (i) introduce legislation and change Government policy; and
 - (ii) interact with or consult a person that the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or 10
- (b) the responsibilities of a responsible Minister or a department of State; or
- (c) the legal rights of a settlement iwi or a representative entity. 15

224 Enforceability of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails, without good cause, to comply with a protocol, the relevant trustees may, subject to the Crown Proceedings Act 1950, enforce the protocol. 20
- (3) Despite **subsection (2)**, damages or any form of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.
- (4) To avoid doubt,—
 - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and 25
 - (b) **subsection (3)** does not affect the ability of a court to award costs incurred by the relevant trustees in enforcing the protocol under **subsection (2)**.

225 Limitation of rights

30

- (1) A conservation protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to,—
 - (a) the common marine and coastal area (as defined by section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011); or 35

- (b) land held, managed, or administered, or flora or fauna managed or administered, under the conservation legislation.
- (2) A fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, and seaweed) held, managed, or administered under any of the following enactments:
 - (a) the Fisheries Act 1996:
 - (b) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992: 10
 - (c) the Maori Commercial Aquaculture Claims Settlement Act 2004:
 - (d) the Maori Fisheries Act 2004.
- (3) A minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown-owned minerals. 15
- (4) A taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu. 20

Noting of conservation, fisheries, and minerals protocols

226 Noting of conservation protocols

- (1) A summary of the terms of a conservation protocol must be noted in the conservation documents affecting the conservation protocol area for that protocol. 25
- (2) The noting of a conservation protocol is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the conservation documents for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 30
- (3) In this section, **conservation document** means a conservation management plan, conservation management strategy, freshwater fisheries management plan, or national park management plan. 35

227 Noting of fisheries protocols

- (1) A summary of the terms of a fisheries protocol must be noted in fisheries plans affecting the fisheries protocol area for that protocol.
- (2) The noting of a fisheries protocol is— 5
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the fisheries plans for the purposes of section 11A of the Fisheries Act 1996.
- (3) In this section, **fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996. 10

228 Noting of minerals protocols

- (1) A summary of the terms of a minerals protocol must be noted in—
 - (a) a register of protocols maintained by the chief executive of the Ministry of Business, Innovation, and Employment; and 15
 - (b) the minerals programmes affecting the minerals protocol area for that protocol when those programmes are replaced.
- (2) The noting of a minerals protocol is— 20
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) In this section, **minerals programme** has the meaning given by section 2(1) of the Crown Minerals Act 1991. 25

Subpart 2—Statutory acknowledgement and
deeds of recognition

Statutory acknowledgement

229 Interpretation

- (1) In **Parts 4 to 7**, **statutory acknowledgement** means the acknowledgement made by the Crown in **section 230** in respect of each statutory area, on the terms set out in this subpart. 30
- (2) In this subpart,—

coastal statutory area means the statutory area described in **Schedule 5** as Te Tau Ihu coastal marine area 35

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

relevant iwi, for a statutory area, means the 1 or more iwi listed in **Schedule 5** as having an association with the statutory area 5

relevant trustees, for a statutory area, means the trustees of the settlement trust of each of the relevant iwi for the statutory area

statements of association means the statements— 10

- (a) made by the relevant iwi of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory area); and
- (b) that are in the form set out in part 2 (or, for Te Ātiawa o Te Waka-a-Māui, in part 1.3) of the documents schedule of each deed of settlement 15

statements of coastal values means the statements—

- (a) made by the relevant iwi of their particular values relating to the coastal statutory area; and
- (b) that are in the form set out in part 2.1 (or, for Te Ātiawa o Te Waka-a-Māui, in part 1.4) of the documents schedule of each deed of settlement 20

statutory area means an area described in **Schedule 5**, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area. 25

230 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association and the statements of coastal values.

231 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are— 30

- (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in **sections 232 to 234**; and
- (b) to require relevant consent authorities to provide summaries of resource consent applications, or copies of no- 35

- tices of resource consent applications, to the relevant trustees, as provided for in **section 236**; and
- (c) to enable the relevant trustees and members of the relevant iwi to cite the statutory acknowledgement as evidence of the iwi's association with a statutory area, as provided for in **section 237**. 5

232 Relevant consent authorities to have regard to statutory acknowledgement

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

233 Environment Court to have regard to statutory acknowledgement

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

234 Historic Places Trust and Environment Court to have regard to statutory acknowledgement 30

- (1) This section applies if, on or after the effective date, an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area. 35

- (2) The Historic Places Trust must have regard to the statutory acknowledgement relating to a statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application, including in determining whether the relevant trustees are directly affected by an extension of time. 5
- (3) The Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 an appeal against a decision of the Historic Places Trust in relation to the application, including in determining whether the relevant trustees are directly affected by the decision. 10
- (4) In this section, **archaeological site** has the meaning given by section 2 of the Historic Places Act 1993.

235 Recording statutory acknowledgement on statutory plans 15

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include— 20
 - (a) the relevant provisions of **sections 229 to 238** in full; and
 - (b) the descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) any statements of association or statements of coastal values for the statutory areas. 25
- (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— 30
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

236 Provision of summaries or notices of certain applications to relevant trustees

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the relevant trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the relevant trustees and the relevant consent authority.
- (3) A summary of an application must be provided under **subsection (1)(a)**—
 - (a) as soon as is reasonably practicable after the consent authority receives the application; but
 - (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under **subsection (1)(b)** no later than 10 working days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation,—
 - (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
 - (b) under section 95E of that Act, to decide whether the relevant trustees are affected persons in relation to an activity.

237 Use of statutory acknowledgement

- (1) The relevant trustees and any member of the relevant iwi may, as evidence of the iwi's association with a statutory area, cite the statutory acknowledgement that relates to that area in sub-

- missions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area. 5
- (2) The content of a statement of association or statement of coastal values is not, by virtue of the statutory acknowledgement, binding as fact on—
- (a) relevant consent authorities: 10
 - (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991:
 - (c) the Environment Court:
 - (d) the Historic Places Trust: 15
 - (e) parties to proceedings before those bodies:
 - (f) 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. 20
- (4) To avoid doubt,—
- (a) neither the relevant trustees nor members of a relevant iwi are precluded from stating that the iwi has an association with a statutory area that is not described in the statutory acknowledgement; and 25
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.
- 238 Relevant trustees may waive rights**
- (1) The relevant trustees may waive the right to be provided with summaries, and copies of notices, of resource consent applications under **section 236** in relation to a statutory area. 30
- (2) The relevant trustees may waive the right to have a relevant consent authority, the Environment Court, or the Historic Places Trust have regard to the statutory acknowledgement under **sections 232 to 234** in relation to the coastal statutory area. 35

- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or the Historic Places Trust stating—
 - (a) the scope of the waiver; and
 - (b) the period for which it applies. 5
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Deeds of recognition

- 239 Issue and amendment of deeds of recognition** 10
- (1) Deeds of recognition must be issued to the trustees of the settlement trust of an iwi in respect of the statutory areas with which the iwi has an association as listed in **Schedule 5**, except the areas referred to as—
 - (a) Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Management Reserve; and 15
 - (b) Wairau Lagoons and Te Pokohiwi / Boulder Bank Historic Reserve; and
 - (c) Kaka Point; and 20
 - (d) Te Tau Ihu coastal marine area.
 - (2) The Minister of Conservation and the Director-General must issue a deed of recognition for the relevant statutory areas administered by the Department of Conservation.
 - (3) The Commissioner of Crown Lands must issue a deed of recognition for the relevant statutory areas administered by the Commissioner. 25
 - (4) A deed of recognition must be issued in the form set out in part 3 (or, for Te Ātiawa o Te Waka-a-Māui, in part 2) of the documents schedule of the relevant deed of settlement. 30
 - (5) The person or people who issue a deed of recognition to trustees may amend the deed, but only with the written consent of the trustees.
 - (6) For the purposes only of issuing or amending a deed of recognition, Titi Island Nature Reserve is a statutory area (as if listed in **Schedule 5**)— 35

- (a) with the general location (but not the precise boundaries) indicated on deed plan OTS-202-52; and
- (b) with which Te Ātiawa o Te Waka-a-Māui has an association.

General provisions

5

240 Application to river or stream

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

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

- (2) If any part of a deed of recognition applies to a river or stream (including a tributary), that part of the deed—

- (a) applies only to the bed of the river or stream, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but 25
- (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
 - (ii) the bed of an artificial watercourse.

241 Exercise of powers and performance of functions and duties

30

- (1) The statutory acknowledgement and the deeds 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 legislation or a bylaw. 35

- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the association of the relevant iwi with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 5
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to—
- (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition. 10

242 Rights not affected

- (1) The statutory acknowledgement and the deeds of recognition do not affect the lawful rights or interests of a person who is not a party to a deed of settlement. 15
- (2) This section is subject to the other provisions of this subpart.

243 Limitation of rights

- (1) The statutory acknowledgement and the deeds of recognition 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

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244 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 “**Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**”. 30

Subpart 3—Overlay classification

245 Interpretation

- (1) In **Parts 4 to 7**, overlay classification—

- (a) means the application of this subpart to each overlay site; and
 - (b) for Ngāti Kōata, is known as he uhi takai; and
 - (c) for Ngāti Rārua, is known as parirau whakaruru; and
 - (d) for Ngāti Tama ki Te Tau Ihu, is known as te korowai mana; and
 - (e) for Te Ātiawa o Te Waka-a-Māui, is known as kahukiwi.
- (2) In this subpart,—
- Conservation Board** means a board established under section 6L of the Conservation Act 1987
- iwi values**, for each overlay site, means the values stated by the relevant iwi in their statements of iwi values
- New Zealand Conservation Authority** means the authority established by section 6A of the Conservation Act 1987
- overlay site**—
- (a) means a site that is declared under **section 246** to be subject to the overlay classification; but
 - (b) does not include an area that is declared under **section 260(1)** to no longer be subject to the overlay classification
- protection principles**, for an overlay site, means the protection principles set out for the site in paragraph 4.1 of part 1 (or, for Te Ātiawa o Te Waka-a-Māui, of part 3) of the documents schedule of the relevant deed of settlement, including any amendments made to the principles under **section 249(3)**
- relevant iwi**, for an overlay site, means the 1 or more iwi listed in **Schedule 6** as having an association with the overlay site
- relevant trustees**, for an overlay site, means the trustees of the settlement trust of each of the relevant iwi for the overlay site
- specified actions**, for an overlay site, means the actions set out for the site in paragraph 5.1 of part 1 (or, for Te Ātiawa o Te Waka-a-Māui, of part 3) of the documents schedule of the relevant deed of settlement
- statements of iwi values**, for each overlay site, means the statements—
- (a) made by the relevant iwi of their values relating to their cultural, spiritual, historical, and traditional association with the overlay site; and

- (b) that are in the form set out in paragraph 3 of part 1 (or, for Te Ātiawa o Te Waka-a-Māui, of part 3) of the documents schedule of the relevant deed of settlement.

246 Declaration of overlay classification

Each site described in **Schedule 6** is declared to be subject to the overlay classification. 5

247 Acknowledgement by the Crown of statements of iwi values

The Crown acknowledges the statements of iwi values of the relevant iwi in relation to the overlay sites. 10

248 Purposes of overlay classification

The only purposes of the overlay classification are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to consult the relevant trustees and to have particular regard to the statements of iwi values, the protection principles, and the views of the relevant trustees, as provided for in **sections 250 and 251**; and 15
- (b) to require the New Zealand Conservation Authority to give the relevant trustees an opportunity to make submissions, as provided for in **section 252**; and 20
- (c) to enable the taking of action under **sections 253 to 258**. 30

249 Agreement on protection principles

- (1) The relevant trustees and the Minister of Conservation may agree on and publicise protection principles that are intended to prevent— 25
 - (a) harm to the iwi values in relation to an overlay site; or
 - (b) the diminishing of the iwi values in relation to an overlay site. 30
- (2) The protection principles set out in paragraph 4.1 of part 1 (or, for Te Ātiawa o Te Waka-a-Māui, of part 3) of the documents schedule of a deed of settlement are to be treated as having

been agreed by the relevant trustees and the Minister of Conservation.

- (3) The relevant trustees and the Minister of Conservation may agree in writing to any amendments to the protection principles.

5

250 New Zealand Conservation Authority and Conservation Boards to have particular regard to certain matters

When the New Zealand Conservation Authority or a Conservation Board considers or approves a conservation management strategy, conservation management plan, or national park management plan in relation to an overlay site, it must have particular regard to—

10

- (a) the statements of iwi values for the site; and
- (b) the protection principles for the site.

251 New Zealand Conservation Authority and Conservation Boards to consult relevant trustees

15

Before approving a conservation management strategy, conservation management plan, or national park management plan in relation to an overlay site, the New Zealand Conservation Authority or a Conservation Board must—

20

- (a) consult the relevant trustees; and
- (b) have particular regard to the views of the relevant trustees as to the effect of the strategy or plan on—
 - (i) the iwi values for the site; and
 - (ii) the protection principles for the site.

25

252 Conservation management strategy

If the relevant trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay site, the New Zealand Conservation Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns.

30

253 Noting of overlay classification

- (1) The application of the overlay classification to an overlay site must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the site. 5
- (2) The noting of the overlay classification under **subsection (1)**—
 - (a) is for the purpose of public notice only; and
 - (b) is not an amendment to the strategy or plan for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 10

254 Notification in *Gazette*

- (1) The Minister of Conservation must notify the following in the *Gazette*:
 - (a) the application of the overlay classification to each overlay site, as soon as practicable after the settlement date; and 15
 - (b) the protection principles for each overlay site, as soon as practicable after the settlement date; and
 - (c) any amendment to the protection principles agreed under **section 249(3)**, as soon as practicable after the amendment has been agreed in writing. 20
- (2) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 255 or 256**. 25

255 Actions by Director-General

- (1) The Director-General must take action in relation to the protection principles that relate to an overlay site, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken. 30
- (3) The Director-General must notify the relevant trustees in writing of any action intended to be taken.

256 Amendment to strategy or plan

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives relating to the protection principles that relate to an overlay site. 5
- (2) The Director-General must consult any relevant Conservation Board before initiating an amendment under **subsection (1)**.
- (3) An amendment initiated under **subsection (1)** is an amendment for the purposes of section 171(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980, as the case may be. 10

257 Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes: 15

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 256(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay site:
- (c) to create offences for breaching any regulations made under **paragraph (b)**: 20
- (d) to provide for the following fines to be imposed:
- (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$5,000; and
- (ii) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues. 25

258 Bylaws

The Minister of Conservation may make bylaws for 1 or more of the following purposes: 30

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 256(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay site:
- (c) to create offences for breaching any bylaws made under **paragraph (b)**: 35
- (d) to provide for the following fines to be imposed:

- (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$1,000; and
- (ii) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues.

5

259 Existing classification of overlay sites

- (1) This section applies if the overlay classification applies to any land in—
 - (a) a national park under the National Parks Act 1980; or
 - (b) a conservation area under the Conservation Act 1987; 10
 - or
 - (c) a reserve under the Reserves Act 1977.
- (2) The overlay classification does not affect—
 - (a) the purpose of the national park, conservation area, or reserve; or 15
 - (b) the classification of the land as a national park, conservation area, or reserve.

260 Termination of overlay classification

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that 20
 - all or part of an overlay site is no longer subject to the overlay classification.
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless—
 - (a) the relevant trustees and the Minister of Conservation 25
 - have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to 30
 - be, or has been, transferred to another Minister of the Crown or to the Commissioner of Crown Lands.
- (3) **Subsection (4)** applies if—
 - (a) **subsection (2)(c)** applies; or
 - (b) there is a change in the statutory management regime 35
 - that applies to all or part of the overlay site.

- (4) The Crown must take reasonable steps to ensure that the relevant trustees continue to have input into the management of the relevant area.

261 Exercise of powers and performance of functions and duties

5

- (1) The overlay classification does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the iwi values that relate to an overlay site than that person would give if the site were not subject to the overlay classification. 10
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart. 15

262 Rights not affected

- (1) The overlay classification does not affect the lawful rights or interests of a person who is not a party to a deed of settlement.
- (2) This section is subject to the other provisions of this subpart.

263 Limitation of rights

20

- (1) The overlay classification does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay site.
- (2) This section is subject to the other provisions of this subpart.

Subpart 4—Vesting of cultural redress
properties

25

264 Interpretation

In **Parts 4 to 7**, unless the context requires another meaning,—

cultural redress property means each of the following sites, and each site means the land described by that name in **Schedule 7**: 30

<i>Sites that vest in fee simple</i>	
(1) Catherine Cove:	
(2) Whangarae Bay (Okiwi Bay):	
(3) Glenhope (Kawatiri):	
(4) Kawatiri Confluence:	5
(5) Wairau Pā:	
(6) Rārangi (Ngāti Rārua):	
(7) Wainui urupā:	
(8) Tapu Bay (Kaiteriteri):	
(9) Umukuri Bay urupā (Arapaoa Island):	10
(10) Tapu Bay (Motueka):	
(11) Pūponga Farm, Cape House:	
(12) Pūponga Farm, Triangle Flat:	
(13) Puketawai:	
<i>Sites that vest in fee simple subject to conservation covenants</i>	15
(14) Lucky Bay:	
(15) Whangarae Estuary:	
(16) Wharf Road (Okiwi Bay):	
(17) Te Tai Tapu (Snake Creek):	20
(18) Coombe Rocks:	
(19) Hori Bay:	
(20) Pakawau Inlet:	
(21) Onauku Bay (Arapaoa Island):	
(22) Anatoia Islands:	25
(23) Te Tai Tapu (Anatori South):	
(24) Te Tai Tapu (Anatori North):	
<i>Sites that vest in fee simple to be administered as reserves</i>	
(25) Moukirikiri Island:	30
(26) Pah Point (Whanganui Inlet):	
(27) Waikutakuta / Robin Hood Bay:	
(28) Tākaka River Mouth:	
(29) Parapara Peninsula:	
(30) Momorangi Point:	35
(31) Wedge Point:	
(32) Ngākuta Point:	
(33) Ngaruru (Arapaoa Island):	
(34) Arapawa Māori Rowing Club site:	

- (35) Katoa Point:
- (36) Moioio Island:
- (37) Pūponga Point Pā site:
- (38) Mātangi Āwhio (Nelson):
- (39) Pukatea / Whites Bay: 5
- (40) Horahora-kākahu:
- (41) Tokomaru / Mount Robertson
- jointly vested site** means each of the following sites:
- (a) Pūponga Farm, Cape House:
- (b) Pūponga Farm, Triangle Flat: 10
- (c) Puketawai:
- (d) Te Tai Tapu (Anatori South):
- (e) Te Tai Tapu (Anatori North):
- (f) Pūponga Point Pā site:
- (g) Mātangi Āwhio (Nelson): 15
- (h) Pukatea / Whites Bay:
- (i) Horahora-kākahu:
- (j) Tokomaru / Mount Robertson
- reserve site** means each of the 17 sites in **paragraphs (25) to (41)** of the definition of cultural redress property, except that only the parts of Ngaruru (Arapaoa Island) that are Sections 1 and 3 on SO 428534 are a reserve site. 20

Sites that vest in fee simple

265 Catherine Cove

- (1) The reservation of Catherine Cove (being part of D'Urville Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Catherine Cove then vests in the trustees of Te Pātaka a Ngāti Kōata.

266 Whangarae Bay (Okiwi Bay)

- (1) The reservation of Whangarae Bay (Okiwi Bay) (being part of Okiwi Bay & Moncrieff Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 30
- (2) The fee simple estate in Whangarae Bay (Okiwi Bay) then vests in the trustees of Te Pātaka a Ngāti Kōata. 35

- (3) The trustees of Te Pātaka a Ngāti Kōata, as occupiers of Whangarae Bay (Okiwi Bay), are then bound by a fencing covenant (as defined in section 2 of the Fencing Act 1978) in favour of the Crown, as occupier of Section 3 SO 430484.
- (4) To avoid doubt, section 5(2) of the Fencing Act 1978 applies 5 to the fencing covenant.
- (5) The Minister of Conservation must provide the trustees of Te Pātaka a Ngāti Kōata with a registrable easement for a right to convey water over the area shown as B on SO 430484 in favour of Whangarae Bay (Okiwi Bay) on the terms and conditions 10 set out in part 5.1 of the documents schedule of the deed of settlement for Ngāti Kōata.
- (6) The easement—
 - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and 15
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
 - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.
- (7) **Subsections (1) to (6)** do not take effect until the trustees of 20 Te Pātaka a Ngāti Kōata have provided the Crown with a registrable easement instrument (containing restrictive covenants) for Whangarae Bay (Okiwi Bay) in favour of Section 3 SO 430484 on the terms and conditions set out in part 5.2 of the documents schedule of the deed of settlement for Ngāti Kōata. 25
- (8) Any improvements in or on Whangarae Bay (Okiwi Bay) do not vest in the trustees of Te Pātaka a Ngāti Kōata, despite the vesting under **subsection (2)**.

267 Glenhope (Kawatiri)

- (1) The reservation of Glenhope (Kawatiri) (being part of Glenhope Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 30
- (2) The fee simple estate in Glenhope (Kawatiri) then vests in the trustees of the Ngāti Rārua Settlement Trust.
- (3) The Minister of Conservation must provide the trustees of the 35 Ngāti Rārua Settlement Trust with a registrable right of way easement over the area shown as A on SO 427227 in favour

of Glenhope (Kawatiri) on the terms and conditions set out in part 5.3 of the documents schedule of the deed of settlement for Ngāti Rārua.

- (4) The easement—
- (a) is enforceable in accordance with its terms, despite Part 5 3B of the Conservation Act 1987; and
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
 - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied. 10

268 Kawatiri Confluence

- (1) The reservation of Kawatiri Confluence (being part of Glenhope Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Kawatiri Confluence then vests in the 15 trustees of the Ngāti Rārua Settlement Trust.

269 Wairau Pā

- (1) Wairau Pā ceases to be a marginal strip under Part 4A of the Conservation Act 1987.
- (2) The fee simple estate in Wairau Pā then vests in the trustees of 20 the Ngāti Rārua Settlement Trust.

270 Rārangi (Ngāti Rārua)

- (1) Rārangi (Ngāti Rārua) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Rārangi (Ngāti Rārua) then vests in 25 the trustees of the Ngāti Rārua Settlement Trust.

271 Wainui urupā

- (1) Any part of Wainui urupā that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.
- (2) The fee simple estate in Wainui urupā then vests in the trustees 30 of the Ngāti Tama ki Te Waipounamu Trust.

272 Tapu Bay (Kaiteriteri)

- (1) The reservation of Tapu Bay (Kaiteriteri) (being part of Kaiteriteri Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tapu Bay (Kaiteriteri) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 5

273 Umukuri Bay urupā (Arapaoa Island)

- (1) The reservation of Umukuri Bay urupā (Arapaoa Island) as a sounds foreshore reserve subject to the Reserves Act 1977 is revoked. 10
- (2) The fee simple estate in Umukuri Bay urupā (Arapaoa Island) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

274 Tapu Bay (Motueka)

- (1) The reservation of Tapu Bay (Motueka) (being part of Kaiteriteri Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in Tapu Bay (Motueka) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with the following documents: 20
 - (a) a registrable right of way easement over the area shown as A on SO 463616 in favour of Sections 2 and 3 SO 463616 on the terms and conditions set out in subpart 5.10.1 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui: 25
 - (b) a registrable right of way easement over the area shown as B on SO 463616 in favour of Sections 1 and 3 SO 463616 on the terms and conditions set out in subpart 5.10.2 of that documents schedule: 30
 - (c) a registrable right of way easement on the terms and conditions set out in subpart 5.10.3 of that documents schedule—
 - (i) over the area shown as C on SO 463616 in favour of Sections 1 and 2 SO 463616; and 35

- (ii) over the area shown as D on SO 463616 in favour of Section 2 SO 463616.

275 Pūponga Farm, Cape House

- (1) The reservation of Pūponga Farm, Cape House, (being part of Pūponga Farm Park) as a recreation reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in Pūponga Farm, Cape House, then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
 - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and 10
 - (b) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
 - (c) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 15
- (3) **Subsections (1) and (2)** do not take effect until the trustees referred to in **subsection (2)** have provided the Crown with a registrable easement for a right to convey water over the area shown as A on SO 426796 in favour of Section 3 SO 426796 and Part Section 14 SO 10390 on the terms and conditions set out in part 5.2 of the documents schedule of the relevant deed of settlement. 20

276 Pūponga Farm, Triangle Flat

- (1) The reservation of Pūponga Farm, Triangle Flat, (being part of Pūponga Farm Park) as a recreation reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Pūponga Farm, Triangle Flat, then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
 - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and 30
 - (b) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
 - (c) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 35

277 Puketawai

- (1) The stopped road shown as A on SO 12178, Nelson Land District, vests in the Crown as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (2) The reservation of Puketawai (being part of Kaiteriteri Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is then revoked. 5
- (3) The fee simple estate in Puketawai then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows: 10
 - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and
 - (b) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
 - (c) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 15
- (4) **Subsections (5) and (6)** apply only if there is a historic monument at Puketawai on the settlement date.
- (5) **Subsections (1) to (3)** do not take effect until the trustees referred to in **subsection (3)** have provided the Crown with a registrable pedestrian right of way easement in gross over the area shown as A on SO 426273 on the terms and conditions set out in part 5.1 of the documents schedule of the relevant deed of settlement. 20
- (6) The historic monument at Puketawai does not vest in any of the trustees, despite the vesting under **subsection (3)**. 25

*Sites that vest in fee simple subject to
conservation covenant*

278 Lucky Bay

- (1) The reservation of Lucky Bay (being part of D'Urville Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 30
- (2) The fee simple estate in Lucky Bay then vests in the trustees of Te Pātaka a Ngāti Kōata.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of Te Pātaka a Ngāti Kōata have provided the Crown with a registrable covenant in relation to the part of Lucky Bay shown 35

as A on SO 436126 on the terms and conditions set out in part 5.3 of the documents schedule of the deed of settlement for Ngāti Kōata.

- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977. 5

279 Whangarae Estuary

- (1) The reservation of Whangarae Estuary (being part of Okiwi Bay & Moncrieff Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Whangarae Estuary then vests in the trustees of Te Pātaka a Ngāti Kōata. 10
- (3) **Subsections (1) and (2)** do not take effect until the trustees of Te Pātaka a Ngāti Kōata have provided the Crown with a registrable covenant in relation to the part of Whangarae Estuary shown as C on SO 430484 on the terms and conditions set out in part 5.4 of the documents schedule of the deed of settlement for Ngāti Kōata. 15
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

280 Wharf Road (Okiwi Bay) 20

- (1) The reservation of Wharf Road (Okiwi Bay) (being part of Okiwi Bay & Moncrieff Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Wharf Road (Okiwi Bay) then vests in the trustees of Te Pātaka a Ngāti Kōata. 25
- (3) **Subsections (1) and (2)** do not take effect until the trustees of Te Pātaka a Ngāti Kōata have provided the Crown with a registrable covenant in relation to Wharf Road (Okiwi Bay) on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Ngāti Kōata. 30
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

281 Te Tai Tapu (Snake Creek)

- (1) Te Tai Tapu (Snake Creek) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Tai Tapu (Snake Creek) then vests in the trustees of the Ngāti Rārua Settlement Trust. 5
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Ngāti Rārua Settlement Trust have provided the Crown with—
 - (a) a registrable right of way easement in gross over the area shown as F on SO 426795 on the terms and conditions set out in part 5.4 of the documents schedule of the deed of settlement for Ngāti Rārua; and 10
 - (b) a registrable covenant in relation to the parts of Te Tai Tapu (Snake Creek) shown as D, E, and F on SO 426795 on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Ngāti Rārua. 15
- (4) The covenant is to be treated as a conservation covenant for the purposes of— 20
 - (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.

282 Coombe Rocks

- (1) Coombe Rocks ceases to be a conservation area under the Conservation Act 1987. 25
- (2) The fee simple estate in Coombe Rocks then vests in the trustees of the Ngāti Rārua Settlement Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Ngāti Rārua Settlement Trust have provided the Crown with a registrable covenant in relation to Coombe Rocks on the terms and conditions set out in part 5.6 of the documents schedule of the deed of settlement for Ngāti Rārua. 30
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

283 Hori Bay

- (1) Hori Bay (being part of Mt Richmond State Forest Park) ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Hori Bay then vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust. 5
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Ngāti Tama ki Te Waipounamu Trust have provided the Crown with—
 - (a) a registrable right of way easement in gross over the area shown as A on SO 427909 on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu; and 10
 - (b) a registrable covenant in relation to Hori Bay on the terms and conditions set out in part 5.6 of the documents schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu. 15
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
 - (a) section 77 of the Reserves Act 1977; and 20
 - (b) section 27 of the Conservation Act 1987.

284 Pakawau Inlet

- (1) The reservation of Pakawau Inlet as a public utility reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pakawau Inlet then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 25
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with a registrable covenant in relation to Pakawau Inlet on the terms and conditions set out in part 5.5 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui. 30
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
 - (a) section 77 of the Reserves Act 1977; and 35
 - (b) section 27 of the Conservation Act 1987.

285 Onauku Bay (Arapaoa Island)

- (1) The reservation of Onauku Bay (Arapaoa Island) as a watering place and other purposes reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Onauku Bay (Arapaoa Island) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 5
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with a registrable covenant in relation to Onauku Bay (Arapaoa Island) on the terms and conditions set out in part 10 5.6 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui. 10
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

286 Anatoia Islands

15

- (1) The Anatoia Islands cease to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Anatoia Islands then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with a registrable covenant in relation to the Anatoia Islands on the terms and conditions set out in part 20 5.7 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui. 25
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

287 Te Tai Tapu (Anatori South)

- (1) Te Tai Tapu (Anatori South) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987. 30
- (2) The fee simple estate in Te Tai Tapu (Anatori South) then vests as undivided half shares in the specified groups of trustees as tenants in common, as follows:
 - (a) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and 35

- (b) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees referred to in **subsection (2)** have provided the Crown with a registrable covenant in relation to the part of Te Tai Tapu (Anatori South) shown as A on SO 426795 on the terms and conditions set out in part 5.3 of the documents schedule of the relevant deed of settlement. 5
- (4) The covenant is to be treated as a conservation covenant for the purposes of— 10
- (a) section 77 of the Reserves Act 1977; and
- (b) section 27 of the Conservation Act 1987.
- 288 Te Tai Tapu (Anatori North)**
- (1) Te Tai Tapu (Anatori North) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987. 15
- (2) The fee simple estate in Te Tai Tapu (Anatori North) then vests as undivided half shares in the specified groups of trustees as tenants in common, as follows:
- (a) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and 20
- (b) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustees referred to in **subsection (2)** have provided the Crown with a registrable covenant in relation to the parts of Te Tai Tapu (Anatori North) shown as B and C on SO 426795 on the terms and conditions set out in part 5.4 of the documents schedule of the relevant deed of settlement. 25
- (4) The covenant is to be treated as a conservation covenant for the purposes of— 30
- (a) section 77 of the Reserves Act 1977; and
- (b) section 27 of the Conservation Act 1987.

*Sites that vest in fee simple to be administered
as reserves*

289 Moukirikiri Island

- (1) The reservation of Moukirikiri Island (being Moukirikiri Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 5
- (2) The fee simple estate in Moukirikiri Island then vests in the trustees of Te Pātaka a Ngāti Kōata.
- (3) Moukirikiri Island is then declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 10
- (4) The reserve is named Moukirikiri Island Scenic Reserve.

290 Pah Point (Whanganui Inlet)

- (1) Pah Point (Whanganui Inlet) (being part of North-west Nelson Forest Park) ceases to be a conservation area under the Conservation Act 1987. 15
- (2) The fee simple estate in Pah Point (Whanganui Inlet) then vests in the trustees of the Ngāti Rārua Settlement Trust.
- (3) Pah Point (Whanganui Inlet) is then 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 Pah Point (Whanganui Inlet) Scenic Reserve.
- (5) Any improvements in or on Pah Point (Whanganui Inlet) do not vest in the trustees of the Ngāti Rārua Settlement Trust, despite the vesting under **subsection (2)**. 25

291 Waikutakuta / Robin Hood Bay

- (1) The reservation of Waikutakuta / Robin Hood Bay (being part of Robin Hood Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 30
- (2) The fee simple estate in Waikutakuta / Robin Hood Bay then vests in the trustees of the Ngāti Rārua Settlement Trust.
- (3) Waikutakuta / Robin Hood Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 35

- (4) The reserve is named Waikutakuta / Robin Hood Bay Recreation Reserve.

292 Tākaka River Mouth

- (1) Any part of Tākaka River Mouth that is a conservation area under the Conservation Act 1987 ceases to be a conservation area. 5
- (2) The fee simple estate in Tākaka River Mouth then vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust.
- (3) Tākaka River Mouth is then declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 10
- (4) The reserve is named Ngāti Tama ki Te Tau Ihu Scenic Reserve.

293 Parapara Peninsula

- (1) The reservation of Parapara Peninsula (being Parapara Peninsula Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in Parapara Peninsula then vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust.
- (3) Parapara Peninsula is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. 20
- (4) The reserve is named Parapara Peninsula Historic Reserve.

294 Momorangi Point

- (1) The reservation of Momorangi Point (being part of Momorangi Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Momorangi Point then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) Momorangi Point is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 30
- (4) The reserve is named Momorangi Point Recreation Reserve.

- (5) **Subsections (1) to (4)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided—
- (a) the registered proprietors of the land contained in computer freehold registers MB3A/228 and MB3A/104 with a registrable easement for a right to convey water over the area shown as A on SO 429183 in favour of the proprietors' land on the terms and conditions set out in subpart 5.9.1 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui; and
 - (b) the registered proprietors of the land contained in computer freehold register MB4D/1275 with a registrable easement for a right to convey water over the areas shown as A and B on SO 455828 in favour of the proprietors' land on the terms and conditions set out in subpart 5.9.2 of that documents schedule; and
 - (c) the registered proprietors of the land contained in computer freehold register MB4D/711 with a registrable easement for a right to convey water over the areas shown as A and B on SO 455828 in favour of the proprietors' land on the terms and conditions set out in subpart 5.9.3 of that documents schedule; and
 - (d) the Crown with a registrable easement in gross for a right to convey water over the area shown as B on SO 455828 on the terms and conditions set out in subpart 5.9.4 of that documents schedule.
- (6) Each easement—
- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
 - (b) is to be treated as having been granted in accordance with that Act.

295 Wedge Point

- (1) The reservation of Wedge Point (being part of Wedge Point Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Wedge Point then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.

- (3) Wedge Point is then 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 Ātiawa Wedge Point Scenic Reserve.

296 Ngākuta Point 5

- (1) The reservation of Ngākuta Point (being Ngakuta Point Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ngākuta Point then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 10
- (3) Ngākuta Point is then 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 Ngākuta Point Scenic Reserve.

297 Ngaruru (Arapaoa Island) 15

- (1) The reservation of Ngaruru (Arapaoa Island) (being part of Ngaruru Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ngaruru (Arapaoa Island) then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 20
- (3) The parts of Ngaruru (Arapaoa Island) that are Sections 1 and 3 on SO 428534 are then 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 Ātiawa Arapaoa Scenic Reserve. 25
- (5) **Subsections (1) to (4)** do not take effect until the trustees of the Te Ātiawa o Te Waka-a-Māui Trust have provided the Crown with a registrable covenant in relation to the part of Ngaruru (Arapaoa Island) that is Section 2 SO 428534 on the terms and conditions set out in part 5.8 of the documents schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui. 30
- (6) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

298 Arapawa Māori Rowing Club site

- (1) The road shown as Section 2 on SO 426964 is stopped.
- (2) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.
- (3) The stopped road then vests in the Crown as Crown land subject to the Land Act 1948. 5
- (4) The reservation of any part of the Arapawa Māori Rowing Club site as a recreation reserve subject to the Reserves Act 1977 is then revoked.
- (5) The land whose reservation is revoked under **subsection (4)** then vests in the Crown as Crown land subject to the Land Act 1948. 10
- (6) The fee simple estate in the Arapawa Māori Rowing Club site then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 15
- (7) The Arapawa Māori Rowing Club site is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (8) The reserve is named Te Ātiawa Arapaoa Waka Recreation Reserve. 20
- (9) The building of the Arapawa Māori Rowing Club on the Arapawa Māori Rowing Club site does not vest in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust, despite the vesting under **subsection (6)**.

299 Katoa Point

- (1) The reservation of Katoa Point (being part of Katoa Point Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Katoa Point then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 30
- (3) Katoa Point is then 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 Ātiawa Kura te Au Scenic Reserve.

300 Moioio Island

- (1) The reservation of Moioio Island (being Moioio Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Moioio Island then vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 5
- (3) Moioio Island is then 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 Moioio Island Scenic Reserve. 10

301 Pūponga Point Pā site

- (1) The reservation of the Pūponga Point Pā site (being part of Pūponga Farm Park) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Pūponga Point Pā site then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows: 15
 - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and
 - (b) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and 20
 - (c) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
- (3) The Pūponga Point Pā site is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. 25
- (4) The reserve is named Pūponga Point Pā Historic Reserve.
- (5) The joint management body established by **section 314(1)** 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 in trustees) under section 26 of that Act. 30
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 318**.
- (7) Any interpretation panels in or on the Pūponga Point Pā site do not vest in any of the trustees, despite the vesting under **subsection (2)**. 35

302 Mātangi Āwhio (Nelson)

- (1) The reservation of Mātangi Āwhio (Nelson) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Mātangi Āwhio (Nelson) then vests as undivided seventh shares in the specified groups of trustees as tenants in common, as follows:
 - (a) under this paragraph,—
 - (i) a share vests in the trustees of Te Pātaka a Ngāti Kōata; and
 - (ii) a share vests in the trustees of the Ngāti Rārua Settlement Trust; and
 - (iii) a share vests in the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
 - (iv) a share vests in the trustees of the Te Ātiawa o Te Waka-a-Māui Trust; and
 - (b) under **section 95(2)(a) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**,—
 - (i) a share vests in the trustees of the Ngāti Apa ki te Rā Tō Trust; and
 - (ii) a share vests in the trustees of the Te Runanga o Ngāti Kuia Trust; and
 - (iii) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust.
- (3) Mātangi Āwhio (Nelson) is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Mātangi Āwhio (Nelson) Recreation Reserve.
- (5) Nelson City 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 318**.
- (7) Any improvements in or on Mātangi Āwhio (Nelson) do not vest in any of the trustees, despite the vestings referred to in **subsection (2)**.

303 Pukatea / Whites Bay

- (1) The reservation of Pukatea / Whites Bay (being part of Whites Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pukatea / Whites Bay then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
 - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust under this paragraph; and
 - (b) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust under **section 96(2)(a) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**; and
 - (c) a share vests in the trustee of the Toa Rangatira Trust under **section 492(2)(a) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**.
- (3) Pukatea / Whites Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Pukatea / Whites Bay Recreation Reserve.
- (5) The joint management body established by **section 315(1)** 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 in trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 318**.

304 Horahora-kākahu

- (1) The reservation of Horahora-kākahu (being Horahora-kakahu Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Horahora-kākahu then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
 - (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust under this paragraph; and

- (b) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust under **section 97(2)(a) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**; and
- (c) a share vests in the trustee of the Toa Rangatira Trust under **section 493(2)(a) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**. 5
- (3) Horahora-kākahu is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Horahora-kākahu Historic Reserve. 10
- (5) The joint management body established by **section 315(1)** 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 in trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 318**. 15
- (7) The historic monument at Horahora-kākahu does not vest in any of the trustees, despite the vestings referred to in **subsection (2)**.
- 305 Tokomaru / Mount Robertson** 20
- (1) The reservation of Tokomaru / Mount Robertson (being part of Robertson Range Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tokomaru / Mount Robertson then vests as undivided half shares in the specified groups of trustees as tenants in common, as follows: 25
- (a) a share vests in the trustees of the Ngāti Rārua Settlement Trust under this paragraph; and
- (b) a share vests in the trustee of the Toa Rangatira Trust under **section 494(2)(a) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**. 30
- (3) Tokomaru / Mount Robertson is then 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 Tokomaru / Mount Robertson Scenic Reserve. 35

- (5) The joint management body established by **section 316(1)** 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 in trustees) under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 318**. 5
- (7) **Subsections (1) to (6)** do not take effect until the trustees of the Ngāti Rārua Settlement Trust and the trustee of the Toa Rangatira Trust have provided the Crown with a registrable right of way easement in gross over the area shown as A on SO 426595 on the terms and conditions set out in part 5.7 of the documents schedule of the deed of settlement for Ngāti Rārua. 10
- (8) The easement—
- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and 15
- (b) is to be treated as having been granted in accordance with that Act.

Subpart 5—General provisions relating to
vesting of cultural redress properties 20

General provisions

- 306 Properties are subject to, or benefit from, interests**
Each cultural redress property vested in the relevant trustees under **subpart 4** is subject to, or benefits from, any interests listed for the property in **Schedule 7**. 25
- 307 Interests in land for reserve sites that are jointly vested sites**
- (1) This section applies to each of the following reserve sites while the site has an administering body that is treated as if the site were vested in it: 30
- (a) Pūponga Point Pā site:
- (b) Mātangi Āwhio (Nelson):
- (c) Pukatea / Whites Bay:
- (d) Horahora-kākahu:
- (e) Tokomaru / Mount Robertson. 35

- (2) This section applies to all, or only the part, of the site that remains a reserve under the Reserves Act 1977 (the **reserve land**).
- (3) If the reserve site is affected by an interest listed for the property in **Schedule 7** that is an interest in land, the interest applies as if the administering body were the grantor, or the grantee, 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 proprietor of the reserve land.
- (5) However, **subsections (3) and (4)** do not affect the registration of the easement referred to in **section 305(7)**.
- (6) **Subsections (3) and (4)** continue to apply despite any subsequent transfer of the reserve land under **section 318**.

308 Interests that are not interests in land

- (1) This section applies if a cultural redress property is subject to an interest listed for the property in **Schedule 7** that is not an interest in land and for which there is a grantor, whether or not the interest also applies to land outside the 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.
- (3) If all or part of the cultural redress property is reserve land to which **section 307** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.
- (4) The interest applies—
 - (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the property.

309 Registration of ownership

- (1) This section applies in relation to the fee simple estate in a cultural redress property vested in any trustees under **subpart 4**.
- (2) To the extent that a cultural redress property (other than Puketawai or a jointly vested site) is all of the land contained in a computer freehold register, the Registrar-General must, on written application by an authorised person,—
 - (a) register the trustees in whom the property is vested under **subpart 4** as the proprietors of the fee simple estate in the land; and
 - (b) record anything in the register, and do anything else, that is necessary to give effect to this Part and to part 5 of the relevant deed of settlement.
- (3) To the extent that **subsection (2)** does not apply to a cultural redress property (other than a jointly vested site), or in the case of Puketawai, the Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create 1 or more computer freehold registers for the fee simple estate in the property in the names of the trustees in whom the property is vested under **subpart 4**; and
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the application.
- (4) For a jointly vested site, the Registrar-General must, in accordance with written applications by an authorised person,—
 - (a) create 1 or more computer freehold registers for each undivided equal share of the fee simple estate in the property in the names of the trustees in whom the share is vested under **subpart 4**; and
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications.
- (5) **Subsections (3) and (4)** are subject to the completion of any survey necessary to create a computer freehold register.
- (6) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—
 - (a) 24 months after the settlement date; or

- (b) any later date that may be agreed in writing by the Crown and the trustees in whom the property is vested under **subpart 4**.
- (7) In this section, **authorised person** means a person authorised by the Director-General. 5
- 310 Application of Part 4A of Conservation Act 1987**
- (1) The vesting of the fee simple estate in a cultural redress property in any trustees under **subpart 4** is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 10
- (2) Despite **subsection (1)**,—
- (a) the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site in any trustees under **subpart 4**; and 15
- (b) the marginal strips reserved by section 24 of the Conservation Act 1987 from the vesting of Catherine Cove under **section 265(2)** are reduced to a width of 3 metres; and
- (c) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Whangarae Bay (Okiwi Bay) under **section 266(2)** is reduced to a width of 10 metres; and 20
- (d) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Glenhope (Kawatiri) under **section 267(2)** is reduced to a width of 10 metres; and 25
- (e) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Lucky Bay under **section 278(2)** is reduced to a width of 10 metres in certain areas as shown on SO 436126; and 30
- (f) the marginal strips reserved by section 24 of the Conservation Act 1987 from the vesting of Coombe Rocks under **section 282(2)** are reduced to a width of 10 metres; and 35
- (g) the marginal strips reserved by section 24 of the Conservation Act 1987 from the vesting of the Anatoia Islands under **section 286(2)** are—

- (i) reduced to a width of 3 metres in Sections 2, 3, 4, 5, and 6 SO 426664; and
 - (ii) reduced to a width of 5 metres in Section 1 SO 426664.
 - (3) If the reservation, under **subpart 4**, of a reserve site is revoked in relation to all or part of the site, then the vesting of the site in any trustees under **subpart 4** is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the site (as the case may be).
- 311 Recording application of Part 4A of Conservation Act 1987, sections of this Act, and fencing covenant**
- (1) The Registrar-General must record on any computer freehold register for a reserve site (other than a jointly vested site)—
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 310(3) and 317**.
 - (2) The Registrar-General must record on any computer freehold register created under **section 309** for a reserve site that is a jointly vested site (being Pūponga Point Pā site, Mātangi Āwhio (Nelson), Pukatea / Whites Bay, Horahora-kākahu, and Tokomaru / Mount Robertson)—
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 307(4), 310(3), and 318**.
 - (3) The Registrar-General must record on any computer freehold register for—
 - (a) Catherine Cove that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strips are reduced to a width of 3 metres; and
 - (b) Whangarae Bay (Okiwi Bay) that—
 - (i) the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres; and
 - (ii) the land is subject to the fencing covenant referred to in **section 266(3)**; and

- (c) Glenhope (Kawatiri) that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres; and
- (d) Lucky Bay that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres in certain areas as shown on SO 436126; and 5
- (e) Coombe Rocks that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strips are reduced to a width of 10 metres; and 10
- (f) the Anatoia Islands that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strips are—
 - (i) reduced to a width of 3 metres in Sections 2, 3, 4, 5, and 6 SO 426664; and 15
 - (ii) reduced to a width of 5 metres in Section 1 SO 426664.
- (4) The Registrar-General must record on any computer freehold register for any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987. 20
- (5) A notification made under any of **subsections (1) to (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.
- (6) For a reserve site other than a jointly vested site, if the reservation of the site under **subpart 4** is revoked in relation to— 25
 - (a) all of the site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register for the site—
 - (i) the notification that section 24 of the Conservation Act 1987 does not apply to the site; and 30
 - (ii) the notifications that the site is subject to **sections 310(3) and 317**; or
 - (b) part of the site, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register for the part of the site that remains a reserve. 35
- (7) For a reserve site that is a jointly vested site, if the reservation of the site under **subpart 4** is revoked in relation to—

- (a) all of the site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register created under **section 309** for the site—
 - (i) the notification that section 24 of the Conservation Act 1987 does not apply to the site; and
 - (ii) the notification that the site is subject to **sections 307(4), 310(3), and 318**; or
 - (b) part of the site, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register, created under **section 309** or derived from a computer freehold register created under **section 309**, for the part of the site that remains a reserve.
- (8) The Registrar-General must comply with an application received in accordance with **subsection (6)(a) or (7)(a)**.

312 Application of other enactments

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under **subpart 4**, of the reserve status of a cultural redress property.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting of the fee simple estate in a cultural redress property under **subpart 4**; or
 - (b) any matter incidental to, or required for the purpose of, the vesting.
- (3) The vesting of the fee simple estate in a cultural redress property under **subpart 4** does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of a deed of settlement in relation to a cultural redress property.

*Provisions relating to reserve sites***313 Application of Reserves Act 1977 to reserve sites**

- (1) The trustees in whom a reserve site is vested under **subpart 4** are the administering body of the reserve site, except as provided by **sections 301(5), 302(5), 303(5), 304(5), and 305(5)**. 5
- (2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve site, despite sections 48A(6), 114(5), and 115(6) of that Act.
- (3) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve site (other than Mātangi Āwhio (Nelson)). 10
- (4) If the reservation, under **subpart 4**, of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site, section 25 (except subsection (2)) of that Act does not apply to the revocation. 15

314 Joint management body for Pūponga Point Pā site

- (1) A joint management body is established for the Pūponga Point Pā site.
- (2) Each of the following 3 groups of trustees may appoint 2 members to the joint management body: 20
 - (a) the trustees of the Ngāti Rārua Settlement Trust; and
 - (b) the trustees of the Ngāti Tama ki Te Waipounamu Trust; and
 - (c) the trustees of the Te Ātiawa o Te Waka-a-Māui Trust. 25
- (3) An appointer may appoint a member only by giving a written notice with the following details to the 1 or more other appointers:
 - (a) the member's full name, address, and other contact details; and 30
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first). 35
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.

- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (7) However, the first meeting of the body must be held no later than 2 months after the settlement date.

315 Joint management body for Pukatea / Whites Bay and Horahora-kākahu 5

- (1) A joint management body is established for Pukatea / Whites Bay and Horahora-kākahu.
- (2) Each of the following 3 groups of trustees may appoint 2 members to the joint management body: 10
 - (a) the trustees of the Ngāti Rārua Settlement Trust; and
 - (b) the trustees of the Rangitāne o Wairau Settlement Trust; and
 - (c) the trustee of the Toa Rangatira Trust.
- (3) An appointer may appoint a member only by giving a written notice with the following details to the 1 or more other appointers: 15
 - (a) the member's full name, address, and other contact details; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice. 20
- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first).
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer. 25
- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (7) **Subsection (6)** applies subject to **subsections (8) and (9)**.
- (8) The first meeting of the body must be held no later than 2 months after the settlement date. 30
- (9) If the 3 groups of trustees referred to in **subsection (2)** agree to adopt alternative provisions about meetings of the body,—
 - (a) those provisions apply; and
 - (b) section 32 of the Reserves Act 1977 does not apply. 35

316 Joint management body for Tokomaru / Mount Robertson

- (1) A joint management body is established for Tokomaru / Mount Robertson.
- (2) Each of the following 2 groups of trustees may appoint 2 members to the joint management body: 5
 - (a) the trustees of the Ngāti Rārua Settlement Trust; and
 - (b) the trustee of the Toa Rangatira Trust.
- (3) An appointer may appoint a member only by giving a written notice with the following details to the other appointer: 10
 - (a) the member's full name, address, and other contact details; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first). 15
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board. 20
- (7) **Subsection (6)** applies subject to **subsections (8) and (9)**.
- (8) The first meeting of the body must be held no later than 2 months after the settlement date.
- (9) If the 2 groups of trustees referred to in **subsection (2)** agree to adopt alternative provisions about meetings of the body,— 25
 - (a) those provisions apply; and
 - (b) section 32 of the Reserves Act 1977 does not apply.

317 Subsequent transfer of reserve sites (other than jointly vested sites)

- (1) This section applies to a reserve site (other than a jointly vested site). 30
- (2) This section applies to all, or only the part, of the reserve site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 4** (the **reserve land**). 35

-
- (3) The fee simple estate in the reserve land may be transferred to any other person only in accordance with this section, despite any other enactment or rule of law.
- (4) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to another person or persons (the **new owners**) if, upon written application, the registered proprietors of the reserve land satisfy the Minister that the new owners are able to—
- (a) comply with the requirements of the Reserves Act 1977; and
 - (b) perform the duties of an administering body under that Act.
- (5) The Registrar-General must, upon receiving the documents specified in **subsection (6)**, register the new owners as the proprietors of the fee simple estate in the reserve land.
- (6) The documents are—
- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer; and
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
 - (c) any other document required for registration of the transfer instrument.
- (7) The new owners, from the time of registration under **subsection (5)**,—
- (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer.
- (8) However, **subsections (3) to (7)** do not apply to the transfer of the fee simple estate in the reserve land if—
- (a) the transferors of the reserve land are or were the trustees of a trust; and
 - (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and

- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply.

318 Subsequent transfer of jointly vested sites 5

- (1) This section applies to all, or only the part, of a jointly vested site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 4 of this Part, subpart 4 of Part 2 of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013, or subpart 3 of Part 9 of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013** (the reserve land). 10
- (2) The fee simple estate in the reserve land may be transferred only if—
 - (a) the transferors of the reserve land are or were the trustees of a trust; and 15
 - (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
 - (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply. 20

319 No mortgage of reserve land

- (1) This section applies to all, or only the part, of a reserve site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 4** (the reserve land). 25
- (2) The owners of the reserve land must not mortgage, or give a security interest in, all or part of the reserve land. 30

320 Saving of bylaws, etc, in relation to reserve sites

- (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 has made or imposed under the Reserves Act 1977 or the Conservation Act 1987 in relation to a 35

reserve site before the site vests in any trustees under **subpart 4**.

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

5

321 Names of Crown protected areas and reserve sites

- (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.

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- (3) A reserve site is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

15

- (4) A reserve site 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 site, and section 16(10A) of that Act does not apply to the proposed change.

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- (5) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Subpart 6—Delayed vesting of cleared land

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322 Interpretation

In this subpart,—

cleared land means an area of land described in a written notice under **section 323(3)(a)**

French Pass School and teachers' residence means the land described by that name in **Schedule 8**

30

vesting date, in relation to cleared land, means the land's date of vesting specified in a written notice under **section 323(3)(c)**.

323 French Pass School and teachers' residence

- (1) This section applies to the 1 or more determinations that the chief executive of LINZ has made, or makes, about whether any area of the French Pass School and teachers' residence is subject to any rights or obligations that are inconsistent with vesting the area in the trustees of Te Pātaka a Ngāti Kōata. 5
- (2) For each determination, the Secretary for Education must give a written notice to the trustees of Te Pātaka a Ngāti Kōata—
 - (a) specifying any area that is free of such rights and obligations; and 10
 - (b) specifying any area that is subject to such rights and obligations.
- (3) A notice that specifies any area that is free of such rights and obligations must—
 - (a) specify the legal description of the area (including any interests affecting it) (**cleared land**); and 15
 - (b) state that the cleared land is to vest in fee simple in the trustees of Te Pātaka a Ngāti Kōata; and
 - (c) specify the date on which the cleared land is to vest in the trustees (the **vesting date**), which must be the later of— 20
 - (i) the settlement date;
 - (ii) the day that is 10 working days after the date on which the notice is given.
- (4) A notice that specifies an area that is subject to such rights and obligations must include the legal description of the area. 25
- (5) On the vesting date for cleared land, the fee simple estate in the cleared land vests in the trustees of Te Pātaka a Ngāti Kōata, subject to, or together with, any interests affecting the cleared land. 30

324 Registration of ownership of cleared land

- (1) The Registrar-General must, on written application by an authorised person, comply with **subsections (2) to (5)**.
- (2) To the extent that cleared land is all of the land contained in a computer freehold register, the Registrar-General must— 35
 - (a) register the trustees of Te Pātaka a Ngāti Kōata as the proprietors of the fee simple estate in the land; and

- (b) record anything in the register, and do anything else, that is necessary to give effect to this subpart.
- (3) To the extent that **subsection (2)** does not apply to cleared land, the Registrar-General must, in accordance with an application by an authorised person,— 5
 - (a) create 1 or more computer freehold registers for the fee simple estate in the land in the names of the trustees of Te Pātaka a Ngāti Kōata; and
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described 10 in the application.
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a computer freehold register.
- (5) A computer freehold register must be created under this section for cleared land as soon as is reasonably practicable after 15 the vesting date for the land, but no later than—
 - (a) 24 months after the vesting date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustees of Te Pātaka a Ngāti Kōata.
- (6) In this section, **authorised person** means a person authorised 20 by the Secretary for Education.

325 Application of other enactments to cleared land

- (1) The vesting of the fee simple estate in cleared land 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 25 that Act do not apply to the disposition.
- (2) The Registrar-General must record on any computer freehold register for cleared land that the land is subject to Part 4A of the Conservation Act 1987.
- (3) A notification made under **subsection (2)** is to be treated as 30 having been made in compliance with section 24D(1) of the Conservation Act 1987.
- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting of the fee simple estate in cleared land under 35 this subpart; or

- (b) any matter incidental to, or required for the purpose of, the vesting.
- (5) The vesting of the fee simple estate in cleared land under this subpart does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; 5
 - or
 - (b) affect other rights to subsurface minerals.

Subpart 7—Vesting and gifting back of properties

- 326 Vesting and gifting back of Kaka Point** 10
- (1) The fee simple estate in Kaka Point (being part of Kaiteriteri Recreation Reserve) vests jointly in—
 - (a) the trustees of the Ngāti Rārua Settlement Trust; and
 - (b) the trustees of the Ngāti Tama ki Te Waipounamu Trust; 15
 - and
 - (c) the trustees of the Te Ātiawa o Te Waka-a-Māui Trust.
 - (2) On the seventh day after the settlement date,—
 - (a) the fee simple estate in Kaka Point vests in the Crown as a gift back to the Crown by the trustees for the people of New Zealand; and 20
 - (b) Kaka Point is then changed in classification to be a historic reserve subject to section 18 of the Reserves Act 1977 and the historic reserve is named Kaka Point Historic Reserve.
 - (3) Despite the vestings,— 25
 - (a) Kaka Point remains a reserve under the Reserves Act 1977, and that Act continues to apply to the reserve, as if the vestings had not occurred; and
 - (b) the Kaiteriteri Recreation Reserve Board remains the administering body appointed to control and manage 30 the reserve under section 30 of the Reserves Act 1977; and
 - (c) any other enactment or any instrument that applied to Kaka Point immediately before the settlement date continues to apply to it as if the vestings had not occurred; 35 and

- (d) any interest that affected Kaka Point immediately before the settlement date continues to affect it as if the vestings had not occurred; and
 - (e) the Crown retains all liability for Kaka Point as if the vestings had not occurred. 5
 - (4) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.
 - (5) To the extent that the statutory acknowledgement or a deed of recognition applies to Kaka Point, it applies only after Kaka Point vests back in the Crown. 10
 - (6) The Registrar-General must, on written application by an authorised person, record on any computer freehold register that contains all or part of Kaka Point that, under this section, the land in Kaka Point is classified as a historic reserve subject to section 18 of the Reserves Act 1977. 15
 - (7) The written application must be made as soon as is reasonably practicable on or after the seventh day after the settlement date.
 - (8) In this section,—
 - authorised person** means a person authorised by the Director-General 20
 - Kaka Point** means the land described by that name in **Schedule 8**.
- 327 Vesting and gifting back of Te Tai Tapu**
- (1) The fee simple estate in Te Tai Tapu vests jointly in— 25
 - (a) the trustees of the Ngāti Rārua Settlement Trust, the trustees of the Ngāti Tama ki Te Waipounamu Trust, and the trustees of the Te Ātiawa o Te Waka-a-Māui Trust under this paragraph; and
 - (b) the trustees of the Ngāti Apa ki te Rā Tō Trust under **section 113(1)(a) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**. 30
 - (2) On the seventh day after the settlement date, the fee simple estate in Te Tai Tapu vests in the Crown as a gift back to the Crown by the trustees for the people of New Zealand. 35
 - (3) Despite the vestings,—

- (a) Te Tai Tapu remains part of the North-west Nelson Forest Park under the Conservation Act 1987, and that Act continues to apply to the site, as if the vestings had not occurred; and
 - (b) any other enactment or any instrument that applied to Te Tai Tapu immediately before the settlement date continues to apply to it as if the vestings had not occurred; and
 - (c) any interest that affected Te Tai Tapu immediately before the settlement date continues to affect it as if the vestings had not occurred; and
 - (d) the Crown retains all liability for Te Tai Tapu as if the vestings had not occurred.
- (4) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.
- (5) To the extent that the statutory acknowledgement or a deed of recognition applies to Te Tai Tapu, it applies only after Te Tai Tapu vests back in the Crown.
- (6) In this section, **Te Tai Tapu** means the land described by that name in **Schedule 8**.

Subpart 8—Easement over part of D’Urville Island Scenic Reserve

328 Easement over part of D’Urville Island Scenic Reserve

- (1) The Minister of Conservation must provide the trustees of Te Pātaka a Ngāti Kōata with an unregistered right of way easement in gross in relation to part of D’Urville Island Scenic Reserve.
- (2) The easement must be on the terms and conditions set out in part 5.6 of the documents schedule of the deed of settlement for Ngāti Kōata and granted over the area shown on the plan attached to those terms and conditions.
- (3) 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.

- (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 in relation to the easement.

Subpart 9—Geographic names

5

329 Interpretation

In this subpart,—

New Zealand Geographic Board has the meaning given to Board by section 4 of the NZGB Act

NZGB Act means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 10

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

330 New names of features

- (1) A name specified in the first column of the table in the following clauses is assigned to the feature described in the second and third columns of the table: 15
- (a) clause 5.63.1 of the deed of settlement for Ngāti Kōata:
 - (b) clause 5.26.1 of the deed of settlement for Ngāti Rārua:
 - (c) clause 5.26.1 of the deed of settlement for Ngāti Tama ki Te Tau Ihu: 20
 - (d) clause 5.41.1 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (2) A name specified in the first column of the table in the following clauses for the feature described in the third and fourth columns of the table is altered to the name specified in the second column of the table: 25
- (a) clause 5.63.2 of the deed of settlement for Ngāti Kōata:
 - (b) clause 5.26.2 of the deed of settlement for Ngāti Rārua:
 - (c) clause 5.26.2 of the deed of settlement for Ngāti Tama ki Te Tau Ihu: 30
 - (d) clause 5.41.2 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (3) Each assignment or alteration is to be treated as if it were an assignment or alteration of the official geographic name by a determination of the New Zealand Geographic Board, under 35

section 19 of the NZGB Act, that takes effect on the settlement date.

331 Publication of new names

- (1) The New Zealand Geographic Board must, as soon as practicable after the settlement date, give public notice of each assignment or alteration of a name under **section 330** in accordance with section 21(2) and (3) of the NZGB Act. 5
- (2) However, the notices must state that the assignments and alterations took effect on the settlement date.

332 Alteration of new names

- (1) The New Zealand Geographic Board need not comply with the requirements of sections 16, 17, 18, 19(1), and 20 of the NZGB Act in making a determination to alter the official geographic name of a feature named by this subpart. 10
- (2) Instead, the Board may make the determination as long as it has the written consent of the following trustees: 15
 - (a) the trustees of the settlement trusts; and
 - (b) the trustees of the related settlement trusts; and
 - (c) the trustee of the Toa Rangatira Trust.
- (3) To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act. 20

Subpart 10—Minerals fossicking right

333 Interpretation

In this subpart,—

relevant fossicking area, for a settlement iwi, means an area shown on the deed plan in part 2.4 of the attachments to the deed of settlement for that iwi

riverbed means the land that the waters of a river or other natural watercourse cover at its fullest flow without flowing over its banks. 30

334 Authorisation to search for and remove sand, shingle, or other natural material

- (1) A member of a settlement iwi who has written authorisation from the trustees of that iwi's settlement trust may, by hand,—
 - (a) search for any sand, shingle, or other natural material in any part of a riverbed that is, or is bounded on either side by, conservation land in a relevant fossicking area; and 5
 - (b) remove the material from that part of the riverbed.
- (2) A person who removes sand, shingle, or other natural material under **subsection (1)** must,— 10
 - (a) each day, remove no more than the person can carry by hand in 1 load without assistance; and
 - (b) not use machinery or cutting equipment to remove the material. 15

335 Access to riverbed to search for and remove sand, shingle, or other natural material

- A person who is authorised to search for sand, shingle, or other natural material in, and remove the material from, a riverbed under **section 334** may access the riverbed over conservation land for that purpose, but only— 20
- (a) on foot; or
 - (b) by any means that are available to the public; or
 - (c) by any other means, and subject to any conditions, specified in writing by the Director-General or the Commissioner of Crown Lands. 25

336 Obligations if accessing riverbed

- A person who accesses a riverbed under **section 334 or 335** must take all reasonable care to do no more than minor damage to vegetation on, and other natural features of, the riverbed and surrounding areas. 30

337 Relationship with other enactments

- (1) A person exercising a right under **section 334 or 335** must comply with all other lawful requirements (for example, under the Resource Management Act 1991). 35
- (2) However,—

- (a) a person may exercise a right under **section 334 or 335** despite not having any authorisation required by the conservation legislation; and
- (b) a person may exercise a right under **section 334** despite not having any authorisation required by the Land Act 1948. 5
- (3) The rights under **sections 334 and 335** do not apply in relation to any part of a riverbed that is—
 - (a) an ecological area declared under section 18 of the Conservation Act 1987; or 10
 - (b) an archaeological site (as defined by section 2 of the Historic Places Act 1993); or
 - (c) land described in Schedule 4 of the Crown Minerals Act 1991.

Subpart 11—Statutory advisers 15

338 Interpretation

- (1) In this subpart,—

Moawhitu means the 626.0496 hectares of land, lake, and associated wetlands in Part Rangitoto 5A and Part Rangitoto 5B3, which is part of D'Urville Island Scenic Reserve, as shown on deed plan OTS–202–39 20

Takapourewa means Takapourewa Nature Reserve, which is the 150.3314 hectares of land in Sections 1, 2, and 3 SO 15162, as shown on deed plan OTS–202–117

Whangarae means 321 hectares of land, approximately, as shown on deed plan OTS–202–118, comprising— 25

- (a) the part of Okiwi Bay & Moncrieff Scenic Reserve surrounding Whangarae that is Parts Section 23 Block X Whangamoa Survey District, Section 2 SO 429448, Part Subdivision 1C Section 18 Square 91, and Sections 3 and 4 SO 430484; and 30
- (b) Whangarae Recreation Reserve, which is Section 1 Block V Whangamoa Survey District

Whangarae Estuary site means the deferred selection property described as Whangarae Estuary in part 4 of the property redress schedule of the deed of settlement for Ngāti Kōata. 35

- (2) However, the meaning of **Whangarae** is subject to any survey of the Whangarae Estuary site (which is part of Whangarae) for the transfer of the site to the trustees of Te Pātaka a Ngāti Kōata in accordance with parts 5 and 6 of the property redress schedule of the deed of settlement for Ngāti Kōata. 5

339 Statutory advisers may advise Minister of Conservation and Director-General

- (1) The trustees of Te Pātaka a Ngāti Kōata are appointed as statutory advisers in relation to Takapourewa, Whangarae, and Moawhitu. 10
- (2) The trustees, as statutory advisers, may provide written advice to the Minister of Conservation or the Director-General about the restoration of native plants and the management of species of native animals at, or proposed to be relocated to, Takapourewa, Whangarae, or Moawhitu. 15
- (3) The Minister of Conservation or the Director-General must have regard to written advice received from the trustees on a matter referred to in **subsection (2)** when making a decision on the matter.
- (4) However, if the Whangarae Estuary site transfers to the trustees in accordance with parts 5 and 6 of the property redress schedule of the deed of settlement for Ngāti Kōata, then the trustees cease to be statutory advisers in relation to the land in the site. 20

Subpart 12—Statutory kaitiaki,
acknowledgement as kaitiaki, and
kaitiaki plan 25

340 Interpretation

In this subpart,—

coastal marine area has the meaning given by section 2(1) of the Resource Management Act 1991 30

kaitiaki plan means the plan lodged with Marlborough District Council under **section 342**

Queen Charlotte Sound / Tōtaranui means the area with the general location (but not the precise boundaries) indicated on deed plan OTS–202–134.

341 Statutory kaitiaki may advise Minister of Conservation and Director-General 5

- (1) The trustees of the Te Ātiawa o Te Waka-a-Māui Trust are appointed as statutory kaitiaki of the following islands in Queen Charlotte Sound / Tōtaranui:
 - (a) Allports Island (as shown on deed plan OTS–202–131):
 - (b) Amerikiwhaiti Island (as shown on deed plan OTS–202–133): 10
 - (c) Blumine Island (Oruawairua) (as shown on deed plan OTS–202–132):
 - (d) Mabel Island (as shown on deed plan OTS–202–136):
 - (e) Matapara / Pickersgill Island (as shown on deed plan OTS–202–132). 15
- (2) The trustees, as statutory kaitiaki of the islands, may provide written advice to the Minister of Conservation or the Director-General about—
 - (a) the restoration of native plants on the islands; and 20
 - (b) the management of species of native animals on the islands.
- (3) The Minister of Conservation or the Director-General must have regard to written advice received from the trustees on a matter referred to in **subsection (2)** when making a decision 25 on the matter.

342 Preparation of kaitiaki plan

- (1) The trustees of the Te Ātiawa o Te Waka-a-Māui Trust may at any time prepare a plan and lodge it with Marlborough District Council. 30
- (2) The plan must specify—
 - (a) the values of Te Ātiawa o Te Waka-a-Māui in relation to the coastal marine area of Queen Charlotte Sound / Tōtaranui; and
 - (b) the resource management issues of significance to Te Ātiawa o Te Waka-a-Māui in relation to the coastal marine area of Queen Charlotte Sound / Tōtaranui; and 35

- (c) Te Ātiawa o Te Waka-a-Māui's statement of kaitiakitanga for fisheries management in the coastal marine area of Queen Charlotte Sound / Tōtaranui.

343 Effect of kaitiaki plan on council

- (1) This section applies when Marlborough District Council is preparing or changing a regional policy statement or regional coastal plan that wholly or partly covers the coastal marine area of Queen Charlotte Sound / Tōtaranui. 5
- (2) The council must take into account the kaitiaki plan to the extent that its content has a bearing on the resource management issues of the coastal marine area of Queen Charlotte Sound / Tōtaranui. 10
- (3) The council must include in the regional policy statement or regional coastal plan a statement of the resource management issues of significance to Te Ātiawa o Te Waka-a-Māui as set out in the kaitiaki plan. 15
- (4) The council must refer to the kaitiaki plan to the extent that it is relevant in its report under section 32(5) of the Resource Management Act 1991 on an evaluation of the proposed regional policy statement or regional coastal plan. 20

344 Limitation of rights

The kaitiaki plan does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights (including rights under the Marine and Coastal Area (Takutai Moana) Act 2011) relating to, the coastal marine area of Queen Charlotte Sound / Tōtaranui. 25

Subpart 13—Acknowledgement of historical association with West of Separation Point / Te Matau

345 Acknowledgement of historical association with West of Separation Point / Te Matau 30

The Crown acknowledges the statement made by Ngāti Kōata of its historical association with West of Separation Point / Te Matau in the form set out in part 2.2 of the documents schedule of the deed of settlement for Ngāti Kōata. 35

Subpart 14—River and freshwater advisory committee

346 Advisory committee established

An advisory committee is established to provide advice in relation to the management of rivers and fresh water within the regions of the following councils (the **relevant councils**):

- (a) Marlborough District Council; and
- (b) Nelson City Council; and
- (c) Tasman District Council.

347 Appointment of members to advisory committee

- (1) The advisory committee consists of no more than 8 members.
- (2) One member may be appointed by the trustees of each of the 4 settlement trusts, the 3 related settlement trusts, and the Toa Rangatira Trust.
- (3) The trustees of a trust may appoint a member only by giving a written notice with the following details to the trustees of the other trusts:
 - (a) the member's full name, address, and other contact details; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

348 Advisory committee may provide advice

- (1) The advisory committee may provide written advice, in reply to an invitation under **section 349**, in relation to the management of rivers and fresh water within the region of a relevant council before the council—
 - (a) makes any decisions on the review of a policy statement or plan under section 79 of the Resource Management Act 1991; or
 - (b) starts to prepare or change a policy statement or plan under Part 1 of Schedule 1 of that Act; or
 - (c) notifies a proposed policy statement or plan under clause 5 of Schedule 1 of that Act.
- (2) If the committee and a relevant council agree in writing, the committee may provide written advice to the council on any other matter in relation to the Resource Management Act 1991.

- (3) The committee or the council may terminate any agreement to provide advice under **subsection (2)** by giving written notice to the other party.

349 Council must invite and have regard to advice

- (1) A relevant council must comply with this section before performing any action referred to in **section 348(1)(a) to (c)**. 5
- (2) The council must provide a written invitation to the advisory committee to provide written advice in relation to the action.
- (3) The council must have regard to advice received from the committee under **section 348(1)** in reply to an invitation if the advice is received— 10
- (a) before the day that is 2 months after the day on which the committee received the invitation; or
 - (b) before any other day agreed to by the council and the committee. 15
- (4) The council must have regard to any advice received from the committee under **section 348(2)** if it is reasonably practicable to do so.

350 Procedure and meetings of advisory committee

- (1) The advisory committee must— 20
- (a) regulate its own procedure; and
 - (b) make decisions only with the agreement of all of the members who are present and who vote at a meeting; and
 - (c) conduct proceedings with a quorum of a majority of the members who have been appointed to the committee; and 25
 - (d) provide the relevant councils with an address to which the councils must send notices to the committee.
- (2) The committee may request that a relevant council have 1 or more representatives attend a meeting of the committee. 30
- (3) In making the request, the committee must—
- (a) give the council 10 working days' notice of the meeting in writing; and
 - (b) provide the council with an agenda for the meeting. 35

- (4) The council must have 1 or more representatives attend the meeting if it is reasonably practicable to do so, but the council may decide on the number of representatives at its discretion.
- (5) Each relevant council need not have representatives attend more than 4 meetings each year. 5
- 351 Advisory committee may request information**
- (1) The advisory committee may make a written request for information from a relevant council in relation to an action or a proposed action of a council referred to in **section 348(1)(a) to (c)**. 10
- (2) The council must provide the requested information to the committee if it is reasonably practicable to do so.
- 352 Other obligations under Resource Management Act 1991**
- This subpart does not limit the obligations of a relevant council under the Resource Management Act 1991. 15

Part 6 Commercial redress

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

- 353 The Crown may transfer properties** 20
- To give effect to part 6 of a deed of settlement, and part 6 of the property redress schedule of a deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to—
- (a) transfer the fee simple estate in a commercial redress property or deferred selection property to the trustees of a settlement trust; and 25
- (b) sign a transfer instrument or other document, or do anything else, to effect the transfer.
- 354 Registrar-General to create computer freehold register** 30
- (1) **Subsection (2)** applies to the following:
- (a) a commercial redress property other than a licensed property:

- (b) a deferred selection property that is to transfer to the trustees of only 1 settlement trust.
- (2) To the extent that the property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; and
 - (c) omit any statement of purpose from the computer freehold register.
- (3) For a licensed property that is to transfer to the trustees of only 1 settlement trust, the Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; and
 - (c) omit any statement of purpose from the computer freehold register.
- (4) However, **subsections (5) and (6)** override **subsection (3)**.
- (5) For the licensed property described as Queen Charlotte Forest in table 1 in part 3 of the property redress schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui, the Registrar-General must, in accordance with written applications by an authorised person,—
 - (a) create 9 computer freehold registers in the name of the Crown as follows:
 - (i) one for the fee simple estate in each of Sections 1 to 8 on deed plan OTS-202-141 (subject to survey);
 - (ii) one for the fee simple estate in the balance of the property; and

- (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications; and
 - (c) omit any statement of purpose from the registers.
- (6) For the licensed property described as Rai Forest in table 1 in part 3 of the property redress schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu, the Registrar-General must, in accordance with written applications by an authorised person,—
 - (a) create 2 computer freehold registers in the name of the Crown as follows:
 - (i) one for the fee simple estate in the part of the property in the Marlborough land registration district;
 - (ii) one for the fee simple estate in the part of the property in the Nelson land registration district; and
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications; and
 - (c) omit any statement of purpose from the registers.
- (7) For a licensed property or deferred selection property that is to transfer to the trustees of 2 or more settlement trusts, the Registrar-General must, in accordance with written applications by an authorised person,—
 - (a) create, in the name of the Crown, a computer freehold register for each undivided share of the fee simple estate in the property; and
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications; and
 - (c) omit any statement of purpose from the registers.
- (8) **Subsections (2) to (7)** are subject to the completion of any survey necessary to create a computer freehold register.
- (9) The authorised person may grant a covenant for the later creation of a computer freehold register for any land that is to be transferred to the trustees of a settlement trust.
- (10) Despite the Land Transfer Act 1952,—

- (a) the authorised person may request the Registrar-General to register the covenant under the Land Transfer Act 1952 by creating a computer interest register; and
 - (b) the Registrar-General must comply with the request.
- (11) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 5

355 Minister of Conservation may grant easements

- (1) The Minister of Conservation may grant any easement required to fulfil the terms of a deed of settlement in relation to a commercial redress property or deferred selection property over— 10
- (a) a conservation area (under the Conservation Act 1987); or
 - (b) a reserve (under the Reserves Act 1977). 15
- (2) Any such easement—
- (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and 20
 - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

356 Application of other enactments

- (1) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— 25
- (a) the transfer of the fee simple estate in a commercial redress property or deferred selection property to the trustees of a settlement trust; or
 - (b) a leaseback of the property to the Crown in accordance with part 6 of a deed of settlement; or 30
 - (c) any matter incidental to, or required for the purpose of, the transfer or leaseback.
- (2) The transfer of the fee simple estate in a commercial redress property or deferred selection property to the trustees of a settlement trust does not— 35
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or

- (b) affect other rights to subsurface minerals.
- (3) The transfer of the fee simple estate in a commercial redress property or deferred selection property to the trustees of a settlement trust is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 5
- (4) In exercising the powers conferred by **section 353**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property or deferred selection property. 10
- (5) **Subsection (4)** is subject to **subsections (2) and (3)**.
- (6) 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 part 6 of a deed of settlement, and part 6 of the property redress schedule of a deed of settlement, in relation to a commercial redress property or deferred selection property. 15
- 357 Transfer of certain commercial redress properties and deferred selection properties** 20
- (1) The commercial redress property described as Renwick Area Office, 22 Gee Street, Linkwater, in table 2 in part 3 of the property redress schedule of the deed of settlement for Ngāti Kōata ceases to be a conservation area under the Conservation Act 1987. 25
- (2) **Subsection (3)** applies to a deferred selection property described as follows (in table 1 if there are 2 tables) in part 4 of the property redress schedule of a deed of settlement if the property transfers to the trustees of a settlement trust in accordance with part 6 of that schedule: 30
- (a) Te Tai Tapu / North Anatori (in the deed of settlement for Ngāti Tama ki Te Tau Ihu, and being part of North-west Nelson Forest Park); or
- (b) Te Tai Tapu / Snake Creek (in the deed of settlement for Ngāti Rārua, and being part of North-west Nelson Forest Park); or 35

- (c) York Street workshop, York Street, Picton (in the deed of settlement for Te Ātiawa o Te Waka-a-Māui).
- (3) Immediately before the transfer, the property ceases to be a conservation area under the Conservation Act 1987.
- (4) If the land, or any part of the land, in the property referred to in **subsection (2)(a) or (b)** is, immediately before the transfer, all or part of a Crown protected area, then upon transfer 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 10
- (5) **Subsection (6)** applies to the deferred selection property described as the Waitaria Bay School site in part 4 of the property redress schedule of the deed of settlement for Ngāti Kōata if the property transfers to the trustees of Te Pātaka a Ngāti Kōata in accordance with part 6 of that schedule. 15
- (6) Immediately before the transfer, the reservation of the property as a government purpose reserve for education purposes subject to the Reserves Act 1977 is revoked.
- (7) **Subsection (8)** applies to a deferred selection property described as follows (in table 1 if there are 2 tables) in part 4 of the property redress schedule of a deed of settlement if the property transfers to the trustees of a settlement trust in accordance with part 6 of that schedule: 20
- (a) Whangarae Estuary (in the deed of settlement for Ngāti Kōata, and being part of Okiwi Bay & Moncrieff Scenic Reserve); or 25
- (b) Whatapu / Queen Charlotte Sound (in the deed of settlement for Te Ātiawa o Te Waka-a-Māui).
- (8) Immediately before the transfer, the reservation of the property as any class of reserve subject to the Reserves Act 1977 is revoked. 30
- (9) If the land, or any part of the land, in the property referred to in **subsection (7)(a)** is, immediately before the transfer, all or part of a Crown protected area, then upon transfer 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. 35

- (10) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under **subsection (6) or (8)**.
- (11) **Subsection (12)** applies to the deferred selection property described as Batchelor Ford Road in part 4 of the property redress schedule of the deed of settlement for Ngāti Tama ki Te Tau Ihu if the property transfers to the trustees of the Ngāti Tama ki Te Waipounamu Trust in accordance with part 6 of that schedule. 5
- (12) The marginal strip reserved by section 24 of the Conservation Act 1987 from the transfer of the deferred selection property is reduced to a width of 5 metres, despite **section 356(3)**. 10
- (13) In **subsections (4) and (9), Board, Crown protected area, Gazetteer, and official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 15

358 Transfer of properties subject to lease

- (1) This section applies to a commercial redress property or deferred selection property—
- (a) for which the land holding agency is the Ministry of Education; and 20
 - (b) the ownership of which is to transfer to the trustees of a settlement trust in accordance with part 6 of the property redress schedule of a deed of settlement; and
 - (c) that, after the transfer, is to be subject to a lease back to the Crown. 25
- (2) Despite **section 356(3)** (which refers to section 24(2A) of the Conservation Act 1987), the rest of section 24 of that Act does not apply to the transfer of the property.
- (3) The transfer instrument for the transfer of the property must include a notification that the land is to become subject to **section 358(6) and (7)** upon the registration of the transfer. 30
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any computer freehold register for the property—
- (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 35

- (b) that the land is subject to **section 358(6) and (7)**.
- (5) A notification 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. 5
- (6) If the lease referred to in **subsection (1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, the transfer of the property is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the property, as the case may be. 10
- (7) If the lease referred to in **subsection (1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, then the registered proprietors of the property must apply in writing to the Registrar-General to,— 15
- (a) if none of the property remains subject to such a lease, remove from the computer freehold register for the property any notifications that— 20
- (i) section 24 of the Conservation Act 1987 does not apply to the land; and
- (ii) the land is subject to **section 358(6) and (7)**; or
- (b) if only part of the property remains subject to such a lease (the **leased part**), amend any notifications on the computer freehold register for the property to record that, in relation to only the leased part,— 25
- (i) section 24 of the Conservation Act 1987 does not apply to that part; and
- (ii) that part is subject to **section 358(6) and (7)**.
- (8) The Registrar-General must comply with an application received in accordance with **subsection (7)** free of charge to the applicant. 30

Subpart 2—Licensed properties and unlicensed land

Licensed properties

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359 Interpretation

In this subpart,—

Crown forestry rental trust means the trust established by the Crown forestry rental trust deed

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust under section 34 of the Crown Forest Assets Act 1989

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relevant Crown forestry licence, for a licensed property, means the Crown forestry licence described in relation to the property in part 3 of the property redress schedule of a deed of settlement

relevant trustees, for a licensed property, means the trustees of the settlement trust of each of the 1 or more settlement iwi whose deeds describe the property.

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360 Licensed property ceases to be Crown forest land

- (1) A licensed property ceases to be Crown forest land under the Crown Forest Assets Act 1989 upon the registration of the transfer of the fee simple estate in the property to the relevant trustees. 15
- (2) However, although the licensed property does not cease to be Crown forest land until the transfer to the relevant trustees is registered, neither the Crown nor any court or tribunal may do any thing or omit to do any thing if that act or omission would, between the settlement date and the date of registration,— 20
 - (a) be permitted by the Crown Forest Assets Act 1989; but
 - (b) be inconsistent with part 6 of a deed of settlement.

361 Trustees confirmed beneficiaries and licensors in relation to licensed property

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- (1) The relevant trustees are, in relation to a licensed property, the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed.
- (2) The effect of **subsection (1)** is that— 30
 - (a) the relevant trustees are entitled to the rental proceeds paid for the property to the trustees of the Crown forestry rental trust under the relevant Crown forestry licence since the commencement of the licence; and

- (b) all the provisions of the Crown forestry rental trust deed apply on the basis that the relevant trustees are the confirmed beneficiaries in relation to the property.
- (3) Despite **subsection (2)(a)**, the trustees of the settlement trusts and the trustee of the Toa Rangatira Trust are entitled to the rental proceeds referred to in **subsection (2)(a)** for all of the licensed properties as provided for in—
- (a) clause 6.9 of the deeds of settlement for Ngāti Kōata and Ngāti Rārua:
 - (b) clause 6.10 of the deed of settlement for Ngāti Tama ki Te Tau Ihu:
 - (c) clause 6.11 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui:
 - (d) clause 6.22 of the deed of settlement for Ngati Toa Rangatira.
- (4) The Crown must give notice in accordance with section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of each relevant Crown forestry licence, even though the Waitangi Tribunal has not made recommendations under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the 1 or more licensed properties to which the licence applies.
- (5) Notice given by the Crown under **subsection (4)** has effect as if—
- (a) the Waitangi Tribunal had made recommendations under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of each licensed property; and
 - (b) the recommendations had become final on the settlement date.
- (6) The relevant trustees are the licensors under the relevant Crown forestry licence in relation to a licensed property as if the property had been returned to Māori ownership—
- (a) on the settlement date; and
 - (b) under section 36 of the Crown Forest Assets Act 1989.
- (7) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to a licensed property.

362 Effect of transfer of licensed property

- (1) **Section 361** applies whether or not—

- (a) the transfer of the fee simple estate in the 1 or more licensed properties to which the relevant Crown forestry licence applies has been registered; or
 - (b) the processes described in clause 17.4 of the relevant Crown forestry licence have been completed. 5
- (2) To the extent that the Crown has not completed the processes referred to in **subsection (1)(b)** before the settlement date, it must continue those processes—
 - (a) on or after the settlement date; and
 - (b) until the processes are completed. 10
- (3) **Subsection (4)** provides for the licence fee payable for a property under the relevant Crown forestry licence—
 - (a) for the period starting on the settlement date until the completion of the processes referred to in **subsections (1) and (2)** for the 1 or more licensed properties to which the licence applies; and 15
 - (b) that is not part of the rental proceeds referred to in **section 361(2)(a)**.
- (4) The licence fee payable is the amount calculated in the manner described in— 20
 - (a) paragraphs 6.24 and 6.25 of the property redress schedule of the deed of settlement for Ngāti Kōata;
 - (b) paragraphs 6.26 and 6.27 of the property redress schedule of the deed of settlement for Ngāti Rārua and Ngāti Tama ki Te Tau Ihu: 25
 - (c) paragraphs 6.27 and 6.28 of the property redress schedule of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (5) However, the calculation under **subsection (4)** of the licence fee payable is overridden by any agreement between the licensors and the licensee of the relevant Crown forestry licence. 30
- (6) With effect on and from the settlement date, references to the prospective proprietors in clause 17.4 of the relevant Crown forestry licence must, in relation to a licensed property, be read as if they were references to the relevant trustees. 35
- (7) **Subsections (8) and (9)** apply if, in completing the processes described in clause 17.4 of the relevant Crown forestry licence for a licensed property, the balance of the land referred to in

- clause 17.4.1 of the licence is to be transferred as another licensed property under the deed of settlement for Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui, or Ngati Toa Rangatira (instead of being retained by the Crown).
- (8) The interests of the trustees to whom the balance is to be transferred replace the interests of the Crown in respect of the balance of the land in clause 17.4.1 of the relevant Crown forestry licence, and those trustees must be treated as if they were another set of prospective proprietors under clause 17.4 of the licence. 5 10
- (9) The separate licence for the balance of the land referred to in clause 17.4.3 of the relevant Crown forestry licence must include clauses similar to clauses 16.3 to 16.9 of the licence, as described in clause 17.4.4.

Unlicensed land

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363 Unlicensed land

The unlicensed land ceases to be Crown forest land, and any Crown forestry assets associated with that land cease to be Crown forestry assets, under the Crown Forest Assets Act 1989.

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364 Management of marginal strips

- (1) Any lessee of the unlicensed land under registered lease 9269596.1 is to be treated as if it had been appointed, under section 24H(1) of the Conservation Act 1987, to be the manager of any marginal strip within the unlicensed land. 25
- (2) The lessee may do 1 or more of the following things in relation to the marginal strip:
- (a) exercise the powers of a manager under section 24H of the Conservation Act 1987:
 - (b) establish, develop, grow, manage, replant, and maintain a forest on the marginal strip as if the marginal strip were subject to the lease of the unlicensed land: 30
 - (c) exercise the lessee's rights under the lease of the unlicensed land as if the marginal strip were subject to the lease. 35

Subpart 3—Right of access to protected sites

365 Interpretation

- (1) In this subpart, **protected site** means any area of land situated in a licensed property or in the unlicensed land that is—
- (a) a wahi tapu or wahi tapu area; and 5
 - (b) a registered place.
- (2) In **subsection (1)**, **registered place**, **wahi tapu**, and **wahi tapu area** have the meanings given by section 2 of the Historic Places Act 1993.

366 Right of access to protected site

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- (1) The owner of land on which a protected site is situated and any person holding an interest in, or a right of occupancy to, the land must allow the people referred to in **subsection (2)** to have access across the land to each protected site.
- (2) The people are Māori for whom the protected site is of special cultural, spiritual, or historical significance. 15
- (3) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner, and is subject to the following conditions:
- (a) a person intending to exercise the right of access must give the owner reasonable notice, in writing, of his or her intention to exercise that right; and 20
 - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
 - (c) a person exercising the right must observe any reasonable conditions imposed by the owner that— 25
 - (i) relate to the time, location, or manner of access; and
 - (ii) are reasonably required for the safety of people, for the protection of land, improvements, flora, fauna, plant, equipment, or livestock, or for operational reasons. 30

367 Right of access subject to Crown forestry licence and registered lease

- (1) The right of access under **section 366** is subject to the terms of— 35

- (a) any Crown forestry licence; and
- (b) any registered lease of the unlicensed land—
 - (i) granted before the settlement date; or
 - (ii) granted on or after the settlement date under a right of renewal contained in a registered lease granted before the settlement date. 5
- (2) However, **subsection (1)** does not apply if the licensee or lessee has agreed to an exercise of the right.
- (3) An amendment to a Crown forestry licence or registered lease is of no effect to the extent that it would— 10
 - (a) delay the date from which a person may exercise a right of access under **section 366**; or
 - (b) adversely affect the right of access in any other way.

368 Notation on computer freehold register

- (1) The Registrar-General must, in accordance with a written application by an authorised person, record on the computer freehold register for a licensed property or any unlicensed land that the land is subject to this subpart. 15
- (2) An application must be made as soon as is reasonably practicable after— 20
 - (a) the settlement date; or
 - (b) a computer freehold register has been created for the land, if the computer freehold register has not been created by the settlement date.
- (3) In this section, **authorised person** means— 25
 - (a) a person authorised by the chief executive of LINZ, for a licensed property; and
 - (b) a person authorised by the chief executive of the Ministry for Primary Industries, for the unlicensed land.

Subpart 4—Right of first refusal in relation to RFR land 30

Interpretation

369 Interpretation

In this subpart and **Schedule 9**, unless the context requires another meaning,— 35

deferred selection RFR land means a property—

- (a) that is listed in part 4 of the property redress schedule of the deed of settlement for a settlement iwi, or in part 3.6 or 3.7 of the property redress schedule of the deed of settlement for a related settlement iwi, other than the property described as Nelson High/District Courthouse in the deed of settlement for Ngāti Apa ki te Rā Tō; and 5
- (b) that has not been transferred, and is no longer able to be transferred,—
 - (i) for a settlement iwi, to the trustees of that iwi's settlement trust in accordance with parts 5 and 6 of the relevant property redress schedule; or 10
 - (ii) for a related settlement iwi, to the trustees of that iwi's related settlement trust in accordance with part 3 of the relevant property redress schedule 15

dispose of, for RFR land,—

- (a) means to—
 - (i) transfer or vest the fee simple estate in the land; or
 - (ii) 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), for 50 years or longer; but 20
- (b) to avoid doubt, does not include to—
 - (i) mortgage, or give a security interest in, the land; 25
 - or
 - (ii) grant an easement over the land; or
 - (iii) consent to an assignment of a lease, or to a sub-lease, of the land; or
 - (iv) remove an improvement, a fixture, or a fitting 30
 - from the land

expiry date, for an offer, means its expiry date under **sections 372(2)(a) and 373**

general RFR land means land described in part 4 of the attachments to the deed of settlement for a settlement iwi if, on the settlement date, the land is— 35

- (a) vested in the Crown; or
- (b) held in fee simple by the Crown or Housing New Zealand Corporation

notice means a notice under this subpart

offer means an offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust

offer trust means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified or each of the trusts specified: 5

- (a) for general RFR land, the settlement trust of the iwi whose deed of settlement describes the land:
- (b) for specified iwi RFR land, the Ngāti Rārua Settlement Trust and the Toa Rangatira Trust: 10
- (c) for settlement iwi RFR land, the 4 settlement trusts:
- (d) for deferred selection RFR land, the 4 settlement trusts and the 3 related settlement trusts:
- (e) for specified area RFR land, the 4 settlement trusts, the 3 related settlement trusts, and the Toa Rangatira Trust 15

recipient trust means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified:

- (a) for general RFR land, the settlement trust of the iwi whose deed of settlement describes the land: 20
- (b) for other RFR land, the 1 offer trust whose trustees accept an offer to dispose of the land under **section 375**

RFR landowner, for RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and 25
- (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 378(1)**; but
- (d) to avoid doubt, does not include an administering body 30 in which RFR land is vested under **section 379(1)**

RFR period means,—

- (a) for general RFR land, specified iwi RFR land, or settlement iwi RFR land, the period of 169 years starting on the settlement date: 35
- (b) for deferred selection RFR land or specified area RFR land, the period of 100 years starting on the settlement date

settlement iwi RFR land means the land described as the Nelson Marlborough Institute of Technology in part 3 of the attachments to the deed of settlement for a settlement iwi if, on the settlement date, the land is vested in the Crown or held in fee simple by the Crown

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specified area RFR land means land in the South Island within the area shown on deed plan OTS-202-140 (in part 2 of the attachments to the deed of settlement for a settlement iwi) that, on the settlement date,—

- (a) is vested in the Crown or held in fee simple by the Crown; and
- (b) is not land that is to, or may, transfer to or vest in trustees in accordance with the deed of settlement for a settlement iwi, a related settlement iwi, or Ngati Toa Rangatira; and
- (c) is not conservation land; and
- (d) is not subject to a pastoral lease under Part 1 of the Crown Pastoral Land Act 1998

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specified iwi RFR land means the land described as the summit of Tokomaru / Mount Robertson in part 5 of the attachments to the deed of settlement for Ngāti Rārua or Ngati Toa Rangatira if, on the settlement date, the land is vested in the Crown or held in fee simple by the Crown.

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370 Meaning of RFR land

- (1) In **Parts 4 to 7**, **RFR land** means—
 - (a) the general RFR land; and
 - (b) the specified iwi RFR land; and
 - (c) the settlement iwi RFR land; and
 - (d) the deferred selection RFR land; and
 - (e) the specified area RFR land; and
 - (f) land obtained in exchange for a disposal of RFR land under **section 383(1)(c) or 384**.
- (2) However, land ceases to be RFR land if—
 - (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees of a recipient trust or their nominee (for example, under a contract formed under **section 376**); or

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- (ii) any other person (including the Crown or a Crown body) under **section 371(3)**; or
- (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body under— 5
 - (i) any of **sections 380 to 387**; or
 - (ii) anything referred to in **section 388(1)**; or
- (c) the land's RFR period ends.

Restrictions on disposal of RFR land

- 371 Restrictions on disposal of RFR land** 10
- (1) An RFR landowner must not dispose of RFR land to any person other than the trustees of a recipient trust or their nominee unless the land is disposed of under **subsection (2) or (3)**.
 - (2) The RFR land may be disposed of under any of **sections 377 to 387** or under anything referred to in **section 388(1)**. 15
 - (3) The RFR land may be disposed of within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust, if the offer to those trustees was—
 - (a) made in accordance with **section 372**; and 20
 - (b) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person referred to in **subsection (1)**; and
 - (c) not withdrawn under **section 374**; and
 - (d) not accepted under **section 375**. 25

Trustees' right of first refusal

- 372 Requirements for offer**
- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of the 1 or more offer trusts. 30
 - (2) The notice must include—
 - (a) the terms of the offer, including its expiry date; and
 - (b) a legal description of the land (including any interests affecting it) and the reference for any computer register that contains the land; and 35
 - (c) a street address for the land (if applicable); and

- (d) a street address, postal address, and fax number for the trustees to give notices to the RFR landowner in relation to the offer; and
- (e) a statement that the RFR land is general RFR land, specified iwi RFR land, settlement iwi RFR land, deferred selection RFR land, or specified area RFR land (whichever applies). 5

373 Expiry date of offer

- (1) The expiry date of an offer must be on or after the 40th working day after the day on which the trustees of the 1 or more offer trusts receive notice of the offer. 10
- (2) However, **subsections (3) and (4)** override **subsection (1)**.
- (3) The expiry date of an offer may be on or after the 20th working day after the day on which the trustees receive notice of the offer if— 15
 - (a) the trustees received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
 - (c) the earlier offer was not withdrawn. 20
- (4) For an offer of RFR land other than general RFR land, if the RFR landowner has received notice of acceptance from the trustees of 2 or more offer trusts at the end of the expiry date specified in the notice of offer given under **section 372**, the expiry date is extended only for the trustees of those 2 or more offer trusts to the 20th working day after the day on which the trustees receive the landowner's notice given under **section 375(4)**. 25

374 Withdrawal of offer

- (1) The RFR landowner may, by notice to the trustees of the 1 or more offer trusts, withdraw an offer at any time before it is accepted. 30

375 Acceptance of offer

- (1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if— 35

- (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.
- (3) For an offer of RFR land other than general RFR land,— 5
 - (a) the offer is accepted only if the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust at the end of the expiry date; and
 - (b) if the landowner has received notice of acceptance from the trustees of 2 or more offer trusts at the end of the 10
 - expiry date specified in the notice of offer given under **section 372**, the landowner has 10 working days to give notice under **subsection (4)** to the trustees of those 2 or more offer trusts.
- (4) The notice must— 15
 - (a) specify the offer trusts from whose trustees notices of acceptance have been received; and
 - (b) state that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th
 - working day after the day on which they receive the 20
 - landowner's notice under this subsection.

376 Formation of contract

- (1) If the trustees of an offer trust accept, under **section 375**, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the landowner 25 and the trustees on the terms in the offer, including the terms set out in **subsections (3) to (6)**.
- (2) The terms of the contract may be varied by written agreement between the landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person other 30 than the trustees who is lawfully able to hold the RFR land (the **nominee**) to receive the transfer of the land.
- (4) The trustees may nominate a nominee only by giving notice to the landowner on or before the day that is 10 working days before the day on which the transfer is to settle. 35
- (5) The notice must specify—
 - (a) the full name of the nominee; and

- (b) any other details about the nominee that the landowner needs in order to transfer the RFR land to the nominee.
- (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 5

377 Disposals to the Crown or Crown bodies

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

378 Disposals 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 by section 2 of that Act). 15
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes— 20
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

379 Disposals 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 30
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
 - (a) the RFR landowner of the land; and 35

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

*Disposals to others where land may cease to be
RFR land*

- 380 Disposals in accordance with enactment or rule of law** 5
An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.

- 381 Disposals in accordance with legal or equitable obligation**
An RFR landowner may dispose of RFR land in accordance with— 10
- (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 15
 - (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. 20

- 382 Disposals under certain legislation**
An RFR landowner may dispose of RFR land in accordance with—
- (a) section 54(1)(d) of the Land Act 1948; or
 - (b) section 355(3) of the Resource Management Act 1991; 25
 - or
 - (c) subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011.

- 383 Disposals of land held for public works**
- (1) An RFR landowner may dispose of RFR land in accordance with— 30
 - (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or

- (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
 - (c) section 117(3)(a) of the Public Works Act 1981; or
 - (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or 5
 - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993 after an application by an RFR landowner 10 under section 41(e) of the Public Works Act 1981.

384 Disposals 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 15
- (b) section 16A or 24E of the Conservation Act 1987.

385 Disposals for charitable purposes

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

386 Disposals to tenants

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The Crown may dispose of RFR land—

- (a) that was held for education purposes on the settlement date to a person who, immediately before the disposal, is a tenant of the land or of all or part of a building on the land; or 25
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land—
 - (i) granted before the settlement date; or
 - (ii) granted on or after the settlement date under a right of renewal contained in a lease granted before the settlement date; or 30
- (c) under section 93(4) of the Land Act 1948.

387 Disposals by Housing New Zealand Corporation

Housing New Zealand Corporation, or any of its subsidiaries, may dispose of RFR land to any person if the Corporation has given notice to the trustees of the 1 or more offer trusts that, in the Corporation's opinion, the disposal is to give effect to, or assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing. 5

388 RFR landowner's obligations subject to other things

- (1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to— 10
 - (a) any other enactment or rule of law but, for a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
 - (b) any interest, or legal or equitable obligation,— 15
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land. 20
- (2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment.

*Notices***389 Notice to LINZ of certain RFR land with computer register** 25

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

- (a) the land for which there is a computer register becomes RFR land; or
- (b) the computer register is first created for the RFR land.
- (4) The notice must specify the legal description of the land and identify the computer register that contains the land. 5

390 Notice to trustees of potential disposal of RFR land

- (1) This section applies if an RFR landowner is considering whether to dispose of RFR land (other than general RFR land) that, in order to be disposed of, may ultimately require the landowner to offer to dispose of the land to the trustees of an offer trust. 10
- (2) The landowner must give the trustees of the 1 or more offer trusts notice that, if the landowner decides to dispose of the land, the landowner may be required to offer to dispose of the land to the trustees of an offer trust. 15
- (3) The notice must—
 - (a) specify the legal description of the land and identify any computer register that contains the land; and
 - (b) specify a street address for the land (if applicable); and
 - (c) if the land does not have a street address, include a narrative or diagrammatic description of the land with enough information so that a person who is not familiar with the land can locate and inspect it; and 20
 - (d) state that the RFR land is specified iwi RFR land, settlement iwi RFR land, deferred selection RFR land, or specified area RFR land (whichever applies). 25
- (4) The giving of the notice does not, of itself, mean that an obligation has arisen under—
 - (a) section 207(4) of the Education Act 1989; or
 - (b) section 23(1) or 24(4) of the New Zealand Railways Corporation Restructuring Act 1990; or 30
 - (c) section 40 of the Public Works Act 1981 or that section as applied by another enactment.

391 Notice to trustees of disposals of RFR land to others

- (1) An RFR landowner must give the trustees of the 1 or more offer trusts notice of the disposal of RFR land by the landowner 35

to a person other than the trustees of an offer trust or their nominee.

- (2) The notice must be given on or before the day that is 20 working days before the day of the disposal.
- (3) The notice must— 5
 - (a) specify the legal description of the land (including any interests affecting it) and identify any computer register that contains the land; and
 - (b) specify a street address for the land (if applicable); and
 - (c) identify the person to whom the land is being disposed of; and 10
 - (d) explain how the disposal complies with **section 371**; and
 - (e) if the disposal is being made under **section 371(3)**, include a copy of the written contract for the disposal. 15

392 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a computer register is to cease being RFR land because—
 - (a) the fee simple estate in the land is to transfer from the RFR landowner to— 20
 - (i) the trustees of a recipient trust or their nominee (for example, under a contract formed under **section 376**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 371(3)**; or 25
 - (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 under—
 - (i) any of **sections 380 to 387**; or
 - (ii) anything referred to in **section 388(1)**. 30
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.
- (3) The notice must—
 - (a) specify the legal description of the land and identify the computer register that contains the land; and 35
 - (b) specify the details of the transfer or vesting of the land.

393 Notice requirements

Schedule 9 applies to notices given under this subpart by or to—

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

*Memorials for RFR land***394 Recording memorials on computer registers for RFR land**

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers that contain,— 10
 - (a) the RFR land for which there is a computer register on the settlement date; and
 - (b) the land for which there is a computer register that becomes RFR land after the settlement date; and
 - (c) the RFR land for which a computer register is first created after the settlement date. 15
- (2) The chief executive must issue a certificate as soon as is reasonably practicable after—
 - (a) the settlement date, for RFR land for which there is a computer register on the settlement date; or 20
 - (b) receiving a notice under **section 389** that the land has become RFR land or that a computer register has been created for RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate. 25
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register identified in the certificate that the land described in the certificate (and contained in the computer register) is— 30
 - (a) RFR land as defined by **section 370**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land). 35

395 Removal of memorials 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 392**, issue to the Registrar-General a certificate 5
that—
 - (a) specifies the legal description of the land and identifies the computer register that contains the land; and
 - (b) specifies the details of the transfer or vesting of the land; 10
and
 - (c) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this 15
section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any memorial recorded under **section 394** for the land described in the certificate. 20

396 Removal of memorials when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends for any RFR land, issue to the Registrar-General a certificate that—
 - (a) identifies each computer register for the RFR land for 25
which the RFR period has ended that still has a memorial recorded on it under **section 394**; and
 - (b) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably 30
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 a memorial recorded under **section 394** from any computer register identified in the certificate. 35

*General provisions***397 Waiver and variation**

- (1) The trustees of the 1 or more offer trusts may, by notice to an RFR landowner, waive any of the rights the trustees have in relation to the landowner under this subpart. 5
- (2) The trustees of the 1 or more offer trusts and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it. 10

398 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.

399 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if an RFR holder— 15
 - (a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional documents; and
 - (b) has given the notices required by **subsection (2)**.
- (2) Notices must be given to each RFR landowner— 20
 - (a) stating that the RFR holder's rights and obligations under this subpart are being assigned under this section; and
 - (b) specifying the date of the assignment; and
 - (c) specifying the names of the assignees and, if they are 25 the trustees of a trust, the name of the trust; and
 - (d) specifying the street address, postal address, or fax number for notices to the assignees.
- (3) This subpart and **Schedule 9** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of 30 the relevant offer trust, with all necessary modifications.
- (4) In this section, **RFR holder** means the 1 or more persons who have the rights and obligations of the trustees of an offer trust under this subpart, either because—
 - (a) they are the trustees of the offer trust; or 35

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

Part 7

Transitional matters for Ngāti Tama ki Te Tau Ihu—governance reorganisation and taxation 5

Subpart 1—Governance reorganisation

400 Interpretation

- (1) In this Part,—

assets means assets of any kind, whether real or personal property, money, rights, or interests 10

charitable trust board means the trustees of the Ngati Tama Manawhenua Ki Te Tau Ihu Trust incorporated as a board under the Charitable Trusts Act 1957 (with registration number 574867) 15

exempt income has the meaning given by section YA 1 of the Income Tax Act 2007

Inland Revenue Acts has the meaning given by section 3(1) of the Tax Administration Act 1994

liabilities includes debts, charges, duties, and other obligations, whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere 20

NTTW Trust means the Ngāti Tama ki Te Waipounamu Trust (as defined by **section 211**)

NTTW trustees means the trustees of the NTTW Trust 25

subsidiary means the Tama Asset Holding Company Limited

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

transferred employee means a person to whom **section 410** applies. 30

- (2) In this Part, unless the context requires another meaning, terms used and not defined in this Part, but defined in the Inland Revenue Acts, have the meanings given in those Acts.

*Dissolution of charitable trust board***401 Dissolution of charitable trust board**

- (1) On the commencement of **Parts 4 to 7**, the charitable trust board is dissolved and—
- (a) the term of office of the trustees constituting the charitable trust board expires; and 5
 - (b) proceedings by, against, or involving the charitable trust board may be continued, completed, or enforced as if the NTTW trustees were the charitable trust board (without amendment to the proceedings); and 10
 - (c) a reference to the charitable trust board (express or implied) in any instrument, register, agreement, deed, lease, application, notice, or other document in force or in effect immediately before the commencement of **Parts 4 to 7** must, unless the context requires another meaning, be read as a reference to the NTTW trustees. 15
- (2) A person holding office as a trustee constituting the charitable trust board immediately before the commencement of **Parts 4 to 7** is not entitled to compensation as a result of the expiry under this section of his or her term of office. 20

402 Vesting of assets and liabilities of charitable trust board

- (1) On the commencement of **Parts 4 to 7**, the assets and liabilities of the charitable trust board vest in the NTTW trustees and become the assets and liabilities of the NTTW trustees.
- (2) However, to the extent that any asset or liability of the charitable trust board is owned or held subject to any charitable trusts, the asset or liability vests in the NTTW trustees— 25
- (a) freed of those charitable trusts; but
 - (b) subject to the trusts expressed in the deed of trust for the NTTW Trust. 30
- (3) In this section, **assets** and **liabilities** means the assets and liabilities owned, controlled, or held, wholly or in part, by the charitable trust board immediately before the commencement of **Parts 4 to 7**.
- (4) To avoid doubt, the assets and liabilities of the subsidiary continue to be the assets and liabilities of the subsidiary. 35

403 Assets and liabilities of subsidiary freed of charitable purposes

- (1) To the extent that, immediately before the commencement of **Parts 4 to 7**, any asset or liability of the subsidiary is held subject to any charitable purposes, on the commencement of **Parts 4 to 7**—
 - (a) the asset or liability is freed of those charitable purposes; and
 - (b) the constitution of the subsidiary is deemed to have been amended to the extent necessary to give effect to **paragraph (a)**.
- (2) If, on the commencement of **Parts 4 to 7**, the subsidiary is a tax charity for the purposes of the Inland Revenue Acts, the subsidiary ceases to be a tax charity at that time.
- (3) To avoid doubt, nothing in this section has the effect, of itself, of causing a subsidiary to be a different person for the purposes of the Inland Revenue Acts.

404 Final annual report of charitable trust board

- (1) As soon as practicable after the commencement of **Parts 4 to 7**, the NTTW trustees must prepare a final annual report of the charitable trust board to show the financial results of the operations of the charitable trust board 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 **Parts 4 to 7**.
- (2) At the first general meeting of the NTTW trustees after the final annual report is completed, the NTTW trustees must present the final annual report to the members of Ngāti Tama ki Te Tau Ihu who attend the meeting.

General matters relating to dissolution of charitable trust board

405 Matters not affected by transfer

Nothing given effect to or authorised by this subpart—

- (a) places the charitable trust board, the NTTW trustees, the Crown, or any other person or body 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 the charitable trust board, the NTTW trustees, the Crown, or any other person or body in breach of an enactment, rule of law, or contract that prohibits, restricts, or regulates the assignment or transfer of an asset or a liability or the disclosure of information; or 10
- (d) releases a surety, wholly or in part, from an obligation; or
- (e) invalidates or discharges a contract.

406 Status of contracts and other instruments 15

- (1) Instruments are binding on, and enforceable by, against, or in favour of, the NTTW trustees as if the instruments had been entered into by, made with, given to or by, or addressed to or by, the NTTW trustees and not the charitable trust board.
- (2) In this section, **instruments** means contracts, agreements, conveyances, deeds, leases, licences, undertakings, notices, and other instruments entered into by, made with, given to or by, or addressed to or by, the charitable trust board (whether alone or with another person) before the commencement of **Parts 4 to 7** and in effect immediately before that date. 20 25

407 Status of existing securities

- (1) A security held by the charitable trust board as security for a debt or other liability to the charitable trust board incurred before the commencement of **Parts 4 to 7**—
 - (a) is available to the NTTW trustees as security for the discharge of that debt or liability; and 30
 - (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 NTTW trustees incurred on or after the commencement of **Parts 4 to 7**. 35
- (2) The NTTW trustees are entitled to the same rights and priorities, and subject to the same liabilities, in relation to the se-

curity as the charitable trust board would be if **Parts 4 to 7** had not been passed.

408 Books and documents to remain evidence

- (1) A document, matter, or thing that would have been admissible in evidence for or against the charitable trust board is, on and after the commencement of **Parts 4 to 7**, admissible in evidence for or against the NTTW trustees. 5
- (2) In this section, **document** has the meaning given by section 4(1) of the Evidence Act 2006.

409 Registers

- (1) The Registrar-General or any other person charged with keeping books or registers is not required to change the name of the charitable trust board to the names of the NTTW trustees in the books or registers or in a document solely because of the provisions of this subpart. 10 15
- (2) If the NTTW trustees 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 NTTW trustees, as specified in the instrument. 20
- (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 NTTW trustees; and
 - (b) relate to assets or liabilities held, managed, or controlled by the charitable trust board, or any entity wholly or partly owned or controlled by the charitable trust board, immediately before the commencement of **Parts 4 to 7**; and 25
 - (c) be accompanied by a certificate given by the NTTW trustees or their solicitor stating that the property was vested in the NTTW trustees by or under **Parts 4 to 7**. 30

*Employees of charitable trust board***410 Transfer of employees**

On the commencement of **Parts 4 to 7**, each employee of the charitable trust board ceases to be an employee of the charitable trust board and becomes an employee of the NTTW trustees. 5

411 Protection of terms and conditions of employment

- (1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to him or her immediately before the commencement of **Parts 4 to 7**. 10

(2) Subsection (1)—

- (a) continues to apply to the terms and conditions of employment of a transferred employee until the terms and conditions are varied by agreement between the transferred employee and the NTTW trustees; and 15
- (b) does not apply to a transferred employee who accepts any subsequent appointment with the NTTW trustees.

412 Continuity of employment

For the purposes of any enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee, the transfer of the person's employment from the charitable trust board to the NTTW trustees does not, of itself, break the employment of that person, and the period of his or her employment by the charitable trust board is to be regarded as having been a period of service with the NTTW trustees. 20 25

413 No compensation for technical redundancy

A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that— 30

(a) the position held by the employee with the charitable trust board has ceased to exist; or

(b) the employee has ceased, as a result of his or her transfer to the NTTW trustees, to be an employee of the charitable trust board. 35

Subpart 2—Transitional taxation provisions

414 Application of this subpart

This subpart applies, by virtue of the reorganisation of the governance of Ngāti Tama ki Te Tau Ihu under **subpart 1**, for the purposes of the Inland Revenue Acts.

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415 Taxation in respect of transfer of assets and liabilities of charitable trust board

- (1) On and from the date on which the assets and liabilities of the charitable trust board vest in the NTTW trustees under **section 402(1)**,—

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- (a) the NTTW trustees are deemed to be the same person as the charitable trust board; and
- (b) everything done by the charitable trust board before that date is deemed to have been done by the NTTW trustees on the date that it was done by the charitable trust board.

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- (2) Income derived or expenditure incurred by the charitable trust board before the assets and liabilities vest in the NTTW trustees does not become income derived or expenditure incurred by the NTTW trustees just because the assets and liabilities vest in the NTTW trustees under **section 402(1)**.

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- (3) If income of the charitable trust board is derived from a financial arrangement, trading stock, revenue account property, or depreciable property and is exempt income of the charitable trust board but is not exempt income of the NTTW trustees, the NTTW trustees are to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property—

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- (a) on the day that it becomes the NTTW trustees' property; and
- (b) for a consideration that is its market value on that day.

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- (4) The NTTW trustees must identify the undistributed charitable amount, using the following formula:

$$a - b$$

where—

- a is the total of the amounts derived by the charitable trust board that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been

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taxable income derived by the charitable trust board before the commencement of **Parts 4 to 7**

- b is the total of the amounts described in variable a that have been distributed before the commencement of **Parts 4 to 7**.

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(5) The undistributed charitable amount described in **subsection (4)** is excluded from the corpus of the NTTW Trust for the purposes of the Income Tax Act 2007, to the extent to which it is otherwise included but for this subsection.

(6) If the NTTW trustees 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 (7)** applies.

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(7) If the NTTW trustees distribute any of the undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient.

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Election by NTTW trustees to be Maori authority

416 Election by NTTW trustees to be Maori authority

(1) If the NTTW trustees are a Maori authority (having made an election under section HF 11 of the Income Tax Act 2007), to the extent that the amount referred to in **section 415(4)** is distributed in an income year, that distribution will be—

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- (a) exempt income if the distribution is applied for a charitable purpose; or
(b) a taxable Maori authority distribution.

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(2) If this section applies, the distribution must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Subsidiary

417 Taxation in respect of assets and liabilities of subsidiary

(1) This section applies if income of the subsidiary is derived from a financial arrangement, trading stock, revenue account property, or depreciable property and is exempt income of the subsidiary before the commencement of **Parts 4 to 7** and ceases to be exempt income as a result of the application of **section 403**.

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- (2) The 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 commencement of **Parts 4 to 7**.

418 Election by subsidiary to be Maori authority 5

- (1) This section applies if—
- (a) the subsidiary is a Maori authority (having made an election under section HF 11 of the Income Tax Act 2007); and
 - (b) income derived by the subsidiary before the commencement of **Parts 4 to 7** that was exempt income under sections CW 41 and CW 42 of that Act is, after the commencement of **Parts 4 to 7**, distributed by the subsidiary in an income year. 10
- (2) The distribution— 15
- (a) must be treated as a taxable Maori authority distribution; and
 - (b) must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Part 8 20

Preliminary matters and settlement of historical claims

Subpart 1—Purpose of Act, historical account, acknowledgements, and apology

419 Purpose 25

The purpose of **Parts 8 to 10** is to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngati Toa Rangatira.

420 Provisions take effect on settlement date

- (1) The provisions of **Parts 8 to 10** take effect on the settlement date unless a provision states otherwise. 30
- (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—

- (a) for the provision to have full effect on that date; or
- (b) for a power to be exercised, or for a duty to be performed, under the provision on that date.

421 Act binds the Crown**Parts 8 to 10** bind the Crown.

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422 Outline

- (1) This section is a guide to the overall scheme and effect of **Parts 8 to 10**, but does not affect the interpretation or application of the other provisions of **Parts 8 to 10** or the deed of settlement. 10
- (2) This Part—
 - (a) sets out the purpose of **Parts 8 to 10**; and
 - (b) provides that the provisions of **Parts 8 to 10** take effect on the settlement date unless a provision states otherwise; and 15
 - (c) specifies that **Parts 8 to 10** bind the Crown; and
 - (d) summarises the historical account from the deed of settlement and records the acknowledgements and the apology given by the Crown in the deed; and
 - (e) defines terms used in **Parts 8 to 10**, including key terms such as Ngati Toa Rangatira and historical claims; and 20
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for— 25
 - (i) the effect of the settlement 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 30
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and
 - (v) access to the deed of settlement.
- (3) **Part 9** provides for cultural redress, including— 35
 - (a) a statutory acknowledgement by the Crown of the statements made by Ngati Toa Rangatira of their cultural,

- spiritual, historical, and traditional associations with certain statutory areas; and
- (b) provision for deeds of recognition issued by the Crown to the trustee of the Toa Rangatira Trust; and
 - (c) the application of a nga paihau to certain nga paihau sites by the Crown's acknowledgement of the values of Ngati Toa Rangatira in relation to the relevant sites; and 5
 - (d) the vesting of cultural redress properties in the trustee of the Toa Rangatira Trust, in some cases jointly with the trustees of trusts for iwi under related settlements; and 10
 - (e) the alteration and assignment of names for certain geographic features; and
 - (f) the delayed vesting of the balance of Mana Island in the trustee of the Toa Rangatira Trust, and the vesting of the site back to the Crown as a gift from the trustee; and 15
 - (g) the vesting of 3 sites on Kapiti Island in the trustee of the Toa Rangatira Trust on various terms (one of which involves a vesting back to the Crown), and the establishment of a strategic advisory committee to perform functions in relation to parts of Kapiti Island; and 20
 - (h) provision for the trustee of the Toa Rangatira Trust to prepare and lodge a poutiaki plan with certain councils; and
 - (i) the establishment of a joint board to administer Whitireia Recreation Reserve and 2 additional reserves; and 25
 - (j) the appointment of the trustee of the Toa Rangatira Trust as the administering body of a Queen Elizabeth Park campground site; and 30
 - (k) the establishment of an iwi advisory committee to provide advice on the management of rivers and fresh water within the regions of certain councils, with members appointed by the trustees of the Toa Rangatira Trust and the related settlement trusts. 35
- (4) **Part 10** provides for commercial redress, including—
- (a) authorisation for the transfer of commercial redress properties (including the licensed properties), commercial properties, and deferred selection properties to the

- trustee of the Toa Rangatira Trust to give effect to the deed of settlement; and
- (b) provision for a right of access to certain protected sites on the licensed properties; and
 - (c) a right of first refusal in relation to RFR land that may be exercised by the trustee of the Toa Rangatira Trust (and, in some cases, the trustees of the related settlement trusts). 5
- (5) There are 5 schedules, as follows:
- (a) **Schedule 10** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued: 10
 - (b) **Schedule 11** describes the nga paihau sites to which the nga paihau applies:
 - (c) **Schedule 12** describes the cultural redress properties: 15
 - (d) **Schedule 13** describes the properties to which the Kapiti Island redress relates:
 - (e) **Schedule 14** sets out provisions that apply to notices given in relation to RFR land.
- 423 Historical account and the Crown’s acknowledgements and apology** 20
- (1) **Section 424** summarises the historical account from the deed of settlement, which provides a background to the deed of settlement.
 - (2) **Sections 425 and 426** record the acknowledgements and the apology given by the Crown to Ngati Toa Rangatira in the deed of settlement. 25
- 424 Summary of historical account**
- The historical account set out in the deed of settlement is summarised as follows: 30
- (1) By 1840 Ngati Toa Rangatira had established a powerful position in the Cook Strait region with settlements in the lower North Island and upper South Island (Te Tau Ihu). Several Ngati Toa Rangatira chiefs, including Te Rauparaha and Te Rangihaeata, signed the Treaty of Waitangi. 35

- (2) In 1839, Ngati Toa Rangatira signed the Kapiti deed with the New Zealand Company for approximately 20 million acres between Taranaki and north Canterbury. The oral translation of the English deed did not accurately convey its meaning and effect. 5
- (3) Ngati Toa Rangatira opposed Company surveys in the Wairau. In 1843, an attempt by an armed party of Nelson settlers to arrest Te Rauparaha and Te Rangihaeata resulted in a violent clash and the deaths of twenty-two Europeans and up to nine Maori. 10
- (4) A Crown-appointed commissioner investigated the Company's land claims covering Port Nicholson and Te Tau Ihu. In Port Nicholson the Crown established a process by which the Company could validate its purchases by paying additional money to Maori in return for the signing of deeds of release. 15
 In 1844 Te Rauparaha accepted £400 for the "surrender" of Ngati Toa Rangatira interests in Harataunga (the Hutt Valley). Te Rangihaeata only accepted a share of the money in 1845 but did not regard this payment as extinguishing the rights of allies from other iwi. The Crown treated the payment, 20
 which did not define the boundaries of Harataunga or provide any reserves, as extinguishing Ngati Toa Rangatira interests across the Port Nicholson block.
- (5) In 1845 the commissioner recommended that the Company receive a grant of 151 000 acres in Te Tau Ihu. The Wairau was 25
 not included in his recommendation. The Crown later established reserves, some of which became known as "tenths" reserves, within the land granted to the Company at Port Nicholson and Nelson. Ngati Toa Rangatira did not receive a share in the "tenths" reserves despite their interests in Port Nicholson 30
 and Nelson settlement area.
- (6) During 1845, Te Rangihaeata and his section of Ngati Toa Rangatira supported the claims of their allies living on disputed land north of Rotokakahi in the Hutt Valley. These tensions led to several violent incidents between Maori, settlers, 35
 and Crown troops. The Crown subsequently took political and military action against Te Rauparaha and Te Rangihaeata in order to establish its authority and reduce the power and influence of the senior Ngati Toa Rangatira chiefs. In July 1846 the

Crown seized Te Rauparaha and several other Ngati Toa Rangatira chiefs at Porirua. The Crown detained Te Rauparaha without trial for 18 months. Crown forces pursued Te Rangihaeata who withdrew into Horowhenua.

- (7) In 1847, whilst Te Rauparaha was in captivity and Te Rangihaeata in exile, the Crown purchased the Wairau and Porirua districts from several younger Ngati Toa Rangatira chiefs who hoped to secure Te Rauparaha's release. Reserves of over 100 000 acres were set aside in the Wairau and over 10 000 acres in Porirua. 5 10
- (8) Between 1853 and 1865 the Crown's Te Waipounamu, Whareroa, Wainui, Papakowhai, and Mana Island purchases further reduced the lands remaining in Ngati Toa Rangatira ownership. The Waipounamu deed repurchased nearly all of the large Wairau reserve. Between 1897 and 1911 the Crown, after prohibiting the sale or leasing of Kapiti Island to private interests, bought the majority of Kapiti Island from Ngati Toa Rangatira. 15
- (9) By 1926 most of the Ngati Toa Rangatira reserves at Porirua had been alienated. Ngati Toa Rangatira gifted 500 acres at Whitireia to the Crown for the establishment of a school. When no school was established Ngati Toa Rangatira sought unsuccessfully to have the land returned. In 1948 and 1960 the Crown took several hundred acres of Ngati Toa Rangatira land at Takapuwahia under public works legislation for general housing purposes. Over time, the application of the native land laws led to most of the Porirua reserves being partitioned into smaller subsections. Today Ngati Toa Rangatira are virtually landless. 20 25
- (10) Porirua harbour, an important food resource for Ngati Toa Rangatira, was adversely affected by pollution and sewage generated by urban development. This has had a severe impact on the ability of Ngati Toa Rangatira to use and protect traditional resources. 30

425 Text of acknowledgements

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The text of the acknowledgements set out in the deed of settlement is as follows:

- (1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngati Toa Rangatira in an appropriate way and that recognition of these grievances is long overdue.
- (2) The Crown acknowledges that it failed to adequately protect the interests of Ngati Toa Rangatira during the process by which it acquired their interests in the Port Nicholson Block, and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5
- (3) The Crown acknowledges that the conflict between Ngati Toa Rangatira and European settlers at Tuamarina Stream in June 1843 had a detrimental effect on the relationship between Ngati Toa Rangatira and the Crown and was part of the context of the Crown's Wairau purchase from Ngati Toa Rangatira in 1847. 10 15
- (4) The Crown acknowledges that—
 - (a) Te Rauparaha took no direct part in the fighting between Maori and Crown troops in the Hutt Valley prior to his capture by the Crown in July 1846; and
 - (b) its detention of Te Rauparaha for 18 months without trial in 1846–48 assumed the character of indefinite detention without trial and was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (5) The Crown acknowledges that in 1846 and 1847 it undermined the power and influence of the key Ngati Toa Rangatira leaders, Te Rauparaha and Te Rangihaeata, by seizing and detaining Te Rauparaha, and pressuring other Ngati Toa Rangatira leaders to agree to the Wairau and Porirua deeds in the absence of Te Rauparaha and Te Rangihaeata. The Crown acknowledges that this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 25 30
- (6) The Crown acknowledges that it failed to adequately protect the interests of Ngati Toa Rangatira and breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles when—
 - (a) it failed to ensure sufficient, suitable reserve lands were maintained for the future use and benefit of Ngati Toa Rangatira when the Crown purchased a large amount of land from Ngati Toa Rangatira between 1844 and 1865; and 35

- (b) it did not establish timely processes to ensure that Ngati Toa Rangatira obtained an interest in those reserves in the Wellington and Nelson areas that later became known as “tenths” reserves.
- (7) The Crown acknowledges that the operation and impact of the native land laws on the remaining lands of Ngati Toa Rangatira, in particular the awarding of land to individual Ngati Toa Rangatira rather than to iwi or hapu, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the further erosion of the traditional tribal structures of Ngati Toa Rangatira. The Crown failed to take adequate steps to protect those structures and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5 10
- (8) The Crown acknowledges that— 15
- (a) the Taupo block was originally reserved for Ngati Toa Rangatira from the Crown’s Porirua purchase in 1847:
- (b) despite the Native Land Court ordering in 1881 that a Ngati Toa Rangatira urupa on the Taupo No. 2 block be made “absolutely inalienable” the Crown allowed the urupa to be reduced to one acre in 1896: 20
- (c) in the 1920s it was reduced to approximately one-tenth of an acre to make the block available for leasing and development:
- (d) these actions led to koiwi being reinterred in common graves. 25
- (9) The Crown acknowledges that in 1848 Ngati Toa Rangatira gifted 500 acres of land at Whitireia to the Crown to establish a college. The Crown further acknowledges that Ngati Toa Rangatira sought to regain the land when a college was not constructed, but were unsuccessful in doing so, and that this has remained a significant grievance for Ngati Toa Rangatira to today. The Crown continues to own this land. 30
- (10) The Crown acknowledges that—
- (a) at 1895 Kapiti Island was one of the last remaining areas of Ngati Toa Rangatira land: 35
- (b) Ngati Toa Rangatira strongly objected to legislation promoted by the Crown to acquire Kapiti Island for a nature reserve:

- (c) the Kapiti Island Public Reserve Act 1897 gave the Crown a monopoly over purchasing land on Kapiti Island:
- (d) between 1897 and 1911 the Crown purchased the individual interests of the majority of the Ngati Toa Rangatira owners of Kapiti Island. 5

The Crown acknowledges that the loss of ownership of Kapiti Island has remained a source of grievance and sorrow for Ngati Toa Rangatira.

- (11) The Crown acknowledges that during the twentieth century it significantly reduced the lands remaining in Ngati Toa Rangatira ownership for their present and future needs by compulsorily acquiring several hundred acres of land at and around their core settlement at Takapuwahia for housing and public works purposes. The Crown further acknowledges that this land has contributed to the development of the wider Porirua region. 10 15
- (12) The Crown acknowledges that the cumulative effect of successive Crown purchases of Ngati Toa Rangatira land and the Crown's failure to provide sufficient reserves left Ngati Toa Rangatira virtually landless. The Crown's failure to ensure that Ngati Toa Rangatira retained sufficient land for their present and future needs was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (13) The Crown acknowledges that pollution, reclamation, and public works have had a damaging impact on the shellfish and other kai moana resources in the Porirua Harbour, and that the loss of this formerly abundant resource has adversely affected the cultural and spiritual well-being of Ngati Toa Rangatira. 25

426 Text of apology 30

The text of the apology set out in the deed of settlement is as follows:

- (1) The Crown recognises that a number of Ngati Toa Rangatira, including Te Rauparaha and Te Rangihaeata, signed Te Tiriti o Waitangi/the Treaty of Waitangi in 1840. The Crown profoundly regrets that it has not always lived up to its obligations to Ngati Toa Rangatira under Te Tiriti o Waitangi/the Treaty 35

of Waitangi. Accordingly, the Crown makes this apology to Ngati Toa Rangatira, to their ancestors, and to their descendants.

- (2) The Crown unreservedly apologises for the breaches of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles which have hurt and caused prejudice to Ngati Toa Rangatira. The Crown is deeply sorry for its actions that intentionally undermined the mana and rangatiratanga of leading Ngati Toa Rangatira chiefs. In particular the Crown apologises for its indefinite detention of Te Rauparaha, and deeply regrets that it has failed, until now, to acknowledge this injustice in an appropriate manner. 5 10
- (3) The Crown profoundly regrets and apologises for its actions that left Ngati Toa Rangatira with few landholdings by 1865, and its ongoing failure to protect their remaining landholdings, which has left Ngati Toa Rangatira virtually landless and unable to access customary resources and significant sites. 15
- (4) The Crown deeply regrets the cumulative effect of its actions and omissions which severely damaged Ngati Toa Rangatira social and traditional tribal structures, their autonomy and ability to exercise customary rights and responsibilities, their capacity for economic and social development, and physical, cultural, and spiritual well-being. 20
- (5) With this apology and settlement the Crown seeks to atone for these wrongs, restore its tarnished honour and begin the process of healing. The Crown hopes that this apology and settlement will mark the beginning of a new, positive, and enduring relationship with Ngati Toa Rangatira founded on mutual trust and co-operation and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 25 30

Subpart 2—Interpretation

427 Interpretation of Act generally

It is the intention of Parliament that the provisions of **Parts 8 to 10** are interpreted in a manner that best furthers the agreements expressed in the deed of settlement. 35

428 Interpretation

- (1) In **Parts 8 to 10**, unless the context requires another meaning,—

administering body has the meaning given by section 2(1) of the Reserves Act 1977 5

advisory committee means the committee established by **section 578** to provide advice in relation to the management of rivers and fresh water within the regions of certain councils

affected person has the meaning given by section 2AA(2) of the Resource Management Act 1991 10

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

commercial property means a property—

- (a) listed in table 1 or 2 in part 8 of the property redress schedule of the deed of settlement; and 15
- (b) to which paragraph 6.9 of part 6 of that schedule applies; and
- (c) in respect of which the agreement for sale and purchase (formed under that paragraph 6.9) has not been cancelled 20

commercial redress property means—

- (a) a property—
 - (i) listed in table 1 or 2 in part 8 of the property redress schedule of the deed of settlement; and
 - (ii) to which paragraph 6.7 of part 6 of that schedule applies; and 25
- (b) the commercial redress property for no consideration; and
- (c) a licensed property

commercial redress property for no consideration means 30
the property listed in table 3 in part 8 of the property redress schedule of the deed of settlement

Commissioner of Crown Lands has the same meaning as Commissioner in section 2 of the Land Act 1948

consent authority has the meaning given by section 2(1) of 35
the Resource Management Act 1991

conservation land means land that is—

- (a) vested in the Crown or held in fee simple by the Crown;
and
- (b) held, managed, or administered by the Department of
Conservation under the conservation legislation 5

conservation legislation means the Conservation Act 1987
and the Acts listed in Schedule 1 of that Act

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

conservation management strategy has the meaning given 10
by section 2(1) of the Conservation Act 1987

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

- (a) for a company, control of the composition of its board
of directors; and 15
- (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 has the meaning given by section 2(1) of the Public
Finance Act 1989 20

Crown body means—

- (a) a Crown entity (as defined by section 7(1) of the Crown
Entities Act 2004); and
- (b) a State enterprise (as defined by section 2 of the State-
Owned Enterprises Act 1986); and 25
- (c) the New Zealand Railways Corporation; and
- (d) a company or body that is wholly owned or controlled
by 1 or more of the following:
 - (i) the Crown:
 - (ii) a Crown entity: 30
 - (iii) a State enterprise:
 - (iv) the New Zealand Railways Corporation; and
- (e) a subsidiary, or related company, of a company or body
referred to in **paragraph (d)**

Crown forestry licence means a licence granted under section 35
14 of the Crown Forest Assets Act 1989

Crown-owned mineral means a mineral (as defined by 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

cultural redress property has the meaning given by **section 475**

date of the deed of settlement means 7 December 2012

deed of recognition—

- (a) means a deed of recognition issued under **section 450** to the trustee of the Toa Rangatira Trust by—
 - (i) the Minister of Conservation and the Director-General; or
 - (ii) the Commissioner of Crown Lands; and
- (b) includes any amendments to the deed made under **section 450**

deed of settlement—

- (a) means the deed of settlement for Ngati Toa Rangatira dated 7 December 2012, entered into by the Crown, Ngati Toa Rangatira, and the Toa Rangatira Trust, including any schedules or attachments and including any amendments; but
- (b) in **section 599 and Schedule 14**, for a related settlement iwi, means the deed of settlement for that iwi defined by **section 18(1) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013** or **section 210(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

deferred selection property means a property—

- (a) listed in table 1 or 2 in part 8 of the property redress schedule of the deed of settlement; and
- (b) that is not a commercial redress property or a commercial property; and
- (c) that the trustee of the Toa Rangatira Trust has elected to purchase from the Crown by giving notice under paragraph 4.5.2 of part 4 of that schedule; and

- (d) in respect of which the agreement for sale and purchase (formed under paragraph 4.7 of that part 4) has not been cancelled

deferred selection RFR land has the meaning given by **section 599** 5

Director-General means the Director-General of Conservation

disposed early RFR NZTA land has the meaning given by **section 599**

effective date means the date that is 6 months after the settlement date 10

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

general RFR land has the meaning given by **section 599**

Historic Places Trust means the New Zealand Historic Places Trust (Pouhere Taonga) continued by section 38 of the Historic Places Act 1993 15

historical claims has the meaning given by **section 431**

interest, in relation to land, means a lease, tenancy, licence, licence to occupy, easement, covenant, or other right or obligation affecting the land 20

land holding agency means,—

- (a) for the following, the land holding agency specified for the property in part 8 of the property redress schedule of the deed of settlement: 25

- (i) a commercial redress property (other than a licensed property):
- (ii) a commercial property:
- (iii) a deferred selection property:

- (b) for a licensed property, LINZ 30

licensed property—

- (a) means a property listed as a licensed land property in part 3 of the property redress schedule of the deed of settlement; but

- (b) excludes— 35

- (i) all trees growing, standing, or lying on the property; and
- (ii) all improvements that have been—

- (A) acquired by any purchaser of the trees on the property; or
- (B) made, after the acquisition of the trees by the purchaser, by the purchaser or the licensee

5

licensee means the registered holder of a Crown forestry licence

licensor means the licensor of a Crown forestry licence

LINZ means Land Information New Zealand

local authority has the meaning given by section 5(1) of the Local Government Act 2002 10

member, for Ngati Toa Rangatira, means an individual referred to in **section 430(1)(a)**

national park management plan has the same meaning as management plan in section 2 of the National Parks Act 1980 15

New Zealand Transport Agency means the agency established by section 93 of the Land Transport Management Act 2003

nga paihau has the meaning given by **section 456(1)**

public work has the meaning given by section 2 of the Public Works Act 1981 20

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

Registrar-General means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952 25

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

related settlement iwi has the meaning given by **section 429**

related settlement trust has the meaning given by **section 429** 30

representative entity means—

- (a) the trustee of the Toa Rangatira Trust; and
- (b) any person (including any trustees) acting for, or on behalf of,—
 - (i) the collective group referred to in **section 430(1)(a)**; or 35
 - (ii) 1 or more members of Ngati Toa Rangatira; or

- (iii) 1 or more of the whānau, hapū, or groups referred to in **section 430(1)(c)**

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

RFR land has the meaning given by **section 600** 5

settlement date means the date that is 70 working days after the date on which **Parts 8 to 10** come into force

statutory acknowledgement has the meaning given by **section 440(1)**

statutory plan— 10

- (a) means a district plan, regional plan, regional coastal plan, regional policy statement, or proposed policy statement (as defined by section 43AA of the Resource Management Act 1991); and

- (b) includes a proposed plan (as defined by section 43AAC of that Act) 15

strategic advisory committee means the committee established by **section 537** to perform certain functions in relation to the Kapiti Island reserve sites (as defined by **section 523(2)**) 20

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

taonga tūturu—

- (a) has the meaning given by section 2(1) of the Protected Objects Act 1975; and 25

- (b) includes ngā taonga tūturu (as defined by section 2(1) of that Act)

trustees means the trustees of a trust acting in their capacity as trustees

working day means a day of the week other than— 30

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and

- (b) a day in the period starting on 25 December in a year and ending on 15 January in the following year; and 35

- (c) the day observed as the anniversary of the province of Nelson, Marlborough, or Wellington.

- (2) In **Parts 8 to 10**, a reference to a transfer or vesting of any land (being the fee simple estate in the land) to or in any trustees includes the transfer or vesting of an undivided share of the fee simple estate in the land.
- (3) **Subsection (2)** applies unless the context requires another meaning. 5

429 Interpretation: iwi and trusts

In **Parts 8 to 10**, unless the context requires another meaning,—

Ngāti Apa ki te Rā Tō has the meaning given by **section 20(1) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013** 10

Ngāti Apa ki te Rā Tō Trust has the meaning given by **section 19 of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013** 15

Ngāti Kōata has the meaning given by **section 212(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

Ngāti Kuia has the meaning given by **section 20(1) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013** 20

Ngāti Rārua has the meaning given by **section 212(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

Ngāti Rārua Settlement Trust has the meaning given by **section 211 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** 25

Ngāti Tama ki Te Tau Ihu has the meaning given by **section 212(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

Ngāti Tama ki Te Waipounamu Trust has the meaning given by **section 211 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** 30

Ngāti Toa Rangatira has the meaning given by **section 430(1)**

Rangitāne o Wairau has the meaning given by **section 20(1) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013** 35

Rangitāne o Wairau Settlement Trust has the meaning given by **section 19 of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**

related settlement iwi means each of the following iwi:

- (a) Ngāti Apa ki te Rā Tō: 5
- (b) Ngāti Kuia:
- (c) Rangitāne o Wairau:
- (d) Ngāti Kōata:
- (e) Ngāti Rārua:
- (f) Ngāti Tama ki Te Tau Ihu: 10
- (g) Te Ātiawa o Te Waka-a-Māui

related settlement trust means,—

- (a) for Ngāti Apa ki te Rā Tō, the Ngāti Apa ki te Rā Tō Trust:
- (b) for Ngāti Kuia, the Te Runanga o Ngāti Kuia Trust: 15
- (c) for Rangitāne o Wairau, the Rangitāne o Wairau Settlement Trust:
- (d) for Ngāti Kōata, Te Pātaka a Ngāti Kōata:
- (e) for Ngāti Rārua, the Ngāti Rārua Settlement Trust:
- (f) for Ngāti Tama ki Te Tau Ihu, the Ngāti Tama ki Te 20
Waipounamu Trust:
- (g) for Te Ātiawa o Te Waka-a-Māui, the Te Ātiawa o Te
Waka-a-Māui Trust

Te Ātiawa o Te Waka-a-Māui has the meaning given by **section 212(1) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** 25

Te Ātiawa o Te Waka-a-Māui Trust has the meaning given by **section 211 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**

Te Pātaka a Ngāti Kōata has the meaning given by **section 211 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** 30

Te Runanga o Ngāti Kuia Trust has the meaning given by **section 19 of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013** 35

Toa Rangatira Trust means the trust with that name established by a deed of trust dated 4 December 2012.

430 Meaning of Ngati Toa Rangatira**(1) In Parts 8 to 10, Ngati Toa Rangatira—**

(a) means the collective group composed of individuals who are descended from both—

(i) Toa Rangatira; and 5

(ii) any other recognised ancestor of Ngati Toa Rangatira who migrated permanently to the area of interest of Ngati Toa Rangatira in the nineteenth century and who exercised customary rights predominantly within that area; and 10

(b) includes those individuals; and

(c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.

(2) In this section,—

area of interest of Ngati Toa Rangatira means the area of interest of Ngati Toa Rangatira shown in part 1 of the attachments to the deed of settlement 15

customary rights means rights according to tikanga Māori (Māori customary values and practices), including—

(a) rights to occupy land; and 20

(b) rights in relation to the use of land or other natural or physical resources

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

(a) birth; or 25

(b) legal adoption; or

(c) Māori customary adoption in accordance with the tikanga (customary values and practices) of Ngati Toa Rangatira.

431 Meaning of historical claims

30

(1) In Parts 8 to 10, 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)**. 35

- (2) The historical claims are every claim that Ngati Toa Rangatira or a representative entity had on or before the settlement date, or may have after the settlement date, and that—
- (a) is, or is founded on, a right arising—
 - (i) from the Treaty of Waitangi or its principles; or 5
 - (ii) under legislation; or
 - (iii) at common law (including aboriginal title or customary law); or
 - (iv) from fiduciary duty; or
 - (v) otherwise; and 10
 - (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by, or on behalf of, the Crown; or
 - (ii) by or under legislation.
- (3) The historical claims include— 15
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngati Toa Rangatira or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
 - (i) Wai 60—Parai estate, Takapuwahia C2A3 block claim: 20
 - (ii) Wai 207—Ngati Toa lands claim:
 - (iii) Wai 690—Ngati Tera lands and reserves (Porirua) claim:
 - (iv) Wai 722—Takapuwahia and other blocks (public works) claim; and 25
 - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngati Toa Rangatira or a representative entity: 30
 - (i) Wai 102—Te Runanganui o Te Tau Ihu o Te Waka a Maui Inc claims:
 - (ii) Wai 172—Makara lands claim:
 - (iii) Wai 437—Koha Ora and Church Mission Society land claim: 35
 - (iv) Wai 648—Grace Saxton, George Hori Toms, and colonial laws of succession claim:
 - (v) Wai 1622—Ngati Toa (Taueki) claim:
 - (vi) Wai 1624—Ngati Toarangatira (Matenga) claim:

- (vii) Wai 1626—Descendants of Hoani Te Puna/Rangiriri Taipua claim:
- (viii) Wai 2361—The Kapiti and Motungararo Islands (Webber) claim.
- (4) However, the historical claims do not include— 5
 - (a) a claim that a member of Ngati Toa Rangatira, or a whānau, hapū, or group referred to in **section 430(1)(c)**, had or may have that is, or is founded on, a right arising by virtue of being descended from an ancestor who is not referred to in **section 430(1)(a)**; or 10
 - (b) a claim that a representative entity had or may have that is, or is founded on, a claim described 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. 15

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

- 432 Settlement of historical claims final** 20
- (1) The historical claims are settled.
- (2) The settlement of the historical claims is final and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) **Subsections (1) and (2)** do not limit the acknowledgements expressed in, or the provisions of, the deed of settlement. 25
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of— 30
 - (a) the historical claims; or
 - (b) the deed of settlement; or
 - (c) **Parts 8 to 10** or **Part 11 of the Te Tau Ihu Claims Settlement Act 2013**; or
 - (d) the redress provided under the deed of settlement, **Parts 8 to 10**, or **Part 11 of the Te Tau Ihu Claims Settlement Act 2013**. 35

- (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, **Parts 8 to 10**, or **Part 11 of the Te Tau Ihu Claims Settlement Act 2013**.

Consequential amendment to Treaty of Waitangi Act 1975 5

433 Amendment to Treaty of Waitangi Act 1975

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order “**Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013, section 432(4) and (5)**”.

Protections no longer apply

434 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to land in the Wellington Land District that is— 15
 - (i) a cultural redress property; or
 - (ii) a commercial redress property; or
 - (iii) general RFR land; or
 - (iv) disposed early RFR NZTA land; or
 - (b) to each of the following properties in the Wellington Land District, but only on and from the date on which the property is transferred to the trustee of the Toa Rangatira Trust: 20
 - (i) a commercial property:
 - (ii) a deferred selection property (other than deferred selection RFR land); or 25
 - (c) to deferred selection RFR land in the Wellington Land District, but only on and from the date on which the land is transferred to the trustee of the Toa Rangatira Trust; or 30
 - (d) to land in the Nelson Land District or Marlborough Land District; or
 - (e) for the benefit of Ngati Toa Rangatira or a representative entity.
- (2) The enactments are— 35
- (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975:

- (b) sections 27A to 27C of the State-Owned Enterprises Act 1986:
- (c) sections 211 to 213 of the Education Act 1989:
- (d) Part 3 of the Crown Forest Assets Act 1989:
- (e) Part 3 of the New Zealand Railways Corporation Re- 5
structuring Act 1990.

435 Removal of memorials

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the computer register that contains, each allotment 10
in the Wellington Land District—
 - (a) that is—
 - (i) all or part of a cultural redress property; or
 - (ii) all or part of a commercial redress property; or
 - (iii) general RFR land; or 15
 - (iv) disposed early RFR NZTA land; or
 - (v) all or part of a commercial property; or
 - (vi) all or part of a deferred selection property (other than deferred selection RFR land); or
 - (vii) deferred selection RFR land; and 20
 - (b) that is subject to a memorial recorded under any enactment listed in **section 434(2)**.
- (2) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify each computer register for the Nelson Land District or Marlborough Land District that 25
has a memorial recorded under any enactment listed in **section 434(2)**.
- (3) The chief executive of LINZ must issue a certificate under **subsection (1)** as soon as is reasonably practicable after—
 - (a) the settlement date, for the following: 30
 - (i) a cultural redress property:
 - (ii) a commercial redress property:
 - (iii) general RFR land:
 - (iv) disposed early RFR NZTA land; or
 - (b) the date on which the property is transferred to the 35
trustee of the Toa Rangatira Trust under **section 585**, for the following:
 - (i) a commercial property:

- (ii) a deferred selection property (other than deferred selection RFR land); or
 - (c) the date on which the land is transferred to the trustee of the Toa Rangatira Trust (for example, under **section 585** or under a contract formed under **section 606**), 5
for deferred selection RFR land.
- (4) The chief executive of LINZ must issue a certificate under **subsection (2)** as soon as is reasonably practicable after the settlement date.
- (5) Each certificate must state that it is issued under this section. 10
- (6) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under **subsection (1)**,—
 - (a) register the certificate against each computer register identified in the certificate; and 15
 - (b) remove any memorial recorded under an enactment listed in **section 434(2)** from each computer register identified in the certificate, but only in respect of each allotment described in the certificate.
- (7) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under **subsection (2)**, remove any memorial recorded under an enactment listed in **section 434(2)** from each computer register identified in the certificate. 20

Subpart 4—Other matters

25

436 Rule against perpetuities does not apply

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964 do not—
 - (a) prescribe or restrict the period during which—
 - (i) the Toa Rangatira Trust may exist in law; or 30
 - (ii) the trustee of the Toa Rangatira Trust may hold or deal with property (including income derived from property); or
 - (b) apply to a document entered into to give effect to the deed of settlement if the application of that rule or the 35
provisions of that Act would otherwise make the docu-

ment, or a right conferred by the document, invalid or ineffective.

- (2) However, if the Toa Rangatira Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law. 5

437 Access to deed of settlement

The chief executive of the Ministry of Justice must make copies of the deed of settlement available—

- (a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between 9 am and 5 pm on any working day; and 10
- (b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice. 15

438 Provisions of other Acts that have same effect

If a provision in **Parts 8 to 10** has the same effect as a provision in 1 or both of **Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013** and **Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**, the provisions must be given effect to only once as if they were 1 provision. 20

439 Amendment to Fisheries (South Island Customary Fishing) Regulations 1999

- (1) This section amends the Fisheries (South Island Customary Fishing) Regulations 1999. 25
- (2) In regulation 2(1), definition of **tangata whenua**, replace paragraph (b)(v) with:
- “(v) Te Runanga o Toa Rangatira Incorporated; or”.

Part 9 Cultural redress

Subpart 1—Statutory acknowledgement and deeds of recognition

Statutory acknowledgement 5

440 Interpretation

(1) In **Parts 8 to 10**, **statutory acknowledgement** means the acknowledgement made by the Crown in **section 441** in respect of each statutory area, on the terms set out in this subpart.

(2) In this subpart,— 10

coastal statutory area means a statutory area described in **Schedule 10** under the heading “Coastal statutory areas”

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 15

statements of association means the statements—

(a) made by Ngati Toa Rangatira of their particular cultural, spiritual, historical, and traditional association with the statutory areas (except the coastal statutory areas); and

(b) that are in the form set out in part 2.1 of the documents 20
schedule of the deed of settlement

statements of coastal values means the statements—

(a) made by Ngati Toa Rangatira of their particular values relating to the coastal statutory areas; and

(b) that are in the form set out in part 2.2 of the documents 25
schedule of the deed of settlement

statutory area means an area described in **Schedule 10**, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

441 Statutory acknowledgement by the Crown 30

The Crown acknowledges the statements of association and the statements of coastal values.

442 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in **sections 443 to 445**; and
 - (b) to require relevant consent authorities to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the trustee of the Toa Rangatira Trust, as provided for in **section 447**; and 5
 - (c) to enable the trustee of the Toa Rangatira Trust and members of Ngati Toa Rangatira to cite the statutory acknowledgement as evidence of the association of Ngati Toa Rangatira with a statutory area, as provided for in **section 448**. 10
- 443 Relevant consent authorities to have regard to statutory acknowledgement** 15
- (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made. 20
 - (2) **Subsection (1)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991. 25
- 444 Environment Court to have regard to statutory acknowledgement**
- (1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustee of the Toa Rangatira Trust is a person who has an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area. 30 35
 - (2) **Subsection (1)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.

445 Historic Places Trust and Environment Court to have regard to statutory acknowledgement

- (1) This section applies if, on or after the effective date, an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area. 5
- (2) The Historic Places Trust must have regard to the statutory acknowledgement relating to a statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application, including in determining whether the trustee of the Toa Rangatira Trust is directly affected by an extension of time. 10
- (3) The Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 an appeal against a decision of the Historic Places Trust in relation to the application, including in determining whether the trustee of the Toa Rangatira Trust is directly affected by the decision. 15
- (4) In this section, **archaeological site** has the meaning given by section 2 of the Historic Places Act 1993. 20

446 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. 25
- (2) The information attached to a statutory plan must include—
 - (a) the relevant provisions of **sections 440 to 449** in full; and
 - (b) the descriptions of the statutory areas wholly or partly covered by the plan; and 30
 - (c) any statements of association or statements of coastal values for the statutory areas.
- (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— 35
 - (a) part of the statutory plan; or

- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

447 Provision of summaries or notices of certain applications to trustee

- (1) Each relevant consent authority must, for a period of 20 years starting on the effective date, provide the following to the trustee of the Toa Rangatira Trust for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustee of the Toa Rangatira Trust and the relevant consent authority.
- (3) A summary of an application must be provided under **subsection (1)(a)**—
 - (a) as soon as is reasonably practicable after the consent authority receives the application; but
 - (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice of an application must be provided under **subsection (1)(b)** no later than 10 working days after the day on which the consent authority receives the notice.
- (5) This section does not affect a relevant consent authority's obligation,—
 - (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or
 - (b) under section 95E of that Act, to decide whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity.

448 Use of statutory acknowledgement

- (1) The trustee of the Toa Rangatira Trust and any member of Ngati Toa Rangatira may, as evidence of the association of Ngati Toa Rangatira with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area.
- (2) The content of a statement of association or statement of coastal values is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) relevant consent authorities:
 - (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991:
 - (c) the Environment Court:
 - (d) the Historic Places Trust:
 - (e) parties to proceedings before those bodies:
 - (f) 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.
- (4) To avoid doubt,—
 - (a) neither the trustee of the Toa Rangatira Trust nor members of Ngati Toa Rangatira are precluded from stating that Ngati Toa Rangatira 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.

449 Trustee may waive rights

- (1) The trustee of the Toa Rangatira Trust may waive the right to be provided with summaries, and copies of notices, of resource consent applications under **section 447** in relation to a statutory area.

- (2) The trustee may waive the right to have a relevant consent authority, the Environment Court, or the Historic Places Trust have regard to the statutory acknowledgement under **sections 443 to 445** in relation to a coastal statutory area.
- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or the Historic Places Trust stating—
 - (a) the scope of the waiver; and
 - (b) the period for which it applies.
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Deeds of recognition

450 Issue and amendment of deeds of recognition

- (1) Deeds of recognition must be issued to the trustee of the Toa Rangatira Trust in respect of each statutory area indicated in the third column in **Schedule 10**. 15
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition for the relevant statutory areas administered by the Department of Conservation. 20
- (3) The Commissioner of Crown Lands must issue a deed of recognition for the relevant statutory areas administered by the Commissioner.
- (4) A deed of recognition must be issued in the form set out in part 3 of the documents schedule of the deed of settlement. 25
- (5) The person or people who issue a deed of recognition may amend the deed, but only with the written consent of the trustee.

General provisions

451 Application to river or stream

- (1) If any part of the statutory acknowledgement applies to a river or stream (including a tributary), that part of the acknowledgement—
 - (a) applies only to—

- (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but 5
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) an artificial watercourse. 10
 - (2) If any part of a deed of recognition applies to a river or stream (including a tributary), that part of the deed—
 - (a) applies only to the bed of the river or stream, meaning the land that the waters of the river or stream cover at its fullest flow without flowing over its banks; but 15
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
 - (ii) the bed of an artificial watercourse.
- 452 Exercise of powers and performance of functions and duties 20**
- (1) The statutory acknowledgement and the deeds 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 legislation or a bylaw. 25
 - (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the association of Ngati Toa Rangatira with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area. 30
 - (3) **Subsection (2)** does not limit **subsection (1)**.
 - (4) This section is subject to—
 - (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition. 35

453 Rights not affected

- (1) The statutory acknowledgement and the deeds of recognition do not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- (2) This section is subject to the other provisions of this subpart. 5

454 Limitation of rights

- (1) The statutory acknowledgement and the deeds of recognition do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area. 10
- (2) This section is subject to the other provisions of this subpart.

*Consequential amendment to Resource
Management Act 1991*

455 Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991. 15
- (2) In Schedule 11, insert in its appropriate alphabetical order “**Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013**”.

Subpart 2—Nga paihau

456 Interpretation 20

- (1) In **Parts 8 to 10, nga paihau** means the application of this subpart to each nga paihau site.

- (2) In this subpart,—

Conservation Board means a board established under section 6L of the Conservation Act 1987 25

iwi values, for each nga paihau site, means the values stated by Ngati Toa Rangatira in their statements of iwi values

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

nga paihau site— 30

- (a) means a site that is declared under **section 457** to be subject to the nga paihau; but
- (b) does not include an area that is declared under **section 471(1)** to no longer be subject to the nga paihau

protection principles, for a nga paihau site, means the protection principles set out for the site in paragraph 4 of part 1 of the documents schedule of the deed of settlement, including any amendments made to the principles under **section 460(3)**

specified actions, for a nga paihau site, means the actions set out for the site in paragraph 5 of part 1 of the documents schedule of the deed of settlement

statements of iwi values, for each nga paihau site, means the statements—

- (a) made by Ngati Toa Rangatira of their values relating to their cultural, spiritual, historical, and traditional association with the nga paihau site; and
- (b) that are in the form set out in paragraph 3 of part 1 of the documents schedule of the deed of settlement.

457 Declaration of nga paihau 15

Each site described in **Schedule 11** is declared to be subject to the nga paihau.

458 Acknowledgement by the Crown of statements of iwi values

The Crown acknowledges the statements of iwi values in relation to the nga paihau sites. 20

459 Purposes of nga paihau

The only purposes of the nga paihau are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to consult the trustee of the Toa Rangatira Trust and to have particular regard to the statements of iwi values, the protection principles, and the views of the trustee of the Toa Rangatira Trust, as provided for in **sections 461 and 462**; and
- (b) to require the New Zealand Conservation Authority to give the trustee of the Toa Rangatira Trust an opportunity to make submissions, as provided for in **section 463**; and
- (c) to enable the taking of action under **sections 464 to 469**.

460 Agreement on protection principles

- (1) The trustee of the Toa Rangatira Trust and the Minister of Conservation may agree on and publicise protection principles that are intended to prevent—
- (a) harm to the iwi values in relation to a nga paihau site; or 5
 - (b) the diminishing of the iwi values in relation to a nga paihau site.
- (2) The protection principles set out in paragraph 4.1 of part 1 of the documents schedule of the deed of settlement are to be treated as having been agreed by the trustee of the Toa Rangatira Trust and the Minister of Conservation. 10
- (3) The trustee of the Toa Rangatira Trust and the Minister of Conservation may agree in writing to any amendments to the protection principles.

461 New Zealand Conservation Authority and Conservation Boards to have particular regard to certain matters 15

When the New Zealand Conservation Authority or a Conservation Board considers or approves a conservation management strategy, conservation management plan, or national park management plan in relation to a nga paihau site, it must have particular regard to— 20

- (a) the statements of iwi values for the site; and
- (b) the protection principles for the site.

462 New Zealand Conservation Authority and Conservation Boards to consult trustee 25

Before approving a conservation management strategy, conservation management plan, or national park management plan in relation to a nga paihau site, the New Zealand Conservation Authority or a Conservation Board must—

- (a) consult the trustee of the Toa Rangatira Trust; and 30
- (b) have particular regard to the views of the trustee of the Toa Rangatira Trust as to the effect of the strategy or plan on—
 - (i) the iwi values for the site; and
 - (ii) the protection principles for the site. 35

463 Conservation management strategy

If the trustee of the Toa Rangatira Trust advises the New Zealand Conservation Authority in writing that it has significant concerns about a draft conservation management strategy in relation to a nga paihau site, the New Zealand Conservation Authority must, before approving the strategy, give the trustee an opportunity to make submissions in relation to those concerns. 5

464 Noting of nga paihau

- (1) The application of the nga paihau to a nga paihau site must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the site. 10
- (2) The noting of the nga paihau under **subsection (1)**—
 - (a) is for the purpose of public notice only; and 15
 - (b) is not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

465 Notification in *Gazette*

- (1) The Minister of Conservation must notify the following in the *Gazette*: 20
 - (a) the application of the nga paihau to each nga paihau site, as soon as practicable after the settlement date; and
 - (b) the protection principles for each nga paihau site, as soon as practicable after the settlement date; and 25
 - (c) any amendment to the protection principles agreed under **section 460(3)**, as soon as practicable after the amendment has been agreed in writing.
- (2) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 466 or 467**. 30

466 Actions by Director-General

- (1) The Director-General must take action in relation to the protection principles that relate to a nga paihau site, including the specified actions. 35

- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.
- (3) The Director-General must notify the trustee of the Toa Rangatira Trust in writing of any action intended to be taken.

467 Amendment to strategy or plan

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- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives relating to the protection principles that relate to a nga paihau site. 10
- (2) The Director-General must consult any relevant Conservation Board before initiating an amendment under **subsection (1)**.
- (3) An amendment initiated under **subsection (1)** is an amendment for the purposes of section 171(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980, as the case may be. 15

468 Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes: 20

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 467(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to a nga paihau site:
- (c) to create offences for breaching any regulations made under **paragraph (b)**: 25
- (d) to provide for the following fines to be imposed:
 - (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$5,000; and
 - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues. 30

469 Bylaws

The Minister of Conservation may make bylaws for 1 or more of the following purposes: 35

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 467(1)**;
- (b) to regulate or prohibit activities or conduct by members of the public in relation to a nga paihau site;
- (c) to create offences for breaching any bylaws made under **paragraph (b)**: 5
- (d) to provide for the following fines to be imposed:
 - (i) for an offence referred to in **paragraph (c)**, a fine not exceeding \$1,000; and
 - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day during which the offence continues. 10

470 Existing classification of nga paihau sites

- (1) This section applies if the nga paihau applies to any land in—
 - (a) a national park under the National Parks Act 1980; or 15
 - (b) a conservation area under the Conservation Act 1987; or
 - (c) a reserve under the Reserves Act 1977.
- (2) The nga paihau does not affect—
 - (a) the purpose of the national park, conservation area, or reserve; or 20
 - (b) the classification of the land as a national park, conservation area, or reserve.

471 Termination of nga paihau

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of a nga paihau site is no longer subject to the nga paihau. 25
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless— 30
 - (a) the trustee of the Toa Rangatira Trust and the Minister of Conservation have agreed in writing that the nga paihau is no longer appropriate for the relevant area; or
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or 35

- (c) the responsibility for managing the relevant area is to be, or has been, transferred to another Minister of the Crown or to the Commissioner of Crown Lands.
- (3) **Subsection (4)** applies if—
- (a) **subsection (2)(c)** applies; or 5
- (b) there is a change in the statutory management regime that applies to all or part of the nga paihau site.
- (4) The Crown must take reasonable steps to ensure that the trustee of the Toa Rangatira Trust continues to have input into the management of the relevant area. 10
- 472 Exercise of powers and performance of functions and duties**
- (1) The nga paihau does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw. 15
- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the iwi values that relate to a nga paihau site than that person would give if the site were not subject to the nga paihau. 20
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart.
- 473 Rights not affected**
- (1) The nga paihau does not affect the lawful rights or interests of a person who is not a party to the deed of settlement. 25
- (2) This section is subject to the other provisions of this subpart.
- 474 Limitation of rights**
- (1) The nga paihau does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a nga paihau site. 30
- (2) This section is subject to the other provisions of this subpart.

Subpart 3—Vesting of cultural redress properties

475 Interpretation

In **Parts 8 to 10**, unless the context requires another meaning,—

5

cultural redress property means each of the following sites, and each site means the land described by that name in **Schedule 12**:

Sites that vest in fee simple

- | | | |
|-----|-----------------------------------|----|
| (a) | Rarangi (Ngati Toa Rangatira): | 10 |
| (b) | Akatarawa Road conservation area: | |
| (c) | former Tuamarina school house: | |
| (d) | Rangihaeata: | |
| (e) | Pelorus Bridge: | |
| (f) | Titahi Bay Road site A: | 15 |
| (g) | Titahi Bay Road site B: | |

Sites that vest in fee simple subject to conservation covenants

- | | | |
|-----|-------------------------------|----|
| (h) | Waikutakuta / Robin Hood Bay: | |
| (i) | Elaine Bay: | 20 |

Sites that vest in fee simple to be administered as reserves

- | | | |
|-----|-----------------------------|----|
| (j) | Whitianga site: | |
| (k) | Te Mana a Kupe: | |
| (l) | Taputeranga Island: | 25 |
| (m) | Onehunga Bay: | |
| (n) | Wainui: | |
| (o) | Te Onepoto Bay: | |
| (p) | Te Arai o Wairau: | |
| (q) | Pukatea / Whites Bay: | 30 |
| (r) | Horahora-kākahu: | |
| (s) | Tokomaru / Mount Robertson: | |

Sites that vest in fee simple to be held as Maori reservations

- | | | |
|-----|-----------------|----|
| (t) | Taupo urupa: | 35 |
| (u) | Whitireia urupa | |

jointly vested site means each of the following sites:

- (a) Pukatea / Whites Bay:
- (b) Horahora-kākahu:
- (c) Tokomaru / Mount Robertson

reserve site means each of the 10 sites in **paragraphs (j) to (s)** of the definition of cultural redress property. 5

Sites that vest in fee simple

476 Rarangi (Ngati Toa Rangatira)

- (1) Rarangi (Ngati Toa Rangatira) ceases to be a conservation area under the Conservation Act 1987. 10
- (2) The fee simple estate in Rarangi (Ngati Toa Rangatira) then vests in the trustee of the Toa Rangatira Trust.

477 Akatarawa Road conservation area

- (1) Akatarawa Road conservation area ceases to be a conservation area under the Conservation Act 1987. 15
- (2) The fee simple estate in Akatarawa Road conservation area then vests in the trustee of the Toa Rangatira Trust.

478 Former Tuamarina school house

The fee simple estate in the former Tuamarina school house vests in the trustee of the Toa Rangatira Trust. 20

479 Rangihaeata

- (1) Rangihaeata ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Rangihaeata then vests in the trustee of the Toa Rangatira Trust. 25

480 Pelorus Bridge

- (1) The reservation of Pelorus Bridge (being part of Pelorus Bridge Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pelorus Bridge then vests in the trustee of the Toa Rangatira Trust. 30

481 Titahi Bay Road site A

The fee simple estate in Titahi Bay Road site A vests in the trustee of the Toa Rangatira Trust.

482 Titahi Bay Road site B

- (1) The fee simple estate in Titahi Bay Road site B vests in the trustee of the Toa Rangatira Trust. 5
- (2) **Subsection (1)** does not take effect until the trustee of the Toa Rangatira Trust has provided Porirua City Council with—
 - (a) a registrable easement in gross for the following rights on the terms and conditions set out in part 4.6 of the documents schedule of the deed of settlement: 10
 - (i) a right to drain sewage over the areas shown as B, D, G, H, J, K, M, N, and O on SO 446371:
 - (ii) a right to drain stormwater and water over the areas shown as A, B, F, H, I, K, L, N, Q, and R on SO 446371: 15
 - (iii) a right to convey water over the area shown as P on SO 446371; and
 - (b) a registrable easement for a right of way and a right to park over the areas shown as C, D, and E on SO 446371 in favour of Section 99 Block 1 Belmont Survey District on the terms and conditions set out in part 4.5 of the documents schedule of the deed of settlement. 20

Sites that vest in fee simple subject to conservation covenant

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483 Waikutakuta / Robin Hood Bay

- (1) The reservation of Waikutakuta / Robin Hood Bay (being part of Robin Hood Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Waikutakuta / Robin Hood Bay then vests in the trustee of the Toa Rangatira Trust. 30
- (3) **Subsections (1) and (2)** do not take effect until the trustee of the Toa Rangatira Trust has provided the Crown with a registrable covenant in relation to Waikutakuta / Robin Hood Bay on the terms and conditions set out in part 4.1 of the documents schedule of the deed of settlement. 35

- (4) The covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.

484 Elaine Bay

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- (1) The reservation of Elaine Bay as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Elaine Bay then vests in the trustee of the Toa Rangatira Trust.
- (3) **Subsections (1) and (2)** do not take effect until the trustee of the Toa Rangatira Trust has provided the Crown with a registrable covenant in relation to Elaine Bay on the terms and conditions set out in part 4.2 of the documents schedule of the deed of settlement. 10
- (4) The covenant is to be treated as a conservation covenant for the purposes of— 15
 - (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.

*Sites that vest in fee simple to be administered
as reserves*

20

485 Whitianga site

- (1) Any part of the Whitianga site that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.
- (2) The fee simple estate in the Whitianga site then vests in the trustee of the Toa Rangatira Trust. 25
- (3) The Whitianga site is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Whitianga Historic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustee of the Toa Rangatira Trust has provided Porirua City Council with a registrable easement in gross for a right to drain sewage over the area shown as A on SO 446636, and a right to drain stormwater over the areas shown as B and C on SO 446636, on the terms and conditions set out in part 4.7 of the documents schedule of the deed of settlement. 30 35

- (6) The easement—
- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
 - (b) is to be treated as having been granted in accordance with that Act.

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486 Te Mana a Kupe

- (1) The reservation of Te Mana a Kupe (being part of Mana Island Scientific Reserve) as a scientific reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Mana a Kupe then vests in the trustee of the Toa Rangatira Trust. 10
- (3) Te Mana a Kupe is then declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.
- (4) The reserve is named Te Mana a Kupe Scientific Reserve. 15
- (5) Despite the vesting under **subsection (2)** or any subsequent transfer of reserve land under **section 508**,—
 - (a) the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Crown; and
 - (b) any interest that affects the reserve land applies as if the reserve were vested in the Crown. 20
- (6) To avoid doubt, as a result of **subsection (5)**,—
 - (a) the reserve is not vested in, or managed and controlled by, an administering body; and
 - (b) the Crown administers, controls, and manages the reserve. 25
- (7) However, the Crown must not grant a lease over any part of the reserve.
- (8) **Subsection (9)** applies to all, or only the part, of Te Mana a Kupe that remains a reserve under the Reserves Act 1977 after the site has vested under **subsection (2)** (the **reserve land**). 30
- (9) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the Crown were the registered proprietor of the reserve land.
- (10) **Subsection (9)** continues to apply despite any subsequent transfer of the reserve land under **section 508**. 35

- (11) Any improvements in or on Te Mana a Kupe do not vest in the trustee of the Toa Rangatira Trust, despite the vesting under **subsection (2)**.

487 Taputeranga Island

- (1) Any part of Taputeranga Island that is still subject to section 3 or 4 of the Wellington City Empowering and Amendment Act 1927 ceases to be—
 (a) subject to those sections; and
 (b) held for the purposes specified in those sections.
- (2) The fee simple estate in Taputeranga Island then vests in the Crown as Crown land subject to the Land Act 1948.
- (3) The fee simple estate in Taputeranga Island then vests in the trustee of the Toa Rangatira Trust.
- (4) Taputeranga Island is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (5) The reserve is named Taputeranga Island Historic Reserve.
- (6) Wellington City 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.
- (7) **Subsection (6)** continues to apply despite any subsequent transfer under **section 509**.

488 Onehunga Bay

- (1) The reservation of Onehunga Bay (being part of Whitireia Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Onehunga Bay then vests in the trustee of the Toa Rangatira Trust.
- (3) Onehunga Bay is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Onehunga Bay Historic Reserve.
- (5) To avoid doubt, the joint board established by **section 566(1)** is the administering body of the reserve, as provided by **section 567**, but subject to **section 572**.

- (6) **Subsections (1) to (5)** do not take effect until the trustee of the Toa Rangatira Trust has provided the Crown with a registrable easement for a right to convey water over the area shown as A on SO 446704 in favour of Section 4 SO 446704 on the terms and conditions set out in part 4.8 of the documents schedule of the deed of settlement. 5
- (7) The easement—
- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
 - (b) is to be treated as having been granted in accordance with that Act. 10

489 Wainui

- (1) The reservation of Wainui as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Wainui then vests in the trustee of the Toa Rangatira Trust. 15
- (3) Wainui is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Wainui ki Paekakariki Recreation Reserve. 20
- (5) Any improvements in or on Wainui do not vest in the trustee of the Toa Rangatira Trust, despite the vesting under **subsection (2)**.

490 Te Onepoto Bay

- (1) The reservation of Te Onepoto Bay (being part of Whitireia Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Te Onepoto Bay then vests in the trustee of the Toa Rangatira Trust.
- (3) Te Onepoto Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 30
- (4) The reserve is named Te Onepoto Recreation Reserve.
- (5) To avoid doubt, the joint board established by **section 566(1)** is the administering body of the reserve, as provided by **section 567**, but subject to **section 572**. 35

491 Te Arai o Wairau

- (1) The road comprising Te Arai o Wairau is stopped.
- (2) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.
- (3) The fee simple estate in Te Arai o Wairau then vests in the Crown as Crown land subject to the Land Act 1948. 5
- (4) The fee simple estate in Te Arai o Wairau then vests in the trustee of the Toa Rangatira Trust.
- (5) Te Arai o Wairau is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. 10
- (6) The reserve is named Te Arai o Wairau Historic Reserve.
- (7) **Subsections (1) to (6)** do not take effect until the trustee of the Toa Rangatira Trust has provided Marlborough District Council with a registrable easement in gross for a right to place a monument over the area shown as A on SO 446375 on the terms and conditions set out in part 4.9 of the documents schedule of the deed of settlement. 15
- (8) The easement—
 - (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and 20
 - (b) is to be treated as having been granted in accordance with that Act.

492 Pukatea / Whites Bay

- (1) The reservation of Pukatea / Whites Bay (being part of Whites Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 25
- (2) The fee simple estate in Pukatea / Whites Bay then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows:
 - (a) a share vests in the trustee of the Toa Rangatira Trust under this paragraph; and 30
 - (b) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust under **section 96(2)(a) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013**; and 35

- (c) a share vests in the trustees of the Ngāti Rārua Settlement Trust under **section 303(2)(a) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013.**
- (3) Pukatea / Whites Bay is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 5
- (4) The reserve is named Pukatea / Whites Bay Recreation Reserve.
- (5) The joint management body established by **section 505(1)** 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 in trustees) under section 26 of that Act. 10
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 511.**
- 493 Horahora-kākahu** 15
- (1) The reservation of Horahora-kākahu (being Horahora-kakahu Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Horahora-kākahu then vests as undivided third shares in the specified groups of trustees as tenants in common, as follows: 20
- (a) a share vests in the trustee of the Toa Rangatira Trust under this paragraph; and
- (b) a share vests in the trustees of the Rangitāne o Wairau Settlement Trust under **section 97(2)(a) of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013;** and 25
- (c) a share vests in the trustees of the Ngāti Rārua Settlement Trust under **section 304(2)(a) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013.** 30
- (3) Horahora-kākahu is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Horahora-kākahu Historic Reserve.
- (5) The joint management body established by **section 505(1)** 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 in trustees) under section 26 of that Act. 35

- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 511**.
- (7) The historic monument at Horahora-kākahu does not vest in any of the trustees, despite the vestings referred to in **subsection (2)**. 5

494 Tokomaru / Mount Robertson

- (1) The reservation of Tokomaru / Mount Robertson (being part of Robertson Range Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tokomaru / Mount Robertson then vests as undivided half shares in the specified groups of trustees as tenants in common, as follows:
 - (a) a share vests in the trustee of the Toa Rangatira Trust under this paragraph; and
 - (b) a share vests in the trustees of the Ngāti Rārua Settlement Trust under **section 305(2)(a) of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013**. 15
- (3) Tokomaru / Mount Robertson is then 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 Tokomaru / Mount Robertson Scenic Reserve.
- (5) The joint management body established by **section 506(1)** 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 in trustees) under section 26 of that Act. 25
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 511**.
- (7) **Subsections (1) to (6)** do not take effect until the trustees of the Ngāti Rārua Settlement Trust and the trustee of the Toa Rangatira Trust have provided the Crown with a registrable right of way easement in gross over the area shown as A on SO 426595 on the terms and conditions set out in part 4.3 of the documents schedule of the deed of settlement. 30
- (8) The easement— 35
 - (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and

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

Sites that vest in fee simple to be held as Maori reservations

- 495 Taupo urupa** 5
- (1) The reservation of the Taupo urupa as a local purpose reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Taupo urupa then vests in the Crown as Crown land subject to the Land Act 1948.
- (3) The fee simple estate in the Taupo urupa then vests in the trustee of the Toa Rangatira Trust. 10
- (4) The Taupo urupa is then set apart as a Maori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993,—
- (a) for the purposes of a burial ground; and 15
- (b) to be held for the benefit of Ngati Toa Rangatira.
- (5) The Taupo urupa is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.
- 496 Whitiireia urupa**
- (1) The reservation of the Whitiireia urupa (being part of Whitiireia Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 20
- (2) The fee simple estate in the Whitiireia urupa then vests in the trustee of the Toa Rangatira Trust.
- (3) The Whitiireia urupa is then set apart as a Maori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993,— 25
- (a) for the purposes of a burial ground; and
- (b) to be held for the benefit of Ngati Toa Rangatira.
- (4) The Whitiireia urupa is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act. 30

Subpart 4—General provisions relating to vesting of cultural redress properties

General provisions

497 Properties are subject to, or benefit from, interests

Each cultural redress property vested in the trustee of the Toa Rangatira Trust under **subpart 3** is subject to, or benefits from, any interests listed for the property in **Schedule 12**.

498 Interests in land for certain reserve sites

- (1) This section applies to Taputeranga Island or a jointly vested site while the site has an administering body that is treated as if the site were vested in it. 10
- (2) This section applies to all, or only the part, of the site that remains a reserve under the Reserves Act 1977 (the **reserve land**).
- (3) If the reserve site is affected by an interest listed for the property in **Schedule 12** that is an interest in land, the interest applies as if the administering body were the grantor, or the grantee, of the interest in respect of the reserve land. 15
- (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 proprietor of the reserve land. 20
- (5) However, **subsections (3) and (4)** do not affect the registration of the easement referred to in **section 494(7)**.
- (6) **Subsections (3) and (4)** continue to apply despite any subsequent transfer of the reserve land under **section 509 or 511**. 25

499 Interests that are not interests in land

- (1) This section applies if a cultural redress property is subject to an interest listed for the property in **Schedule 12** that is not an interest in land and for which there is a grantor, whether or not the interest also applies to land outside the property. 30
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies.
- (3) If all or part of the cultural redress property is reserve land to which **section 498** applies, the interest applies as if the 35

administering body of the reserve land were the grantor of the interest in respect of the reserve land.

- (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
 - (c) despite any change in status of the land in the property.

500 Registration of ownership 10

- (1) This section applies in relation to the fee simple estate in a cultural redress property vested in the trustee of the Toa Rangatira Trust under **subpart 3**.
- (2) To the extent that a cultural redress property (other than the former Tuamarina school house, Taputeranga Island, or a jointly vested site) is all of the land contained in a computer freehold register, the Registrar-General must, on written application by an authorised person,—
- (a) register the trustee of the Toa Rangatira Trust as the proprietor of the fee simple estate in the land; and
 - (b) record anything in the register, and do anything else, that is necessary to give effect to this Part and to part 5 of the deed of settlement.
- (3) To the extent that **subsection (2)** does not apply to a cultural redress property (other than a jointly vested site), or in the case of the former Tuamarina school house or Taputeranga Island, the Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create 1 or more computer freehold registers for the fee simple estate in the property in the name of the trustee of the Toa Rangatira Trust; and
 - (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the application.
- (4) For a jointly vested site, the Registrar-General must, in accordance with written applications by an authorised person,—
- (a) create 1 or more computer freehold registers for an undivided equal share of the fee simple estate in the prop-

- erty in the name of the trustee of the Toa Rangatira Trust (in whom the share is vested under **subpart 3**); and
- (b) record on the relevant registers any interests that are registered, notified, or notifiable and that are described in the applications. 5
- (5) **Subsections (3) and (4)** are subject to the completion of any survey necessary to create a computer freehold register.
- (6) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than— 10
- (a) 24 months after the settlement date; or
- (b) any later date that may be agreed in writing by the Crown and the trustee of the Toa Rangatira Trust.
- (7) In this section, **authorised person** means a person authorised by— 15
- (a) the chief executive of the Ministry of Justice, for the following properties:
- (i) the former Tuamarina school house:
- (ii) Titahi Bay Road site A:
- (iii) Titahi Bay Road site B: 20
- (iv) Taputeranga Island:
- (v) Te Arai o Wairau:
- (vi) the Taupo urupa:
- (b) the Director-General, for all other properties.
- 501 Application of Part 4A of Conservation Act 1987** 25
- (1) The vesting of the fee simple estate in a cultural redress property in the trustee of the Toa Rangatira Trust under **subpart 3** 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. 30
- (2) Despite **subsection (1)**, the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site in the trustee of the Toa Rangatira Trust under **subpart 3**.
- (3) If the reservation, under **subpart 3**, of a reserve site is revoked in relation to all or part of the site, then the vesting of the site 35
- in the trustee of the Toa Rangatira Trust under **subpart 3** is no longer exempt from the rest of section 24 of the Conservation

Act 1987 in relation to all or that part of the site (as the case may be).

502 Recording application of Part 4A of Conservation Act 1987 and sections of this Act

- (1) The Registrar-General must record on any computer freehold register for the Whitianga site, Wainui, or Te Arai o Wairau—
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 501(3) and 507.**
- (2) The Registrar-General must record on any computer freehold register for Te Mana a Kupe—
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 486(9), 501(3), and 508.**
- (3) The Registrar-General must record on any computer freehold register for Taputeranga Island—
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 498(4), 501(3), and 509.**
- (4) The Registrar-General must record on any computer freehold register for Onehunga Bay or Te Onepoto Bay—
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 501(3) and 510.**
- (5) The Registrar-General must record on any computer freehold register created under **section 500** for a jointly vested site—
 - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **sections 498(4), 501(3), and 511.**

- (6) The Registrar-General must record on any computer freehold register for any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.
- (7) A notification made under any of **subsections (1) to (6)** 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. 5
- (8) For a reserve site other than a jointly vested site, if the reservation of the site under **subpart 3** is revoked in relation to—
- (a) all of the site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register for the site— 10
 - (i) the notification that section 24 of the Conservation Act 1987 does not apply to the site; and
 - (ii) the notifications that the site is subject to **section 486(9) or 498(4)** (if either applies), **section 501(3)**, and **section 507, 508, 509, or 510** (whichever applies); or 15
 - (b) part of the site, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register for the part of the site that remains a reserve. 20
- (9) For a jointly vested site, if the reservation of the site under **subpart 3** is revoked in relation to—
- (a) all of the site, then the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register created under **section 500** for the site— 25
 - (i) the notification that section 24 of the Conservation Act 1987 does not apply to the site; and 30
 - (ii) the notification that the site is subject to **sections 498(4), 501(3), and 511**; or
 - (b) part of the site, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register, created under **section 500** or derived from a computer freehold register created under **section 500**, for the part of the site that remains a reserve. 35

- (10) The Registrar-General must comply with an application received in accordance with **subsection (8)(a) or (9)(a)**.

503 Application of other enactments

- (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under **subpart 3**, of the reserve status of a cultural redress property. 5
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting of the fee simple estate in a cultural redress property under **subpart 3**; or 10
 - (b) any matter incidental to, or required for the purpose of, the vesting.
- (3) The vesting of the fee simple estate in a cultural redress property under **subpart 3** does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; 15
 - 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 a cultural redress property. 20

Provisions relating to reserve sites

504 Application of Reserves Act 1977 to reserve sites

- (1) The trustee of the Toa Rangatira Trust is the administering body of a reserve site, except as provided by **sections 486(6), 487(6), 492(5), 493(5), 494(5), and 567(1)**. 25
- (2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve site, despite sections 48A(6), 114(5), and 115(6) of that Act. 30
- (3) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve site.
- (4) If the reservation, under **subpart 3**, of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site, section 25 (except subsection (2)) of that Act does not apply to the revocation. 35

505 Joint management body for Pukatea / Whites Bay and Horahora-kākahu

- (1) A joint management body is established for Pukatea / Whites Bay and Horahora-kākahu.
- (2) Each of the following 3 groups of trustees may appoint 2 members to the joint management body:
 - (a) the trustee of the Toa Rangatira Trust; and
 - (b) the trustees of the Rangitāne o Wairau Settlement Trust; and
 - (c) the trustees of the Ngāti Rārua Settlement Trust.
- (3) An appointer may appoint a member only by giving a written notice with the following details to the 1 or more other appointers:
 - (a) the member's full name, address, and other contact details; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first).
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (7) **Subsection (6)** applies subject to **subsections (8) and (9)**.
- (8) The first meeting of the body must be held no later than 2 months after the settlement date.
- (9) If the 3 groups of trustees referred to in **subsection (2)** agree to adopt alternative provisions about meetings of the body,—
 - (a) those provisions apply; and
 - (b) section 32 of the Reserves Act 1977 does not apply.

506 Joint management body for Tokomaru / Mount Robertson

- (1) A joint management body is established for Tokomaru / Mount Robertson.
- (2) Each of the following 2 groups of trustees may appoint 2 members to the joint management body:
 - (a) the trustee of the Toa Rangatira Trust; and

- (b) the trustees of the Ngāti Rārua Settlement Trust.
- (3) An appointer may appoint a member only by giving a written notice with the following details to the other appointer:
 - (a) the member's full name, address, and other contact details; and 5
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (4) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first). 10
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (6) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (7) **Subsection (6)** applies subject to **subsections (8) and (9)**. 15
- (8) The first meeting of the body must be held no later than 2 months after the settlement date.
- (9) If the 2 groups of trustees referred to in **subsection (2)** agree to adopt alternative provisions about meetings of the body,—
 - (a) those provisions apply; and 20
 - (b) section 32 of the Reserves Act 1977 does not apply.

507 Subsequent transfer of Whitianga site, Wainui, or Te Arai o Wairau

- (1) This section applies to each of the following reserve sites: 25
 - (a) Whitianga site:
 - (b) Wainui:
 - (c) Te Arai o Wairau.
- (2) This section applies to all, or only the part, of the reserve site that remains a reserve under the Reserves Act 1977 after the site has vested in the trustee of the Toa Rangatira Trust under **subpart 3** (the **reserve land**). 30
- (3) The fee simple estate in the reserve land may be transferred to any other person only in accordance with this section, despite any other enactment or rule of law.
- (4) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to another person or persons (the **new owners**) if, upon applica- 35

- tion, the registered proprietors of the reserve land satisfy the Minister that the new owners are able to—
- (a) comply with the requirements of the Reserves Act 1977; and
 - (b) perform the duties of an administering body under that Act. 5
- (5) The Registrar-General must, upon receiving the documents specified in **subsection (6)**, register the new owners as the proprietors of the fee simple estate in the reserve land.
- (6) The documents are— 10
- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer; and 15
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
 - (c) any other document required for registration of the transfer instrument.
- (7) The new owners, from the time of registration under **subsection (5)**,— 20
- (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer. 25
- (8) However, **subsections (3) to (7)** do not apply to the transfer of 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 30 any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
 - (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** 35 apply.

508 Subsequent transfer of Te Mana a Kupe

- (1) This section applies to all, or only the part, of Te Mana a Kupe that remains a reserve under the Reserves Act 1977 after the site has vested in the trustee of the Toa Rangatira Trust under **section 486(2)** (the **reserve land**). 5
- (2) The fee simple estate in the reserve land may be transferred to any other person only in accordance with this section, despite any other enactment or rule of law.
- (3) The registered proprietors of the reserve land must given written notice to the Director-General before the transfer— 10
- (a) stating that the reserve land is to be transferred; and
 - (b) specifying the person or persons to whom the land is to be transferred (the **new owners**); and
 - (c) specifying the date on which the land is to be transferred. 15
- (4) The Registrar-General must, upon receiving the documents specified in **subsection (5)**, register the new owners as the proprietors of the fee simple estate in the reserve land.
- (5) The documents are— 20
- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners; and
 - (b) a copy of the written notice given to the Director-General; and
 - (c) any other document required for registration of the transfer instrument. 25
- (6) However, **subsections (2) to (5)** do not apply to the transfer of 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 30
 - (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply. 35

509 Subsequent transfer of Taputeranga Island

- (1) This section applies to all, or only the part, of Taputeranga Island that remains a reserve under the Reserves Act 1977 after the site has vested in the trustee of the Toa Rangatira Trust under **section 487(3)** (the **reserve land**). 5
- (2) The fee simple estate in the reserve land may be transferred only to a Ngati Toa entity and only in accordance with this section, despite any other enactment or rule of law.
- (3) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to the Ngati Toa entity (the **new owners**) if the registered proprietors of the reserve land,— 10
 - (a) upon written application, satisfy the Minister that the new owners are able to—
 - (i) comply with the requirements of the Reserves Act 1977; and 15
 - (ii) perform the duties of an administering body under that Act; and
 - (b) provide to the Minister a certificate given by the registered proprietors, or the registered proprietors' solicitor, verifying that the new owners are a Ngati Toa entity. 20
- (4) The Registrar-General must, upon receiving the documents specified in **subsection (5)**, register the new owners as the proprietors of the fee simple estate in the reserve land.
- (5) The documents are— 25
 - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners; and
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
 - (c) any other document required for registration of the transfer instrument. 30
- (6) However, **subsections (2) to (5)** do not apply to the transfer of 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 35
 - (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and

- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply.
- (7) In this section, **Ngati Toa entity** means any person or persons (including any trustees) to whom the fee simple estate in Ta-puteranga Island may transfer in accordance with the constitutional documents of the registered proprietors of that estate. 5
- 510 Subsequent transfer of Onehunga Bay or Te Onepoto Bay**
- (1) This section applies to Onehunga Bay or Te Onepoto Bay. 10
- (2) This section applies to all, or only the part, of the reserve site that remains a reserve under the Reserves Act 1977 after the site has vested in the trustee of the Toa Rangatira Trust under **subpart 3** (the **reserve land**).
- (3) Despite any other enactment or rule of law, the fee simple estate in the reserve land may be— 15
 - (a) transferred to a Ngati Toa entity only if the Minister of Conservation provides consent under **subsection (4)**;
 - (b) transferred to any other person only if the Minister of Conservation provides consent under **subsection (5)**. 20
- (4) The Minister of Conservation must give written consent to a transfer to a Ngati Toa entity (the **new owners**) if the registered proprietors of the reserve land,—
 - (a) upon written application, satisfy the Minister that the new owners are able to— 25
 - (i) comply with the requirements of the Reserves Act 1977; and
 - (ii) perform the duties of an administering body under that Act; and
 - (b) provide to the Minister a certificate given by the registered proprietors, or the registered proprietors' solicitor, verifying that the new owners are a Ngati Toa entity. 30
- (5) The Minister of Conservation must give written consent to a transfer to any other person (the **new owners**) if the registered proprietors of the reserve land, upon written application, satisfy the Minister that the new owners are able to— 35

- (a) comply with the requirements of the Reserves Act 1977; and
 - (b) perform the duties of an administering body under that Act.
- (6) The Registrar-General must, upon receiving the documents 5 specified in **subsection (7)**, register the new owners as the proprietors of the fee simple estate in the reserve land.
- (7) The documents are—
 - (a) either,—
 - (i) if the transfer is to a Ngati Toa entity and the joint 10 board (as defined by **section 565**) is still the administering body of the reserve land, a transfer instrument to transfer the fee simple estate in the reserve land to the new owners; or
 - (ii) in any other case, a transfer instrument to trans- 15 fer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as it was held by the administering body immediately before the transfer; and 20
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land under **subsection (4) or (5)** (whichever applies); and
 - (c) any other document required for registration of the transfer instrument. 25
- (8) If the reserve land transfers as described in **subsection (7)(a)(ii)**, from the time of registration of the transfer, the new owners—
 - (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as it 30 was held by the administering body immediately before the transfer.
- (9) If the reserve land transfers as described in **subsection (7)(a)(i) or (10)** and while the joint board is still the admin- 35 istering body, the joint board remains the administering body under **section 567**, despite the transfer.
- (10) However, **subsections (3) to (8)** do not apply to the transfer of 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 5
 - (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply.
- (11) In this section, **Ngati Toa entity** means any person or persons 10
(including any trustees) to whom the fee simple estate in the reserve site may transfer in accordance with the constitutional documents of the registered proprietors of that estate.

511 Subsequent transfer of jointly vested sites

- (1) This section applies to all, or only the part, of a jointly vested 15
site that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 3 of this Part, subpart 4 of Part 2 of Parts 1 to 3 of the Te Tau Ihu Claims Settlement Act 2013, or subpart 4 of Part 5 of Parts 4 to 7 of the Te Tau Ihu Claims Settlement Act 2013** (the reserve land). 20
- (2) The fee simple estate in the reserve land may be transferred only if—
- (a) the transferors of the reserve land are or were the trustees of a trust; and 25
 - (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
 - (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** 30
apply.

512 No mortgage of reserve land

- (1) This section applies to all, or only the part, of a reserve site 35
that remains a reserve under the Reserves Act 1977 after the site has vested in any trustees under **subpart 3** (the reserve land).

- (2) The owners of the reserve land must not mortgage, or give a security interest in, all or part of the land.

513 Saving of bylaws, etc, in relation to reserve sites

- (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 has made or imposed under the Reserves Act 1977 or the Conservation Act 1987 in relation to a reserve site before the site vests in any trustees under **subpart 3**. 5
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Reserves Act 1977 or the Conservation Act 1987. 10

514 Names of Crown protected areas and reserve sites

- (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. 15
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.
- (3) A reserve site is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 20
- (4) A reserve site 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 site, and section 16(10A) of that Act does not apply to the proposed change. 25
- (5) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. 30

*Repeal and amendment***515 Consequential repeal of certain sections of Wellington City Empowering and Amendment Act 1927**

- (1) This section amends the Wellington City Empowering and Amendment Act 1927. 5
- (2) Repeal sections 2 to 4.

Subpart 5—Geographic names

516 Interpretation

In this subpart,—

New Zealand Geographic Board has the meaning given to Board by section 4 of the NZGB Act 10

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

official geographic name has the meaning given by section 4 of the NZGB Act. 15

517 New names of features

- (1) A name specified in the first column of the table in clause 5.49.1 of the deed of settlement is assigned to the feature described in the second and third columns of the table.
- (2) A name specified in the first column of the table in clause 5.49.2 or 5.49.3 of the deed of settlement for the feature described in the third and fourth columns of the table is altered to the name specified in the second column of the table. 20
- (3) Each assignment or alteration is to be treated as if it were an assignment or alteration of the official geographic name by a determination of the New Zealand Geographic Board, under section 19 of the NZGB Act, that takes effect on the settlement date. 25

518 Publication of new names

- (1) The New Zealand Geographic Board must, as soon as practicable after the settlement date, give public notice of each assignment or alteration of a name under **section 517** in accordance with section 21(2) and (3) of the NZGB Act. 30

- (2) However, the notices must state that the assignments and alterations took effect on the settlement date.

519 Alteration of new names

- (1) The New Zealand Geographic Board need not comply with the requirements of sections 16, 17, 18, 19(1), and 20 of the NZGB Act in making a determination to alter the official geographic name of a feature named by this subpart. 5
- (2) Instead, the Board may make the determination as long as it has the written consent of the following trustees:
- (a) for the name of a feature in the North Island (being those specified in the table in clause 5.49.1 or 5.49.2 of the deed of settlement), the trustee of the Toa Rangatira Trust; or 10
 - (b) for any other name,—
 - (i) the trustee of the Toa Rangatira Trust; and 15
 - (ii) the trustees of the related settlement trusts.
- (3) To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act.

Subpart 6—Delayed vesting and gifting back of balance of Mana Island 20

520 Interpretation

In this subpart,—

balance of Mana Island means 212.46 hectares, approximately, being Parts Mana Island Block XI Paekakariki Survey District and being balance *Gazette* notice 966075.1 (as shown on SO 445976) and also being part of Mana Island Scientific Reserve 25

vesting date has the meaning given by **section 521(4)**.

521 Notice appointing vesting date for balance of Mana Island 30

- (1) The trustee of the Toa Rangatira Trust may give written notice to the Minister of Conservation of the date on which the balance of Mana Island is to vest in the trustee.
- (2) The proposed date must be no later than 31 December 2024.

- (3) The trustee must give the Minister of Conservation at least 40 working days' notice of the proposed date.
- (4) The **vesting date** is—
 - (a) the date proposed by the trustee in accordance with **sub-sections (1) to (3)**; or 5
 - (b) 31 December 2024, if no such date is proposed.
- (5) The Minister of Conservation must publish a notice in the *Gazette*—
 - (a) specifying the vesting date; and
 - (b) stating that the fee simple estate in the balance of Mana Island vests in the trustee of the Toa Rangatira Trust on the vesting date. 10
- (6) The notice must be published as early as practicable before the vesting date.

522 Delayed vesting and gifting back of balance of Mana Island 15

- (1) The fee simple estate in the balance of Mana Island vests in the trustee of the Toa Rangatira Trust on the vesting date.
- (2) On the tenth day after the vesting date, the fee simple estate in the balance of Mana Island vests in the Crown as a gift back to the Crown by the trustee for the people of New Zealand. 20
- (3) Despite the vestings,—
 - (a) the balance of Mana Island remains a reserve under the Reserves Act 1977, and that Act continues to apply to the site, as if the vestings had not occurred; and 25
 - (b) any other enactment or any instrument that applied to the balance of Mana Island immediately before the vesting date continues to apply to it as if the vestings had not occurred; and
 - (c) any interest that affected the balance of Mana Island immediately before the vesting date continues to affect it as if the vestings had not occurred; and 30
 - (d) to the extent that the statutory acknowledgement or a deed of recognition applied to the balance of Mana Island immediately before the vesting date, it continues to apply to the site as if the vestings had not occurred; and 35

- (e) the Crown retains all liability for the balance of Mana Island as if the vestings had not occurred.
- (4) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment. 5

Subpart 7—Kapiti Island redress

523 Interpretation

- (1) In this subpart, each of the following sites means the land described by that name in **Schedule 13**: 10
 - (a) Kapiti Island site:
 - (b) Kapiti Island North Nature Reserve site:
 - (c) Kapiti Island North Nature Reserve balance site:
 - (d) Kapiti Island Nature Reserve site.
- (2) In this subpart, **Kapiti Island reserve site** means each of the following: 15
 - (a) the Kapiti Island North Nature Reserve site and any adjoining land that is deemed by section 20(3) of the Reserves Act 1977 to form part of the reserve in that site:
 - (b) the Kapiti Island Nature Reserve site and any other land set apart as a reserve for the preservation of native flora and fauna by *Gazette* 1973, p 1381. 20

Kapiti Island site

524 Kapiti Island site

- (1) The Kapiti Island site is declared a reserve subject to the Reserves Act 1977. 25
- (2) The reservation of the Kapiti Island site as a reserve subject to the Reserves Act 1977 is then revoked.
- (3) The fee simple estate in the Kapiti Island site then vests in the trustee of the Toa Rangatira Trust, despite section 2 of the Kapiti Island Public Reserve Act 1897. 30
- (4) **Subsections (1) to (3)** do not take effect until the trustee of the Toa Rangatira Trust has provided the Crown with a registrable covenant in relation to the Kapiti Island site on the terms and conditions set out in part 4.4 of the documents schedule of the deed of settlement. 35

- (5) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.
- (6) The Kapiti Island site vests under **subsection (3)** free of any interests except as provided by this subpart or another enactment. 5

525 Right of access over reserves to Kapiti Island site

- (1) The trustee of the Toa Rangatira Trust, and any person authorised by the trustee, may access the Kapiti Island site across—
 - (a) the part of the Kapiti Island North Nature Reserve site shown as B on SO 457506; and 10
 - (b) any land that adjoins the part of the site referred to in **paragraph (a)** and that is deemed to form part of the reserve in that site under section 20(3) of the Reserves Act 1977; and
 - (c) the part of the Kapiti Island Nature Reserve site shown as A on SO 450703. 15
- (2) A person exercising the right of access—
 - (a) may do so by vehicle or by foot; and
 - (b) may perform minor clearance of vegetation on the land referred to in **subsection (1)** to allow the right to be exercised; and 20
 - (c) must observe any reasonable conditions imposed by the Director-General, including conditions relating to the management of biosecurity or fire risk; and
 - (d) must not interfere with any person who is in a reserve under an authority granted under the Reserves Act 1977. 25
- (3) The right of access may be exercised despite section 20(2)(c) of the Reserves Act 1977.

526 Registration of ownership of Kapiti Island site

- (1) The Registrar-General must, in accordance with an application by an authorised person,— 30
 - (a) create a computer freehold register for the fee simple estate in the Kapiti Island site in the name of the trustee of the Toa Rangatira Trust; and
 - (b) record on the computer freehold register that the land— 35
 - (i) is subject to Part 4A of the Conservation Act 1987; and

- (ii) has the benefit of **section 525**; and
- (iii) is subject to section 2 of the Kapiti Island Public Reserve Act 1897; and
- (iv) has the benefit of **section 527(5)**; and
- (c) record on the computer freehold register any other interests that are registered, notified, or notifiable and that are described in the application. 5
- (2) **Subsection (1)** is subject to the completion of any survey necessary to create a computer freehold register.
- (3) A notification made under **subsection (1)(b)(i)** 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. 10
- (4) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than— 15
 - (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustee of the Toa Rangatira Trust.
- (5) In this section, **authorised person** means a person authorised by the Director-General. 20

527 Application of enactments to Kapiti Island site

- (1) The vesting of the fee simple estate in the Kapiti Island site in the trustee of the Toa Rangatira Trust under **section 524(3)** is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 25
- (2) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of the Kapiti Island site under **section 524(2)**. 30
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting of the fee simple estate in the Kapiti Island site in the trustee of the Toa Rangatira Trust under **section 524(3)**; or 35
 - (b) any matter incidental to, or required for the purpose of, the vesting.

- (4) The vesting referred to in **subsection (3)(a)** does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (5) The fee simple estate in the Kapiti Island site may be transferred despite section 2 of the Kapiti Island Public Reserve Act 1897 if—
- (a) the transferees are the trustees of the Toa Rangatira Trust after any new trustee has been appointed or any transferor has ceased to be a trustee; and
 - (b) the instrument to transfer the site is accompanied by a certificate given by the trustees of the Toa Rangatira Trust, or the trustees' solicitor, verifying that **paragraph (a)** applies.

Kapiti Island North Nature Reserve site 15

528 Kapiti Island North Nature Reserve site

- (1) The Kapiti Island North Nature Reserve site is declared a reserve and classified as a nature reserve subject to section 20 of the Reserves Act 1977.
- (2) The reserve is named Kapiti Island North Nature Reserve. 20
- (3) The fee simple estate in the Kapiti Island North Nature Reserve site then vests in the trustee of the Toa Rangatira Trust to be held as if held under section 26(2) of the Reserves Act 1977, despite section 2 of the Kapiti Island Public Reserve Act 1897. 25
- (4) Despite the vesting under **subsection (3)**,—
 - (a) the Reserves Act 1977 continues to apply to Kapiti Island North Nature Reserve as if the reserve remained vested in the Crown; and
 - (b) any interest listed for the Kapiti Island North Nature Reserve site in **Schedule 13** continues to apply as if the reserve remained vested in the Crown. 30
- (5) Despite any subsequent transfer under **section 530(5)**,—
 - (a) the Reserves Act 1977 continues to apply to Kapiti Island North Nature Reserve as if the reserve remained vested in the Crown; and 35

- (b) any interest that affected the Kapiti Island North Nature Reserve site immediately before the transfer continues to apply as if the reserve remained vested in the Crown.
- (6) To avoid doubt, as a result of **subsection (4)(a) or (5)(a)**,—
 - (a) the reserve is not vested in, or managed and controlled by, an administering body; and
 - (b) the Crown continues to administer, control, and manage the reserve.
- (7) However, the Crown must not grant a lease over any part of the reserve.
- (8) Any interest in land that affects the Kapiti Island North Nature Reserve site must be dealt with for the purposes of registration as if the Crown were the registered proprietor of the site.
- (9) **Subsection (8)** continues to apply despite any subsequent transfer under **section 530(5)**.
- (10) Any improvements in or on the Kapiti Island North Nature Reserve site do not vest in the trustee of the Toa Rangatira Trust, despite the vesting under **subsection (3)**.
- (11) The right of way easement created by a partition order made on 3 April 1963 (recorded in Otaki minute book volume 70 folio 52) and referred to in Maori Land Court order B444342.1 is cancelled.
- (12) The Registrar (as defined by section 4 of Te Ture Whenua Maori Act 1993) must note the cancellation of the easement.
- (13) The Registrar-General must remove any memorial relating to the cancelled easement from any relevant computer register.

529 Registration of ownership of Kapiti Island North Nature Reserve site

- (1) The Registrar-General must, in accordance with an application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the Kapiti Island North Nature Reserve site in the name of the trustee of the Toa Rangatira Trust; and
 - (b) record on the computer freehold register that the land—
 - (i) is subject to **sections 525, 528(8), and 530(4)**; and

- (ii) is subject to section 2 of the Kapiti Island Public Reserve Act 1897; and
 - (iii) has the benefit of **section 530(5)**; and
- (c) record on the computer freehold register any other interests that are registered, notified, or notifiable and that are described in the application. 5
- (2) **Subsection (1)** is subject to the completion of any survey necessary to create a computer freehold register.
- (3) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than— 10
 - (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustee of the Toa Rangatira Trust.
- (4) In this section, **authorised person** means a person authorised by the Director-General. 15

530 Application of enactments to Kapiti Island North Nature Reserve site

- (1) Section 24 of the Conservation Act 1987 does not apply to the vesting of the fee simple estate in the Kapiti Island North Nature Reserve site in the trustee of the Toa Rangatira Trust under **section 528(3)**. 20
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting; or 25
 - (b) any matter incidental to, or required for the purpose of, the vesting.
- (3) The vesting does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or 30
 - (b) affect other rights to subsurface minerals.
- (4) The trustee of the Toa Rangatira Trust must not dispose of, or grant or create any legal or equitable right or interest over, the Kapiti Island North Nature Reserve site.
- (5) The fee simple estate in the Kapiti Island North Nature Reserve site (except any part that has been divested by notice in the *Gazette* under **section 532(2)**) may be transferred despite 35

section 2 of the Kapiti Island Public Reserve Act 1897 and **subsection (4)** if—

- (a) a tupuna has not become the registered proprietor of the site under **section 531**; and
- (b) the transferees are the trustees of the Toa Rangatira Trust after any new trustee has been appointed or any transferor has ceased to be a trustee; and
- (c) the instrument to transfer the site is accompanied by a certificate given by the trustees of the Toa Rangatira Trust, or the trustees' solicitor, verifying that **paragraph (b)** applies.

531 Change of named registered proprietor of Kapiti Island North Nature Reserve site

- (1) This section applies to the Kapiti Island North Nature Reserve site except any part that has been divested by notice in the *Gazette* under **section 532(2)** (the site). 15
- (2) The trustee of the Toa Rangatira Trust may, at any time while the trustee is the registered proprietor of the fee simple estate in the site, give a written notice to the Registrar-General specifying the name of a tupuna of Ngati Toa Rangatira who is to be the registered proprietor instead. 20
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a notice given in accordance with **subsection (2)**, register the fee simple estate in the site in the name of the tupuna instead of in the name of the trustee. 25
- (4) Section 74 of the Land Transfer Act 1952 does not apply in relation to the site.
- (5) Despite a tupuna becoming the registered proprietor under this section,—
 - (a) **section 528(8)** (which relates to registration of interests in land) continues to apply; and 30
 - (b) the trustee retains all rights and obligations of the owner of the site that are not overridden by **section 528(4) to (6)** (which relate to the Crown's administration).

532 Trustee may divest all or part of Kapiti Island North Nature Reserve site

- (1) The trustee of the Toa Rangatira Trust may, at any time, give a written notice to the Minister of Conservation stating that the trustee no longer wishes to hold all, or a specified part, of the Kapiti Island North Nature Reserve site. 5
- (2) The Minister must, no later than 20 working days after receiving the notice,—
 - (a) publish a notice in the *Gazette* stating that the site, or the specified part of the site, is vested in the Crown (and is no longer held by the trustee as if held under section 26(2) of the Reserves Act 1977); and 10
 - (b) notify the Registrar-General of the notice in the *Gazette*.
- (3) The Registrar-General must do anything required to give effect to the notice published in the *Gazette*. 15

533 Vesting of Kapiti Island North Nature Reserve balance site

- (1) The Minister of Conservation may publish a notice in the *Gazette* in accordance with this section only if—
 - (a) enactments have settled all claims of Māori relating to Kapiti Island that are, or are founded on, any right and that arise from, or relate to, acts or omissions before 21 September 1992 by, or on behalf of, the Crown or by or under legislation; and 20
 - (b) any part of the Kapiti Island North Nature Reserve balance site remains vested in the Crown (the **balance land**). 25
- (2) The notice must state that the balance land becomes part of the Kapiti Island North Nature Reserve site in accordance with **section 533(3)**. 30
- (3) On and from the date of the notice,—
 - (a) **section 528(1), (3), (4)(a), and (5) to (10)** apply to the balance land as if it were the Kapiti Island North Nature Reserve site; and
 - (b) the reserve created by the application of **section 528(1)** to the balance land is to be treated as if it were part of the Kapiti Island North Nature Reserve named by **section 528(2)**; and 35

- (c) despite the vesting of the balance land by the application of **section 528(3)**, any interest that affected the balance land immediately before the vesting continues to apply as if the land remained vested in the Crown; and 5
- (d) the following apply as if the balance land were included in the Kapiti Island North Nature Reserve site:
 - (i) **sections 530, 531, and 532**:
 - (ii) the definition of **Kapiti Island reserve site** in **section 523(2)** (and, therefore, the provisions 10 that apply to a Kapiti Island reserve site):
 - (iii) the description of the nga paihau site referred to as Kapiti Island in **Schedule 11** (and, therefore, the nga paihau that applies to the site).
- (4) A replacement computer freehold register must be created 15 under **section 529** as soon as is reasonably practicable after the date of the notice as if the balance land were included in the Kapiti Island North Nature Reserve site.
- (5) However, the computer freehold register must—
 - (a) exclude any part of the Kapiti Island North Nature Re- 20 serve site that has been divested by notice in the *Gazette* under **section 532(2)**; and
 - (b) if notice specifying the name of a tupuna has been given in accordance with **section 531(2)**, be created in the name of the tupuna instead of in the name of the trustee 25 of the Toa Rangatira Trust.

Kapiti Island Nature Reserve site

534 Notice appointing vesting date for Kapiti Island Nature Reserve site

- (1) The trustee of the Toa Rangatira Trust may give written notice 30 to the Minister of Conservation of the date on which the Kapiti Island Nature Reserve site is to vest in the trustee.
- (2) The proposed date must be no later than 31 December 2024.
- (3) The trustee must give the Minister of Conservation at least 40 working days' notice of the proposed date. 35
- (4) The **vesting date** is—

- (a) the date proposed by the trustee in accordance with **sub-sections (1) to (3)**; or
 - (b) 31 December 2024, if no such date is proposed.
- (5) The Minister of Conservation must publish a notice in the *Gazette*— 5
 - (a) specifying the vesting date; and
 - (b) stating that the fee simple estate in the Kapiti Island Nature Reserve site vests in the trustee of the Toa Rangatira Trust on the vesting date.
- (6) The notice must be published as early as practicable before the vesting date. 10

535 Delayed vesting and gifting back of Kapiti Island Nature Reserve site

- (1) The fee simple estate in the Kapiti Island Nature Reserve site vests in the trustee of the Toa Rangatira Trust on the vesting date. 15
- (2) On the tenth day after the vesting date, the fee simple estate in the Kapiti Island Nature Reserve site vests in the Crown as a gift back to the Crown by the trustee for the people of New Zealand in recognition of the mana of Ngati Toa Rangatira. 20
- (3) The vestings occur despite section 2 of the Kapiti Island Public Reserve Act 1897.
- (4) Despite the vestings,—
 - (a) the Kapiti Island Nature Reserve site remains a reserve under the Reserves Act 1977, and that Act continues to apply to the site, as if the vestings had not occurred; and 25
 - (b) any other enactment or any instrument that applied to the Kapiti Island Nature Reserve site immediately before the vesting date continues to apply to it as if the vestings had not occurred; and 30
 - (c) any interest that affected the Kapiti Island Nature Reserve site immediately before the vesting date continues to affect it as if the vestings had not occurred; and
 - (d) to the extent that the nga paihau applies to the Kapiti Island Nature Reserve site immediately before the vesting date, it continues to apply to the site as if the vestings had not occurred; and 35

- (e) the Crown retains all liability for the Kapiti Island Nature Reserve site as if the vestings had not occurred.
- (5) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment. 5
- (6) In this section, **vesting date** has the meaning given by **section 534(4)**.

536 Recording right of access on register for Kapiti Island Nature Reserve site

- (1) This section applies in relation to a computer register that is— 10
 - (a) for the fee simple estate in all or part of the Kapiti Island Nature Reserve site; and
 - (b) in existence on the settlement date or created at any time after the settlement date.
- (2) The Registrar-General must record on the computer register 15
 that the site is subject to **section 525**.

Strategic advisory committee for Kapiti Island reserve sites

537 Strategic advisory committee established

A strategic advisory committee is established to perform functions in relation to the Kapiti Island reserve sites. 20

538 Appointment of members to strategic advisory committee

- (1) The strategic advisory committee consists of no more than 6 members.
- (2) The trustee of the Toa Rangatira Trust may appoint 2 members. 25
- (3) The Director-General may appoint 2 members.
- (4) The trustee of the Toa Rangatira Trust must appoint 1 of the members to be the chairperson.
- (5) The committee may start to perform its functions only after—
 - (a) each appointer under **subsections (2) and (3)** has appointed its 2 members; and 30
 - (b) the chairperson has been appointed.

- (6) An appointer may appoint a member only by giving a written notice with the following details to the 1 or more other appointers:
- (a) the member's full name, address, and other contact details; and 5
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (7) The Director-General must also publish the notice for each appointment in the *Gazette*.
- (8) A member's appointment ends at the earliest of the following: 10
- (a) 5 years after the start of the day of the appointment;
 - (b) when the appointer replaces the member by appointing another member;
 - (c) for an interim member appointed for an iwi under **section 539**, at the start of the day on which representatives 15 of the iwi appoint a member of the committee under another enactment.
- (9) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (10) In this section, **appointer** means— 20
- (a) the trustee of the Toa Rangatira Trust; or
 - (b) the Director-General; or
 - (c) the Minister of Conservation, if he or she is entitled to appoint a member under **section 539**; or
 - (d) representatives of an iwi who become entitled to ap- 25 point a member under another enactment.

539 Interim members of strategic advisory committee

- (1) The Minister of Conservation may appoint no more than 2 other members (**interim members**) of the strategic advisory committee under **subsection (2)**. 30
- (2) An interim member may be appointed for an iwi only on and from the day on which the mandated representatives of the iwi accept a written offer from the Crown that, if enacted in accordance with the offer, would entitle representatives of the iwi to appoint a member of the committee. 35
- (3) An interim member is to be treated as a member of the committee, but only for the purposes of the committee performing

its functions under **sections 548 to 560** (which relate to the conservation management plan for Kapiti Island reserve sites).

- (4) The appointment of an iwi's interim member ceases, and **sub-section (2)** ceases to apply in respect of the iwi, at the start of the day on which representatives of the iwi appoint a member of the committee under another enactment. 5

540 Functions of strategic advisory committee

The functions of the strategic advisory committee are—

- (a) to provide advice under **section 543** on any conservation matter that affects a Kapiti Island reserve site: 10
- (b) to be consulted, and to provide advice, under **section 544** on annual planning for a Kapiti Island reserve site:
- (c) to provide advice under **section 545** in relation to the burial caves at Wharekohu Bay:
- (d) to be consulted, and to provide advice, under **section 546** on any conservation management strategy that affects a Kapiti Island reserve site: 15
- (e) to perform the functions under **sections 548 to 560** relating to the preparation and approval of the conservation management plan for the Kapiti Island reserve sites. 20

541 Procedure and meetings of strategic advisory committee

- (1) The strategic advisory committee must regulate its own procedure, subject to the rest of this section and to **section 542**.
- (2) The committee must make decisions only with the agreement of all of the members who are present and who vote at a meeting. 25
- (3) The committee must hold its first meeting no later than 6 months after the settlement date.
- (4) The committee must meet as required to perform its functions, but no less than twice a year unless the committee agrees otherwise. 30
- (5) A person may attend a meeting of the committee in place of a member if appointed to do so by the member.
- (6) An appointer must pay the costs of the members it appoints, except that an interim member appointed under **section 539** 35

(instead of the Minister of Conservation) must pay his or her own costs.

- (7) Each appointer must pay the administrative costs of the committee in the same proportion as the number of its appointed members to the total number of members, except that an interim member appointed under **section 539** (instead of the Minister of Conservation) must pay the administrative costs proportionate to his or her membership. 5
- (8) To avoid doubt, section 56 of the Conservation Act 1987 and section 9 of the Reserves Act 1977 do not apply to the committee. 10
- (9) In this section, **appointer** has the meaning given by **section 538(10)**.

542 Quorum at meetings of strategic advisory committee

- (1) The strategic advisory committee must conduct proceedings with the applicable quorum of members specified in this section, 1 of whom must be the chairperson. 15

Base quorum

- (2) The quorum is the base quorum if **subsection (3) or (4)** applies. 20
- (3) This subsection applies if no member is appointed by the Minister of Conservation under **section 539** nor by representatives of an iwi under another enactment.
- (4) This subsection applies if—
 - (a) at least 1 member is appointed by the Minister of Conservation under **section 539**; and 25
 - (b) no member is appointed by representatives of an iwi under another enactment; and
 - (c) the proceedings do not concern the committee's functions under **sections 548 to 560** (which relate to the conservation management plan for the Kapiti Island reserve sites). 30

Base quorum plus 1 interim member of other iwi

- (5) The quorum is the base quorum and 1 member appointed by the Minister of Conservation under **section 539** if— 35
 - (a) at least 1 member is appointed by the Minister of Conservation under **section 539**; and

- (b) no member is appointed by representatives of an iwi under another enactment; and
- (c) the proceedings concern the committee's functions under **sections 548 to 560** (which relate to the conservation management plan for the Kapiti Island reserve sites). 5

Base quorum plus 1 full member of other iwi

- (6) The quorum is the base quorum and 1 member appointed by representatives of an iwi under another enactment if **subsection (7) or (8)** applies. 10
- (7) This subsection applies if—
 - (a) no member is appointed by the Minister of Conservation under **section 539**; and
 - (b) at least 1 member is appointed by representatives of an iwi under another enactment. 15
- (8) This subsection applies if—
 - (a) at least 1 member is appointed by the Minister of Conservation under **section 539**; and
 - (b) at least 1 member is appointed by representatives of an iwi under another enactment; and 20
 - (c) the proceedings do not concern the committee's functions under **sections 548 to 560** (which relate to the conservation management plan for the Kapiti Island reserve sites). 25

Base quorum plus 1 interim or full member of other iwi 25

- (9) The quorum is the base quorum and 1 member appointed by the Minister of Conservation under **section 539** or by representatives of an iwi under another enactment if—
 - (a) at least 1 member is appointed by the Minister of Conservation under **section 539**; and 30
 - (b) at least 1 member is appointed by representatives of an iwi under another enactment; and
 - (c) the proceedings concern the committee's functions under **sections 548 to 560** (which relate to the conservation management plan for the Kapiti Island reserve sites). 35

Definition of base quorum

- (10) In this section, **base quorum** means—

- (a) 2 members appointed by the trustee of the Toa Rangatira Trust; and
- (b) 1 member appointed by the Director-General.

*Consultation with and advice provided by
strategic advisory committee* 5

543 Strategic advisory committee may provide advice on conservation matters

- (1) The strategic advisory committee may provide written advice to 1 or more of the following persons on any conservation matter that affects a Kapiti Island reserve site: 10
 - (a) the Minister of Conservation:
 - (b) the Director-General:
 - (c) the trustee of the Toa Rangatira Trust.
- (2) The committee may provide the advice upon request or at its own initiative. 15

544 Strategic advisory committee to be consulted, and may provide advice, on annual planning

- (1) The Director-General must consult the strategic advisory committee on annual planning (including the application of annual conservation priorities) for a Kapiti Island reserve site. 20
- (2) The committee may provide advice, in writing, on a matter referred to in **subsection (1)** when consulted by the Director-General.

545 Strategic advisory committee may provide advice on burial caves at Wharekohu Bay 25

- (1) The strategic advisory committee may provide written advice to the Minister of Conservation in relation to the burial caves at Wharekohu Bay.
- (2) The committee may provide the advice upon request or at its own initiative. 30

546 Conservation management strategy that affects Kapiti Island reserve site

- (1) This section applies to the preparation and approval under section 17F of the Conservation Act 1987 of a draft conservation management strategy that affects a Kapiti Island reserve site. 5
- (2) This section also applies to the review or amendment under section 17H or 17I of the Conservation Act 1987 of a conservation management strategy that affects a Kapiti Island reserve site, with any necessary modifications.
- (3) The Director-General must consult the strategic advisory committee under section 17F(a) of the Conservation Act 1987 at the outset of preparing the draft conservation management strategy under that paragraph. 10
- (4) The Director-General must have regard to any written advice of the committee from the consultation as required by **section 547**. 15
- (5) The Director-General must, when sending the revised draft and the summary of submissions to the Conservation Board under section 17F(i) of the Conservation Act 1987, also send the documents to the committee. 20
- (6) The committee may, no later than 2 months after receiving the documents, provide written advice on the documents to the Conservation Board.
- (7) The Conservation Board must, before doing anything under section 17F(k)(i) or (ii) of the Conservation Act 1987, have regard to any advice received from the committee under **subsection (6)** before the day that is 2 months after the day on which the committee received the documents. 25
- (8) To avoid doubt, the committee may make submissions on a draft under section 17F(c) of the Conservation Act 1987. 30

547 General provision about advice

- (1) If the Director-General or the Minister of Conservation consults, or requests advice from, the strategic advisory committee on a matter, he or she must specify a reasonable period in which the committee may provide advice on the matter. 35

- (2) The Director-General or the Minister must have regard to any written advice on the matter received from the committee within the period specified.
- (3) The Director-General or the Minister must also have regard to any written advice received from the committee at its own initiative under **section 543 or 545** on a matter for which advice has not been requested. 5
- (4) To avoid doubt, the Crown is not prevented from consulting, and receiving advice from, any other person or organisation in relation to a Kapiti Island reserve site. 10

*Conservation management plan for Kapiti
Island reserve sites*

548 Interpretation

In this subpart,—

Conservation Board means the board established under section 6L of the Conservation Act 1987 that has jurisdiction over Kapiti Island 15

Kapiti Island plan has the meaning given by **section 549(1) summary of submissions** means a summary prepared under **section 553(5)(a)** of the submissions received, and any public opinion obtained, on a draft Kapiti Island plan. 20

549 Process for preparation and approval of Kapiti Island plan

- (1) A conservation management plan for the Kapiti Island reserve sites (the **Kapiti Island plan**) must be prepared and approved in accordance with this subpart. 25
- (2) The Reserves Act 1977 applies to the Kapiti Island plan as if the plan were a conservation management plan prepared and approved under section 40B of that Act.
- (3) Sections 17E (except subsection (9)), 17F, 17G, 17H, 17I, and 49(2) and (3) of the Conservation Act 1987 do not apply to the preparation, approval, review, or amendment of the Kapiti Island plan, despite section 40B of the Reserves Act 1977. 30
- (4) The Director-General must not start preparing the first Kapiti Island plan until the earlier of the following: 35

- (a) the day on which the Minister of Conservation appoints an interim member under **section 539**;
- (b) the day that is 3 years and 6 months after the settlement date.

550 Preparation of draft plan 5

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

- (a) the strategic advisory committee; and
- (b) the Conservation Board; and
- (c) any other persons or organisations that the Director-General considers it is practicable and appropriate to consult. 10

551 Notification of draft plan

- (1) The Director-General must give notice of the draft Kapiti Island plan as follows: 15
 - (a) by public notice under section 49(1) of the Conservation Act 1987 as if he or she were the Minister of Conservation; and
 - (b) by written notice to the relevant regional councils, territorial authorities, and iwi authorities (as defined by section 2(1) of the Resource Management Act 1991). 20
- (2) The notices must be given no later than 6 months after the start of the preparation of the draft plan.
- (3) Each notice must— 25
 - (a) state that the draft plan is available for inspection at the places and times specified in the notice; and
 - (b) invite any person or organisation to make written submissions to the Director-General on the draft plan on or before the date specified in the notice, which must be no less than 2 months after the date the notice is given. 30

552 Submissions on draft plan

- (1) Any person or organisation may make written submissions to the Director-General on the draft Kapiti Island plan at the place, and on or before the date, specified in a notice given for the draft plan under **section 551**. 35

- (2) The Director-General may, after consulting the strategic advisory committee and the Conservation Board, obtain public opinion of the draft plan from any person or organisation by any other means.
- (3) The Director-General must make the draft plan available for public inspection between 9 am and 5 pm on any working day—
 - (a) on and from the date a notice was given under **section 551(1)(a)** until the date by which public opinion of the draft has been made known to the Director-General; and
 - (b) in places and quantities that are likely to encourage public participation in the development of the plan.

553 Hearing of submissions

- (1) Submissions on the draft Kapiti Island plan must be heard by a meeting of representatives of the Director-General, the strategic advisory committee, and the Conservation Board.
- (2) A submitter who requested to be heard in support of a submission must be given a reasonable opportunity to be heard.
- (3) Any other person or organisation that was consulted on the draft plan may be heard at the discretion of the representatives.
- (4) The hearing of submissions must end no later than 2 months after the last date for written submissions.
- (5) The Director-General must—
 - (a) prepare a summary of the submissions received, and any public opinion obtained, on the draft plan; and
 - (b) provide the summary to the strategic advisory committee and the Conservation Board no later than 1 month after the end of the hearing of submissions.

554 Revision of draft plan

- (1) The Director-General must consider the submissions received, and any public opinion obtained, on the draft Kapiti Island plan.
- (2) The Director-General then—
 - (a) may revise the draft plan in consultation with the representatives of the strategic advisory committee and the Conservation Board who heard submissions; and

- (b) must provide the draft plan, including any revisions, to the strategic advisory committee and the Conservation Board no later than 4 months after the end of the hearing of submissions.
- (3) The strategic advisory committee and the Conservation Board,—
 - (a) on receiving the draft plan, must together consider the draft plan and the summary of submissions; and
 - (b) no later than 4 months after receiving the draft plan and the summary, may together request the Director-General to revise the draft plan.
- (4) If the Director-General receives a request under **subsection (3)(b)**, he or she must—
 - (a) revise the draft plan in accordance with the request; and
 - (b) provide the revised draft plan to the strategic advisory committee and the Conservation Board no later than 2 months after receiving the request.

555 Referral of draft plan to Conservation Authority and Minister

- (1) The strategic advisory committee and the Conservation Board must provide the draft Kapiti Island plan and the summary of submissions to—
 - (a) the Conservation Authority for its comments on matters relating to the national public conservation interest in the Kapiti Island reserve sites; and
 - (b) the Minister of Conservation for his or her comments.
- (2) The draft plan must be provided in the form of, and on receipt of,—
 - (a) the draft plan provided by the Director-General under **section 554(2)(b)**, if a request is not made under **section 554(3)(b)**; or
 - (b) the revised draft plan provided by the Director-General under **section 554(4)(b)**, if a request is made under **section 554(3)(b)**.
- (3) The Conservation Authority and the Minister of Conservation must provide their comments on the draft plan to the strategic advisory committee and the Conservation Board no later than 4 months after receiving the draft plan.

556 Approval of draft plan

- (1) The strategic advisory committee and the Conservation Board must—
 - (a) consider the comments received from the Conservation Authority and the Minister of Conservation under **section 555(3)**; and 5
 - (b) make any changes to the draft Kapiti Island plan that the committee and the Conservation Board consider are necessary.
- (2) The committee and the Conservation Board must, no later than 2 months after receiving the comments,— 10
 - (a) approve the draft plan; or
 - (b) refer any disagreement about the draft plan to the Conservation Authority by providing a written statement of the matters of disagreement and the reasons for them. 15

557 Referral of disagreement to Conservation Authority

- (1) If a disagreement is referred to the Conservation Authority under **section 556(2)(b)**, the Conservation Authority must—
 - (a) make a recommendation on each matter of disagreement; and 20
 - (b) give written notice of the recommendations to the strategic advisory committee and the Conservation Board.
- (2) The notice of recommendations must be given no later than 3 months after the disagreement is referred to the Conservation Authority. 25
- (3) The strategic advisory committee and the Conservation Board must, after receiving and considering the notice of recommendations,—
 - (a) try to resolve any matters of disagreement; and 30
 - (b) make any changes to the draft Kapiti Island plan that they consider are necessary.
- (4) If any matter of disagreement has not been resolved within 2 months after receiving the notice of recommendations,—
 - (a) the recommendations in the notice become binding; and 35
 - (b) the committee and the Conservation Board must make any changes to the draft plan that are necessary to implement the recommendations.

- (5) The committee and the Conservation Board must approve the draft plan no later than 4 months after receiving the notice of recommendations.

558 Mediation of disagreement

- (1) The strategic advisory committee, the Conservation Board, 5
and the Director-General—
(a) must all agree on a mediator no later than 3 months after
the settlement date; and
(b) may all agree on a different mediator at any time.
- (2) If a disagreement arises between the persons referred to in **sub-** 10
section (1) at any time during the process under **sections**
550 to 557, the parties to the disagreement (the **parties**) must
first try to resolve the matter in a co-operative, open-minded,
and timely manner.
- (3) If a party considers that it is necessary to resort to mediation, 15
the party must refer the matter to mediation by giving written
notice to the 1 or more other parties.
- (4) The mediation must be conducted by the mediator agreed on
under **subsection (1)**.
- (5) The parties must participate in the mediation— 20
(a) in a co-operative, open-minded, and timely manner; and
(b) having particular regard to the purpose of—
(i) having a conservation management plan for the
Kapiti Island reserve sites; and
(ii) the conservation purposes for which the Kapiti 25
Island reserve sites are held.
- (6) The parties must do their best to continue with the preparation
and approval of the Kapiti Island plan while the disagreement
is mediated.
- (7) Each party must— 30
(a) pay its own costs of mediation; and
(b) pay an equal share of the costs of the mediator and as-
sociated costs.
- (8) The mediation must end no later than 3 months after the day
on which the matter was referred to mediation. 35
- (9) The period of time starting on the day on which the matter is
referred to mediation and ending on the last day of the medi-

ation must be excluded from any time limit specified in **sections 550 to 557**.

559 Review of Kapiti Island plan

- (1) The Director-General may at any time initiate a review of all or part of the Kapiti Island plan, after first consulting the strategic advisory committee and the Conservation Board. 5
- (2) The committee or the Conservation Board may at any time request the Director-General to initiate a review of all or part of the Kapiti Island plan. The Director-General must consider the request. 10
- (3) Any review of the Kapiti Island plan must be carried out and approved in accordance with **sections 550 to 557**, which apply with any necessary modifications.
- (4) The Director-General must review all of the Kapiti Island plan no later than 10 years after the date it was last approved. 15
- (5) The Minister of Conservation may extend the time limit in **subsection (4)**, but only after consulting the committee and the Conservation Board.

560 Amendment of Kapiti Island plan

- (1) The Director-General may at any time initiate the amendment of all or part of the Kapiti Island plan, after first consulting the strategic advisory committee and the Conservation Board. 20
- (2) Any amendment of the Kapiti Island plan must be carried out and approved in accordance with **sections 550 to 557**, which apply with any necessary modifications. 25
- (3) However, an amendment may instead be made under **subsections (4) to (6)** if the Director-General, the committee, and the Conservation Board all consider that the amendment will not materially affect—
 - (a) the objectives or policies expressed in the Kapiti Island plan; or 30
 - (b) the public interest in the relevant area.
- (4) The Director-General must provide the proposed amendment to the committee and the Conservation Board.
- (5) The committee and the Conservation Board— 35
 - (a) must consider the proposed amendment; and

- (b) may amend the Kapiti Island plan as proposed and approve the amended plan.
- (6) Any approval under **subsection (5)(b)** must be given no later than 2 months after receiving the proposed amendment.

Subpart 8—Poutiaki plan

5

561 Interpretation

In this subpart,—

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

poutiaki area means the following areas, being the areas with the general location (but not the precise boundaries) indicated in yellow and pink on deed plan OTS-068-74:

- (a) Cook Strait:
- (b) Porirua Harbour:
- (c) Te Whanganui / Port Underwood: 15
- (d) Pelorus Sound / Te Hoiere (including Kenepuru Sound, Mahau Sound, and Tennyson Inlet)

poutiaki coastal marine area means the coastal marine area of the poutiaki area

poutiaki plan means the plan lodged with a relevant council under **section 562** 20

relevant councils means—

- (a) Wellington Regional Council; and
- (b) Marlborough District Council.

562 Preparation of poutiaki plan

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- (1) The trustee of the Toa Rangatira Trust may at any time prepare a plan and lodge it with the relevant councils.

- (2) The plan must specify—

- (a) the values and principles of Ngati Toa Rangatira in relation to the poutiaki coastal marine area; and 30
- (b) the resource management issues of significance to Ngati Toa Rangatira in relation to the poutiaki coastal marine area; and
- (c) Ngati Toa Rangatira's statement of kaitiakitanga for fisheries management in the poutiaki area. 35

563 Effect on relevant councils

- (1) This section applies when a relevant council is preparing or changing a regional policy statement or regional coastal plan that wholly or partly covers the poutiaki coastal marine area.
- (2) The council must take into account the poutiaki plan to the extent that its content has a bearing on the resource management issues of the poutiaki coastal marine area. 5
- (3) The council must include in the regional policy statement or regional coastal plan a statement of the resource management issues of significance to Ngati Toa Rangatira as set out in the poutiaki plan. 10
- (4) The council must refer to the poutiaki plan, to the extent that it is relevant, in its report under section 32(5) of the Resource Management Act 1991 on an evaluation of the proposed regional policy statement or regional coastal plan. 15

564 Limitation of rights

The poutiaki plan does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights (including rights under the Marine and Coastal Area (Takutai Moana) Act 2011) relating to, the poutiaki area. 20

Subpart 9—Whitireia Park redress

565 Interpretation

In this subpart,—

additional reserve—

- (a) means Onehunga Bay Historic Reserve and Te Onepoto Recreation Reserve; but 25
- (b) does not include a reserve for which the joint board is no longer the administering body (either because of a notice published in the *Gazette* under **section 572(2)** or because of **section 510(8)**) 30

joint board means the joint board established by **section 566(1)**

Onehunga Bay Historic Reserve means the reserve created by **section 488(3)**

Te Onepoto Recreation Reserve means the reserve created by **section 490(3)** 35

Whitireia Recreation Reserve means 176.1743 hectares, more or less, being Section 4 SO 446704 and held in balance computer freehold register WN447/193 (limited as to parcels).

566 Joint board established

- (1) A joint board is established for Whitireia Recreation Reserve and any additional reserve. 5
- (2) The trustee of the Toa Rangatira Trust may appoint 3 members to the joint board.
- (3) Wellington Regional Council may appoint 3 members to the joint board. 10
- (4) An appointer may appoint a member only by giving a written notice with the following details to the other appointer:
 - (a) the member's full name, address, and other contact details; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice. 15
- (5) An appointment ends after 5 years or when the appointer replaces the member by appointing another member (whichever comes first).
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer. 20
- (7) A vacancy on the joint board must be filled as soon as is reasonably practicable by the relevant appointer.

567 Joint board is administering body of reserves

- (1) The joint board is the administering body of Whitireia Recreation Reserve and any additional reserve as if the joint board were appointed to control and manage the reserves under section 30 of the Reserves Act 1977. 25
- (2) However, section 30 of that Act has no further application to the reserves or the joint board. 30

568 Application for statutory authorisation over additional reserve

- (1) This section applies if an application is made for a statutory authorisation under the Reserves Act 1977 in respect of any additional reserve. 35

- (2) The trustee of the Toa Rangatira Trust is the decision-maker on the application, and the grantor of any resulting statutory authorisation, as if it were the administering body in which the reserve were vested.
- (3) The trustee may use any income it derives from the statutory authorisation for any purpose at its absolute discretion. 5
- (4) To avoid doubt,—
 - (a) section 59A of the Reserves Act 1977 and Part 3B of the Conservation Act 1987 (which relate to concessions) do not apply to the application; and 10
 - (b) **section 498** does not apply in relation to any additional reserve.
- (5) This section continues to apply despite any subsequent transfer under **section 510** that preserves the joint board as the administering body. 15

569 Interests in favour of additional reserves

- (1) The trustee of the Toa Rangatira Trust may obtain, and is the grantee of, any interest in favour of an additional reserve as if it were the administering body in which the reserve were vested. 20
- (2) This section continues to apply despite any subsequent transfer under **section 510** that preserves the joint board as the administering body.

570 Management plan

- (1) The joint board must, in accordance with section 41 of the Reserves Act 1977, prepare and have approved a management plan for Whitiareia Recreation Reserve and any additional reserve. 25
- (2) Section 41(13) of that Act does not apply to the management plan. 30
- (3) A management plan continues to apply to Onehunga Bay Historic Reserve, or to Te Onepoto Recreation Reserve, after the reserve ceases to be an additional reserve until a new management plan is prepared and approved for the reserve.
- (4) This section is for the avoidance of doubt. 35

571 Procedure and meetings of joint board

- (1) The joint board must, at its first meeting,—
 - (a) appoint a member to be the chairperson; and
 - (b) adopt standing orders for the initial procedure of the joint board; and 5
 - (c) agree on a schedule of initial meetings.
- (2) The joint board must—
 - (a) conduct proceedings with a quorum of 2 members appointed by the trustee of the Toa Rangatira Trust and 2 members appointed by Wellington Regional Council; 10
and
 - (b) make decisions only with the agreement of a majority of the members who are present and who vote at a meeting; and
 - (c) regulate its own procedure, subject to the rest of this 15
section and any provisions of the Reserves Act 1977 that apply to it.
- (3) The chairperson of the joint board has a deliberative vote, but not a casting vote.
- (4) Sections 31 and 32 of the Reserves Act 1977 do not apply to 20
the joint board.
- (5) To avoid doubt, the joint board is not a committee or a joint committee for the purposes of the Local Government Act 2002.

572 Trustee may become administering body of additional reserve 25

- (1) The trustee of the Toa Rangatira Trust may, at any time, give written notices to the Minister of Conservation and the joint board stating that the trustee wishes to become the administering body of any additional reserve. 30
- (2) The Minister must, no later than 20 working days after receiving the trustee's notice, publish a notice in the *Gazette* stating that the trustee, instead of the joint body, is the administering body of the reserve or reserves referred to in the trustee's notice. 35

- (3) The trustee is the administering body of the reserve or reserves on and from the day on which the notice is published in the *Gazette*.

Subpart 10—Queen Elizabeth Park campground site

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573 Interpretation

In this subpart, **campground site** means 4.0640 hectares, approximately, being Part Section 2 SO 446259 (subject to survey), part computer freehold register 453989, as shown on OTS-068-53.

10

574 Change of reserve classification and appointment of administering body

- (1) Wellington Regional Council ceases to be appointed to control and manage the campground site.
- (2) The classification of the reserve comprising the campground site is changed from a recreation reserve to a local purpose reserve for campground purposes subject to section 23 of the Reserves Act 1977. 15
- (3) The purpose for which the reserve is newly classified includes the purpose of providing a reasonable opportunity for affordable camping on the reserve. 20
- (4) The trustee of the Toa Rangatira Trust is the administering body of the campground site as if it were a local authority appointed to control and manage the reserve under section 28 of the Reserves Act 1977. 25
- (5) Sections 24 and 25 of the Reserves Act 1977 do not apply to the change of the reserve's classification or purpose under this section.

575 Improvements on campground site

- (1) The campground improvements in or on the campground site vest in the trustee of the Toa Rangatira Trust. 30
- (2) The campground improvements may remain in or on the campground site subject to clauses 5.62 to 5.71 of the deed of settlement.

- (3) In this section, **campground improvements** has the meaning given by the general matters schedule of the deed of settlement.

576 Management of site and income

- (1) To avoid doubt,— 5
- (a) the trustee of the Toa Rangatira Trust may arrange for another person or body to manage, administer, and control the campground site in accordance with section 61(1) of the Reserves Act 1977; and
 - (b) the arrangement does not require a concession under section 59A of the Reserves Act 1977 and Part 3B of the Conservation Act 1987. 10
- (2) Despite section 80 of the Reserves Act 1977, the trustee may spend any income derived from the campground site on 1 or more of the following: 15
- (a) the campground site;
 - (b) any other reserve subject to that Act for which the trustee is the administering body;
 - (c) any Maori reservation (as defined by section 2(1) of that Act) owned by the trustee: 20
 - (d) the restoration or protection of the natural, ecological, or historic values of any other land owned by the trustee.
- (3) Sections 79 and 84 of the Reserves Act 1977 do not apply in relation to the campground site.

577 Revocation of appointment of administering body 25

- (1) This section applies if the Minister of Conservation proposes to revoke or amend, under section 28(2) of the Reserves Act 1977, the appointment of the trustee of the Toa Rangatira Trust to control and manage the campground site.
- (2) The Minister must give a written notice to the trustee that— 30
- (a) specifies the Minister's concerns with the trustee's control and management of the campground site; and
 - (b) invites the trustee to reply to the concerns within 2 months after the day on which the trustee receives the notice. 35

- (3) The Minister must, before deciding whether to revoke or amend the appointment, take into account—
 - (a) any reply received from the trustee by the deadline specified in the notice; and
 - (b) the fact that the trustee's appointment was provided for in, and made in the context of, the deed of settlement. 5
- (4) The Minister must give a written notice to the trustee of the Minister's decision about whether to revoke or amend the appointment.

Subpart 11—River and freshwater advisory committee 10

578 Advisory committee established

An advisory committee is established to provide advice in relation to the management of rivers and fresh water within the regions of the following councils (the **relevant councils**): 15

- (a) Marlborough District Council; and
- (b) Nelson City Council; and
- (c) Tasman District Council.

579 Appointment of members to advisory committee

- (1) The advisory committee consists of no more than 8 members. 20
- (2) One member may be appointed by the trustees of each of the Toa Rangatira Trust and the 7 related settlement trusts.
- (3) The trustees of a trust may appoint a member only by giving a written notice with the following details to the trustees of the 7 other trusts: 25
 - (a) the member's full name, address, and other contact details; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

580 Advisory committee may provide advice 30

- (1) The advisory committee may provide written advice, in reply to an invitation under **section 581**, in relation to the management of rivers and fresh water within the region of a relevant council before the council—

- (a) makes any decisions on the review of a policy statement or plan under section 79 of the Resource Management Act 1991; or
 - (b) starts to prepare or change a policy statement or plan under Part 1 of Schedule 1 of that Act; or 5
 - (c) notifies a proposed policy statement or plan under clause 5 of Schedule 1 of that Act.
- (2) If the committee and a relevant council agree in writing, the committee may provide written advice to the council on any other matter in relation to the Resource Management Act 1991. 10
- (3) The committee or the council may terminate any agreement to provide advice under **subsection (2)** by giving written notice to the other party.

581 Council must invite and have regard to advice

- (1) A relevant council must comply with this section before performing any action referred to in **section 580(1)(a) to (c)**. 15
- (2) The council must provide a written invitation to the advisory committee to provide written advice in relation to the action.
- (3) The council must have regard to advice received from the committee under **section 580(1)** in reply to an invitation if the advice is received— 20
- (a) before the day that is 2 months after the day on which the committee received the invitation; or
 - (b) before any other day agreed to by the council and the committee. 25
- (4) The council must have regard to any advice received from the committee under **section 580(2)** if it is reasonably practicable to do so.

582 Procedure and meetings of advisory committee

- (1) The advisory committee must— 30
- (a) regulate its own procedure; and
 - (b) make decisions only with the agreement of all of the members who are present and who vote at a meeting; and

- (c) conduct proceedings with a quorum of a majority of the members who have been appointed to the committee; and
 - (d) provide the relevant councils with an address to which the councils must send notices to the committee. 5
- (2) The committee may request that a relevant council have 1 or more representatives attend a meeting of the committee.
- (3) In making the request, the committee must—
 - (a) give the council 10 working days' notice of the meeting in writing; and 10
 - (b) provide the council with an agenda for the meeting.
- (4) The council must have 1 or more representatives attend the meeting if it is reasonably practicable to do so, but the council may decide on the number of representatives at its discretion.
- (5) Each relevant council need not have representatives attend 15 more than 4 meetings each year.

583 Advisory committee may request information

- (1) The advisory committee may make a written request for information from a relevant council in relation to an action or a proposed action of a council referred to in **section 580(1)(a) to (c)**. 20
- (2) The council must provide the requested information to the committee if it is reasonably practicable to do so.

584 Other obligations under Resource Management Act 1991

This subpart does not limit the obligations of a relevant council under the Resource Management Act 1991. 25

Part 10

Commercial redress

Subpart 1—Transfer of commercial redress properties, commercial properties, and deferred selection properties 30

585 The Crown may transfer properties

- (1) To give effect to part 6 of the deed of settlement, and part 2 or 5 of the property redress schedule of the deed of settlement,

the Crown (acting by and through the chief executive of the land holding agency) is authorised to—

- (a) transfer the fee simple estate in a commercial redress property, commercial property, or deferred selection property to the trustee of the Toa Rangatira Trust; and 5
 - (b) sign a transfer instrument or other document, or do anything else, to effect the transfer.
- (2) As soon as is reasonably practicable after the date on which a commercial property or deferred selection property in the Wellington Land District is transferred to the trustee of the Toa Rangatira Trust under **subsection (1)**, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 435**. 10
- (3) However, if the deferred selection property is also deferred selection RFR land, the requirement under **subsection (2)** is satisfied by a notice being given under **section 625**. 15

586 Registrar-General to create computer freehold register

- (1) To the extent that a commercial redress property (other than a licensed property), a commercial property, or a deferred selection property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General must, in accordance with a written application by an authorised person,— 20
- (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and 25
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; and
 - (c) omit any statement of purpose from the computer freehold register. 30
- (2) For a licensed property, the Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; and 35

- (c) omit any statement of purpose from the computer freehold register.
- (3) **Subsections (1) and (2)** are subject to the completion of any survey necessary to create a computer freehold register.
- (4) The authorised person may grant a covenant for the later creation of a computer freehold register for any land that is to be transferred to the trustee of the Toa Rangatira Trust. 5
- (5) Despite the Land Transfer Act 1952,—
 - (a) the authorised person may request the Registrar-General to register the covenant under the Land Transfer Act 1952 by creating a computer interest register; and 10
 - (b) the Registrar-General must comply with the request.
- (6) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 15

587 Minister of Conservation may grant easements

- (1) The Minister of Conservation may grant any easement required to fulfil the terms of the deed of settlement in relation to a commercial redress property, commercial property, or deferred selection property over— 20
 - (a) a conservation area (under the Conservation Act 1987); or
 - (b) a reserve (under the Reserves Act 1977).
- (2) Any such easement—
 - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and 25
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
 - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied. 30

588 Application of other enactments

- (1) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the transfer of the fee simple estate in a commercial redress property, commercial property, or deferred selec- 35

- tion property to the trustee of the Toa Rangatira Trust;
or
- (b) a leaseback of the property to the Crown in accordance with part 6 of the deed of settlement; or
 - (c) any matter incidental to, or required for the purpose of, the transfer or leaseback. 5
- (2) The transfer of the fee simple estate in a commercial redress property, commercial property, or deferred selection property to the trustee of the Toa Rangatira Trust does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; 10
or
 - (b) affect other rights to subsurface minerals.
- (3) The transfer of the fee simple estate in a commercial redress property, commercial property, or deferred selection property to the trustee of the Toa Rangatira Trust 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. 15
- (4) In exercising the powers conferred by **section 585**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property, commercial property, or deferred selection property. 20
- (5) **Subsection (4)** is subject to **subsections (2) and (3)**. 25
- (6) 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 part 6 of the deed of settlement, and part 2 or 5 of the property redress schedule of the deed of settlement, in relation to a commercial redress property, commercial property, or deferred selection property. 30

589 Transfer of commercial redress property for no consideration

- (1) The reservation of the commercial redress property for no consideration as a recreation reserve subject to the Reserves Act 1977 is revoked. 35

- (2) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status.

590 Transfer of properties subject to lease

- (1) This section applies to a commercial redress property, commercial property, or deferred selection property— 5
- (a) for which the land holding agency is the Ministry of Education; and
 - (b) the ownership of which is to transfer to the trustee of the Toa Rangatira Trust in accordance with part 2 or 5 of the property redress schedule of the deed of settlement; and 10
 - (c) that, after the transfer, is to be subject to a lease back to the Crown.
- (2) Despite **section 588(3)** (which refers to section 24(2A) of the Conservation Act 1987), the rest of section 24 of that Act does not apply to the transfer of the property. 15
- (3) The transfer instrument for the transfer of the property must include a notification that the land is to become subject to **section 590(6) and (7)** upon the registration of the transfer.
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any computer freehold register 20 for the property—
- (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to **section 590(6) and (7)**. 25
- (5) A notification 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.
- (6) If the lease referred to in **subsection (1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property, the transfer of the property is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the property, as the case may be. 30 35
- (7) If the lease referred to in **subsection (1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in

relation to all or part of the property, then the registered proprietors of the property must apply in writing to the Registrar-General to,—

- (a) if none of the property remains subject to such a lease, remove from the computer freehold register for the property any notifications that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the land; and
 - (ii) the land is subject to **section 590(6) and (7)**; or
 - (b) if only part of the property remains subject to such a lease (the **leased part**), amend any notifications on the computer freehold register for the property to record that, in relation to only the leased part,—
 - (i) section 24 of the Conservation Act 1987 does not apply to that part; and
 - (ii) that part is subject to **section 590(6) and (7)**.
- (8) The Registrar-General must comply with an application received in accordance with **subsection (7)** free of charge to the applicant.

Subpart 2—Licensed properties

591 Interpretation

In this subpart,—

Crown forestry rental trust means the trust established by the Crown forestry rental trust deed

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust under section 34 of the Crown Forest Assets Act 1989

relevant Crown forestry licence, for a licensed property, means the Crown forestry licence described in relation to the property in part 3 of the property redress schedule of the deed of settlement.

592 Licensed property ceases to be Crown forest land

- (1) A licensed property ceases to be Crown forest land under the Crown Forest Assets Act 1989 upon the registration of the transfer of the fee simple estate in the property to the trustee of the Toa Rangatira Trust.

- (2) However, although the licensed property does not cease to be Crown forest land until the transfer to the trustee is registered, neither the Crown nor any court or tribunal may do any thing or omit to do any thing if that act or omission would, between the settlement date and the date of registration, be— 5
- (a) permitted by the Crown Forest Assets Act 1989; but
 - (b) inconsistent with part 6 of the deed of settlement.

593 Trustee confirmed beneficiary and licensor in relation to licensed property

- (1) The trustee of the Toa Rangatira Trust is, in relation to a licensed property, the confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed. 10
- (2) The effect of **subsection (1)** is that—
- (a) the trustee is entitled to the rental proceeds paid for the property to the trustees of the Crown forestry rental trust under the relevant Crown forestry licence since the commencement of the licence; and 15
 - (b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustee is the confirmed beneficiary in relation to the property. 20
- (3) Despite **subsection (2)(a)**, the trustee of the Toa Rangatira Trust, and the trustees of the related settlement trusts for Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui, are entitled to the rental proceeds referred to in **subsection (2)(a)** for all of the licensed properties as provided for in— 25
- (a) clause 6.22 of the deed of settlement for Ngati Toa Rangatira:
 - (b) clause 6.9 of the deeds of settlement for Ngāti Kōata and Ngāti Rārua: 30
 - (c) clause 6.10 of the deed of settlement for Ngāti Tama ki Te Tau Ihu:
 - (d) clause 6.11 of the deed of settlement for Te Ātiawa o Te Waka-a-Māui.
- (4) The Crown must give notice in accordance with section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of each relevant Crown forestry licence, even though the Waitangi Tribunal has not made recommendations under section 35

- 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the 1 or more licensed properties to which the licence applies.
- (5) Notice given by the Crown under **subsection (4)** has effect as if—
- (a) the Waitangi Tribunal had made recommendations under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of each licensed property; and
 - (b) the recommendations had become final on the settlement date.
- (6) The trustee of the Toa Rangatira Trust is the licensor under the relevant Crown forestry licence in relation to a licensed property as if the property had been returned to Māori ownership—
- (a) on the settlement date; and
 - (b) under section 36 of the Crown Forest Assets Act 1989.
- (7) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to a licensed property.

594 Effect of transfer of licensed property

- (1) **Section 593** applies whether or not—
- (a) the transfer of the fee simple estate in the 1 or more licensed properties to which the relevant Crown forestry licence applies has been registered; or
 - (b) the processes described in clause 17.4 of the relevant Crown forestry licence have been completed.
- (2) To the extent that the Crown has not completed the processes referred to in **subsection (1)(b)** before the settlement date, it must continue those processes—
- (a) on or after the settlement date; and
 - (b) until the processes are completed.
- (3) **Subsection (4)** provides for the licence fee payable for a property under the relevant Crown forestry licence—
- (a) for the period starting on the settlement date until the completion of the processes referred to in **subsections (1) and (2)** for the 1 or more licensed properties to which the licence applies; and
 - (b) that is not part of the rental proceeds referred to in **section 593(2)(a)**.

- (4) The licence fee payable is the amount calculated in the manner described in paragraphs 2.14 and 2.15 of the property redress schedule of the deed of settlement.
- (5) However, the calculation under **subsection (4)** of the licence fee payable is overridden by any agreement between the licensors and the licensee of the relevant Crown forestry licence. 5
- (6) With effect on and from the settlement date, references to the prospective proprietors in clause 17.4 of the relevant Crown forestry licence must, in relation to a licensed property, be read as if they were references to the trustee of the Toa Rangatira Trust. 10
- (7) **Subsections (8) and (9)** apply if, in completing the processes described in clause 17.4 of the relevant Crown forestry licence for a licensed property, the balance of the land referred to in clause 17.4.1 of the licence is to be transferred as another licensed property under the deed of settlement for Ngāti Tama ki Te Tau Ihu or Te Ātiawa o Te Waka-a-Māui (instead of being retained by the Crown). 15
- (8) The interests of the trustees to whom the balance is to be transferred replace the interests of the Crown in respect of the balance of the land in clause 17.4.1 of the relevant Crown forestry licence, and those trustees must be treated as if they were another set of prospective proprietors under clause 17.4 of the licence. 20
- (9) The separate licence for the balance of the land referred to in clause 17.4.3 of the relevant Crown forestry licence must include clauses similar to clauses 16.3 to 16.9 of the licence, as described in clause 17.4.4. 25

Subpart 3—Right of access to protected sites

- 595 Interpretation** 30
- (1) In this subpart, **protected site** means any area of land situated in a licensed property that is—
 - (a) a wahi tapu or wahi tapu area; and
 - (b) a registered place.
 - (2) In **subsection (1)**, **registered place**, **wahi tapu**, and **wahi tapu area** have the meanings given by section 2 of the Historic Places Act 1993. 35

596 Right of access to protected site

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or a right of occupancy to, the land must allow the people referred to in **subsection (2)** to have access across the land to each protected site. 5
- (2) The people are Māori for whom the protected site is of special cultural, spiritual, or historical significance.
- (3) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner, and is subject to the following conditions: 10
 - (a) a person intending to exercise the right of access must give the owner reasonable notice, in writing, of his or her intention to exercise that right; and
 - (b) the right of access may be exercised only at reasonable times and during daylight hours; and 15
 - (c) a person exercising the right must observe any reasonable conditions imposed by the owner that—
 - (i) relate to the time, location, or manner of access; and
 - (ii) are reasonably required for the safety of people, 20
 for the protection of land, improvements, flora, fauna, plant, equipment, or livestock, or for operational reasons.

597 Right of access subject to Crown forestry licence

- (1) The right of access under **section 596** is subject to the terms of any Crown forestry licence. 25
- (2) However, **subsection (1)** does not apply if the licensee has agreed to an exercise of the right.
- (3) An amendment to a Crown forestry licence is of no effect to the extent that it would— 30
 - (a) delay the date from which a person may exercise a right of access under **section 596**; or
 - (b) adversely affect the right of access in any other way.

598 Notation on computer freehold register

- (1) The Registrar-General must, in accordance with a written application by an authorised person, record on the computer free- 35

hold register for a licensed property that the land is subject to this subpart.

- (2) An application must be made as soon as is reasonably practicable after—
- (a) the settlement date; or 5
 - (b) a computer freehold register has been created for the land, if the computer freehold register has not been created by the settlement date.
- (3) In this section, **authorised person** means a person authorised by the chief executive of LINZ. 10

Subpart 4—Right of first refusal in relation to RFR land

Interpretation

599 Interpretation

In this subpart and **Schedule 14**, unless the context requires another meaning,— 15

deferred selection RFR land means a property—

- (a) listed in table 1 in part 8 of the property redress schedule of the deed of settlement for Ngati Toa Rangatira; and
- (b) that is not a commercial redress property or a commercial property 20

dispose of, for RFR land,—

- (a) means to—
 - (i) transfer or vest the fee simple estate in the land; or 25
 - (ii) 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), for 50 years or longer; but
- (b) to avoid doubt, does not include to— 30
 - (i) mortgage, or give a security interest in, the land; or
 - (ii) grant an easement over the land; or
 - (iii) consent to an assignment of a lease, or to a sub-lease, of the land; or 35
 - (iv) remove an improvement, a fixture, or a fitting from the land

disposed early RFR NZTA land means land that, before the settlement date,—

- (a) was early RFR NZTA land; and
- (b) became subject to a contract for disposal under clause 6.36 of the deed of settlement for Ngati Toa Rangatira 5

early RFR NZTA land means early RFR NZTA land as defined by clauses 6.24.2 and 6.25 of the deed of settlement for Ngati Toa Rangatira

expiry date, for an offer, means its expiry date under **sections 602(2)(a) and 603** 10

general RFR land means—

- (a) land described in part 4 of the attachments to the deed of settlement for Ngati Toa Rangatira if—
 - (i) any of the following apply on the settlement date:
 - (A) the land is vested in the Crown or held in fee simple by the Crown: 15
 - (B) for land described in table 3, 4, 6, 8, 9, or 10 of that part 4, the land is held in fee simple by the Crown body specified in the table as the land holding agency for the land: 20
 - (C) for land that was early RFR NZTA land before the settlement date, the land is held in fee simple by a Crown body, or the land is held in fee simple by a local authority after having been disposed of in accordance with section 50 of the Public Works Act 1981: 25
 - (D) the land is a reserve vested in an administering body that derived title to the reserve from the Crown; and 30
 - (ii) the land is not disposed early RFR NZTA land; and
- (b) land in Wellington City (excluding the CBD) that—
 - (i) was acquired by the Crown or the New Zealand Transport Agency in the period starting on the day after the date of the deed of settlement and ending on the settlement date; and 35

- (ii) is, on the settlement date, vested in the Crown or held in fee simple by the Crown or the New Zealand Transport Agency; and
- (c) land in Wellington City (excluding the CBD) that is acquired by the Crown in the period starting on the day after the settlement date and ending on the day that is 4 years after the settlement date; and 5
- (d) land in Wellington City (excluding the CBD) that is acquired by the New Zealand Transport Agency, or is acquired by the Crown to be administered by the New Zealand Transport Agency, in the period starting on the day after the settlement date and ending on 2 September 2019 10

notice means a notice under this subpart

offer means an offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust 15

offer trust means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified or each of the trusts specified:

- (a) for general RFR land or deferred selection RFR land, the Toa Rangatira Trust: 20
- (b) for specified iwi RFR land, the Toa Rangatira Trust and the Ngāti Rārua Settlement Trust:
- (c) for specified area RFR land, the Toa Rangatira Trust and the 7 related settlement trusts 25

recipient trust means, for each of the following types of RFR land (or land obtained in exchange for the disposal of that land), the trust specified:

- (a) for general RFR land or deferred selection RFR land, the Toa Rangatira Trust: 30
- (b) for other RFR land, the 1 offer trust whose trustees accept an offer to dispose of the land under **section 605**

RFR landowner, for RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and 35
- (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 in accordance with section 50 of the Pub-

- lic Works Act 1981, which includes a disposal of early RFR NZTA land before the settlement date; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested on the settlement date or (under **section 609(1)**) after the settlement date 5

RFR period means,—

- (a) for general RFR land or specified iwi RFR land, the period of 169 years starting on the settlement date:
- (b) for deferred selection RFR land, the period of 10 years starting on the settlement date: 10
- (c) for specified area RFR land, the period of 100 years starting on the settlement date

specified area RFR land means land in the South Island within the area shown on deed plan OTS-068-75 (in part 2.9 of the attachments to the deed of settlement for Ngati Toa Rangatira) that, on the settlement date,— 15

- (a) is vested in the Crown or held in fee simple by the Crown; and
- (b) is not land that is to, or may, transfer to or vest in trustees in accordance with the deed of settlement for Ngati Toa Rangatira or a related settlement iwi; and 20
- (c) is not conservation land; and
- (d) is not subject to a pastoral lease under Part 1 of the Crown Pastoral Land Act 1998

specified iwi RFR land means the land described as the summit of Tokomaru / Mount Robertson in part 5 of the attachments to the deed of settlement for Ngati Toa Rangatira or Ngāti Rārua if, on the settlement date, the land is vested in the Crown or held in fee simple by the Crown 25

Wellington City (excluding the CBD)— 30

- (a) means the district of Wellington City Council (as those terms are defined by section 5(1) and Part 2 of Schedule 2 of the Local Government Act 2002, respectively); but
- (b) does not include the central business district of Wellington City, meaning the area on the seaward side of the central area boundary shown on map 32 of the district plan of Wellington City Council that was operative at 27 July 2000 (and reprinted at 2 November 2005). 35

600 Meaning of RFR land

- (1) In **Parts 8 to 10**, **RFR land** means—
- (a) the general RFR land; and
 - (b) the specified iwi RFR land; and
 - (c) the deferred selection RFR land; and 5
 - (d) the specified area RFR land; and
 - (e) land obtained in exchange for a disposal of RFR land under **section 613(1)(c) or 614**.
- (2) However, land ceases to be RFR land if—
- (a) the fee simple estate in the land transfers from the RFR landowner to— 10
 - (i) the trustees of a recipient trust or their nominee (for example, under **section 585** or under a contract formed under **section 606**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 601(3) or (4)**; or 15
 - (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 under—
 - (i) any of **sections 610 to 618**; or 20
 - (ii) anything referred to in **section 619(1)**; or
 - (c) the land's RFR period ends.

*Restrictions on disposal of RFR land***601 Restrictions on disposal of RFR land**

- (1) An RFR landowner must not dispose of RFR land to any person other than the trustees of a recipient trust or their nominee unless the land is disposed of under any of **subsections (2) to (4)**. 25
- (2) The RFR land may be disposed of under any of **sections 607 to 618** or under anything referred to in **section 619(1)**. 30
- (3) The RFR land may be disposed of within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust, if the offer to those trustees was—
- (a) made in accordance with **section 602**; and 35

- (b) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person referred to in **subsection (1)**; and
 - (c) not withdrawn under **section 604**; and
 - (d) not accepted under **section 605**. 5
- (4) The RFR land may be disposed of within 2 years after the expiry date of an offer by the Crown to dispose of the land to the trustee of the Toa Rangatira Trust, if—
 - (a) the land is general RFR land that, before the settlement date,— 10
 - (i) was early RFR NZTA land; and
 - (ii) did not become subject to a contract for disposal under clause 6.36 of the deed of settlement; and
 - (b) the offer to that trustee was, before the settlement date,— 15
 - (i) made in accordance with clauses 6.29 and 6.30 of the deed of settlement; and
 - (ii) made on terms that were the same as, or more favourable to the trustee than, the terms of the disposal to the person referred to in **subsection (1)**; and 20
 - (iii) not withdrawn under clause 6.33 of the deed of settlement; and
 - (iv) not accepted under clauses 6.34 and 6.35 of the deed of settlement. 25
- (5) For the purposes of **subsection (4)**, the expiry date of the offer means its expiry date under clauses 6.30.1, 6.31, and 6.32 of the deed of settlement.

Trustees' right of first refusal

- 602 Requirements for offer** 30
- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of the 1 or more offer trusts.
 - (2) The notice must include—
 - (a) the terms of the offer, including its expiry date; and 35

- (b) a legal description of the land (including any interests affecting it) and the reference for any computer register that contains the land; and
- (c) a street address for the land (if applicable); and
- (d) a street address, postal address, and fax number for the trustees to give notices to the RFR landowner in relation to the offer; and 5
- (e) a statement that the RFR land is general RFR land, specified iwi RFR land, deferred selection RFR land, or specified area RFR land (whichever applies). 10

603 Expiry date of offer

- (1) The expiry date of an offer must be on or after the 40th working day after the day on which the trustees of the 1 or more offer trusts receive notice of the offer.
- (2) However, **subsections (3) and (5)** override **subsection (1)**. 15
- (3) The expiry date of an offer may be on or after the 20th working day after the day on which the trustees receive notice of the offer if—
 - (a) the RFR landowner is Housing New Zealand Corporation; or 20
 - (b) the following applies:
 - (i) the trustees received an earlier offer to dispose of the land; and
 - (ii) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and 25
 - (iii) the earlier offer was not withdrawn.
- (4) For the purposes of **subsection (3)(b)**,—
 - (a) an offer to which **section 601(4)** applies must be treated as if it were an earlier offer to dispose of RFR land; and 30
 - (b) the expiry date of the earlier offer means its expiry date under clauses 6.30.1, 6.31, and 6.32 of the deed of settlement.
- (5) For an offer of specified iwi RFR land or specified area RFR land, if the RFR landowner has received notice of acceptance from the trustees of 2 or more offer trusts at the end of the expiry date specified in the notice of offer given under **section** 35

602, the expiry date is extended only for the trustees of those 2 or more offer trusts to the 20th working day after the day on which the trustees receive the landowner's notice given under **section 605(4)**.

604 Withdrawal of offer

5

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

605 Acceptance of offer

- (1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if— 10
- (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. 15
- (3) For an offer of specified iwi RFR land or specified area RFR land,—
- (a) the offer is accepted only if the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust at the end of the expiry date; and 20
 - (b) if the landowner has received notice of acceptance from the trustees of 2 or more offer trusts at the end of the expiry date specified in the notice of offer given under **section 602**, the landowner has 10 working days to give notice under **subsection (4)** to the trustees of those 2 or more offer trusts. 25
- (4) The notice must—
- (a) specify the offer trusts from whose trustees notices of acceptance have been received; and
 - (b) state that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th working day after the day on which they receive the landowner's notice under this subsection. 30

606 Formation of contract

- (1) If the trustees of an offer trust accept, under **section 605**, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the landowner and the trustees on the terms in the offer, including the terms set out in **subsections (3) to (6)**. 5
- (2) The terms of the contract may be varied by written agreement between the landowner and the trustees.
- (3) Under the contract, the trustees may nominate any person other than the trustees who is lawfully able to hold the RFR land (the **nominee**) to receive the transfer of the land. 10
- (4) The trustees may nominate a nominee only by giving notice to the 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— 15
 - (a) the full name of the nominee; and
 - (b) any other details about the nominee that the landowner needs in order to transfer the RFR land to the nominee.
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract. 20

Disposals to others where land remains RFR land

607 Disposals to the Crown or Crown bodies

- (1) An RFR landowner may dispose of RFR land to— 25
 - (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 143(5) or 206 of the Education Act 1989.

608 Disposals of existing public works to local authorities 30

- (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 by section 2 of that Act).
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes— 35

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

609 Disposals of reserves to administering bodies

- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977. 5
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become—
 - (a) the RFR landowner of the land; or 10
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
 - (a) the RFR landowner of the land; and 15
 - (b) subject to the obligations of an RFR landowner under this subpart.

*Disposals to others where land may cease to be
RFR land*

610 Disposals in accordance with enactment or rule of law 20

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

611 Disposals in accordance with legal or equitable obligation

An RFR landowner may dispose of RFR land in accordance with— 25

- (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 30
 - (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. 35

612 Disposals under certain legislation

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

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 355(3) of the Resource Management Act 1991; 5
- or
- (c) subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011.

613 Disposals of land held for public works

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

614 Disposals for reserve or conservation purposes

25

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.

615 Disposals for charitable purposes

30

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

616 Disposals to tenants

The Crown may dispose of RFR land—

- (a) that was held for education purposes on the settlement date to a person who, immediately before the disposal, is a tenant of the land or of all or part of a building on the land; or
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land—
 - (i) granted before the settlement date; or
 - (ii) granted on or after the settlement date under a right of renewal contained in a lease granted before the settlement date; or
- (c) under section 93(4) of the Land Act 1948.

617 Disposals by Housing New Zealand Corporation

Housing New Zealand Corporation, or any of its subsidiaries, may dispose of RFR land to any person if the Corporation has given notice to the trustees of the 1 or more offer trusts that, in the Corporation's opinion, the disposal is to give effect to, or assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing.

618 Disposals by Capital and Coast District Health Board

The Capital and Coast District Health Board (established by section 19(1) of the New Zealand Public Health and Disability Act 2000), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees of the 1 or more offer trusts that, in the Minister's opinion, the disposal will achieve, or assist in achieving, the district health board's objectives.

619 RFR landowner's obligations subject to other things

- (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 but, for a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
 - (b) any interest, or legal or equitable obligation,—
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees of an offer trust; and

- (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment. 5

Notices

620 Notice to trustees if land becomes RFR land

- (1) If land becomes RFR land under **paragraph (b), (c), or (d)** of the definition of general RFR land in **section 599**, the RFR landowner must give the trustee of the Toa Rangatira Trust notice that the land has become RFR land. 10
- (2) The notice must specify—
 - (a) the paragraph of the definition under which the land became RFR land; and 15
 - (b) the date on which the land became RFR land; and
 - (c) a legal description of the land and the reference for any computer register that contains the land; and
 - (d) a street address for the land (if applicable).

621 Notice to LINZ of certain RFR land with computer register 20

- (1) The RFR landowner must give the chief executive of LINZ notice that land has become RFR land if land for which there is a computer register—
 - (a) becomes RFR land on the settlement date under **paragraph (b)** of the definition of general RFR land in **section 599**; or 25
 - (b) becomes RFR land after the settlement date.
- (2) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created. 30
- (3) The notice must be given as soon as is reasonably practicable after—
 - (a) the land for which there is a computer register becomes RFR land; or 35
 - (b) the computer register is first created for the RFR land.

- (4) The notice must specify the legal description of the land and identify the computer register that contains the land.

622 Notice to trustees of potential disposal of RFR land

- (1) This section applies if an RFR landowner is considering whether to dispose of specified iwi RFR land or specified area RFR land that, in order to be disposed of, may ultimately require the landowner to offer to dispose of the land to the trustees of an offer trust. 5
- (2) The landowner must give the trustees of the 1 or more offer trusts notice that, if the landowner decides to dispose of the land, the landowner may be required to offer to dispose of the land to the trustees of an offer trust. 10
- (3) The notice must—
- (a) specify the legal description of the land and identify any computer register that contains the land; and 15
 - (b) specify a street address for the land (if applicable); and
 - (c) if the land does not have a street address, include a narrative or diagrammatic description of the land with enough information so that a person who is not familiar with the land can locate and inspect it; and 20
 - (d) state that the RFR land is specified iwi RFR land or specified area RFR land (whichever applies).
- (4) The giving of the notice does not, of itself, mean that an obligation has arisen under—
- (a) section 207(4) of the Education Act 1989; or 25
 - (b) section 23(1) or 24(4) of the New Zealand Railways Corporation Restructuring Act 1990; or
 - (c) section 40 of the Public Works Act 1981 or that section as applied by another enactment.

623 Notice to trustees of disposals of RFR land to others 30

- (1) An RFR landowner must give the trustees of the 1 or more offer trusts notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee.
- (2) The notice must be given on or before the day that is 20 working days before the day of the disposal. 35

- (3) The notice must—
- (a) specify the legal description of the land (including any interests affecting it) and identify any computer register that contains the land; and
 - (b) specify a street address for the land (if applicable); and 5
 - (c) identify the person to whom the land is being disposed of; and
 - (d) explain how the disposal complies with **section 601**; and
 - (e) if the disposal is being made under **section 601(3) or (4)**, include a copy of the written contract for the disposal. 10

624 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a computer register is to cease being RFR land because— 15
- (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) the trustees of a recipient trust or their nominee (for example, under **section 585** or under a contract formed under **section 606**); or 20
 - (ii) any other person (including the Crown or a Crown body) under **section 601(3) or (4)**; 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 under— 25
 - (i) any of **sections 610 to 618**; or
 - (ii) anything referred to in **section 619(1)**.
- (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. 30
- (3) The notice must—
- (a) specify the legal description of the land and identify the computer register that contains the land; and
 - (b) specify the details of the transfer or vesting of the land.

625 Notice to LINZ of transfer of certain deferred selection RFR land to trustees

As soon as is reasonably practicable after the date on which deferred selection RFR land in the Wellington Land District is transferred to the trustee of the Toa Rangatira Trust (for example, under **section 585** or under a contract formed under **section 606**), the RFR landowner must give notice of that date to the chief executive of LINZ for the purposes of **section 435**.

626 Notice requirements 10

Schedule 14 applies to notices given under this subpart by or to—

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

Memorials for RFR land 15

627 Recording memorials on computer registers for RFR land

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers that contain,—
 - (a) the RFR land for which there is a computer register on the settlement date; and 20
 - (b) the land for which there is a computer register that becomes RFR land after the settlement date; and
 - (c) the RFR land for which a computer register is first created after the settlement date. 25
- (2) The chief executive must issue a certificate as soon as is reasonably practicable after—
 - (a) the settlement date, for RFR land for which there is a computer register on the settlement date; or
 - (b) receiving a notice under **section 621** that the land has become RFR land or that a computer register has been created for RFR land, for any other land. 30
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate. 35

- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register identified in the certificate that the land described in the certificate (and contained in the computer register) is— 5
- (a) RFR land as defined by **section 600**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land).
- 628 Removal of memorials when land to be transferred or vested** 10
- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 624**, issue to the Registrar-General a certificate that—
- (a) specifies the legal description of the land and identifies the computer register that contains the land; and 15
 - (b) specifies the details of the transfer or vesting of the land; and
 - (c) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate. 20
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any memorial recorded under **section 627** for the land described in the certificate. 25
- 629 Removal of memorials when RFR period ends**
- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends for any RFR land, issue to the Registrar-General a certificate that— 30
- (a) identifies each computer register for the RFR land for which the RFR period has ended that still has a memorial recorded on it under **section 627**; and 35
 - (b) states that it is issued under this section.

- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or more offer trusts as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove a memorial recorded under **section 627** from any computer register identified in the certificate. 5

General provisions

630 Waiver and variation

- (1) The trustees of the 1 or more offer trusts may, by notice to an RFR landowner, waive any of the rights the trustees have in relation to the landowner under this subpart. 10
- (2) The trustees of the 1 or more offer trusts and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart. 15
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

631 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. 20

632 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if an 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 documents; and 25
 - (b) has given the notices required by **subsection (2)**.
- (2) Notices must be given to each RFR landowner—
 - (a) stating that the RFR holder's rights and obligations under this subpart are being assigned under this section; and 30
 - (b) specifying the date of the assignment; and
 - (c) specifying the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
 - (d) specifying the street address, postal address, or fax number for notices to the assignees. 35

- (3) This subpart and **Schedule 14** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, with all necessary modifications.
- (4) In this section, **RFR holder** means the 1 or more persons who have the rights and obligations of the trustees of an offer trust under this subpart, either because—
- (a) they are the trustees of the offer trust; or
 - (b) they have previously been assigned those rights and obligations under this section.

Part 11

10

Haka Ka Mate attribution

633 Purpose

The purpose of **this Part** is to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngati Toa Rangatira. The provisions relate to the haka Ka Mate.

15

634 Provisions take effect on settlement date

The provisions of **this Part** take effect on the settlement date.

635 Act binds the Crown

This Part binds the Crown.

20

636 Interpretation of Act generally

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

637 Interpretation

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In **this Part**, unless the context requires another meaning,—
communication has the meaning given by section 2(1) of the Copyright Act 1994

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

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deed of settlement means the deed of settlement for Ngati Toa Rangatira dated 7 December 2012, entered into by the Crown,

Ngati Toa Rangatira, and the Toa Rangatira Trust, including any schedules or attachments and including any amendments
film has the meaning given by section 2(1) of the Copyright Act 1994

Ka Mate means the words and associated actions and choreography, whether in whole or part, of the haka known as Ka Mate 5

Ngati Toa Rangatira has the meaning given by **section 430(1) of Parts 8 to 10 of the Te Tau Ihu Claims Settlement Act 2013** 10

publication means that something is—

- (a) issued to the public; or
- (b) made available to the public by means of an electronic retrieval system

right of attribution means the right of attribution conferred by **section 639** 15

rights representative means—

- (a) Te Runanga o Toa Rangatira Incorporated; or
- (b) the person to whom the right to enforce the right of attribution under **section 641** has been assigned in accordance with the constitutional documents of Te Runanga o Toa Rangatira Incorporated or any other prior rights representative 20

settlement date means the date that is 70 working days after the date on which **this Part** comes into force. 25

638 Acknowledgements by the Crown

- (1) The Crown acknowledges the significance of Ka Mate—
 - (a) as a taonga of Ngati Toa Rangatira; and
 - (b) as an integral part of the history, culture, and identity of Ngati Toa Rangatira. 30
- (2) The Crown acknowledges the statement made by Ngati Toa Rangatira, and set out in **Schedule 15**, relating to—
 - (a) Te Rauparaha, the composer of Ka Mate:
 - (b) the composition of Ka Mate:
 - (c) the association of Ngati Toa Rangatira with Ka Mate and their role as kaitiaki of Ka Mate: 35

- (d) the values of Ngati Toa Rangatira concerning the use and performance of Ka Mate.
- (3) The Crown recognises that Ngati Toa Rangatira hold the right of attribution.

639 Right of attribution 5

- (1) Ngati Toa Rangatira have a right of attribution in relation to Ka Mate.
- (2) The right of attribution applies to the things described in **section 640**.
- (3) Anything to which the right of attribution applies must include a statement that Te Rauparaha was the composer of Ka Mate and a chief of Ngati Toa Rangatira. 10
- (4) The statement must be—
 - (a) clear and reasonably prominent; and
 - (b) likely to bring Te Rauparaha's identity, as the composer of Ka Mate and a chief of Ngati Toa Rangatira, to the attention of a viewer or listener. 15
- (5) However, the right of attribution is subject to any written waiver given, or written agreement entered into, by the rights representative. 20

640 Right of attribution applies to certain things

- (1) The right of attribution applies to—
 - (a) any publication of Ka Mate for commercial purposes:
 - (b) any communication of Ka Mate to the public:
 - (c) any film that includes Ka Mate and is shown in public or is issued to the public. 25
- (2) However, the right of attribution does not apply to—
 - (a) any performance of Ka Mate, including by a kapa haka group:
 - (b) anything used for educational purposes: 30
 - (c) anything made for the purpose of criticism, review, or reporting current events:
 - (d) any communication to the public of anything described by **paragraph (a), (b), or (c)** for a purpose that is not commercial. 35

- (3) In **subsection (1)**, **Ka Mate** includes a performance or representation of Ka Mate (so that, for example, a communication of Ka Mate includes a communication of a performance or representation of Ka Mate).

641 Remedy for failure to attribute 5

- (1) The right of attribution may be enforced only by obtaining a declaratory judgment or order against a person responsible for the thing to which the right applies.
- (2) The right of attribution may be enforced only by the rights representative on behalf of Ngati Toa Rangatira. 10
- (3) The Declaratory Judgments Act 1908 applies to proceedings for the declaratory judgment or order, despite anything to the contrary in any enactment or rule of law.
- (4) The declaratory judgment or order may state that—
- (a) the right of attribution applies to the thing for which the person is responsible; and
 - (b) the person must comply with **this Part**. 15
- (5) To avoid doubt, the court may award costs under section 13 of the Declaratory Judgments Act 1908.

642 Review of this Act 20

- (1) The Ministry of Business, Innovation, and Employment must review **this Part** after the fifth anniversary of its commencement.
- (2) The purpose of the review is—
- (a) to consider whether the interests of Ngati Toa Rangatira relating to Ka Mate are sufficiently protected by **this Part** and any other relevant enactment or policy of the Crown; and
 - (b) if the interests are not considered to be sufficiently protected, to consider additional protection for them. 25 30

Schedule 1

Statutory areas

ss 37(2), 47(1)

Statutory area	Location	Iwi with association
Lake Rotoiti, Nelson Lakes National Park	As shown on OTS-099-34	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau
Lake Rotoroa, Nelson Lakes National Park	As shown on OTS-099-35	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau
Te Ope-a-Kupe (Te Anamāhanga / Port Gore)	As shown on OTS-099-65	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau
Mt Furneaux (Puhikereru)	As shown on OTS-099-66	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau
Mt Stokes (Parororangi)	As shown on OTS-099-38	Ngāti Kuia and Rangitāne o Wairau
Kohi te Wai (Boulder Bank Scenic Reserve)	As shown on OTS-099-39	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau
Kaiteriteri Scenic Reserve	As shown on OTS-099-41	Ngāti Apa ki te Rā Tō
Tarakaipa Island	As shown on OTS-099-42	Ngāti Apa ki te Rā Tō and Ngāti Kuia
Titi Island Nature Reserve and Chetwode Island Nature Reserve (Ngā Motutapu Titi)	As shown on OTS-099-43	Ngāti Kuia
Wairau Lagoons and Te Pokohiwi / Boulder Bank Historic Reserve	As shown on OTS-099-69	Rangitāne o Wairau
Farewell Spit	As shown on OTS-099-45	Ngāti Apa ki te Rā Tō
The Brothers	As shown on OTS-099-46	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau
Pelorus Sound / Te Hoiera	As shown on OTS-099-47	Ngāti Kuia
Maungatapu (Parikarearea)	As shown on OTS-099-48	Ngāti Kuia
Stephens Island (Pouwhakarewarewa)	As shown on OTS-099-49	Ngāti Kuia
Te Aumiti (French Pass Scenic Reserve)	As shown on OTS-099-50	Ngāti Kuia

Statutory area	Location	Iwi with association
Big River site (Te Tai Tapu)	As shown on OTS-099-32	Ngāti Apa ki te Rā Tō
Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Management Reserve	As shown on OTS-099-33	Ngāti Apa ki te Rā Tō
Tītīrangi Bay	As shown on OTS-099-64	Ngāti Kuia
Separation Point / Te Matau	As shown on OTS-099-63	Ngāti Kuia
Maitai (Mahitahi) River and its tributaries	As shown on OTS-099-52	Ngāti Kuia and Rangitāne o Wairau
Wairau, Omaka, and Ōpaoa Rivers and their tributaries	As shown on OTS-099-53	Rangitāne o Wairau
Waimea, Wai-iti, and Wairoa Rivers and their tributaries	As shown on OTS-099-54	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau
Anatori River and its tributaries	As shown on OTS-099-55	Ngāti Apa ki te Rā Tō
Kaituna River and its tributaries	As shown on OTS-099-56	Ngāti Kuia and Rangitāne o Wairau
Motupiko River and its tributaries	As shown on OTS-099-57	Ngāti Apa ki te Rā Tō and Rangitāne o Wairau
Te Hoiere / Pelorus River and its tributaries	As shown on OTS-099-58	Ngāti Kuia
Anatoki River and its tributaries	As shown on OTS-099-73	Ngāti Kuia
Buller (Kawatiri) River and its tributaries (northern portion)	As shown on OTS-099-74	Ngāti Apa ki te Rā Tō
Tākaka River and its tributaries	As shown on OTS-099-72	Ngāti Apa ki te Rā Tō
Alpine Tarns, Nelson Lakes National Park	As shown on OTS-099-76	Ngāti Apa ki te Rā Tō
Motueka and Motupiko Rivers and their tributaries	As shown on OTS-099-70	Ngāti Kuia
Coastal marine area	As shown on OTS-099-51	Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau

Schedule 2

Overlay sites

ss 53(2), 54

Overlay site	Location	Description	Iwi with association
Alpine Tarns, Nelson Lakes National Park	As shown on OTS-099-28	<i>Nelson Land District—Tasman District</i> Ro-tomairewhenua / Blue Lake, Rotopōhueroa / Lake Constance, Rotomaninitua / Lake Angelus, Paratītahi Tarns, and Paraumu Tarn.	Ngāti Apa ki te Rā Tō
Heaphy Track (northern portion)	As shown on OTS-099-67	<i>Nelson Land District—Buller District/Tasman District</i> Heaphy Track.	Ngāti Apa ki te Rā Tō
Titi Island Nature Reserve and Chetwode Island Nature Reserve (Ngā Motutapu Titi)	As shown on OTS-099-29	<i>Marlborough Land District—Marlborough District</i> Nature Reserve Block XXIII and Nature Reserve Block XXVI Gore Survey District, and associated rocks.	Ngāti Kuia

Overlay site	Location	Description	Iwi with association
Wairau Lagoons and Te Pokohiwi / Boulder Bank Historic Reserve	As shown as A and B on OTS-099-68	<i>Marlborough Land District—Marlborough District</i> Section 4 SO 437606, Section 3 Block I and Section 3 Block II Clifford Bay Survey District, Sections 3, 4, 5, and 6 Wairau District, Lot 1 DP 6087, Sections 9, 10, and 21 Opawa District, Part Sections 11 and 22 Opawa District, and Lot 1 DP 6162.	Rangitāne o Wairau
Lakes Rotoiti and Rotoroa, Nelson Lakes National Park	As shown on OTS-099-31	<i>Nelson Land District—Tasman District</i> Lake Rotoiti and Lake Rotoroa.	Ngāti Apa ki te Rā Tō and Rangitāne o Wairau
Maud Island (Tom Shand Scientific Reserve) (Te Pākeka)	As shown on OTS-099-77	<i>Marlborough Land District—Marlborough District</i> Lots 1 and 2 DP 4034 and Section 1 Block XV Orieri Survey District.	Ngāti Kuia

Schedule 3 **ss 72, 98, 100**
Cultural redress properties
Sites that vest in fee simple

Name of site	Description	Interests
St Arnaud	<i>Nelson Land District—Tasman District</i> 0.1000 hectare, more or less, being Section 1 SO 426794. Part <i>Gazette</i> notice 337629.1.	
Te Tai Tapu (Tombstone)	<i>Nelson Land District—Tasman District</i> 10.7419 hectares, more or less, being Section 2 SO 426795. Part computer freehold register NL7B/167.	Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.
Port Gore	<i>Marlborough Land District—Marlborough District</i> 1.5000 hectares, more or less, being Section 1 SO 430551. Part computer freehold register MB55/62.	Together with a right of way easement created by transfer 114811. Together with a right of way easement created by transfer 162935. Subject to an unregistered grazing licence with concession number LAN 009C to D J and R S Drake.
Titiraukawa Bridge) (Pelorus	<i>Marlborough Land District—Marlborough District</i> 5.0055 hectares, more or less, being Section 1 SO 427361. All Proclamation 778 and part computer freehold register MB50/234.	Subject to the right of way easement referred to in section 76(3)(a) . Subject to the easement in gross for a right to convey water referred to in section 76(3)(b) . Subject to an easement in gross for a right to convey electricity, in favour of Transpower New Zealand Limited, created by deed of easement 8515093.1. Subject to an unregistered grazing licence with concession number PAC 10-01-056 to P E, R J, and J P Bryant.

Name of site	Description	Interests
Ngā Tai Whakaū (Kawai, World's End)	<i>Marlborough Land District—Marlborough District</i> 1.6921 hectares, more or less, being Sections 1, 2, 3, and 4 SO 427401. Part <i>Gazette</i> 1923, p 1859.	Together with water rights and incidental rights created by transfer 22889 (which affects former Part Section 63 Block VIII Heringa Survey District).
Waimea Pā (Appleby School)	<i>Nelson Land District—Tasman District</i> 0.3946 hectares, more or less, being Lot 1 DP 1989. All computer freehold register 530444. 0.2023 hectares, more or less, being Lot 2 DP 1989. All computer freehold register NL67/233. 0.2023 hectares, more or less, being Part Section 10 Waimea West District as defined on DP 4494. All computer freehold register NL112/19. 0.6100 hectares, more or less, being Section 1 SO 10170. All Proclamation 73043.	Subject to the lease to the Crown referred to in section 78(2) .
Te Hora (Canvastown School)	<i>Marlborough Land District—Marlborough District</i> 1.6125 hectares, more or less, being Section 1 SO 426938. Part <i>Gazette</i> 1897, p 8.	Subject to the lease to the Crown referred to in section 79(5) .
Picton Recreation Reserve	<i>Marlborough Land District—Marlborough District</i> 0.2090 hectares, more or less, being Section 1 SO 427071. Part <i>Gazette</i> 1887, p 578.	

Name of site		Description	Interests
Tuamatene Grovetown	Marae,	<i>Marlborough Land District—Marlborough District</i> 0.3907 hectares, more or less, being Section 1 SO 6002. All computer freehold register MB4D/1109.	Subject to <i>Gazette</i> notice 84820 declaring adjoining State Highway 1 to be a limited access road.
Rārangi		<i>Marlborough Land District—Marlborough District</i> 0.2500 hectares, more or less, being Section 2 SO 426990. Part transfer 123115.	
Wairau Lagoons (reinterment)		<i>Marlborough Land District—Marlborough District</i> 2.0165 hectares, more or less, being Sections 1 and 2 SO 437606. Part <i>Gazette</i> 1994, p 2481.	Subject to an unregistered guiding concession with concession number NM-26404-GUI to Driftwood Ecotours Limited.

Site that vests in fee simple subject to
conservation covenant

Name of site	Description	Interests
Tītīrangi Bay site	<i>Marlborough Land District—Marlborough District</i> 1.2471 hectares, more or less, being Section 1 SO 433149. Part computer freehold register MB55/62.	Together with the right of way easement referred to in section 84(3) . Subject to the conservation covenant referred to in section 84(5) . Together with a right of way easement created by transfer 114811. Together with a right of way easement created by transfer 162935.

Sites that vest in fee simple to be
administered as reserves

Name of site	Description	Interests
Aorere Scenic Reserve	<i>Nelson Land District—Tasman District</i> 17.6370 hectares, more or less, being Lot 11 DP 14875. Part computer freehold register NL9C/1364.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to the resolution under section 321(3)(b) of the Local Government Act 1974 in document 314247.3. Subject to section 308(4) of the Local Government Act 1974. Subject to section 3 of the Petroleum Act 1937. Subject to section 8 of the Atomic Energy Act 1945. Subject to section 3 of the Geothermal Energy Act 1953. Subject to sections 6 and 8 of the Mining Act 1971. Subject to sections 5 and 261 of the Coal Mines Act 1979.
Cullen Point (Havelock)	<i>Marlborough Land District—Marlborough District</i> 3.3560 hectares, more or less, being Section 1 SO 429494. Part computer freehold register MB38/278.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Name of site	Description	Interests
Moenui	<i>Marlborough Land District—Marlborough District</i> 0.2327 hectares, more or less, being Lot 24 DP 2198. All computer freehold register MB3D/1218.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 87(5)(a) . Subject to the easement in gross for a right to convey water referred to in section 87(5)(b) . Subject to the easement in gross for a right to convey electricity referred to in section 87(5)(c) .
Tarakaipa Island urupā	<i>Marlborough Land District—Marlborough District</i> 1.1640 hectares, more or less, being Section 1 SO 429304. Part <i>Gazette</i> notice 132289.1.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Te Pokohiwi	<i>Marlborough Land District—Marlborough District</i> 10.6140 hectares, more or less, being Section 3 SO 437606. Part <i>Gazette</i> 1994, p 2481.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to any unregistered access agreement granted under section 89 . Subject to the right of way easement in gross referred to in section 90(5) . Subject to an unregistered guiding concession with concession number NM-26404-GUI to Driftwood Ecotours Limited.

Name of site	Description	Interests
Waikutakuta / Robin Hood Bay	<i>Marlborough Land District—Marlborough District</i> 2.0769 hectares, more or less, being Section 1 SO 428338. All computer freehold register MB3E/912 and part computer freehold register MB5A/271.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to an easement in gross for a right to convey electricity and telecommunications in favour of Transpower New Zealand Limited with concession number NM-28568-TEL, registered as deed of easement 9021918.1. The following affect the part formerly held in computer freehold register MB5A/271: Subject to section 3 of the Petroleum Act 1937. Subject to section 8 of the Atomic Energy Act 1945. Subject to section 3 of the Geothermal Energy Act 1953. Subject to sections 6 and 8 of the Mining Act 1971. Subject to sections 5 and 261 of the Coal Mines Act 1979.
Ngākuta Bay	<i>Marlborough Land District—Marlborough District</i> 0.0667 hectares, more or less, being Section 1 SO 428892. Part <i>Gazette</i> notice 69676.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Momorangi	<i>Marlborough Land District—Marlborough District</i> 0.1770 hectares, more or less, being Lot 2 DP 1557. Part <i>Gazette</i> 1982, p 3016.	Recreation reserve subject to section 17 of the Reserves Act 1977.

Name of site	Description	Interests
Endeavour Inlet site	<i>Marlborough Land District—Marlborough District</i> 1.1923 hectares, more or less, being Section 1 SO 428870.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Mātangi Āwhio (Nelson)	<i>Nelson Land District—Nelson City</i> 0.2061 hectares, more or less, being Section 1212 City of Nelson. All <i>Gazette</i> 1952, p 1290.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Pukatea / Whites Bay	<i>Marlborough Land District—Marlborough District</i> 1.3160 hectares, more or less, being Section 1 SO 429266. Part <i>Gazette</i> notice 30056 and part <i>Gazette</i> notice 54787.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Horahora-kākahu	<i>Marlborough Land District—Marlborough District</i> 2.3470 hectares, more or less, being Section 1 SO 447529. All <i>Gazette</i> 1913, p 2821.	Historic reserve subject to section 18 of the Reserves Act 1977.

Schedule 4**ss 185, 191(3)****Notices in relation to RFR land****1 Requirements for giving notice**

A notice by or to an RFR landowner, or the trustees of an offer trust or recipient trust, under **subpart 4 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 of the trust, or the 1 trustee of the trust if it has only 1 trustee, for a notice given by the trustees; and 10
- (b) addressed to the recipient at the street address, postal address, or fax number—
 - (i) specified for the trustees in accordance with the relevant deed of settlement, for a notice to the trustees; or 15
 - (ii) specified by the RFR landowner in an offer made under **section 164**, specified in a later notice given to the trustees, or identified by the trustees as the current address or fax number of the RFR landowner, for a notice by the trustees to an RFR landowner; or 20
 - (iii) of the national office of LINZ, for a notice given to the chief executive of LINZ under **section 181 or 184**; and
- (c) given by— 25
 - (i) delivering it by hand to the recipient's street address; or
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number.

2 Time when notice received 30

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

- (a) after 5 pm on a working day; or
 - (b) on a day that is not a working day.
-

Schedule 5

Statutory areas

ss 229(2), 239

Statutory area	Location	Iwi with association
Rotokura / Cable Bay	As shown on OTS–202–43	Ngāti Tama ki Te Tau Ihu
Maungatapu	As shown on OTS–202–44	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Matapehe	As shown on OTS–202–45	Ngāti Kōata
Lake Rotoiti, Nelson Lakes National Park	As shown on OTS–202–46	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Lake Rotoroa, Nelson Lakes National Park	As shown on OTS–202–47	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Abel Tasman Monument in Abel Tasman National Park	As shown on OTS–202–48	Ngāti Rārua
Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Management Reserve	As shown on OTS–202–42	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Parapara Peak	As shown on OTS–202–49	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Pukeone / Mount Campbell	As shown on OTS–202–50	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Wharepapa / Arthur Range	As shown on OTS–202–51	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Moawhitu (Rangitoto ki te Tonga / D'Urville Island)	As shown on OTS–202–53	Ngāti Kōata

Statutory area	Location	Iwi with association
Askews Hill quarry site in Taipare Conservation Area	As shown on OTS–202–56	Ngāti Kōata
Penguin Bay (Rangitoto ki te Tonga / D’Urville Island)	As shown on OTS–202–57	Ngāti Kōata
Cullen Point	As shown on OTS–202–112	Ngāti Kōata
Queen Charlotte Sound / Tōtaranui and islands	As shown on OTS–202–59	Te Ātiawa o Te Waka-a-Māui
Hura (on Arapaoa Island)	As shown on OTS–202–60	Te Ātiawa o Te Waka-a-Māui
Para Swamp Wildlife Reserve	As shown on OTS–202–61	Ngāti Rārua
Wharehunga Bay Recreation Reserve (on Arapaoa Island)	As shown on OTS–202–62	Te Ātiawa o Te Waka-a-Māui
West of Separation Point / Te Matau	As shown on OTS–202–90	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Wairau Lagoons and Te Pokohiwi / Boulder Bank Historic Reserve	As shown on OTS–202–97	Ngāti Rārua
Wairau River Diversion Conservation Area	As shown on OTS–202–96	Ngāti Rārua
Wairau River, marginal strips	As shown on OTS–202–95	Ngāti Rārua
Te Anamāhanga / Port Gore	As shown on OTS–202–92	Te Ātiawa o Te Waka-a-Māui
Maitai River and its tributaries	As shown on OTS–202–64	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Wairau River, Omaka River, and Ōpaoa River and their tributaries	As shown on OTS–202–65	Ngāti Rārua
Waimea River, Wairoa River, and Wai-iti River and their tributaries	As shown on OTS–202–66	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui

Statutory area	Location	Iwi with association
Motueka River and its tributaries	As shown on OTS–202–67	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Tākaka River and its tributaries	As shown on OTS–202–68	Ngāti Tama ki Te Tau Ihu and Te Ātiawa o Te Waka-a-Māui
Aorere River and its tributaries	As shown on OTS–202–69	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Te Hoiere / Pelorus River and its tributaries	As shown on OTS–202–70	Ngāti Kōata, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Riuwaka River, and Resurgence, and its tributaries	As shown on OTS–202–71	Ngāti Rārua and Te Ātiawa o Te Waka-a-Māui
Waikawa Stream and its tributaries	As shown on OTS–202–72	Te Ātiawa o Te Waka-a-Māui
Waitohi River and its tributaries	As shown on OTS–202–73	Te Ātiawa o Te Waka-a-Māui
Paturau River and its tributaries	As shown on OTS–202–74	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Anatori River and its tributaries	As shown on OTS–202–75	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Buller River (northern portion) and its tributaries	As shown on OTS–202–98	Ngāti Rārua
Tuamarina River and its tributaries	As shown on OTS–202–99	Te Ātiawa o Te Waka-a-Māui
Moutere River and its tributaries	As shown on OTS–202–100	Te Ātiawa o Te Waka-a-Māui
Turimawiri River and its tributaries	As shown on OTS–202–101	Te Ātiawa o Te Waka-a-Māui
Whangamoa River and its tributaries	As shown on OTS–202–102	Ngāti Kōata and Ngāti Tama ki Te Tau Ihu
Anaweka River and its tributaries	As shown on OTS–202–103	Ngāti Rārua

Statutory area	Location	Iwi with association
Kaka Point	As shown on OTS-202-113	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Kaiteriteri Scenic Reserve	As shown on OTS-202-122	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Otuhaereroa Island	As shown on OTS-202-129	Ngāti Kōata
Motuanauru Island	As shown on OTS-202-130	Ngāti Kōata
Te Tau Ihu coastal marine area	As shown on OTS-202-63	Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui

Schedule 6 Overlay sites

ss 245(2), 246

Overlay site	Location	Description	Iwi with association
Te Waikoropupū Springs Scenic Reserve	As shown on OTS–202–31	<i>Nelson Land District—Tasman District</i> 25.6963 hectares, more or less, being Parts Lot 1 DP 6769, Lot 1 DP 11091, Section 1 SO 13886, and Sections 301 and 302 Takaka District.	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Heaphy Track (northern portion)	As shown on OTS–202–87	<i>Nelson Land District—Tasman District</i> Heaphy Track.	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui
Farewell Spit Nature Reserve	As shown on OTS–202–32	<i>Nelson Land District—Tasman District</i> 11423.4662 hectares, approximately, being Parts Section 3 Block III, Part Section 4 and Section 5 Block VIII Onetaua Survey District, and Crown land Onetaua Survey District.	Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui

Overlay site	Location	Description	Iwi with association
Wairau Bar and Wairau Lagoons (part of the Conservation Area—Wairau Diversion Mouth and part of the Wairau Lagoons Wetland Management Reserve)	As shown on OTS–202–94	<i>Marlborough Land District—Marlborough District</i> Part Section 4 SO 437606, Section 3 Block I and Section 3 Block II Clifford Bay Survey District, Sections 3, 4, 5, and 6 Wairau District, Lot 1 DP 6087, Sections 9, 10, and 21 Opawa District, Part Sections 11 and 22 Opawa District, Lot 1 DP 6162, and Sections 1 and 30 Block XVII Cloudy Bay Survey District.	Ngāti Rārua
Takapourewa / Takapourewa Nature Reserve	As shown on OTS–202–107	<i>Nelson Land District—Marlborough District</i> 150.3314 hectares, more or less, being Sections 1, 2, and 3 SO 15162.	Ngāti Kōata
Whakaterepanui / Wakaterepanui Island Recreation Reserve	As shown on OTS–202–34	<i>Nelson Land District—Marlborough District</i> 60.7028 hectares, more or less, being Whakaterepanui Island ML 8462.	Ngāti Kōata

Overlay site	Location	Description	Iwi with association
French Pass Scenic Reserve	As shown on OTS-202-35	<i>Nelson Land District—Marlborough District</i> 13.9101 hectares, more or less, being Sections 9, 12, 13, and 14 Square 93.	Ngāti Kōata
Rangitoto ki te Tonga / D'Urville Island site	As shown on OTS-202-36	<i>Nelson Land District—Marlborough District</i> D'Urville Island Scenic Reserve: 5853.49 hectares, approximately, being Rangitoto 8B1, Part Lot 1 DP 3041, Sections 3 and 4 SO 428440, Parts Lot 2 DP 3893, Part Lot 1 DP 5231, Section 2 SO 436126, Lots 1 and 2 DP 5258, Parts Rangitoto 4A, Parts Section 12 Block VII D'Urville Survey District, Section 13 Block VIII D'Urville Survey District, Lot 1 DP 8133, Section 13 Block VII D'Urville Survey District, Rangitoto 6A, Part Rangitoto 5A, Part Rangitoto 5B3, Part Rangitoto 1B (but only the surface), and Part Rangitoto 3B2 (but only the surface).	Ngāti Kōata

Overlay site	Location	Description	Iwi with association
		Local purpose (site for a public hall) reserve: 0.3530 hectares, more or less, being Part Lot 2 DP 3893. Government purpose reserve for esplanade purposes: 1.6780 hectares, more or less, being Lots 8 and 9 DP 321686. Whareatea Bay marginal strip: Crown land (under action) Block VIII D'Urville Survey District.	
East Head	As shown on OTS-202-37	<i>Marlborough Land District—Marlborough District</i> 60.7028 hectares, more or less, being Section 129 Block V Arapawa Survey District.	Te Ātiawa o Te Waka-a-Māui
The Brothers	As shown on OTS-202-38	<i>Marlborough Land District—Marlborough District</i> 12.0773 hectares, more or less, being Crown land Block XXII Gore Survey District SO 4903.	Te Ātiawa o Te Waka-a-Māui

Schedule 7 **ss 264, 306–308**
Cultural redress properties
Sites that vest in fee simple

Name of site	Description	Interests
Catherine Cove	<i>Nelson Land District—Marlborough District</i> 0.9590 hectares, more or less, being Sections 1 and 2 SO 428440 (excluding the subsoil held in computer freehold register NL3D/780). Part computer freehold register NL87/222 and part Proclamation 245.	
Whangarae Bay (Okiwi Bay)	<i>Nelson Land District—Marlborough District</i> 0.1110 hectares, more or less, being Section 1 SO 430484. Part <i>Gazette</i> 1977, p 2084.	Subject to the fencing covenant referred to in section 266(3) . Together with the easement for a right to convey water referred to in section 266(5) . Subject to the easement instrument (containing restrictive covenants) referred to in section 266(7) .
Glenhope (Kawatiri)	<i>Nelson Land District—Tasman District</i> 3.4090 hectares, more or less, being Sections 1 and 2 SO 427227. Part <i>Gazette</i> notices 197875.1 and 145403.	Together with the right of way easement referred to in section 267(3) .
Kawatiri Confluence	<i>Nelson Land District—Tasman District</i> 2.0000 hectares, more or less, being Section 1 SO 436671. Part <i>Gazette</i> notice 145403 and part <i>Gazette</i> 1974, p 2383.	

Name of site	Description	Interests
Wairau Pā	<i>Marlborough Land District—Marlborough District</i> 1.7217 hectares, more or less, being Section 1 SO 429787.	
Rārangi (Ngāti Rārua)	<i>Marlborough Land District—Marlborough District</i> 0.2500 hectares, more or less, being Section 1 SO 426990. Part transfer 123115.	
Wainui urupā	<i>Nelson Land District—Tasman District</i> 0.4900 hectares, more or less, being Section 1 SO 463619.	
Tapu Bay (Kaiteriteri)	<i>Nelson Land District—Tasman District</i> 0.2000 hectares, more or less, being Section 1 SO 426800. Part computer interest register 497569.	
Umukuri Bay urupā (Arapaoa Island)	<i>Marlborough Land District—Marlborough District</i> 0.0964 hectares, more or less, being Section 1 SO 428470. Part <i>Gazette</i> notice 37281.	
Tapu Bay (Motueka)	<i>Nelson Land District—Tasman District</i> 0.1642 hectares, more or less, being Section 1 SO 463616. Part computer interest register 497569. 0.1600 hectares, more or less, being Section 2 SO 463616. Part computer interest register 497569.	Subject to the right of way easement referred to in section 274(3)(a) . Together with the right of way easements referred to in section 274(3)(b) and (c)(i) . Subject to the right of way easement referred to in section 274(3)(b) . Together with the right of way easements referred to in section 274(3)(a) and (c) .

Name of site	Description	Interests
	0.1700 hectares, more or less, being Section 3 SO 463616. Part computer interest register 497569.	Subject to the right of way easement referred to in section 274(3)(c) . Together with the right of way easements referred to in section 274(3)(a) and (b) .
Pūponga Farm, Cape House	<i>Nelson Land District—Tasman District</i> 4.9739 hectares, more or less, being Section 1 SO 426796 (excluding coal held in computer freehold register NL33/168). Part computer freehold register NL11B/741.	Subject to the easement for a right to convey water referred to in section 275(3) .
Pūponga Farm, Triangle Flat	<i>Nelson Land District—Tasman District</i> 0.2339 hectares, more or less, being Section 1 SO 426797. Part <i>Gazette</i> 1976, p 2417.	
Puketawai	<i>Nelson Land District—Tasman District</i> 11.8284 hectares, more or less, being Section 1 SO 426273. Part <i>Gazette</i> notice 236390.2, part computer freehold register 264531, and balance computer freehold register NL2B/246 (limited as to parcels).	Subject to a covenant under section 108(2)(d) of the Resource Management Act 1991 (which affects the land formerly Part Sections 53, 95, 96, and 97 Block X Kaiteriteri Survey District). Subject to a right of way easement created by conveyance 17D–23241 (which affects the land formerly Part Section 67 Motueka District). Subject to the pedestrian right of way easement in gross (if any) referred to in section 277(5) . Together with a waste pipeline easement created by transfer 75179 (which affects the land formerly Part Sections 53, 95, 96, and 97 Block X Kaiteriteri Survey District).

Sites that vest in fee simple subject to conservation covenants

Name of site	Description	Interests
Lucky Bay	<i>Nelson Land District—Marlborough District</i> 15.1500 hectares, more or less, being Section 1 SO 436126. Part computer freehold register NL134/63.	Subject to the conservation covenant referred to in section 278(3) .
Whangarae Estuary	<i>Nelson Land District—Marlborough District</i> 10.0900 hectares, more or less, being Section 2 SO 430484. Part <i>Gazette</i> 1977, p 2084.	Subject to the conservation covenant referred to in section 279(3) .
Wharf Road (Okiwi Bay)	<i>Nelson Land District—Marlborough District</i> 1.3500 hectares, more or less, being Section 1 SO 429448. Part <i>Gazette</i> 1914, p 3604.	Subject to the conservation covenant referred to in section 280(3) . Subject to an unregistered right of way easement with concession number PAC 10/04/185 (dated 25 March 2010) to F M and A G Ericson.
Te Tai Tapu (Snake Creek)	<i>Nelson Land District—Tasman District</i> 10.0775 hectares, more or less, being Section 4 SO 426795. Part computer freehold register NL7B/167.	Subject to the right of way easement in gross referred to in section 281(3)(a) . Subject to the conservation covenant referred to in section 281(3)(b) . Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.
Coombe Rocks	<i>Marlborough Land District—Marlborough District</i> 1.5782 hectares, more or less, being Sections 1 and 2 SO 429090.	Subject to the conservation covenant referred to in section 282(3) .

Name of site	Description	Interests
Hori Bay	<i>Nelson Land District—Nelson City</i> 112.0000 hectares, more or less, being Section 1 SO 427909. Part <i>Gazette</i> 1980, p 1793.	Subject to the right of way easement in gross referred to in section 283(3)(a) . Subject to the conservation covenant referred to in section 283(3)(b) . Together with right of way easements created by instrument K3184.
Pakawau Inlet	<i>Nelson Land District—Tasman District</i> 1.0830 hectares, more or less, being Section 1 SO 426799. Part <i>Gazette</i> 1894, p 374.	Subject to the conservation covenant referred to in section 284(3) .
Onauku Bay (Arapaoa Island)	<i>Marlborough Land District—Marlborough District</i> 2.2120 hectares, more or less, being Section 1 SO 431107. Part Nelson Provincial Gazette 1857, p 52.	Subject to the conservation covenant referred to in section 285(3) .
Anatoia Islands	<i>Marlborough Land District—Marlborough District</i> 0.2157 hectares, more or less, being Sections 1, 2, 3, 4, 5, and 6 SO 426664.	Subject to the conservation covenant referred to in section 286(3) .
Te Tai Tapu (Anatori South)	<i>Nelson Land District—Tasman District</i> 14.9999 hectares, more or less, being Section 1 SO 426795. Part computer freehold register NL7B/167.	Subject to the conservation covenant referred to in section 287(3) . Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.
Te Tai Tapu (Anatori North)	<i>Nelson Land District—Tasman District</i> 4.4394 hectares, more or less, being Section 3 SO 426795. Part computer freehold register NL7B/167.	Subject to the conservation covenant referred to in section 288(3) . Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.

Sites that vest in fee simple to be
administered as reserves

Name of site	Description	Interests
Moukirikiri Island	<i>Nelson Land District—Marlborough District</i> 0.7360 hectares, more or less, being Section 1 SO 446888. Part <i>Gazette</i> 1980, p 629.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Pah Point (Whanganui Inlet)	<i>Nelson Land District—Tasman District</i> 1.0000 hectare, more or less, being Section 1 SO 460588. Part computer freehold register NL7B/167.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Together with a right of way easement created by transfer 193282.2. Together with a right of way easement created by transfer 20989.
Waikutakuta / Robin Hood Bay	<i>Marlborough Land District—Marlborough District</i> 0.0800 hectares, more or less, being Section 3 SO 428338. Part computer freehold register MB2D/634.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Tākaka River Mouth	<i>Nelson Land District—Tasman District</i> 3.7495 hectares, more or less, being Sections 1, 2, and 3 SO 463617. Part computer freehold register NL9C/1308.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Name of site	Description	Interests
Parapara Peninsula	<i>Nelson Land District—Tasman District</i> 11.2570 hectares, more or less, being Section 1 SO 460738. All transfer 250684.1.	Historic reserve subject to section 18 of the Reserves Act 1977. Together with a pipeline and water easement specified in easement certificate 159309.1 (which affects Lot 1 DP 8871). Subject to a right of way easement specified in easement certificate 162410.1 (surrendered over part in favour of Lot 1 DP 16719 by transfer 339753.2, and subject to (now) section 243(a) of the Resource Management Act 1991).
Momorangi Point	<i>Marlborough Land District—Marlborough District</i> 0.2026 hectares, more or less, being Section 1 SO 429183. Part <i>Gazette</i> notice 69676.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easements for a right to convey water referred to in section 294(5) .
Wedge Point	<i>Marlborough Land District—Marlborough District</i> 2.0300 hectares, more or less, being Section 1 SO 426669. Part <i>Gazette</i> 1927, p 2527.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Ngākuta Point	<i>Marlborough Land District—Marlborough District</i> 2.3269 hectares, more or less, being Section 12 Block XI Linkwater Survey District. All <i>Gazette</i> 1912, p 704.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Name of site	Description	Interests
Ngaruru (Arapaoa Island)	<i>Marlborough Land District—Marlborough District</i> 4.2503 hectares, more or less, being Sections 1 and 3 SO 428534. Part <i>Gazette</i> notice 95422. 0.5783 hectares, more or less, being Section 2 SO 428534. Part <i>Gazette</i> notice 95422.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977 (which affects Sections 1 and 3 SO 428534). Subject to the conservation covenant referred to in section 297(5) (which affects Section 2 SO 428534).
Arapawa Māori Rowing Club site	<i>Marlborough Land District—Marlborough District</i> 0.0228 hectares, more or less, being Sections 1 and 2 SO 426964. Part <i>Gazette</i> notice 90101 and all <i>Gazette</i> 2012, p 3494.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Katoa Point	<i>Marlborough Land District—Marlborough District</i> 92.2119 hectares, more or less, being Sections 1, 2, 3, and 4 SO 447705. Part <i>Gazette</i> notice 123314.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered easement in gross for a right to convey underground electricity and phone cabling in favour of Marlborough Lines Limited with concession number PAC 10/04/146.
Moioio Island	<i>Marlborough Land District—Marlborough District</i> 0.7960 hectares, more or less, being Section 1 SO 446852. Part Proclamation 330.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.

Name of site	Description	Interests
Pūponga Point Pā site	<i>Nelson Land District—Tasman District</i> 14.8600 hectares, more or less, being Section 1 SO 426798. Part <i>Gazette</i> 1976, p 2417.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to an unregistered guiding concession with concession number NM-30464-GUI to J Richards. Subject to an unregistered guiding concession with concession number NM-28415-GUI to M Cook. Subject to an unregistered guiding concession with concession number NM-28416-GUI to the trustees of the Ngāti Rarua Atiawa Iwi Trust. Subject to an unregistered guiding concession with concession number CA-22579-GUI to Sidetracks Limited. Subject to an unregistered guiding concession with concession number NM-22145-GUI to True New Zealand Adventures Limited. Subject to an unregistered guiding concession with concession number CA-28151-GUI to South Island Discovery Limited.
Mātangi Āwhio (Nelson)	<i>Nelson Land District—Nelson City</i> 0.2061 hectares, more or less, being Section 1212 City of Nelson. All <i>Gazette</i> 1952, p 1290.	Recreation reserve subject to section 17 of the Reserves Act 1977.

Name of site	Description	Interests
Pukatea / Whites Bay	<i>Marlborough Land District—Marlborough District</i> 1.3160 hectares, more or less, being Section 1 SO 429266. Part <i>Gazette</i> notice 30056 and part <i>Gazette</i> notice 54787.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Horahora-kākahu	<i>Marlborough Land District—Marlborough District</i> 2.3470 hectares, more or less, being Section 1 SO 447529. All <i>Gazette</i> 1913, p 2821.	Historic reserve subject to section 18 of the Reserves Act 1977.
Tokomaru / Mount Robertson	<i>Marlborough Land District—Marlborough District</i> 49.6000 hectares, more or less, being Section 1 SO 426595. Part <i>Gazette</i> notice 135293.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 305(7) . Subject to an unregistered telecommunications licence and easement with concession number NM-27041-TEL (dated 5 May 2010) to Airways Corporation of New Zealand Limited.

Schedule 8 **ss 322, 326(8), 327(6)**
**Properties for delayed vesting or vesting
and gifting back**

Name of site	Description
French Pass School and teachers' residence	<i>Nelson Land District—Marlborough District</i> 0.1218 hectares, more or less, being Lot 1 DP 458654. All computer freehold register 603240. 0.0997 hectares, more or less, being Part Section 3 Square 93. All computer freehold register 603244.
Kaka Point	<i>Nelson Land District—Tasman District</i> 2.0209 hectares, more or less, being Part Section 16 Square 9 and Lot 1 DP 3286. As shown on OTS-202-10.
Te Tai Tapu	<i>Nelson Land District—Tasman District</i> 28,600 hectares, approximately, being Lot 1 DP 11694, Section 5 SO 426795, and Sections 2, 4, and 6 and Parts Section 1 Square 17. As shown on SO 433299.

Schedule 9**ss 393, 399(3)****Notices in relation to RFR land****1 Requirements for giving notice**

A notice by or to an RFR landowner, or the trustees of an offer trust or recipient trust, under **subpart 4 of Part 6** must be— 5

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees of the trust, or the 1 trustee of the trust if it has only 1 trustee, for a notice given by the trustees; and 10
- (b) addressed to the recipient at the street address, postal address, or fax number—
 - (i) specified for the trustees in accordance with the relevant deed of settlement, for a notice to the trustees; or 15
 - (ii) specified by the RFR landowner in an offer made under **section 372**, specified in a later notice given to the trustees, or identified by the trustees as the current address or fax number of the RFR landowner, for a notice by the trustees to an RFR landowner; or 20
 - (iii) of the national office of LINZ, for a notice given to the chief executive of LINZ under **section 389 or 392**; and
- (c) given by— 25
 - (i) delivering it by hand to the recipient's street address; or
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number.

2 Time when notice received 30

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

- (a) after 5 pm on a working day; or
 - (b) on a day that is not a working day.
-

Schedule 10
Statutory areas
Statutory areas

ss 440(2), 450(1)

Statutory area	Location	Deed of recognition
Balance of Mana Island	As shown on OTS-068-28	✓
Red Rocks Scientific Reserve	As shown on OTS-068-29	✓
Pukerua Bay Scientific Reserve	As shown on OTS-068-30	✓
Oteranga Bay Marginal Strip	As shown on OTS-068-23	
Queen Elizabeth Park	As shown on OTS-068-24	
Whareroa Farm	As shown on OTS-068-25	
Te Onepoto Bay	As shown on OTS-068-26	
Pauatahanui Wildlife Reserve	As shown on OTS-068-31	✓
Horokiri Wildlife Management Reserve	As shown on OTS-068-32	✓
Battle Hill Farm Forest Park	As shown on OTS-068-27	
Lake Rotoiti, Nelson Lakes National Park	As shown on OTS-068-33	✓
Lake Rotoroa, Nelson Lakes National Park	As shown on OTS-068-34	✓
Wairau Pa	As shown on OTS-068-35	✓
Chetwode Islands	As shown on OTS-068-36	✓
Malcolm's Bay Scenic Reserve, Arapaoa Island	As shown on OTS-068-37	✓
Hutt River and its tributaries	As shown on OTS-068-45	✓
Maitai River and its tributaries	As shown on OTS-068-46	✓
Wairau River, Omaka River, Opaoa River, and Kaituna River and their tributaries	As shown on OTS-068-47	✓
Te Hoiere / Pelorus River and its tributaries	As shown on OTS-068-48	✓
Tuamarina River and its tributaries	As shown on OTS-068-49	✓
Buller River and its tributaries (northern portion)	As shown on OTS-068-50	✓
Waimea River and its tributaries	As shown on OTS-068-58	✓
Motueka River and its tributaries	As shown on OTS-068-59	✓

Coastal statutory areas

Statutory area	Location	Deed of recognition
Cook Strait	As shown on OTS-068-38	
Te Awarua-o-Porirua Harbour	As shown on OTS-068-39	
Wellington Harbour (Port Nicholson)	As shown on OTS-068-40	
Thoms Rock / Tokahaere	As shown on OTS-068-41	
Kapukapuariki Rocks	As shown on OTS-068-42	
Toka-a-Papa Reef	As shown on OTS-068-43	
Tawhitikurī / Goat Point	As shown on OTS-068-44	
Te Tau Ihu coastal marine area	As shown on OTS-068-70	

Schedule 11

Nga paihau sites

s 457

Nga paihau site	Location	Description
Kapiti Island	As shown on OTS-068-20	<p><i>Wellington Land District—Kapiti Coast District</i></p> <p><i>Kapiti Island Nature Reserve site</i></p> <p>1760.7517 hectares, more or less, being Section 3 Block I Kapiti Survey District, Waiorua Kapiti 5C, and any other land set apart as a reserve for the preservation of native flora and fauna by <i>Gazette</i> 1973, p 1381.</p> <p><i>Kapiti Island North Nature Reserve site</i></p> <p>188.4900 hectares, more or less, being Section 1 SO 457506.</p> <p><i>Kapiti Marine Reserve</i></p> <p>2167 hectares, more or less, being the areas shown as A and B on SO 36790.</p>

Nga paihau site	Location	Description
The Brothers	As shown on OTS-068-21	<i>Marlborough Land District—Marlborough District</i> 12.0773 hectares, more or less, being Crown land Block XXII Gore Survey District SO 4903.
Wairau Lagoons (part of the Wairau Lagoons Wetland Management Reserve)	As shown on OTS-068-22	<i>Marlborough Land District—Marlborough District</i> Part Section 4 SO 437606, Section 3 Block I and Section 3 Block II Clifford Bay Survey District, Sections 3, 4, 5, and 6 Wairau District, Lot 1 DP 6087, Sections 9, 10, and 21 Opawa District, Part Sections 11 and 22 Opawa District, and Lot 1 DP 6162.

Schedule 12 **ss 475, 497–499**
Cultural redress properties
Sites that vest in fee simple

Name of site	Description	Interests
Rarangi (Ngati Toa Rangatira)	<i>Marlborough Land District—Marlborough District</i> 0.7500 hectares, more or less, being Section 3 SO 426990. Part transfer 123115.	
Akatarawa Road conservation area	<i>Wellington Land District—Upper Hutt City</i> 1.0013 hectares, more or less, being Section 1 SO 426119. Part computer freehold register WN348/258.	
Former Tuamarina school house	<i>Marlborough Land District—Marlborough District</i> 0.1547 hectares, more or less, being Section 1 SO 427070. All computer freehold register MB4D/230.	Subject to an unregistered tenancy agreement dated 12 February 1997.
Rangihaeata	<i>Nelson Land District—Tasman District</i> 0.0852 hectares, more or less, being Section 27 Town of Rangihaeata.	
Pelorus Bridge	<i>Marlborough Land District—Marlborough District</i> 1.0000 hectare, more or less, being Section 2 SO 427361. Part computer freehold register MB50/234.	Subject to an unregistered grazing licence with concession number PAC 10–01–056 to P E, R J, and J P Bryant. Subject to <i>Gazette</i> notice 200608.1 declaring adjoining State highway 6 to be a limited access road. Together with water rights and incidental rights created by transfer 22889.

Name of site	Description	Interests
Titahi Bay Road site A	<i>Wellington Land District—Porirua City</i> 0.2478 hectares, more or less, being Section 1 SO 38131. Part <i>Gazette</i> 2012, p 3556.	
Titahi Bay Road site B	<i>Wellington Land District—Porirua City</i> 0.6309 hectares, more or less, being Section 2 SO 38131. Part <i>Gazette</i> 2012, p 3556, and all <i>Gazette</i> 2012, p 4060.	Subject to the easement in gross for a right to drain sewage, storm-water, and water, and to convey water, referred to in section 482(2)(a) . Subject to the easement for a right of way and for a right to park referred to in section 482(2)(b) .

Sites that vest in fee simple subject to conservation covenants

Name of site	Description	Interests
Waikutakuta / Robin Hood Bay	<i>Marlborough Land District—Marlborough District</i> 1.9973 hectares, more or less, being Section 2 SO 428338. Part computer freehold register MB2D/634.	Subject to the conservation covenant referred to in section 483(3) . Subject to an easement in gross for a right to convey electricity and telecommunications in favour of Transpower New Zealand Limited with concession number NM-28568-TEL, registered as deed of easement 9021918.1.
Elaine Bay	<i>Nelson Land District—Marlborough District</i> 0.5237 hectares, more or less, being Section 1 SO 427923. Part <i>Gazette</i> 1991, p 3065.	Subject to the conservation covenant referred to in section 484(3) .

Sites that vest in fee simple to be
administered as reserves

Name of site	Description	Interests
Whitianga site	<i>Wellington Land District—Porirua City</i> 1.7720 hectares, more or less, being Section 1 SO 446636. All <i>Gazette</i> notice B493841.1 and all <i>Gazette</i> 2012, p 3494.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the easement in gross for a right to drain sewage and storm-water referred to in section 485(5) .
Te Mana a Kupe	<i>Wellington Land District—Porirua City</i> 4.4100 hectares, more or less, being Section 1 SO 426110. Part <i>Gazette</i> notice 966075.1.	Scientific reserve subject to section 21 of the Reserves Act 1977.
Taputeranga Island	<i>Wellington Land District—Wellington City</i> 2.5776 hectares, more or less, being Sections 1 and 2 SO 429419. Balance computer freehold register WN25C/180.	Historic reserve subject to section 18 of the Reserves Act 1977.
Onehunga Bay	<i>Wellington Land District—Porirua City</i> 6.3195 hectares, more or less, being Sections 1 and 2 SO 446704. Part computer freehold register WN447/193 (limited as to parcels).	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the easement for a right to convey water referred to in section 488(6) .
Wainui	<i>Wellington Land District—Kapiti Coast District</i> 1.5000 hectares, more or less, being Section 1 SO 446259. Part computer freehold register 453989.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Te Onepoto Bay	<i>Wellington Land District—Porirua City</i> 0.6612 hectares, more or less, being Lot 166 DP 32215. Part computer freehold register WN24A/47.	Recreation reserve subject to section 17 of the Reserves Act 1977.

Name of site	Description	Interests
Te Arai o Wairau	<i>Marlborough Land District—Marlborough District</i> 0.4254 hectares, more or less, being Sections 1 and 2 SO 446375. Part <i>Gazette</i> 1956, p 2, and part <i>Gazette</i> 1979, p 2633.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the easement in gross for a right to place a monument referred to in section 491(7) . Subject to <i>Gazette</i> notice 84820 declaring adjoining State highway 1 to be a limited access road.
Pukatea / Whites Bay	<i>Marlborough Land District—Marlborough District</i> 1.3160 hectares, more or less, being Section 1 SO 429266. Part <i>Gazette</i> notice 30056 and part <i>Gazette</i> notice 54787.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Horahora-kākahu	<i>Marlborough Land District—Marlborough District</i> 2.3470 hectares, more or less, being Section 1 SO 447529. All <i>Gazette</i> 1913, p 2821.	Historic reserve subject to section 18 of the Reserves Act 1977.
Tokomaru / Mount Robertson	<i>Marlborough Land District—Marlborough District</i> 49.6000 hectares, more or less, being Section 1 SO 426595. Part <i>Gazette</i> notice 135293.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 494(7) . Subject to an unregistered telecommunications licence and easement with concession number NM-27041-TEL (dated 5 May 2010) to Airways Corporation of New Zealand Limited.

Sites that vest in fee simple to be held as
Maori reservations

Name of site	Description	Interests
Taupo urupa	<i>Wellington Land District—Porirua City</i> 0.0875 hectares, more or less, being Section 1 SO 443344. Part computer freehold register WN25C/949.	Maori reservation subject to section 338 of Te Ture Whenua Maori Act 1993 set apart for the purposes of a burial ground and held for the benefit of Ngati Toa Rangatira.
Whitireia urupa	<i>Wellington Land District—Porirua City</i> 1.0062 hectares, more or less, being Section 3 SO 446704. Part computer freehold register WN447/193 (limited as to parcels).	Maori reservation subject to section 338 of Te Ture Whenua Maori Act 1993 set apart for the purposes of a burial ground and held for the benefit of Ngati Toa Rangatira.

Schedule 13 **ss 523(1), 528(4)(b)**
Kapiti Island redress
Kapiti Island site

Name of site	Description
Kapiti Island site	<i>Wellington Land District—Kapiti Coast District</i> 1.0000 hectare, more or less, being Section 1 SO 450703. Part Maori Land Court order B531357.5.

Kapiti Island North Nature Reserve site

Name of site	Description	Interests
Kapiti Island North Nature Reserve site	<i>Wellington Land District—Kapiti Coast District</i> 188.4900 hectares, more or less, being Section 1 SO 457506. All computer freehold register WN48C/227 and part Maori Land Court order B531357.5.	Nature reserve subject to section 20 of the Reserves Act 1977. Subject to an unregistered research permit with number WE-30216-FLO to R Buxton. Subject to an unregistered concession to Waiorua Lodge Limited (trading as Kapiti Island Alive) with concession number WE-22410-GUI (dated 10 July 2008).

Kapiti Island North Nature Reserve balance **5**
site

Name of site	Description
Kapiti Island North Nature Reserve balance site	<i>Wellington Land District—Kapiti Coast District</i> 1.0000 hectare, more or less, being Section 2 SO 450703. Part Maori Land Court order B531357.5.

Kapiti Island Nature Reserve site

Name of site	Description
Kapiti Island Nature Reserve site	<i>Wellington Land District—Kapiti Coast District</i> 1760.7517 hectares, more or less, being Section 3 Block I Kapiti Survey District and Waiorua Kapiti 5C. Part <i>Gazette</i> 1973, p 1381.

Schedule 14**ss 626, 632(3)****Notices in relation to RFR land****1 Requirements for giving notice**

A notice by or to an RFR landowner, or the trustees of an offer trust or recipient trust, under **subpart 4 of Part 10** must be— 5

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees of the trust, or the 1 trustee of the trust if it has only 1 trustee, for a notice given by the trustees; and 10
- (b) addressed to the recipient at the street address, postal address, or fax number—
 - (i) specified for the trustees in accordance with the relevant deed of settlement, for a notice to the trustees; or 15
 - (ii) specified by the RFR landowner in an offer made under **section 602**, specified in a later notice given to the trustees, or identified by the trustees as the current address or fax number of the RFR landowner, for a notice by the trustees to an RFR landowner; or 20
 - (iii) of the national office of LINZ, for a notice given to the chief executive of LINZ under **section 621, 624, or 625**; and
- (c) given by— 25
 - (i) delivering it by hand to the recipient's street address; or
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number.

2 Time when notice received

30

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

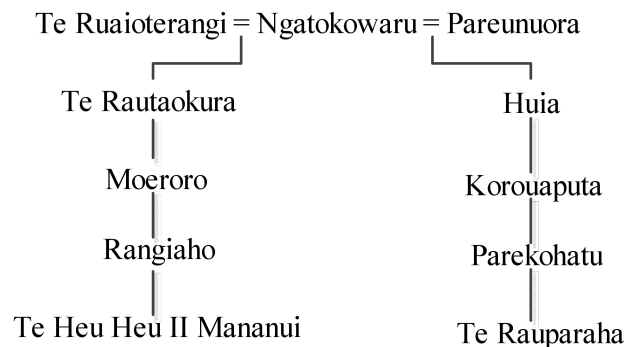
- (a) after 5 pm on a working day; or
 - (b) on a day that is not a working day.
-

Schedule 15**s 638(2)****Statement relating to Ka Mate****1 Te Rauparaha—the creator (composer) of the haka Ka Mate**

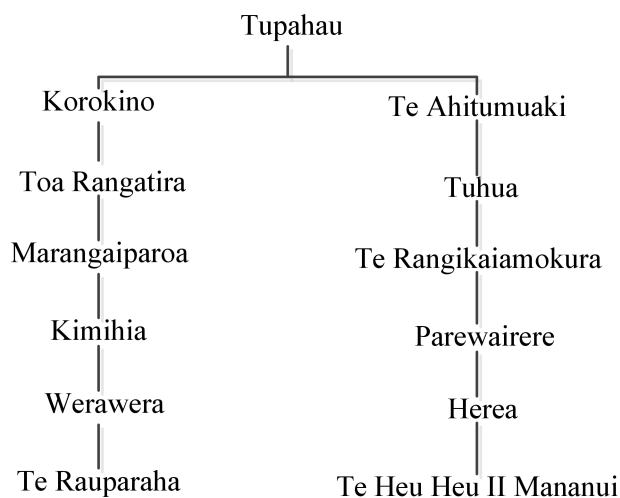
- (1) Ka Mate was composed by the Ngati Toa Rangatira chief Te Rauparaha, a descendant of Hoturoa who was captain of the Tainui canoe. Te Rauparaha was born in the 1770s at Kawhia and he died in 1849 at Otaki. Te Rauparaha was a man of great mana; he was the instigator of the emigration of Ngati Toa Rangatira from Kawhia, their consequent conquest and settlement in Kapiti, Port Nicholson, and Te Tau Ihu, and their revitalisation as an iwi. 5 10
- (2) Te Rauparaha was the product of an arranged marriage. Werawera (father-to-be of Te Rauparaha) heard of the beauty of Parekohatu, a younger daughter of the Ngati Raukawa/Ngati Huia chief Korouaputa. Werawera decided to approach Korouaputa and seek his consent to take Parekohatu as his wife. At Maungatautari, Werawera made the reason for his visit known. Addressing Korouaputa, he said, “I haere mai ahau ki a koe he wahine te take” (I come to you, a woman is the reason). Korouaputa replied, “Heoi ano ko te mea i mahue mai nei ki au, ko taku mokai, he mea hari wai maaku” (The only one I have left is my favourite, she brings me water). Werawera responded, “E pai ana tukuna mai” (It is well give her (to me)). Korouaputa, after giving the matter some thought, replied, “Heoi ano kaore e kore ki te whiwhi tamariki, tera ano he taniwha tetahi” (Nevertheless, yes, without a doubt, when children come there will be a taniwha). When Te Rauparaha was born in the 1770s at Kawhia, Werawera took him back to Maungatautari so that his grandfather could see him. When the old man saw the baby, he stated, “Ae. Koia.” 15 20 25 30
- (3) From that time he was spoken of as a chiefly child, and raised as a rangatira, until he grew old enough to again return to Maungatautari, this time to live with his mother’s people and to learn the art of weaponry, the flow of the taiaha, and the parry of the wahaika. 35

2 Composition of the haka Ka Mate

- (1) The story of the composition of Ka Mate is well known within the oral histories of Ngati Toa Rangatira. The event took place while the iwi were still based in Kawhia and Te Rauparaha was gaining prominence as a leader. 5
- (2) During this time, Ngati Toa Rangatira were faced with increasing pressure and ongoing hostilities from iwi based in the Waikato, who sought access and control over coastal resources such as the Kawhia Harbour and surrounding coast. A fragile peace had been made with the Waikato iwi, but Te Rauparaha and the other Ngati Toa Rangatira leaders were aware of the imminent conflict which could erupt at any time. Te Rauparaha journeyed from Kawhia to seek alliances with other tribal groups, one of those being Tuwharetoa who lived in the Lake Taupo region. Te Rauparaha was connected to Tuwharetoa and Te Heu Heu II Mananui, the Paramount Chief of Tuwharetoa. 10 15
- (3) The relationship between Te Rauparaha and the Tuwharetoa chief Te Heu Heu II Mananui is shown by this whakapapa showing their respective mothers to be second cousins. 20



- (4) Both also descend from Tupahau, ancestor of Toa Rangatira.



- (5) When he arrived at Te Rapa, which is located near Tokaanu, Te Rauparaha was told by Te Heu Heu II Mananui that he was being pursued by a war party from Ngati Te Aho, who wanted revenge for a previous incident involving Ngati Toa Rangatira. Te Heu Heu directed Te Rauparaha to seek the protection of his relative Te Wharerangi at his pa on Motu-o Puhi, an island in Lake Rotoaira. 5
- (6) As the war party closed in on their quarry, guided by the incantations of their tohunga, Te Wharerangi instructed Te Rauparaha to hide in a taewa pit and instructed his wife, Te Rangikoea, to sit at the entrance. By doing this, Te Rauparaha was hidden and protected physically, but, more importantly, in a spiritual sense as well. As the Ngati Te Aho party entered the pa, their tohunga made incantations to locate Te Rauparaha, but the noa of Te Rangikoea, who sat at the mouth of the pit, acted as an “arai” or barrier. The karakia was inhibited due to the woman’s presence. 10 15
- (7) Te Rauparaha could not be sure that his presence would not be revealed and could feel the power of the incantations. He is said to have muttered “Ka Mate! Ka Mate!” under his breath (Will I die!) and “Ka Ora! Ka Ora!” (or will I live!) when the Noa reduced the incantation’s effect. These lines were repeated many times, coinciding with the waxing and waning of the tohunga’s power, until eventually Ngati Te Aho were convinced that Te Rauparaha had escaped towards Taranaki. 20 25

It was only then that he finally exclaimed “Ka Ora! Ka Ora! Tenei te tangata Puhuruhuru nana nei i tiki mai Whakawhiti te ra!” (I live! I live! For it was indeed the wondrous power of a woman (“the Noa”) that fetched the sun and caused it to shine again!).

5

- (8) The word “Upane” is an ancient battle command meaning to advance or an order to advance en masse. The composer is likening his exit from the confines of the taewa pit to the advance of a party making an attack. The final exclamation “whiti te ra” means “into the sunlight” and obviously describes the situation and his survival from the threat of capture and possible death.

10

Kikiki kakaka kau ana!
 Kei waniwania taku tara
 Kei tarawahia, kei te rua i te kerokero!
 He pounga rahui te uira ka rarapa;
 Ketekete kau ana to peru koi riri
 Mau au e koro e—Hi! Ha!
 Ka wehi au a ka matakana,
 Ko wai te tangata kia rere ure?
 Tirohanga ngā rua rerarera
 Ngā rua kuri kakamu i raro! Aha ha!

Ka Mate! Ka Mate!
 Ka Ora! Ka Ora!
 Ka Mate! Ka Mate!
 Ka Ora! Ka Ora!
 Tenei te tangata
 Puhuruhuru nana nei i tiki mai
 Whakawhiti te ra!
 Upane, ka Upane
 Upane, ka Upane
 Whiti te ra!

3 Ngati Toa Rangatira association with Ka Mate, and their role as kaitiaki

- (1) The haka Ka Mate is regarded by Ngati Toa Rangatira as one of the legacies of Te Rauparaha. Given the role of Te Rauparaha in Ngati Toa Rangatira history, the connection between Ngati Toa Rangatira and the haka Ka Mate is significant, and it forms an integral part of Ngati Toa Rangatira history, culture, and identity. 5
- (2) The haka Ka Mate is a taonga of Ngati Toa Rangatira. While it is the intellectual creation of the Ngati Toa Rangatira chief Te Rauparaha, in creating it he drew upon the body of knowledge and values Ngati Toa Rangatira refer to as “matauranga Maori”. In Maori thinking, such a composition does not “belong” to the composer per se, but instead is a taonga of the iwi to which the composer affiliates. It is they who give life and form to the words. 10 15
- (3) By definition, Ngati Toa Rangatira believe it is a taonga because it has whakapapa and connects them to their ancestors. The existence of the haka Ka Mate brings the tupuna Te Rauparaha to life and tells an important story in the Ngati Toa Rangatira iwi history. Ngati Toa Rangatira believe it has a korero embedded within it. This korero relates not only to the survival of Te Rauparaha but, as part of the iwi’s collective identity, the re-establishment and revitalisation of the Ngati Toa Rangatira people due to the vision and later actions of Te Rauparaha. Because of these characteristics, the haka Ka Mate has a mauri (a life force). 20 25
- (4) Ka Mate also has kaitiaki. Ngati Toa Rangatira are the kaitiaki of Ka Mate and it is their lineage that creates this kaitiaki relationship. The primary obligation of kaitiaki is to protect and safeguard the mauri of the taonga as well as the matauranga that sits beneath it. 30
- (5) As kaitiaki, the Ngati Toa Rangatira relationship with this taonga will be perpetual. As long as it continues to exist, Ngati Toa Rangatira obligations will continue. A large component of this will be protecting the mauri of the haka Ka Mate from mistreatment such as offensive and derogatory use. 35

4 Values concerning use and performance of Ka Mate

Ngati Toa Rangatira seek to ensure that the interests of the iwi in the haka Ka Mate are appropriately recognised. Of particular concern is the appropriate use of the haka. It is of great significance to Ngati Toa Rangatira that the haka is treated with respect. The values which Ngati Toa Rangatira seek to uphold are the ihi, wehi, and wana—the ihi being the spiritual force and the wehi and wana being the emotions that emanate from understanding and performing correctly, inspiring emotional pride in the performer.

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