

Reprint
as at 23 May 2008



Waikato Raupatu Claims Settlement Act 1995

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Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Office of Treaty Settlements.

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An Act—

- (a) to record the apology given by the Crown to Waikato in the deed of settlement signed on 22 May 1995 by both representatives of the Crown and representatives of Waikato, being an apology by the Crown for, among other things, sending its forces across the Mangatawhiri river in July 1863, unfairly labelling Waikato as rebels, and subsequently confiscating their land; and
- (b) to give effect to certain provisions of that deed of settlement, being a deed that settles the Raupatu claims

Preamble

Inaa hoki—

A e mau ake nei te Aapiti Tuatahi mo teenei Ture, e whakaupoko ana i roto i te Reo Maaori me te Reo Paakehaa i ngaa Tikanga o Te Tiriti o Waitangi:

Te Kiingitanga

B i te tau 1858 ka whakaarahia a Pootatau Te Wherowhero hei Kiingi hei whakakotahi i ngaa Iwi; hei pupuru i o raatou mana rangatira, i o raatou mana whai rawa me ngaa tikanga o ia Iwi, aa, i mua anoo hoki i ngaa mahi whakatara e whakatu mai ana i mua i a raatou i te tokomaha haere o ngaa taangata whai i

teenei whenua; i te mahara o Waikato ko raatou te Iwi Kaitiaki mo te Kiingitanga, he kaupapa e mau tonu nei i a raatou mai raano:

C ko aua rangatira i tuku pono i o raatou whenua ki raro i te mana o Pootatau Te Wherowhero i tuku mana motuhake mo aua whenua, mo ngaa kawenga toiora o ngaa iwi, araa na eenei whakaritenga i hono ai aua nohoanga-aa-iwi ki te Kiingitanga kia kore ai o raatou whenua e riro i te hoko:

D noo te Kaawanatanga o Niu Tiireni o taua waa te whakaaro he kawenga whakatehete ki te mana o te Kuini te aaronga o te Kiingitanga me te whakararu hoki i ngaa mahi hoko whenua a taua Kaawanatanga, naareira, kaaore i whakaae kia whai tuuranga te Kiingitanga, aa, kia whakamanangia raanei he hononga tata ki te Kiingitanga:

Ngaa Whakaeke, Ngaa Pakanga me Ngaa Muru Whenua O Waikato

E he mea aata whiriwhiri naa te Kaawanatanga o Niu Tiireni taana tukunga i ngaa hooia a Te Karauna i te marama o Hoongongoi 1863 ka poka noa te whakaeke o Waikato ki te Tonga o te Awa o Mangataawhiri, koia nei te tiimatanga o ngaa pakanga ki te Kiingitanga me ngaa iwi. Tae rawa aatu ki te marama o Paengawhaawhaa 1864, i te roa o te whawhai ki te tiaki i o raatou whenua, ka tauii a Waikato me oona hoa i mua i ngaa ope hooia tokomaha aatu a te Karauna, ka whai whakaruruhau ki Te Rohe Pootae:

F i raro i te Ture o Niu Tiireni 1863 Mo Te Whakanoho i Te Hunga Maarie, araa, i te Iwi Paakehaa, ka whakamanahia e te Karauna taana Whakaritenga-A-Kaunihera, i whakawhiua ai a Waikato i te raupatutanga o te 1.2 miriona o ngaa eka o o raatou whenua. He mahi ture kore teenei na te Karauna, i riro ai ngaa whenua i tukuna ki raro i te mana o te Kiingitanga. Noo muri ka utua e te Karauna eetehi moni iti nei, aa, ka whakahokia eetehi pitopito o aua whenua engari kaaore i whai taitara. Kotahi koata o aua whenua i whakahokia peeneitia, eengari ko te aahua nei kaaore i whakahokia ki ngaa taangata i whawhai mo te Kiingitanga:

G ko te rawakore, ko te pootangotango, ko te whakamamae, koia eenei ngaa peehanga tino toimaha i hoorapa ki runga ki ngaa iwi o Waikato i oo raatou nohoanga i Waikato ki te raki me Waikato ki te tonga o te Awa o Mangataawhiri, te mutunga mai o ngaa parekura whakaeke i whakawhiua ai raatou. I runga aatu i eenei, ko te tini o te tangata i matemate, ko te paahuatanga o a raatou rawa, o a raatou taaonga, o a raatou taputapu, o o raatou kaainga me te murunga o o raatou whenua ka here whiitiki ai eenei parekawakawa o te Raupatu mai i o raatou whakatupuranga tatuu mai ana ki eenei whakatupuranga:

H ahakoa anoo, puumau tonu te Kiingitanga hei taahuhu waiora mo ngaa iwi mai i taua waa o te Raupatu; aa, mai i te tau 1865 te tukunga a oona manukura i aa raatou pitihana ki te Karauna kia whakauungia te tika me te pono, kia whakahokia mai o raatou whenua:

Te Komihana A Te Karauna

I i te tau 1926 ka whakatuuria te Komihana a te Karauna (the Sim Commission), hei whiriwhiri, i raro i ngaa tikanga o taua Ture o Niu Tiireni Mo Te Whakanoho i Te Hunga Maarie, araa, te Iwi Paakehaa, 1863 me oona menemana: i aua murunga whenua:

J na runga i ngaa whakakitenga me ngaa whakaritenga a te Komihana (Sim Commission), ka whakaaengia, i raro i te Ture Whakatau Mo Ngaa Kereeme Whenua A Ngaa Maaori o Waikato-Maniapoto 1946, kia utua, ia tau, he moni ki roto i te Tahua Ma Ngaa Maaori o Tainui (Tainui Maaori Trust Fund), ma Te Pooari Maaori o Tainui (Tainui Maaori Trust Board), hei whakahaere mo te painga o aua mema o ngaa iwi o te Takiwaa o Waikato noo raatou ngaa whenua i raupatutia:

Te Taraipiunara o Waitangi

K i te tau 1985 ka tuhia e Te Taraipiunara o Waitangi ki taana Riipoata mo Manukau (Wai 8), i te 17 o ngaa whaarangi, eenei kupu: “E maarama noa atu ana ngaa whakaaturanga, mai i ngaa tuhituhinga a Taa John Gorst o te tau 1864; ki ngaa whakaaturanga o te Riipoata a te Komihana a te Karauna (Sim Commission) o te ono tekau tau i muri mai, tae mai ana ki ngaa rangahau koorero o te rau tau i muri mai o te Raupatu; kotahi tonu a raatou whakakitenga, teeraa kiihai rawa atu ngaa Iwi o Waikato i tuu whakakeke, engari he mea whakaeke poka noa naa ngaa hooia a te Karauna, he mahi i haangai tonu te whakatuukinotanga i te Upoko Tuarua (Article II) o te Tiriti o Waitangi”:

Te Whakatutuki Mo Ngaa Take Raupatu A Waikato

L i te 16 o ngaa raa o Poutuu-te-rangi 1987 ka whakatakotoria e Robert Te Kotahi Mahuta, i raro i te Ture o Te Tiriti o Waitangi 1975, he tono ki te Taraipiunara o Waitangi mo ngaa take raupatu. I reehitia taua tono Wai 30, he tono i raro i toona ingoa; me te taha ki ngaa mema o te iwi o Waikato; o te Pooari Maaori o Tainui; me Ngaa Marae Toopu:

Te Kooti Piira

M kei te tihaehae tonu te mamae o aua ra o te patunga a te Raupatu i a Waikato i roto i ngaa uri o eenei ra, he aahuatanga i whakaatu i roto i ngaa oati-a-pukapuka i raupapatia e ngaa kaumaatua me ngaa kuia mo ngaa kai whakapae *R T Mahuta and Tainui Maori Trust Board v Attorney-General (1989) 2 NZLR 513*:

N i tuhia e te Kooti Piira, ina raa, kiihai rawa ngaa whakaaturanga a Te Riipoata a Te Karauna (Sim Commission), i kawe “... i te aaronga tuuturu o te kino o te patunga a Te Raupatu i ngaa Iwi o Waikato, i te paahuatanga o o raatou whai oranga, o o raatou whaainga rawa me aa raatou mahi whanaketanga hei painga mo raatou; araa, ko ngaa moni i utua ia tau e Te Kaawanatanga i muri mai he tino iti rawa aatu “ki te taha o ngaa waariu moni o eenei rangi.” Ko te whakatau a Te Kooti Piira teeraa, “Hei whakarite ki ngaa tikanga o Te Tiriti o Waitangi, e tino maarama ana me aata whiriwhiri he utunga whai kiko, whai hua anoo hoki, kia rite ki ngaa waariu moni o eenei rangi.”

Ngaā Whakaritenga Ki Te Karauna

O i te tau 1989 ka tiimata ngaā whakariteritenga i waenganui i Te Karauna me Waikato. Ka haangai tonu te whai a Waikato i te kaupapa take tupuna—te take tuatahi, “i riro whenua atu, me hoki whenua mai”; te take tuarua,—“ko te moni hei utu mo te hara”:

P i te tau 1993, hei tohu whakarata, ka whakamanatia e Te Karauna Te Papa Hooia o Hopuhopu ki raro i te ingoa o Pootatau Te Wherowhero hei painga mo ngaā Iwi o Waikato:

Q i te whakamanawa kia tutuki te kereeme a Waikato, mee te whakamaamaa hoki i te toimahatanga o te aaronga whakamau o ngaā tau maha, naa te ngaakau pono o teetehi ki teetehi i kawe ngaā whiriwhiringa me ngaā whakariteritenga i waenganui i Te Karauna me Waikato:

Te Whakatutukitanga o Ngaā Take

R e whakaae ana Te Karauna he tino toimaha te mahi tuukino i utaina ki runga ki ngaā Iwi o Waikato, naa te mea naa Te Karauna i takatakahi ngaā Tikanga o Te Tiriti o Waitangi, kaatahi ka whakawhiua a Waikato ki aana hooia, ka nohongia ngaā whenua, te mutunga iho he raupatu i aua whenua i raro i taa raatou tohu whakaingoa, kaaore rawa nei i tika, “he Iwi whakakeke a Waikato”:

Te Whakatutuki Mo Ngaā Take Raupatu A Waikato

S no muri—

(a) i te aata whiriwhiringa a Te Karauna me Waikato i ngaā Tikanga o te Tiriti o Waitangi; i ngaā kupu whakapuakanga ake a Te Komihana a Te Karauna (Sim Commission); i ngaā whakakitenga me ngaā whakataunga a taua Komihana i raro anoo i aua kupu whakapuakanga; i ngaā utunga i whakawhiwhia ki a Waikato (me eeraa atu o ngaā utunga i whakawhiwhia i raro i ngaā whakakitenga me ngaā whakataunga a taua Komihana); ka tatuu pai te whakaae a Te Karauna me Waikato mo te tino iti o aua utunga; aa,

(b) i maarama pai Te Karauna mo te hoohonu o te tikanga o te take tupuna a Waikato “he whenua mo te whenua”; aa

(c) kua tau maarire te whakaae a Te Karauna me Waikato koia teenei te waa hei whakatutuki ma Te Karauna i ngaā whakatikatikatanga katoa mo te taahuhu utunga e whakaotingia ai ngaā take Raupatu a Waikato,—

naareira, no te 21 o ngaā raa o te marama o Hakihea 1994, ka whakauuria teenei rongomau e Te Karauna me Robert Te Kotahi Mahuta mo te taha ki ngaā Iwi o Waikato, ki te Pukapuka Whakaupoko Whakaae hei whakamana i te whakatutukitanga o aua take; anaa, no te 22 o ngaā raa o Haratua 1995, ka hainangia e Te Karauna, e Waikato hoki, Te Pukapuka Whakaae (he kape kei te Pukapuka E3 o te Taapiritanga Mo Ngaā Riipoata a Te Whare Paaremata 1995):

- T kei te Waahanga Tuatahi o teenei Ture e whakaatu ana, i roto i te Reo Maaori me te Reo Paakehaa o taua Pukapuka Whakaae, ngaa Kupu Whakapaa i taapaea e Te Karauna ki ngaa Iwi o Waikato:
- U ko ngaa whenua i whakawhitingia ki a Waikato i raro i ngaa whakaritenga a Te Pukapuka Whakaae ka whakatoopuria ki raro i teetehi Taahuhu Kaitiaki ma Waikato hei whakatu; aa ko teetehi waahanga o aua whenua ka reehitatia ki raro i te ingoa o Pootatau Te Wherowhero, i raro anoo i ngaa whakaritenga a teenei Ture, hei ingoa whakaari i te tukunga mana motuhake a ngaa tuupuna rangatira ki raro i a Pootatau Te Wherowhero; i te whakauunga anoo hoki o aua tuku i whakakaupapangia i roto i Te Kawenata e raatou i noho puumau ki raro i Te Kiingitanga:
- V ma taua Pukapuka Whakataahuhu i ngaa Kaitiaki ma Waikato nei hei whakarite, hei whakatau kia kaua rawa aua whenua ka reehitatia ki raro i te ingoa o Pootatau Te Wherowhero e riro i te hoko, e mooketitia ki teetehi atu, e taea raanei te tuku, te whakawhiti raanei ki teetehi tangata, ki teetehi roopu; araa, kaaore rawa e taea te whakawehe atu i raro i te ingoa o Pootatau Te Wherowhero ma te whakaae puumau anake o ngaa “Kaitiaki o Te Ingoa o Pootatau Te Wherowhero” kua whakaingoaatia i roto i taua Pukapuka mo Ngaa Kaitiaki:
- W naa te iti noaiho o ngaa whenua kua mahue mai ki Te Karauna o aua whenua i raupatutia, kaaore i taea te tohatoha kia tauriterite te tuku o aua whenua ki ngaa hapuu toru tekau ma toru o te Raupatu, nooreira ko te taahuhu utunga kua whakakaupapatia e te Pukapuka Whakaae kua whakataungia hei painga mo te ka-toa o ngaa Iwi o Waikato i raro i te mana o Te Kiingitanga:
- X na Te Pukapuka Whakaae—
- (a) i whakataairi te whakaaetanga a Te Karauna, teeraa ko te whakatutukitanga i whakamanahia e taua Pukapuka kiihai i whakaiti, i takatakahi raanei;—
- i te Tiriti o Waitangi me oona Tikanga;
 - i te aahua mo ngaa mahi whakahaere a Te Karauna me Waikato i raro i ngaa Tikanga o te Tiriti o Waitangi;
 - i ngaa kaupapa whai mana i raro i te Tiriti o Waitangi, taapiri atu ki ngaa mana rangatiratanga:
- (b) i whakataairi te ohu whakaae a Waikato mo te tika, mo te whakaotinga me te rongomau o taua taumata Whakaae.

Whereas—

- A the Treaty of Waitangi is set out, in Maori and in English, in Schedule 1:
Kiingitanga
- B in 1858 Pootatau Te Wherowhero was raised up as King to unite the iwi, and preserve their rangatiratanga and their economic and cultural integrity, under his authority in the face of increasing settler challenges, Waikato regarding

themselves as principal kaitiaki of the Kiingitanga and as remaining so ever since:

C those chiefs who formally pledged their land to Pootatau Te Wherowhero gave up ultimate authority over the land to him, along with ultimate responsibility for the well-being of the people, and through this bound their communities to the Kiingitanga, resisting further alienation of their land:

D the New Zealand Government at the time perceived the Kiingitanga as a challenge to the Queen's sovereignty and as a hindrance to Government land purchase policies, and did not agree to any role for, or formal relationship with, the Kiingitanga:

Invasion, hostilities, and confiscations of Waikato land

E in July 1863, after considered preparations by the New Zealand Government, military forces of the Crown unjustly invaded the Waikato south of the Mangatawhiri river, initiating hostilities against the Kiingitanga and the people. By April 1864, after persistent defence of their lands, Waikato and their allies had fallen back before the larger forces of the Crown and had taken refuge in the King Country:

F by Orders in Council under the New Zealand Settlements Act 1863, the Crown unjustly confiscated approximately 1.2 million acres of land from the Tainui iwi in order to punish them and gain control of the land placed by them under the protection of the Kiingitanga (although the Crown subsequently paid small amounts of monetary compensation and returned, by Crown grants, but not under customary title and generally not to those who had fought for the Kiingitanga, approximately one-quarter of the land confiscated):

G widespread suffering, distress, and deprivation were caused to the Waikato iwi (both north and south of the Mangatawhiri river) as a result of the war waged against them, the loss of life, the destruction of their taonga and property, and the confiscations of their lands, and the effects of the Raupatu have lasted for generations:

H the Kiingitanga has continued to sustain the people since the Raupatu, and its leaders have petitioned the Crown for justice and for the return of land since 1865:

Royal Commission

I a Royal Commission (the Sim Commission) was appointed in 1926 to consider the confiscations under the New Zealand Settlements Act 1863 and its amendments:

J in response to the Sim Commission's findings and recommendations, compensation was granted pursuant to the Waikato-Maniapoto Maori Claims Settlement Act 1946 by the payment of an annual sum of money into the Tainui Maori Trust Fund, to be administered by the Tainui Maori Trust Board for the benefit of those members of the Maori tribes in the Waikato District whose lands had been confiscated:

Waitangi Tribunal

K in 1985 the Waitangi Tribunal wrote in the Manukau Report (Wai 8) at page 17: “It can simply be said that from the contemporary record of Sir John Gorst in 1864, from the Report of the Royal Commission sixty years after that, and from historical research almost a century removed from the event, all sources agree that the Tainui people of the Waikato never rebelled but were attacked by British troops in direct violation of Article II of the Treaty of Waitangi”:

L on 16 March 1987 Robert Te Kotahi Mahuta, on behalf of himself and on behalf of the members of Waikato-Tainui, the Tainui Maori Trust Board, and Ngaa Marae Toopu, submitted a claim to the Waitangi Tribunal under the Treaty of Waitangi Act 1975 in relation to the Raupatu, that claim being registered with the Waitangi Tribunal as Wai 30:

Court of Appeal

M the injustice of the Raupatu is as keenly felt by Waikato today as in the past, as has been testified by Waikato kaumaatua and kuia in the affidavits filed by the plaintiffs in *R T Mahuta and Tainui Maori Trust Board v Attorney-General* [1989] 2 NZLR 513:

N the Court of Appeal noted in that case that the Sim Commission’s report had failed to convey “...an expressed sense of the crippling impact of Raupatu on the welfare, economy and potential development of Tainui”, and that the subsequent annual monetary payments made by the Government were trivial “in present day money values”, and concluded that “Some form of more real and constructive compensation is obviously called for if the Treaty is to be honoured”:

Negotiations with the Crown

O in 1989 the Crown and Waikato entered into direct negotiations in which Waikato pursued compensation on the basis of their long established principles of “land for land”—“i riro whenua atu, me hoki whenua mai” (“as land was taken, land must be returned”) and “ko te moni hei utu mo te hara” (“the money is the acknowledgment by the Crown of their crime”):

P in 1993 as a goodwill gesture the Crown vested the Hopuhopu Military Base in Pootatau Te Wherowhero for the benefit of Waikato:

Q the Crown and Waikato have negotiated with each other in good faith in an endeavour to settle the Waikato claim and to remove the sense of grievance felt over time by Waikato:

Settlement of claims

R the Crown now acknowledges that grave injustice was done to Waikato when the Crown, in breach of the Treaty of Waitangi, sent its forces into the Waikato, occupied and subsequently confiscated Waikato land, and unfairly labelled Waikato as rebels:

S after—

- (a) the Crown and Waikato had considered the Treaty of Waitangi, the particular terms of reference of the Sim Commission, the findings and recommendations made by the Sim Commission in accordance with those terms of reference, and the compensation already paid or provided to Waikato (including the compensation provided in response to the findings and recommendations of the Sim Commission) and had agreed on the inadequacy of that compensation; and
- (b) the Crown had recognised the significance of the “land for land” principle to Waikato; and
- (c) the Crown and Waikato had agreed that the Crown should now make full and final restitution to Waikato in respect of the Raupatu claims,—

the Crown and Robert Te Kotahi Mahuta on behalf of Waikato-Tainui, accordingly recorded, on 21 December 1994, in a heads of agreement their agreement in principle to the matters required to effect a settlement of those claims, and, on 22 May 1995, the Crown and Waikato-Tainui signed a deed of settlement (a copy of which is now contained in Paper E3 of the Appendix to the Journals of the House of Representatives 1995):

- T the text, in Maori and in English, of the apology given by the Crown to Waikato in the deed of settlement is recorded in Part 1:
- U land transferred to Waikato under the deed of settlement will be held communally in a trust to be established by Waikato and part of that land will be registered in the name of Pootatau Te Wherowhero as provided for in this Act, that name giving expression to the significance of the pledges made by the chiefs to Pootatau Te Wherowhero and of the reaffirmations of those pledges, as expressed in the kawenata, by those who have continued in support of the Kiingitanga:
- V the trust deed for the trust to be established by Waikato will provide that no land of the trust that is registered in the name of Pootatau Te Wherowhero shall be sold or mortgaged to, or be capable of being vested in or transferred to, any person or body, and that no land may be transferred out of the name of Pootatau Te Wherowhero without the consent of the “custodians of Te Wherowhero title” referred to in that trust deed:
- W as the Crown now holds only a small proportion of the land originally confiscated and the land now held cannot be evenly distributed among the 33 hapu affected by the Raupatu, the restitution provided for in the deed of settlement is to be for the benefit of all Waikato collectively, under the mana of the Kiingitanga:
- X by the deed of settlement—
 - (a) the Crown has acknowledged that the settlement provided for in that deed does not diminish or in any way affect the Treaty of Waitangi or any of its articles or the ongoing relationship between the Crown and

Waikato in terms of the Treaty of Waitangi or undermine any rights under the Treaty of Waitangi, including rangatiratanga rights; and

- (b) Waikato have acknowledged that the settlement provided for in that deed is fair, final, and durable.

1 Short Title and commencement

- (1) This Act may be cited as the Waikato Raupatu Claims Settlement Act 1995.
- (2) Subject to sections 15(4), 25(3), 26(5), 32(2), and 37(2), this Act shall come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing different provisions of this Act into force on different dates.

Section 1(2): Waikato Raupatu Claims Settlement Act 1995 (except sections 15, 25, 26(2), (3), 28, 29, 32(1), 37, 38, and Schedule 4) brought into force, on 15 November 1995, by the Waikato Raupatu Claims Settlement Act Commencement Order 1995 (SR 1995/247).

Section 1(2): section 32(1) brought into force, on 1 November 1996, by the Waikato Raupatu Claims Settlement Act Commencement Order 1996 (SR 1996/309).

Section 1(2): section 26(2) brought into force, on 28 August 1997, by the Waikato Raupatu Claims Settlement Act Commencement Order 1997 (SR 1997/169).

Section 1(2): sections 28, 29, and Schedule 4 brought into force, on 30 April 1999, by the Waikato Raupatu Claims Settlement Act Commencement Order 1999 (SR 1999/110).

2 Interpretation of Act generally

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

3 Act to bind the Crown

This Act binds the Crown.

Part 1

Apology by the Crown to Waikato

4 Apology

This Part records the apology given by the Crown to Waikato in the deed of settlement.

5 Text in Maori

The text of the apology in Maori is as follows:

- “1 E whakaae ana Te Karauna ko oona reo ko oona mana i hara ki nga tikanga o Te Tiriti o Waitangi i taa raatou whakawhiunga i te Kiingitanga me Waikato ki ngaa hooia i Mangataawhiri i te marama o Hongongoi 1863 i raro i ta raatou tohu whakaingoa. ‘he iwi whakakeke a Waikato’.

- “2 E whakaatu ana Te Karauna i toona pouri tino hoohonu, aa, kaaore he mutunga o taana tuku whakapaa mo ngaa taangata i mate i ngaa parekura whakaeke o aana hooia, aa, mo te taaorotanga hoki o ngaa whenua tae atu ki te whakararur-arutanga o te nohoanga o ngaa Iwi.
- “3 E whakaae ana Te Karauna teeraa ko ngaa raupatutanga o ngaa whenua me ngaa rawa i whakamanahia e te Ture Mo Te Whakanoho i Te Hunga Maarie, ara, te Iwi Paakeha 1863, a Te Paaremata o Niu Tirenī he mahi tino hee, e peehi kino nei i a Waikato mai raano. E noho pani tonu nei raatou i roto i te rawakor-etanga me to hauwareatanga o ngaa mahi toko i te ora, o ngaa mahi whanake-tanga mo ngaa Iwi o Waikato.
- “4 E maarama pai ana Te Karauna teeraa ko teenei pouritanga tino toimaha, kaaore nei anoo kia whakatikaina i raro i te Tiriti o Waitangi kei te whakataairi i eenei puutake e rua a Waikato: ‘i riro whenua atu, me hoki whenua mai’ te tuatahi; ‘ko te moni hei utu mo te hara’ te tuarua. Hei whakatutuki, e whakaae ana Te Karauna ki te whakahoki ki te iwi ngaa whenua e taea ai i roto i teenei whakaaetanga kei raro i toona mana i Waikato.
- “5 E whakaae ana Te Karauna teeraa anoo ngaa whenua raupatu o Waikato te tino taakoha nui ki te rangatiratanga me te whanaketanga o Niu Tirenī ahakoa kei te noho rawakore tonu te Iwi o Waikato i oona whenua me ngaa hua o aua whenua.
- “6 Nooreira ka kimi Te Karauna, mo te taha ki ngaa Iwi Katoa o Niu Tirenī, i te huarahi e whakamaarie ai i eenei tuukinotanga, araa, mo te waahanga e taea ai, aa, i teenei whakatutukitanga o teenei take whakamau o Te Raupatu. He wha-kaotinga teenei i raro i ngaa take raarangi o Te Pukapuka Whakaaetanga i hai-natia i te 22 o ngaa raa o Haratua 1995, maana hei arahi atu ki te ao hoou o te mahi tahi ki Te Kiingitanga me Waikato.”

6 Text in English

The text of the apology in English is as follows:

- “1 The Crown acknowledges that its representatives and advisers acted unjustly and in breach of the Treaty of Waitangi in its dealings with the Kiingitanga and Waikato in sending its forces across the Mangataawhiri in July 1863 and in un-fairly labelling Waikato as rebels.
- “2 The Crown expresses its profound regret and apologises unreservedly for the loss of lives because of the hostilities arising from its invasion, and at the dev-astation of property and social life which resulted.
- “3 The Crown acknowledges that the subsequent confiscations of land and re-sources under the New Zealand Settlements Act 1863 of the New Zealand Par-liament were wrongful, have caused Waikato to the present time to suffer feel-ings in relation to their lost lands akin to those of orphans, and have had a crip-pling impact on the welfare, economy and development of Waikato.

- “4 The Crown appreciates that this sense of grief, the justice of which under the Treaty of Waitangi has remained unrecognised, has given rise to Waikato’s two principles ‘i riro whenua atu, me hoki whenua mai’ (as land was taken, land should be returned) and ‘ko to moni hei utu mo te hara’ (the money is the acknowledgment by the Crown of their crime). In order to provide redress the Crown has agreed to return as much land as is possible that the Crown has in its possession to Waikato.
- “5 The Crown recognises that the lands confiscated in the Waikato have made a significant contribution to the wealth and development of New Zealand, whilst the Waikato tribe has been alienated from its lands and deprived of the benefit of its lands.
- “6 Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the grievance of raupatu finally settled as to the matters set out in the Deed of Settlement signed on 22 May 1995 to begin the process of healing and to enter a new age of co-operation with the Kiingitanga and Waikato.”

Part 2

Provisions relating to settlement

7 Interpretation of terms

In this Act, unless the context otherwise requires,—

Crown body means the Crown, a Crown entity, a State enterprise, or any company that is wholly owned by a Crown entity or a State enterprise

Crown entity has the same meaning as in section 2(1) of the Public Finance Act 1989; and includes the New Zealand Railways Corporation

deed of settlement means the deed of settlement signed on 22 May 1995 by representatives of the Crown and Waikato-Tainui; and includes that deed of settlement as from time to time amended in accordance with its terms

Director-General means the Director-General within the meaning of section 2 of the Survey Act 1986

District Land Registrar means the District Land Registrar of the Land Registration District concerned

excluded claims has the meaning given to it by section 8(2)

land acquisition trust has the same meaning as in the deed of settlement

land holding trust has the same meaning as in the deed of settlement

land holding trustee means the trustee for the time being of the land holding trust acting in that capacity

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Raupatu means the confiscation of land in the Waikato claim area, and includes the related invasion, hostilities, war, loss of life, destruction of taonga and property, and consequent suffering, distress, and deprivation, referred to in recitals E to G of the Preamble

Raupatu claims has the meaning given to it by section 8(1)

residual Crown land—

- (a) means every freehold parcel of real property (including improvements) situated in the Waikato claim area that is owned by the Crown, or by any of the bodies described in Attachment 11 to the deed of settlement, at the date on which section 11 comes into force; but—
- (b) does not include—
 - (i) any settlement property (other than a settlement property that Waikato elect under clause 8 of the deed of settlement not to take); or
 - (ii) any settlement property that is stated in Attachment 2 to the deed of settlement to be owned by Electricity Corporation of New Zealand Limited or any wholly-owned subsidiary of that company

settlement properties and **settlement property** have the same meanings as in the deed of settlement; and a **settlement property** includes any part of a settlement property

State enterprise has the same meaning as in section 2 of the State-Owned Enterprises Act 1986

Waikato means the Waikato descendants of the Tainui Waka who suffered or were affected by the confiscation of their land by the New Zealand Government under the New Zealand Settlements Act 1863, being members of the following hapu of Waikato: Ngaitai, Ngaati Tamaaoho, Ngaati Koheriki, Ngaati Te Ata, Te Aakitai, Ngaati Paretauuaa, Ngaati Tiipaa, Ngaati Aamaru, Ngaati Naho, Ngaati Hine, Ngaati Taratikitiki, Ngaati Pou, Ngaati Maahanga, Ngaati Tamainupo, Ngaati Wairere, Ngaati Makirangi, Ngaati Koroki, Ngaati Ruru, Ngaati Werokoko, Ngaati Paretekawa, Ngaati Ngutu, Ngaati Hikairo, Ngaati Puhiaawe, Ngaati Mahuta (North and South), Ngaati Te Wehi, Ngaati Wha-whaakia, Ngaati Kuiaarangi, Ngaati Tai, Ngaati Raukawa ki Panehakua, Ngaati Tahinga, Tainui-a-whiro, Ngaati Apakura, Ngaati Hauaa

Waikato claim area—

- (a) means the land bordered with bold black lines on Survey Office plan number 60113, lodged in the office of the Land Information New Zealand at Hamilton and approved for Parliamentary purposes, a copy of which is attached as Attachment 1 to the deed of settlement; but
- (b) does not include the Waiuku block or the Wairoa block

Wairoa block means that piece of land known as the East Wairoa Block and described under that name in Schedule 1 of the Order in Council made on 30 January 1865 under the New Zealand Settlements Act 1863, and published in the *Gazette* of 31 January 1865 at page 15

Waiuku block means those pieces of land known as Waiuku Block North and Waiuku Block South and described under those names in Schedules 6 and 7 of the Order in Council made on 29 December 1864 under the New Zealand Settlements Act 1863, and published in the *Gazette* of 5 January 1865 at page 1.

Section 7 **Director-General**: substituted, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 7 **Waikato claim area** paragraph (a): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Effect of settlement

8 Meaning of Raupatu claims

- (1) In this Act, the term **Raupatu claims**—
- (a) means all claims arising out of, or relating to, the Raupatu or any aspect of the Raupatu; and
 - (b) includes all claims arising from the loss of land and of interests in land in the Waikato claim area by confiscation; and
 - (c) includes all claims to coal, other minerals, and forests within the Waikato claim area; and
 - (d) includes the following parts of the Wai 30 claim to the Waitangi Tribunal, namely, the claims set out in—
 - (i) the Statement of Claim of 16 March 1987 (#1.1 on Waitangi Tribunal record); and
 - (ii) the Amended Statement of Claim of 16 March 1987 (#1.1(a)); and
 - (iii) the Letter of 12 August 1987 (#1.1(b)); and
 - (iv) the Statement of Claim of 17 June 1991 (#1.1(c)); and
 - (e) includes the claims made in the Wai 306 claim to the Waitangi Tribunal, being the claim made by Garth Banks on behalf of Ngaati Haua; and
 - (f) includes the claims made in the Wai 494 claim to the Waitangi Tribunal, being the claim made by Taka o te Rangi Taka on behalf of Ngaati Koheriki; and
 - (g) includes such of the claims made in the Wai 530 claim to the Waitangi Tribunal (being a claim made by Patara Peremana on behalf of Nga Uri o Whawhakia) as are based on Raupatu in the Waikato claim area; and
 - (h) includes such of the claims made in the Wai 537 claim to the Waitangi Tribunal (being a claim made by Richard Tamihana on behalf of Ngati

- Tahinga Iwi and Nga Uri o Tahinga Trust Board) as are based on Raupatu in the Waikato claim area; and
- (i) includes all claims specified in paragraphs (a) to (h), whether or not those claims—
 - (i) are past, current, or future; or
 - (ii) are founded on rights arising by or in common law (including customary law and aboriginal title), the Treaty of Waitangi, statute, or otherwise; or
 - (iii) are made or held by, or on behalf of, all of Waikato or 1 or more individuals, marae, or hapu; but
 - (j) does not include the excluded claims.
- (2) In this Act, the term **excluded claims** means—
- (a) any claims by Waikato to the rivers and harbours within the Waikato rohe, including those parts of the Wai 30 claim to the Waitangi Tribunal relating to—
 - (i) the Waikato River (being the claims set out in paragraph A1–5 of the statement of claim dated 16 March 1987); and
 - (ii) the West Coast Harbours, as defined in the deed of settlement (being the claims set out in paragraph C8–9 of the statement of claim dated 16 March 1987); and
 - (b) any claims by Waikato to the Wairoa block or the Waiuku block; and
 - (c) any claims by individual hapu of Waikato to non-Raupatu land outside the Waikato claim area; and
 - (d) the claims made in the Wai 185 claim to the Waitangi Tribunal, being the claim made by A Wirihana in relation to the Pepepe land; and
 - (e) the claims made in the Wai 100 claim to the Waitangi Tribunal, being the claim made by Huhurere Tukukino; and
 - (f) any claims made to the Waitangi Tribunal, whether before or after the commencement of this section, by the Hauraki Maori Trust Board, including the claims made by the Hauraki Maori Trust Board and Toko Renata te Taniwha in the Wai 373 claim to the Waitangi Tribunal; and
 - (g) the claims made in the Wai 454 claim to the Waitangi Tribunal, being the claim made by Walter Taipari and Adrian Taipari on behalf of the descendants of Ngati Hauauru, a hapu of Ngati Maru; and
 - (h) the claims made in the Wai 495 claim to the Waitangi Tribunal, being the claim made by Mahuta Pitau Williams on behalf of the descendants of Ngati Tawhaki of Ngati Tamatera; and
 - (i) the claims made in the Wai 349 claim to the Waitangi Tribunal, being the claim made by Tewiremu Mataia and Heraputea Williams on behalf of the tangata whenua of the Hauraki Tribal Region.

9 No further inquiries into Raupatu claims

- (1) Without limiting the acknowledgments expressed in, or any provision of, the deed of settlement, it is hereby declared that the settlement of the Raupatu claims to be effected pursuant to that deed is final.
- (2) Notwithstanding any other enactment or rule of law, as from the commencement of this section, no court or tribunal shall have jurisdiction to inquire or further inquire into, or to make any finding or recommendation in respect of—
 - (a) any or all of the Raupatu claims; or
 - (b) the validity of the deed of settlement; or
 - (c) the adequacy of the benefits provided to Waikato under the deed of settlement or this Act.

Provisions relating to land

10 Transfer of land

- (1) Notwithstanding any other enactment or rule of law, for the purposes of giving effect to the deed of settlement, the Crown (acting through the Commissioner of Crown Lands) is hereby authorised to do any 1 or more of the following:
 - (a) purchase or otherwise acquire any settlement property from a Crown body;
 - (b) lease any settlement property to any Crown body;
 - (c) subject to sections 40 to 42 of the Public Works Act 1981 and to any other equivalent enactments (but without limiting subsections (4) and (5)), transfer any settlement property to the land holding trustee;
 - (d) sign any memorandum of transfer or lease, or any other document, or do any other thing for the purposes of any such purchase, acquisition, lease, or transfer.
- (2) Nothing in subsection (1) limits—
 - (a) Part 4A of the Conservation Act 1987; or
 - (b) sections 10 and 11 of the Crown Minerals Act 1991; or
 - (c) any other enactment or rule of law under which any easement, encumbrance, restriction, or other interest in or in respect of any land is created or exists.
- (3) Nothing in—
 - (a) Parts 2 and 2A of the Land Settlement Promotion and Land Acquisition Act 1952; or
 - (b) section 11 or Part 10 of the Resource Management Act 1991—shall apply with respect to—

- (c) any transfer of any settlement property from a Crown body to another Crown body or to the land holding trustee for the purpose of giving effect to the deed of settlement; or
 - (d) any leasing of any settlement property from a Crown body or the land holding trustee to a Crown body for the purpose of giving effect to the deed of settlement; or
 - (e) anything incidental to, or required for the purposes of, any such transfer or leasing.
- (4) Notwithstanding sections 40 to 42 of the Public Works Act 1981, the chief executive of the department within the meaning of section 2 of the Survey Act 1986 shall not be required by those sections to offer to sell to a Crown body any settlement property acquired from that Crown body under section 16 of this Act; but this subsection does not limit any obligation of that chief executive under those sections or any other enactment to offer to sell such a settlement property to any other person.
- (5) Notwithstanding section 24(4) of the State-Owned Enterprises Act 1986, nothing in sections 40 to 42 of the Public Works Act 1981 shall apply with respect to any settlement property that is both—
- (a) a settlement property to which section 8A of the Treaty of Waitangi Act 1975 applies on the day before the day on which this section comes into force; and
 - (b) a settlement property that is to be transferred from a Crown body to another Crown body or to the land holding trustee, for the purposes of giving effect to the deed of settlement.
- (6) Nothing in the Land Act 1948 shall apply with respect to any settlement property that is to be transferred from a Crown body to another Crown body or to the land holding trustee, for the purposes of giving effect to the deed of settlement.
- (7) Nothing in the Land Act 1948 restricts the period for which a lease may be granted under subsection (1)(b).
- (8) In this section, the term **Crown body** includes a body that was a Crown body at the date on which the deed of settlement was signed.

Section 10(4): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

11 Right of land holding trustee to acquire residual Crown land in certain circumstances

- (1) Where a Crown body (or any body that was a Crown body at the date on which this section comes into force or on which the body first acquired the residual Crown land concerned, whichever is the later) proposes to sell any residual Crown land to any person other than—
- (a) another Crown body; or

- (b) a person who is entitled to purchase the land pursuant to an offer made under—
 - (i) section 40 of the Public Works Act 1981 or that section as applied by any other enactment; or
 - (ii) section 23(1) or section 24(4) of the New Zealand Railways Corporation Restructuring Act 1990; or
 - (iii) any enactment equivalent to any of the enactments referred to in subparagraphs (i) and (ii); or
- (c) the existing tenant of a house situated on any residual Crown land that is—
 - (i) land of Housing New Zealand Limited or of Housing New Zealand Corporation; or
 - (ii) land held for education purposes by the Crown; or
 - (iii) land held by any Crown body which, at the date on which this section comes into force, has a policy under which houses that are to be sold are first offered for purchase by the existing tenants; or
- (d) a person who has, at the date on which this section comes into force, a legal right to purchase the land; or
- (e) a person who is entitled to purchase the land under the terms of any gift, endowment, or trust relating to the land, or under any enactment or rule of law,—

the body shall give to the land holding trustee notice of the proposed sale setting out the price and other proposed terms of sale and offering to sell the land to the land holding trustee on those terms.

- (2) Where, within 1 month after the date on which the land holding trustee receives a notice under subsection (1) from a Crown body or other body (time being of the essence), the land holding trustee—
 - (a) accepts the offer set out in the notice by giving written notice of acceptance to the body; or
 - (b) otherwise agrees with the body in writing to purchase the land concerned,—

a contract for the sale and purchase of that land shall be thereby constituted between the body and the land holding trustee and that contract may be enforced accordingly.

- (3) If, within 1 month after the date on which the land holding trustee receives a notice under subsection (1) from a Crown body or other body (time being of the essence), a contract for the sale and purchase of the land to which the notice relates is not constituted under subsection (2), the body—
 - (a) may, at any time during the period of 2 years following the expiry of 1 month from the date of receipt of the notice under subsection (1) by the

land holding trustee, sell the land to any person it wishes on terms not more favourable to the purchaser than those set out in that notice; but

- (b) may not sell the land after the expiry of that 2-year period without first re-offering it to the land holding trustee in accordance with subsection (1), and subsection (2) and this subsection shall apply to any such re-offer.
- (4) Where a body—
- (a) has offered to sell any residual Crown land to the land holding trustee under subsection (1); and
 - (b) wishes to again offer that land for sale, but on terms more favourable to the purchaser than the terms of the first offer,—
- the body may do so, so long as it first re-offers the land for sale on the more favourable terms to the land holding trustee in accordance with subsection (1); and subsections (2) and (3) shall apply to any such re-offer.
- (5) The obligation of a Crown body or other body under subsections (1) to (4) in respect of any particular land shall terminate on the completion of the sale of the land—
- (a) to the land holding trustee; or
 - (b) in accordance with subsection (3); or
 - (c) to a person of a kind referred to in any of paragraphs (b) to (e) of subsection (1),—
- whichever first occurs.
- (6) Nothing in this section affects or derogates from, and the rights created by this section are subject to,—
- (a) the terms of any gift, endowment, or trust relating to, and the rights of any holders of mortgages or other securities over, residual Crown land or any improvements on any such land:
 - (b) any other enactment or rule of law that must be complied with before any residual Crown land is disposed of:
 - (c) any feature of the title to any residual Crown land which prevents or limits a body's right to transfer the land or any improvements on the land:
 - (d) any legal requirement which impedes a body's ability to sell or otherwise dispose of any residual Crown land or any improvements on any such land and which the body cannot satisfy after taking reasonable steps to do so (and, for the avoidance of doubt, **reasonable steps** does not include initiating a change in the law).
- (7) Nothing in this section affects or derogates from the right of a Crown body to sell or otherwise dispose of any Crown body, or requires a Crown body to offer

to the land holding trustee any Crown body that is to be sold or otherwise disposed of.

- (8) In the case of residual Crown land that is a settlement property that Waikato have elected under clause 8 of the deed of settlement not to take, this section shall be read subject to section 12.
- (9) Where any residual Crown land—
- (a) becomes, under subsection (2), subject to a contract for the sale and purchase of that land; or
 - (b) is transferred (without breaching this section) to any person that is not a Crown body,—

this section and section 12 shall cease to apply to that residual Crown land.

- (10) Clause 10 of the deed of settlement shall cease to have effect from the date on which sections 12 and 13 and this section come into force.

Section 11(1)(c)(i): amended, on 1 July 2001, by section 24(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

12 Rights of land holding trustee in regard to property that it has previously elected not to take

Where a settlement property becomes residual Crown land by virtue of Waikato electing under clause 8 of the deed of settlement not to take that property, section 11 shall apply to that property as if—

- (a) a notice had been given to the land holding trustee under subsection (1) of that section offering to sell the property to the land holding trustee for the price and on the other terms on which the property was offered to the land holding trustee under the deed of settlement; and
- (b) the land holding trustee had not, within the time prescribed by subsection (2) of that section,—
 - (i) given, under that subsection, written notice of acceptance of the offer; or
 - (ii) otherwise agreed in writing to purchase the property; and
- (c) the land holding trustee had received the notice under subsection (1) of that section on the date on which the election takes effect.

13 Noting of right to acquire residual Crown land on certificates of title

- (1) As soon as reasonably practicable after the date on which this section comes into force, the Director-General shall issue to the District Land Registrar 1 or more certificates that identify all the certificates of title for the residual Crown land for which certificates of title have been issued at that date.
- (2) As soon as reasonably practicable after the date on which a certificate of title is issued for any residual Crown land, being a date after the date on which this

section comes into force, the Director-General shall issue to the District Land Registrar a certificate that identifies the certificate of title concerned.

- (3) As soon as reasonably practicable after receiving a certificate from the Director-General under either subsection (1) or subsection (2), the District Land Registrar shall, without fee, note on the certificate or certificates of title to the land to which the certificate from the Director-General relates, the words “Subject to section 11 of the Waikato Raupatu Claims Settlement Act 1995 (which provides for residual Crown land to be offered for purchase to a land holding trust for Waikato in certain circumstances)”.
- (4) Where any residual Crown land for which a certificate of title has been issued is to be transferred (without breaching section 11) to any person other than a Crown body,—
 - (a) the transferor shall notify the Director-General of the transfer; and
 - (b) the Director-General shall, before registration of the transfer, issue to the District Land Registrar a certificate stating that the land is to be so transferred and identifying the certificate of title concerned.
- (5) On receipt of a certificate under subsection (4) and before registration of the transfer, the District Land Registrar shall, without fee, delete by endorsement the words previously noted on the certificate of title for the land in accordance with subsection (3).
- (6) Whenever the Director-General issues a certificate to the District Land Registrar under this section, the Director-General shall send a copy of the certificate to the land holding trustee.

14 Removal of resumptive memorials from land within Waikato claim area

- (1) Nothing in—
 - (a) sections 8A to 8H of the Treaty of Waitangi Act 1975; or
 - (b) sections 27A to 27C of the State-Owned Enterprises Act 1986; or
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990; or
 - (d) the amendments made to the Treaty of Waitangi Act 1975 by Part 4 of the New Zealand Railways Corporation Restructuring Act 1990; or
 - (e) sections 211 to 213 of the Education Act 1989; or
 - (f) any enactment equivalent to any of the enactments specified in paragraphs (a) to (e),—

shall apply in relation to any land within the Waikato claim area.

- (2) Subsection (1) of this section shall apply in relation to any claim submitted to the Waitangi Tribunal under section 6 of the Treaty of Waitangi Act 1975, whether before or after the commencement of this section.

- (3) The Director-General shall, as soon as reasonably practicable after the commencement of this subsection, issue to the District Land Registrar 1 or more certificates that identify each certificate of title relating to land within the Waikato claim area that contains a memorial entered pursuant to any of the enactments referred to in subsection (1).
- (4) The District Land Registrar shall, as soon as reasonably practicable after receiving a certificate issued to that District Land Registrar under subsection (3) and without fee,—
 - (a) register the certificate against each certificate of title identified in the certificate; and
 - (b) cancel each memorial that, pursuant to any of the enactments referred to in subsection (1), is entered on a certificate of title identified in the certificate.
- (5) Subject to subsection (6), subsections (1) to (4) do not apply in respect of—
 - (a) the land specified in Schedule 2; or
 - (b) the Maramarua land, as described in Attachment 10 to the deed of settlement.
- (6) Subject to subsection (7), the Governor-General may, by 1 or more Orders in Council, apply subsections (1) to (4) to the whole or part of the Maramarua land referred to in subsection (5)(b).
- (7) No Order in Council shall be made under subsection (6) in respect of any land unless the Minister is of the opinion that a final determination or a final recommendation has been made in respect of any relevant claims (including claims made by the Hauraki Maori Trust Board) in respect of the land to which the Order in Council relates.

15 Power to amend Schedule 2

- (1) Subject to subsections (2) and (3), the Governor-General may from time to time, by Order in Council, amend Schedule 2 by adding thereto descriptions of additional pieces of land.
- (2) The Governor-General shall not make an Order in Council under subsection (1) unless the Governor-General is satisfied, on the advice of the Minister of Justice, that the pieces of land described in the order are pieces of land within the Waikato claim area that should not cease to be subject to the enactments referred to in section 14(1).
- (3) No Order in Council shall be made under this section after 14 November 1995.
- (4) This section shall come into force on the day on which this Act receives the Royal assent.

16 Power of the Crown to compulsorily acquire property for purpose of settlement

- (1) Where the Crown is obliged by the deed of settlement to transfer to the land holding trustee a property of a Crown body (or any body that was a Crown body at the date on which the deed of settlement was signed), the Minister of Lands may, after consultation with—
- (a) any Minister of the Crown for the time being responsible for that body; and
 - (b) any Minister of the Crown who is a shareholder of the body,—
- acquire the property under Part 2 of the Public Works Act 1981 as if the property were land required for both Government work and a public work and Parts 2, 4, 5, 6, and 7 of that Act and Schedules 1, 3, 4, and 5 of that Act shall, subject to the modifications set out in Schedule 3 of this Act and to all other necessary modifications, apply accordingly.
- (2) The existence on the certificate of title to any property acquired pursuant to subsection (1) of a memorial under any of the enactments referred to in section 14(1) of this Act shall not be taken into account in any assessment of compensation made under the Public Works Act 1981 in relation to the acquisition of that property.
- (3) Where a lease of a property acquired pursuant to subsection (1) has been or is to be granted to the body from whom the property is acquired, that lease shall be taken into account in any assessment of compensation made under the Public Works Act 1981 in relation to the acquisition of that property.
- (4) In this section, the term **property** means a settlement property specified in the deed of settlement in the form in which it was signed on 22 May 1995.

17 Issue of certificates of title

Where any settlement property, or residual Crown land, for which no certificate of title has been issued under the Land Transfer Act 1952—

- (a) is vested in the Crown; but
- (b) is to be acquired by the land holding trustee,—

then, notwithstanding any other enactment or rule of law, the District Land Registrar shall, at the request of the Commissioner of Crown Lands and after completion of such survey (if any) as may be necessary, issue a certificate of title under the Land Transfer Act 1952 for the settlement property or residual Crown land in the name of the Crown, and that certificate of title shall be subject to, and shall have the benefit of, any relevant easements, encumbrances, restrictions, and other interests.

Provisions relating to trusts

18 Land holding trustee authorised to acquire land

Notwithstanding section 26 of the Maori Trust Boards Act 1955, for the purpose of giving effect to the deed of settlement, the land holding trustee is hereby authorised to do either or both of the following:

- (a) acquire from the Crown any settlement property or residual Crown land, whether or not subject to any lease to, or other interest of, any other person:
- (b) sign any document or do any other thing for the purposes of any such acquisition.

19 Provision for registration of land in name of Pootatau Te Wherowhero

(1) Notwithstanding the Land Transfer Act 1952 or any other enactment or rule of law, the land holding trustee may direct in writing that any land, or interest in land, that is registrable or registered under that Act in the name of the land holding trustee—

- (a) be registered in the name of Pootatau Te Wherowhero, rather than in the name of the land holding trustee; or
- (b) be no longer registered in the name of Pootatau Te Wherowhero, and instead be registered in the name of the land holding trustee.

(2) If the District Land Registrar receives—

- (a) a direction in writing from the land holding trustee under subsection (1)(a); or
- (b) a direction in writing from the land holding trustee under subsection (1)(b), together with—
 - (i) a certificate in writing from the land holding trustee as to the persons who are at that time “custodians of Te Wherowhero title” within the meaning of the trust deed for the land holding trust; and
 - (ii) a written consent to that direction executed by each such person,—

the District Land Registrar shall give effect to that direction.

(3) Where any land or interest in land is registered under the Land Transfer Act 1952 in the name of Pootatau Te Wherowhero,—

- (a) the land holding trustee shall have all the rights, duties, and powers of the registered proprietor of that land or interest (except that the land or interest shall continue to be registered in that name unless a direction is given under subsection (1)(b)), and shall exercise and perform every such right, duty, and power in its own name and not in the name of Pootatau Te Wherowhero; and
- (b) the District Land Registrar shall have regard to paragraph (a).

- (4) The presentation to the District Land Registrar of a direction in writing—
- (a) executed or purporting to be executed by the land holding trustee; and
 - (b) relating to any land registrable or registered in the name of the land holding trustee or in the name of Pootatau Te Wherowhero; and
 - (c) in the case of a direction given under subsection (1)(b), containing a consent executed or purporting to be executed by each of the persons who are required by subsection (2)(b) to execute the consent; and
 - (d) containing a recital that the direction is given under paragraph (a) or paragraph (b) (as the case may be) of subsection (1)—
- shall, in the absence of evidence to the contrary, be sufficient evidence that the direction has been given under that paragraph and that any consents required by subsection (2)(b) have been given.

20 Trust deed for land holding trust

The land holding trustee—

- (a) shall, in accordance with section 128(2) of the Land Transfer Act 1952 and within 1 month after the date on which this section comes into force, deposit with both the District Land Registrar of the North Auckland Land Registration District and the District Land Registrar of the South Auckland Land Registration District a duplicate or attested copy of the trust deed for the land holding trust; and
- (b) shall, in accordance with section 128(2) of the Land Transfer Act 1952 and within 1 month after the date on which any variation, amendment, or addition is made to the trust deed for the land holding trust, deposit with both the District Land Registrar of the North Auckland Land Registration District and the District Land Registrar of the South Auckland Land Registration District a duplicate or attested copy of that variation, amendment, or addition.

21 Vesting of Te Rapa and Hopuhopu land in name of Pootatau Te Wherowhero

- (1) On the date on which this section comes into force,—
 - (a) the Te Rapa land and the Hopuhopu land shall, by virtue of this section, vest in the land holding trustee upon the trusts declared in the trust deed for the land holding trust; and
 - (b) the land holding trustee shall be deemed to have directed in writing under section 19(1)(a) that the Te Rapa land and the Hopuhopu land shall be registered in the name of Pootatau Te Wherowhero.
- (2) As soon as practicable after the date on which this section comes into force, the District Land Registrar shall, after any surveys that are necessary have been completed, issue certificates of title under the Land Transfer Act 1952 for the

Te Rapa land and the Hopuhopu land in the name of Pootatau Te Wherowhero, and those certificates of title—

- (a) shall be subject to sections 10 and 11 of the Crown Minerals Act 1991 and to Part 4A of the Conservation Act 1987 (as applied by subsection (5)); and
 - (b) shall be subject to, and shall have the benefit of, any relevant easements, encumbrances, restrictions, and other interests.
- (3) In this section, the term **Hopuhopu land** means—
- (a) all that piece of land containing 50.4750 hectares, more or less, being Allotment 541, Parish of Pepepe, as shown on ML 22198, lodged in the office of the Chief Surveyor at Hamilton; and
 - (b) all those pieces of land containing together 137.8640 hectares, more or less, being Allotments 386 to 390, Komakorau Parish, as shown on ML 22197, lodged in the office of the Chief Surveyor at Hamilton.
- (4) In this section, the term **Te Rapa land** means all that piece of land containing 29.1710 hectares, more or less, being Section 1, SO 59507, as shown on SO Plan 59507, lodged in the office of the Chief Surveyor at Hamilton.
- (5) Each vesting of land in the land holding trustee by subsection (1)(a) shall be deemed to be a disposition of land by the Crown for the purposes of Part 4A of the Conservation Act 1987.

22 Land holding trust not subject to Te Ture Whenua Maori Act 1993

Nothing in Te Ture Whenua Maori Act 1993 shall apply to the land holding trust or to any land that is registrable or registered in the name of the land holding trustee or in the name of Pootatau Te Wherowhero.

23 Land holding trust not subject to rule against perpetuities

- (1) It is hereby declared that the land holding trust shall not be subject to any enactment or rule of law restricting the period for which a trust may run.
- (2) Neither the rule against perpetuities nor section 17 of the Perpetuities Act 1964 shall apply in relation to the rights conferred by section 11 of this Act.

24 Establishment of land acquisition trust

For the purposes of giving effect to the deed of settlement,—

- (a) the Crown is hereby authorised to establish the land acquisition trust; and
- (b) any Minister of the Crown may on behalf of the Crown sign 1 or more deeds or other documents, and do any other thing, that may be necessary to establish the trust.

*Appointments to Conservation Board***25 Amendments to Conservation Act 1987**

- (1), (2) *Amendment(s) incorporated in the Act(s).*
- (3) This section shall come into force on 1 September 1996.

*Crown forest assets***26 Crown forest assets**

- (1) In this Act,—

claimants means the claimants in respect of the Waitangi Tribunal claim registered as Wai 30, being Robert Te Kotahi Mahuta on behalf of himself and on behalf of the members of Waikato-Tainui, the members of the Tainui Maori Trust Board and Ngaa Marae Toopu

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

Crown Forestry Rental Trust and **trust** means the trust established under section 34 of the Crown Forest Assets Act 1989

licensed land has the same meaning as in the Crown Forest Assets Act 1989

Maramarua forest land means all those pieces of land situated in the Land Registration District of South Auckland containing together 5698.2000 hectares, more or less, being Lots 1 and 2, DP S56867, and Lot 1, DP S56868

Onewhero forest land means all those pieces of land situated in the Land Registration District of South Auckland containing together 1074.1965 hectares, more or less, being Lot 1, DP S53139, Lot 1, DP S53140, Sections 1 and 2, Block X, Onewhero Survey District, and Section 6, Block XIII, Onewhero Survey District.

- (2) On the date on which this subsection comes into force,—
- (a) the Waitangi Tribunal shall be deemed to have made a final recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 that the whole of the Onewhero forest land be returned to Maori ownership, subject to any relevant Crown forestry licence, by being transferred to the land holding trustee, but section 36(1)(b) of the Crown Forest Assets Act 1989 shall not apply; and
- (b) the provisions of the Treaty of Waitangi Act 1975 and of the Crown Forest Assets Act 1989 (other than section 36(1)(b)) and of the Crown Forestry Rental Trust deed shall apply accordingly.
- (3) On the date on which this subsection comes into force,—
- (a) the Waitangi Tribunal shall be deemed to have made a final recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 that the whole of the Maramarua forest land (or such part of the Maramarua

- forest land as is specified in the Order in Council bringing this subsection into force) be returned to Maori ownership, subject to any relevant Crown forestry licence, by being transferred to the land holding trustee, but section 36(1)(b) of the Crown Forest Assets Act 1989 shall not apply; and
- (b) the provisions of the Treaty of Waitangi Act 1975 and of the Crown Forest Assets Act 1989 (other than section 36(1)(b)) and of the Crown Forestry Rental Trust deed shall apply accordingly.
- (4) On the date on which this subsection comes into force,—
- (a) the Waitangi Tribunal shall be deemed to have made a final recommendation under section 8HB(1)(b) of the Treaty of Waitangi Act 1975 that all of the licensed land in the Waikato claim area, other than the One-whereo forest land and the Maramarua forest land, not be liable to return to Maori ownership; and
 - (b) the provisions of the Treaty of Waitangi Act 1975 and of the Crown Forest Assets Act 1989, and of the Crown Forestry Rental Trust deed, shall apply accordingly.
- (5) No Order in Council may be made bringing subsection (3) into force unless, in the opinion of the Minister,—
- (a) a final recommendation has been made by the Waitangi Tribunal, or a final determination has been made by an appropriate judicial authority, on both the claim made by the claimants to the Maramarua forest land and the competing claim made by the Hauraki Maori Trust Board to the Maramarua forest land; or
 - (b) an agreement has been reached between the claimants and the Hauraki Maori Trust Board on both the claim made by the claimants to the Maramarua forest land and the claim made by the Hauraki Maori Trust Board to the Maramarua forest land.
- (6) The Order in Council bringing subsection (3) into force shall,—
- (a) state whether the whole or part of the Maramarua forest land is to be transferred to the land holding trustee; and
 - (b) where only part of the Maramarua forest land is to be transferred to the land holding trustee, identify the part of that land that is to be so transferred.
- (7) Nothing in this section shall prejudice any right which Waikato may have to apply to the trustee of the Crown Forestry Rental Trust for payment of their costs for the preparation and presentation of their claim to the Maramarua forest land.

*Tainui Maori Trust Board***27 Cancellation of Tainui Maori Trust Board annuity**

Amendment(s) incorporated in the Act(s).

28 Dissolution of Tainui Maori Trust Board

(1) In this section and in Schedule 4,—

appointed day means the date of commencement of this section

successor means the body corporate or other person named as the successor to the Trust Board by the Governor-General by Order in Council

Trust Board means the Tainui Maori Trust Board.

(2) On the appointed day,—

(a) the undertaking of the Trust Board shall, by virtue of this section, vest in the successor; and

(b) the Trust Board shall be deemed to be dissolved; and

(c) every person holding office as a member of the Trust Board shall cease to hold that office.

(3) The provisions of Schedule 4 shall apply in respect of the dissolution of the Trust Board, and the vesting of its undertaking in the successor, under this section.

(4) *Amendment(s) incorporated in the Act(s).*

29 Final accounts of Tainui Maori Trust Board

(1) As soon as reasonably practicable after the commencement of section 28, the body corporate or other person named as the successor to the Tainui Maori Trust Board by the Governor-General by Order in Council shall cause to be prepared final accounts of the Tainui Maori Trust Board as at the close of the day before the date of the commencement of that section.

(2) A copy of the final accounts of the Tainui Maori Trust Board, together with a copy of the report of the Audit Office on those accounts, shall be sent to the Minister of Maori Affairs by the body corporate which, or person who, causes those final accounts to be prepared.

(3) A copy of the final accounts, together with a copy of the report of the Audit Office on those accounts, shall be laid before the House of Representatives by the Minister of Maori Affairs as soon as practicable after their receipt by that Minister.

Amendment to Treaty of Waitangi Act 1975

[Repealed]

Heading: repealed, on 23 May 2008, pursuant to section 7 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

30 Jurisdiction of Tribunal to consider claims

[Repealed]

Section 30: repealed, on 23 May 2008, by section 7 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Amendments to Transit New Zealand Act 1989

31 Maori interests to be considered

(1) *[Repealed]*

(2) Subsection (1), and section 27 of the Transit New Zealand Act 1989 (as substituted by subsection (1)) shall be deemed, as from the close of 30 June 1996, to be repealed.

Section 31(1): repealed, on 1 July 1996, by section 31(2).

32 Maori interests to be considered

(1) *Amendment(s) incorporated in the Act(s).*

(2) No Order in Council may be made bringing subsection (1) into force before 1 July 1996.

33 Authority may declare State highways

Amendment(s) incorporated in the Act(s).

Amendment to Resource Management Act 1991

34 Conditions of resource consents

Amendment(s) incorporated in the Act(s).

Amendments to Crown Minerals Act 1991

35 Entry on Crown land for minimum impact activity

Amendment(s) incorporated in the Act(s).

36 Declaration by Order in Council that access arrangement may be determined by arbitrator

Amendment(s) incorporated in the Act(s).

Amendments to Public Works Act 1981

37 Sections to be read with Public Works Act 1981

(1) This section and the next succeeding section shall be read together with and deemed part of the Public Works Act 1981 (in that section referred to as the principal Act).

(2) This section and the next succeeding section shall come into force on the day on which this Act receives the Royal assent.

38 New sections inserted

Amendment(s) incorporated in the Act(s).

Schedule 1 The Treaty of Waitangi

Preamble, recital A

(The text in English)

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands—Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

W Hobson
Lieutenant Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

[*Here follow signatures, dates, etc*]

(The text in Maori)

KO WIKITORIA, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata maori o Nu Tirani-kia wakaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane, amua atu ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te We-

nua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) William Hobson,
Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te wakaminenga.

Schedule 2**Land in respect of which resumptive memorials are not cancelled**

s 14(5)(a)

- 1 All that piece of land containing 512.6981 hectares, more or less, situated in Blocks IX and X, Maramarua Survey District, being Sections 1, 2, 3, 4, and 5, SO Plan 58118, and being all the land comprised and described in certificate of title No. 56D/715 (South Auckland Registry).
- 2 All that piece of land containing 70.3040 hectares, more or less, situated in Block XI, Rangiriri Survey District, being Lot 1 on Deposited Plan S. 1323, Lot 1 on Deposited Plan S. 16165, Lot 1 on Deposited Plan S. 16330, Lots 1 and 2 on Deposited Plan 23139, Lot 1 and part Lot 2 on Deposited Plan 35569, part Lot 2 on Deposited Plan 23084, Allotments 16A1, 16A2A, parts Allotments 16B, 16C, 17, and 17A, and part Allotments 16A, 18A2, 18B, and 18C, Parish of Pepepe, excluding those mines and minerals excluded in *Gazette* Notices S. 635419, S. 555731, S. 544785, H. 053946, H. 104311, S. 578664, H. 153599, H. 395367 and S. 513323 and Proclamation S. 635421, M.L. 15142, M.L. 17608, M.L. 18214, M.L. 15406, M.L. 10591, M.L. 17514, SO 51592 and SO 49293, and being all the land comprised and described in certificate of title No. 53A/584 (South Auckland Registry).
- 3 All that piece of land containing 139.0021 hectares, more or less, situated in Block VI, Maramarua Survey District, being Allotments 526 and 770 and part Allotments 302, 337, 338, 339, and 340, Parish of Whangamarino, and being all the land comprised and described in certificate of title No. 42D/984 (South Auckland Registry).
- 4 All that piece of land containing 3020 square metres, more or less, situated in Block VIII, Onewhero Survey District, and being all the land comprised and described in certificate of title No. 50A/935 (South Auckland Registry).
- 5 All that piece of land containing 4047 square metres, more or less, situated in Block II, Hamilton Survey District, being Section 55, Town of Hamilton West, and being all the land comprised and described in certificate of title No. 47A/697 (South Auckland Registry).
- 6 Principal Unit No. 1 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/65 (South Auckland Registry).
- 7 Principal Unit No. 2 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/66 (South Auckland Registry).
- 8 Principal Unit No. 3 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/67 (South Auckland Registry).

- 9 Principal Unit No. 4 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/68 (South Auckland Registry).
- 10 Future Development Unit No. 6 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/70 (South Auckland Registry).
- 11 Principal Unit No. 7 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/71 (South Auckland Registry).
- 12 Principal Unit No. 8 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/72 (South Auckland Registry).
- 13 Future Development Unit No. 9 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/73 (South Auckland Registry).
- 14 Principal Unit No. 10 on Unit Plan No. S. 58403 (South Auckland Registry), being the unit described in certificate of title No. 48A/74 (South Auckland Registry).
- 15 The common property to which Unit Plan No. S. 58403 (South Auckland Registry) relates, which unit plan is the unit plan in respect of which supplementary record sheet No. 48A/75 (South Auckland Registry) has been set up.
- 16 All that piece of land containing 95.2529 hectares, more or less, situated in Blocks IX, X, and XIII, Cambridge Survey District, being Lot 2 on Deposited Plan 29655, and being all the land comprised and described in certificate of title No. 47A/808 (South Auckland Registry).
- 17 All that piece of land containing 2 roods 2.63 perches, more or less, being Lots 1 and 2, Deposited Plan 21509, and Lots 3 and 4, Deposited Plan 19075, and being part Sections 43 and 44, Township of Hamilton West, excepting pursuant to section 19, Public Works Act 1928, any mines of coal and other minerals not taken by Proclamation S. 165717, and being all the land comprised and described in certificate of title No. 1B/528 (South Auckland Registry).
- 18 All that piece of land containing 1871 square metres, more or less, being Lot 48B on Deposited Plan 3073, and being part Allotment 48, Town of Hamilton West, and being all the land comprised and described in certificate of title No. 25A/2 (South Auckland Registry).
- 19 All that piece of land in the Land Registration District of South Auckland containing 5.1644 hectares, more or less, situated in Block VII, Rangiriri Survey District, and being Allotment 356, Whangape Parish.

Schedule 2 item 5: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 6: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 7: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 8: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 9: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 10: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 11: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 12: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 13: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 14: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 15: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 16: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 17: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 18: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 2 item 19: added, on 14 November 1995, by clause 2 of the Waikato Raupata Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248).

Schedule 3
**Modifications of provisions of Public Works Act 1981 applicable to
acquisition of settlement property**

s 16(1)

- 1 For the purposes of section 16 of this Act, the following provisions of Part 2 of the Public Works Act 1981 and of Schedule 3 of that Act shall not apply, namely:
 - (a) section 23(1)(b)(iv):
 - (b) section 23(3):
 - (c) sections 24 and 25:
 - (d) form B in Schedule 3.

- 2 For the purposes of section 16 of this Act, section 23(1)(b) of the Public Works Act 1981 shall have effect as if, for subparagraphs (ii) and (iii), there were substituted the following subparagraph:
 - (ii) a statement that the land is to be acquired under section 16 of the Waikato Raupatu Claims Settlement Act 1995; and

- 3 For the purposes of section 16 of this Act, section 26 of the Public Works Act 1981 shall have effect as if, for subsection (1), there were substituted the following subsection:
 - (1) After the expiration of the period of 20 working days specified in the notice served under section 23(1)(c), the land intended to be taken shall be taken in the following manner:
 - (a) subject to the provisions of section 32,—
 - (i) a survey plan shall be prepared, in duplicate, showing accurately the position and extent of the land proposed to be taken; and
 - (ii) such plan shall be signed by the Chief Surveyor as evidence of its accuracy; and
 - (iii) a duplicate print of the title plan shall be prepared; and
 - (b) the Minister shall recommend the Governor-General to issue a Proclamation taking the land.

- 4 For the purposes of section 16 of this Act, Schedule 1 of the Public Works Act 1981 shall have effect as if, for the form set out in that schedule, there were substituted the following form:

*“Notice of intention to take land in [insert name of city or district] for the
purpose of giving effect to the Waikato Raupatu Claims Settlement*

To [full name] of [address]

- 1 Take notice that the Minister of Lands proposes to take under the Public Works Act 1981 your interest in the land described in the Schedule of this notice.
- 2 The land is to be acquired under section 16 of the Waikato Raupatu Claims Settlement Act 1995.
- 3 A plan of the land intended to be taken is attached.
[May be deleted if all the land is in a surveyed lot.]
- 4 Your interest in the land will not be acquired until at least 20 working days after the service of this notice on you.

Your right to compensation

- 5 This notice relates to the taking of your interest in the land and not to your right to compensation. Under the Public Works Act 1981 you are entitled to full compensation for your interest in the land. If this compensation cannot be agreed between you and the Minister of Lands, it can be determined in separate proceedings before the Land Valuation Tribunal.

Warning

This notice concerns your rights over the land referred to. If you are in any doubt about its effect, you should obtain legal advice immediately.

Do not delay.

[Insert name] Land District

[Give general description of the land required to be taken, including the postal address or some other readily identifiable description of the place where the land is situated.]

[Add legal description of land]

Dated at *[place, date]*

Minister of Lands: *[signature]*”

- 5 For the purposes of section 16 of this Act, form A in Schedule 3 of the Public Works Act 1981 shall have effect as if—
 - (a) for the words “*or [name of local authority] for the purpose of [insert name of public work mentioned in Proclamation or declaration]*”, there were substituted the words “so that it can be transferred to Waikato pursuant to the Waikato Raupatu claims settlement”; and
 - (b) for the words “said work”, there were substituted the words “taking of the land described in Table A below”; and

- (c) for the words “said land and the construction of the said public work” there were substituted the words “land described in Table A below”.

Schedule 4

Provisions relating to dissolution of Tainui Maori Trust Board

s 28

1 Interpretation

In this schedule and in section 28, unless the context otherwise requires,—

Inland Revenue Acts has the same meaning as in section 3(1) of the Tax Administration Act 1994

instrument includes—

- (a) any instrument (other than this Act) of any form or kind that creates, evidences, modifies, or extinguishes rights, interests, or liabilities or would do so if it or a copy of it were lodged, filed, or registered under any enactment; and
- (b) any judgment, order, or a process of a court

liabilities means liabilities, debts, charges, duties, and obligations of every description (whether present or future, actual or contingent, and whether payable or to be observed or performed in New Zealand or elsewhere)

property means property of every kind, whether tangible or intangible, real or personal, corporeal or incorporeal and, without limiting the generality of the foregoing, includes—

- (a) choses in action and money:
- (b) goodwill:
- (c) rights, interests, and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by, or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent, or prospective

rights means all rights, powers, privileges, and immunities, whether actual, contingent, or prospective

security means a mortgage or charge (whether legal or equitable), debenture, bill of exchange, promissory note, guarantee, indemnity, instrument by way of security, lien, pledge, or other security for the payment of money or for the discharge of any other obligation or liability, and in any case whether upon demand or otherwise, whether present or future and whether actual or contingent; and includes an agreement or undertaking to give or execute, whether upon demand or otherwise, any of the foregoing

undertaking, in relation to the Trust Board, means the property, rights, and liabilities of the Trust Board and, without limiting the generality of the foregoing, includes its rights, duties, and powers as a trustee.

2 Consequential provisions on vesting of undertaking

- (1) Without limiting the generality of section 28, the following provisions shall apply on and after the appointed day:
 - (a) a reference (express or implied) to the Trust Board in any other Act, or in any regulation, order, or notice made or given under any enactment, or in any contract, instrument, register, record, notice, security, document, or communication made, given, passed or executed before or after the appointed day shall, unless the context otherwise requires, be read and construed as a reference to the successor:
 - (b) all contracts (including contracts of employment), agreements, conveyances, deeds, leases, licences, securities, and other instruments, undertakings, and notices (whether or not in writing) entered into by, made with, given to or by, or addressed to the Trust Board (whether alone or with any other person) before the appointed day and subsisting immediately before the appointed day shall, to the extent that they were previously binding on and enforceable by, against, or in favour of the Trust Board, be binding on and enforceable by, against, or in favour of the successor as fully and effectually in every respect as if, instead of the Trust Board, the successor had been the person by whom they were entered into, with whom they were made, or to or by whom they were given or addressed, as the case may be:
 - (c) any instruction, order, direction, mandate, or authority given to the Trust Board shall be deemed to have been given to the successor.
- (2) Nothing effected or authorised by this Act—
 - (a) shall be regarded as placing the Trust Board or the successor or any other person in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or
 - (b) shall be regarded as placing the Trust Board, the successor, or any other person, in breach of—
 - (i) any enactment, rule of law, or contractual provision prohibiting, restricting, or regulating the assignment or transfer of any property; or
 - (ii) the Privacy Act 1993 or any other enactment, rule of law, or contractual provision relating to the collection, use, or disclosure of any information; or
 - (c) shall release any surety wholly or in part from all or any of the surety's obligations; or
 - (d) shall be regarded as giving rise to a right for any person to—
 - (i) terminate or cancel or modify any contract or agreement; or
 - (ii) enforce or accelerate the performance of an obligation; or

- (iii) require the performance of an obligation not otherwise arising for performance; or
- (e) shall invalidate or discharge any contract or security; or
- (f) shall affect the rights of the successor in respect of any promise, covenant, warranty, or guarantee given to it by any person relating to the liabilities of the Trust Board.

3 Continuity of legal proceedings

- (1) This section applies to—
 - (a) any action, arbitration, or proceeding, or cause of action, arbitration, or proceeding which, immediately before the appointed day, is pending or existing by, against, or in favour of the Trust Board or to which the Trust Board is a party;
 - (b) any cause of action, arbitration, or proceeding that arises on or after the appointed day in respect of any contract entered into by the Trust Board or any act done or omitted to be done by or to the Trust Board, as the case may be, before the appointed day that would, but for this Act, be available to, against, or in favour of the Trust Board or to which the Trust Board could have been a party.
- (2) Any action, arbitration, or proceeding and any cause of action, arbitration, or proceeding to which this section applies shall not abate or be discontinued or be prejudicially affected by this Act, but may be prosecuted and, without amendment of any writ, pleading, or other document, continued and enforced by, against, or in favour of the successor in its own name to the same extent that it might have been prosecuted, continued, and enforced by, against, or in favour of the Trust Board if this Act had not been passed.

4 Books and documents to remain evidence

- (1) Any document, matter, or thing which, if this Act had not been passed, would have been admissible in evidence in respect of any matter for or against the Trust Board shall, on and after the appointed day, be admissible in evidence in respect of the same matter for or against the successor.
- (2) In this clause, **document** has the same meaning as in section 2(1) of the Evidence Amendment Act (No 2) 1980.

5 Registers

- (1) No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be obliged solely by reason of the foregoing provisions of this Act to change the name of the Trust Board to that of the successor in those books or registers or in any document.
- (2) The presentation to any Registrar or other person of any instrument (whether or not comprising an instrument of transfer) by the successor—

- (a) executed or purporting to be executed by the successor; and
- (b) relating to any property held immediately before the appointed day by the Trust Board; and
- (c) containing a recital that the property has become vested in the successor by virtue of the provisions of this Act—

shall, in the absence of evidence to the contrary, be sufficient evidence that the property is vested in the successor.

- (3) Without limiting subclause (1) or subclause (2), where any security issued by any person or any rights or interests in property of any person are, by virtue of this Act, vested in the successor, that person, on presentation of a certificate signed by a member or officer of the successor, stating that that security or any such rights or interests have, by virtue of this Act, vested in the successor, shall, notwithstanding any other enactment or rule of law or the provisions of any instrument, register the successor as the holder of that security or as the person entitled to such rights or interests, as the case may be.
- (4) In subclause (3), **security** has the same meaning as in section 2(1) of the Securities Act 1978.
- (5) Except as provided in this clause, nothing in this Act derogates from the provisions of the Land Transfer Act 1952.

6 Transitional provisions relating to taxes and duties

For the purposes of the Inland Revenue Acts, and any other enactment that imposes or provides for the collection of a tax, duty, levy, rate, or other charge,—

- (a) on and from the appointed day the Trust Board and the successor shall be deemed to be the same person; and
- (b) all transactions entered into by, and acts of, the Trust Board before the appointed day shall be deemed to have been entered into by, or to be those of, the successor and to have been entered into or performed by the successor at the time when they were entered into or performed by the Trust Board.

Contents

- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

Notes**1 General**

This is a reprint of the Waikato Raupatu Claims Settlement Act 1995. It incorporates all the amendments to the Act as at 23 May 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Treaty of Waitangi Amendment Act 2008 (2008 No 34): section 7

Housing Corporation Amendment Act 2001 (2001 No 37): section 24(1)

Waikato Raupatu Claims Settlement Act Commencement Order 1999 (SR 1999/110)

Waikato Raupatu Claims Settlement Act Commencement Order 1997 (SR 1997/169)

Waikato Raupatu Claims Settlement Act Commencement Order 1996 (SR 1996/309)

Survey Amendment Act 1996 (1996 No 55): section 5

Waikato Raupatu Claims Settlement Act Schedule 2 Order 1995 (SR 1995/248)

Waikato Raupatu Claims Settlement Act Commencement Order 1995 (SR 1995/247)

Waikato Raupatu Claims Settlement Act 1995 (1995 No 58): section 31(2)