Reprint
as at 1 August 2014

Ngāti Whātua o Kaipara Claims Settlement Act 2013

Public Act	2013 No 37
Date of assent	12 June 2013
Commencement	see section 2

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Justice.

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Background

(1) The Treaty of Waitangi (Te Tiriti o Waitangi) was signed in 1840. The terms of the Treaty of Waitangi (Te Tiriti o Waitangi) in English and Māori are set out in Schedule 1 of the Treaty of Waitangi Act 1975:

(2) This Preamble presents, in summary form, the historical account set out in the deed of settlement entered into by Ngāti Whātua o Kaipara and the Crown:

Ngāti Whātua o Kaipara

(3) At 1840, the hapū of what is now termed Ngāti Whātua o Kaipara, namely Te Tao Ū, Ngāti Whātua Tūturu, Ngāti Rango, the people of Puatahi who are Ngāti Hine, and other related groups, occupied settlements and used resources throughout Kaipara, Mahurangi, and Tāmaki. With the exception of Ngāti Hine, whose presence developed as a result of a tuku (gift) of land following the battle of Te Ika a Ranganui (1825), these groups had gained rights in land through conquest and strategic intermarriage in the early decades of the eighteenth century:

The Treaty of Waitangi and Ngāti Whātua o Kaipara

(4) The relationship between Ngāti Whātua and the Crown was founded on the partnership created in 1840 through the signing of the Treaty of Waitangi, and the provision of land at Waitematā as the site for the new nation's capital:

(5) Both parties intended the Treaty to create a partnership—the union of 2 peoples under the protection of the Queen from which both would mutually benefit. Through the Treaty, Ngāti Whātua o Kaipara agreed to the establishment of a British system of law and government (kāwanatanga), and to give their loyalty, support, and assistance to the Crown. Ngāti Whātua o Kaipara also agreed to make land available for settlement by allowing their land to be subject to "pre-emption", a Crown monopoly on the purchase of land. The Crown, in return, promised it would protect the interests of Māori in the acquisition of land and the development of the colony generally. Ngāti Whātua o Kaipara would receive all the rights and privileges of British subjects and, in the Māori text, protection of chiefs' tino rangatiratanga over their lands, villages and treasures:

Pre-1865 transactions

(6) Before 1865, the Crown actively fostered its Treaty partnership with Ngāti Whātua o Kaipara and worked closely with leading chiefs whose support was required for the Crown to secure the land needed both for settlement and to help fund colonisation. For Ngāti Whātua, European settlement presented significant opportunities for trade and development, and the introduction of English law was welcomed. Assurances given by Crown officials, together with policies instituted to promote the interests of Ngāti Whātua and Māori generally, secured for the Crown the support and co-operation it needed. Ngāti Whātua provided resources and protection for the colony, including a substantial amount of land for the new settlement of Auckland. Early governors personally affirmed Ngāti Whātua's status as a loyal and friendly tribe:

(7) Between 1844 and 1845, the Crown waived pre-emption and allowed Māori to sell land directly to settlers. The Crown promised to protect Māori interests in those transactions and to reserve a tenth of all land purchased for schools, hospitals, and other benefits. However, those reserves were never established:

(8) The Crown subsequently established a Commission to ascertain whether purchasers had complied with the terms of the waiver proclamation. The Commission did not inquire into the nature of transactions from a Māori perspective. If Māori told the Commission they had transferred land to a settler, customary title was deemed to have been extinguished regardless of the transaction's merits. The land then became Crown land and, under its "surplus lands" policy, the Crown could choose to issue a land grant to the settler or retain land for itself as a "surplus". In total, approximately 6 000 acres of land were granted to settlers in the upper Waitematā Harbour area and the Crown retained a surplus of around 24 000 acres:

(9) Ngāti Whātua o Kaipara sold land to the Crown to encourage European settlement. Crown policy was to purchase at a low price and on-sell at high prices. Crown promises to provide settlement and benefits such as health services and schools were integral to securing Ngāti Whātua o Kaipara consent. Between 1848 and 1853, the Crown purchased further land around the upper Waitematā Harbour. These purchases and the pre-emption waiver sales totalled around 56 000 acres. No reserves for Māori were established within this area and Ngāti Whātua o Kaipara were left with no land in the upper Waitematā area:

(10) From the mid-1850s to 1868, the Crown purchased around 225 000 acres between Riverhead and Oruawharo. Some small reserves were created, but the Crown established no effective mechanism to ensure they remained in Māori control. The Crown itself purchased many of the reserves:

(11) In 1864, Ngāti Whātua o Kaipara gifted 10 acres for public purposes. Helensville later grew around this gift. One acre was set aside for Māori purposes, but was subsequently transferred to the Helensville Town Board, despite Ngāti Whātua o Kaipara protest. Over time, the Crown breached the terms of the gift by alienating parts of the block to private parties, rather than returning them to Ngāti Whātua o Kaipara when they were no longer required for public purposes:

Marginalisation and protest

(12) In 1852, the British Government granted New Zealand a new constitution to establish a representative settler Parliament. However, the right to vote was based on holding property under Crown titles and most Māori, including Ngāti Whātua o Kaipara, did not qualify to vote and had no direct representation in national or provincial government:

(13) In 1860, Ngāti Whātua protested at the Kohimaramara Conference against a number of government measures they linked to their lack of representation in government. They asked the Crown for equality with the settlers by allowing for representation in provincial authorities and the General Assembly. They based this request on the Treaty of Waitangi and the loyalty they had shown the Crown since 1840:

(14) In 1867, 4 Māori seats were established in the General Assembly. Ngāti Whātua leaders argued that the 4 Māori would be swamped by the 41 Pākehā representatives and that Māori and Pākehā should be equally represented in government:

(15) By the late 1860s, Ngāti Whātua o Kaipara had sold or been divested of around two-thirds of their land in South Kaipara. They had received, in return, few of the benefits promised by the Crown. Ngāti Whātua o Kaipara were also outnumbered by Pākehā settlers and, with other Māori, denied a significant role in government. They began a slide towards ill-health that was to continue unimpeded in the years ahead:

Native Land Court

(16) The Native Land Court, established in 1862, was intended to speed up the alienation of Māori land and to open up lands for settlement. Through individualisation, the Crown also sought to detribalise Māori and promote their eventual assimilation into European culture. This was not explained to Ngāti Whātua o Kaipara when they welcomed the court in 1864 as a means of controlling and managing their lands:

(17) The Crown selected Kaipara as the first region for the Native Land Court to operate. Initially, Ngāti Whātua o Kaipara rangatira were active participants in the court process and between 1864 and 1871 title to around 109 000 acres was determined in South Kaipara. However, survey costs, court costs, and other costs placed a significant burden on Ngāti Whātua o Kaipara. The individualisation of title also had a profound effect. Ngāti Whātua o Kaipara held their land collectively but under the Native Lands Act 1865 the court was required to award tribal lands to 10 individuals or less. Those listed were expected to act as trustees for their hapū but they had no legal responsibility to other owners. This meant that if individual title holders got into debt, land in which members of the iwi or hapū collectively held an interest could be lost:

(18) Nor did the law provide a way for the owners to collectively manage their land. This meant it was difficult for owners to accumulate capital and make improvements. Frequently, owners had little option but to use sale proceeds to meet their immediate needs. From the 1870s, private parties increasingly negotiated for the purchase of Ngāti Whātua land with individual owners, rather than the collective body of owners in a block:

(19) These issues were further exacerbated by the rules of succession provided by the court, which required the land to be divided equally amongst the owners' successors. With each succeeding generation, individual shares became smaller and less economic until management of the land was impossible and the land was effectively unusable:

(20) The immediate costs imposed by the court process, and the individualisation and fragmentation of title that resulted, encouraged the alienation of land. When Ngāti Whātua o Kaipara first entered the court process they sought to use strategic sales of small blocks of land to encourage settlement. As the 1870s continued, Ngāti Whātua o Kaipara struggled to contain alienations as individual debt rose. By 1880, the Ngāti Whātua situation was such that they were no longer selling land as a strategic move to promote the development of the area, but to repay debts and raise much-needed income:

(21) The Crown also purchased 9 400 acres in the 1870s despite warnings from officials that Ngāti Whātua o Kaipara could not afford to lose any more land. The sales were achieved by renewed promises from Crown agents that European settlement and schools would be established, and Ngāti Whātua o Kaipara would derive some lasting collateral benefit:

(22) In 1871, Ngāti Whātua o Kaipara gifted much of the land for the railway between Te Awaroa and Pitoitoi and were promised 1 acre would be reserved for them at each end of the line. Accommodation was to be provided on these reserves. The railway was completed in 1876, and in 1879, a 1-acre reserve at Helensville was provided from the 10-acre block Ngāti Whātua had earlier gifted for public purposes. None of the other commitments were met. Elsewhere in South Kaipara, numerous other pieces of Ngāti Whātua o Kaipara land were taken for railways, roading, and public services, sometimes against the wishes of the owners or without compensation or consultation:

(23) The railway encouraged settlement, and Te Awaroa (Helensville) became the township that Ngāti Whātua o Kaipara had anticipated. However, Ngāti Whātua o Kaipara were unable to capitalise on rising land values because of the extensive tracts of land sold to the Crown in the 1850s and 1860s. Much of their remaining land was of minimal economic and agricultural value:

(24) Throughout the late 1870s and 1880s, Ngāti Whātua continued to voice concerns over their level of representation in government. They spoke or wrote to the governor, Imperial authorities, visiting dignitaries, provincial leaders, and their local resident magistrate. From 1877, a series of well-attended pan-tribal conferences, or Parliaments, were hosted by Ngāti Whātua at Kohimarama, Otamatea, Reweti, Aotea, and Ōrākei. Ngāti Whātua leaders led protests about the effects of land alienation and problems with the Native Land Court. None of these protests had any lasting effect on land laws or the Government's stance:

Twentieth century

(25) By 1900, Ngāti Whātua o Kaipara were an overshadowed minority in South Kaipara. They had lost around 90% of their lands held at 1840 and retained around only 38 000 acres. Much of this was sandhills or marginal country isolated from areas of settlement. It was scarcely sufficient to permit Ngāti Whātua o Kaipara to maintain a subsistence lifestyle, let alone provide for future development:

(26) A considerable proportion of the remaining land became tied up in long-term leases administered by the Tokerau District Māori Land Board, rather than being farmed by Ngāti Whātua o Kaipara themselves. The board's management of these leases was sometimes inadequate, and leases could lead to piecemeal partitions and sales by owners who were facing the financial stresses of poverty:

(27) In 1906, the Crown compulsorily vested the Otakanini block (7 638 acres) in the Tokerau District Māori Land Board without consulting the owners. The board leased most of the block for 25 years, with a right of renewal for a total of 50 years. During this time, the owners had no meaningful role in the administration of their own land. The board did not regularly monitor the leases and at their end in 1958 Otakanini was in very poor condition. The owners took legal action against the lessees, but did not recover all the money owed. The

poor condition of the land meant that the owners have had a long and expensive struggle to retain and develop Otakanini since 1958 and that few dividends or other assistance could be provided to Ngāti Whātua o Kaipara:

(28) The Kakaraea block was also compulsorily vested by the board without consultation with the owners and then in 1915 leased out for 45 years. In 1957, near the end of the lease, the owners had little option but to sell the land to the Crown because they could not raise the finance to pay the lessee compensation for improvements. The board had not retained any portion of the rentals to ensure the owners could pay for those improvements:

(29) For much of the twentieth century, the Crown preferred to purchase or compulsorily acquire land it needed for public purposes through public works legislation. The Crown acquired over 9 000 acres of Ngāti Whātua o Kaipara's remaining land for Woodhill Forest during sand dune reclamation work along South Head. These takings included 4 significant and well-identified wāhi tapu and urupā of great significance to Ngāti Whātua o Kaipara that would otherwise have remained in customary ownership. The takings also failed to provide for legal access to the west coast to gather kaimoana, which was a staple part of the diet for many whānau, the loss of which caused further deprivation:

(30) From the 1930s, Ngāti Whātua o Kaipara benefited from employment as forestry workers in Woodhill and Riverhead. However, many Ngāti Whātua o Kaipara were made redundant in the 1980s when the Crown reformed the forestry sector without consulting Ngāti Whātua. By the late 1990s, 75% of the land Ngāti Whātua o Kaipara had held in 1900 had been alienated by sale or taken for public works. Ngāti Whātua o Kaipara were virtually landless and had been so since the end of the nineteenth century:

Socio-economic impacts

(31) Throughout the twentieth century, the breakdown in the Treaty partnership and the cumulative effects of landlessness and neglect resulted in the dislocation and impoverishment of Ngāti Whātua o Kaipara. Ngāti Whātua o Kaipara have been alienated from their lands, culture, and language, with the rich fabric of hapū and iwi life having been irreparably damaged. Poor economic circumstances forced many Ngāti Whātua o Kaipara to move to Auckland and other urban centres in search of work. Living conditions for those who remained in South Kaipara resembled rural slums:

(32) Despite the endemic nature of the health problems affecting Ngāti Whātua o Kaipara communities in the latter part of the nineteenth century, which were increasingly aggravated by poverty, only limited health services were provided by the Crown. In the twentieth century, the ability of Ngāti Whātua o Kaipara to take advantage of educational opportunities continued to be affected by poverty and poor health, and by difficulties created by distance and poor roads:

(33) While the Crown tried to deal with some of the social consequences of poverty and unemployment, it did not solve the fundamental problem of the marginal

economic position of Ngāti Whātua o Kaipara in South Kaipara. However, despite the failure of successive Crown administrations to honour the Treaty partnership and its reciprocal obligations, Ngāti Whātua o Kaipara have steadfastly continued to hold to the principles that underpin this relationship:

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Ngāti Whātua o Kaipara Claims Settlement Act 2013.

2 Commencement

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

Part 1
Preliminary matters, interpretation, settlement of historical claims, and miscellaneous matters

Subpart 1—Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology offered by the Crown to Ngāti Whātua o Kaipara in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement dated 9 September 2011, which is a deed to settle the historical claims of Ngāti Whātua o Kaipara.

4 Provisions to take effect on settlement date

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

(2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—

(a) the provision to have full effect on that date:

(b) a power to be exercised under the provision on that date:

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

5 Act binds the Crown

This Act binds the Crown.

6 Outline

(1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.

(2) This Part,—

(a) in subpart 1, sets out the purpose of this Act, provides that the provisions of the Act take effect on the settlement date unless otherwise stated, records the acknowledgements and apology given by the Crown to Ngāti Whātua o Kaipara in the deed of settlement, and specifies that the Act binds the Crown; and

(b) in subpart 2, defines terms used in this Act, including key terms such as Ngāti Whātua o Kaipara and historical claims; and

(c) in subpart 3, provides that the settlement of the historical claims is final and also provides for—

(i) the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and

(ii) a consequential amendment to the Treaty of Waitangi Act 1975; and

(iii) the effect of the settlement on certain memorials; and

(d) in subpart 4, provides for the exclusion of the law against perpetuities and for access to the deed of settlement.

(3) Part 2 provides for cultural redress, including,—

(a) in subpart 1, cultural redress requiring vesting of—

(i) the fee simple estate in 8 cultural redress properties in the trustees of the Tari Pupuritaonga Trust and, in the case of Makarau, in the trustees of the Development Trust; and

(ii) an undivided half-share in the Parakai Recreation Reserve in the trustees of the Development Trust and the Council, as tenants in common; and

(b) in subpart 2, Te Kawenata Taiao o Ngāti Whātua o Kaipara; and

(c) in subpart 3, an acknowledgement by the Crown of the statements made by Ngāti Whātua o Kaipara of their cultural, spiritual, historical, and traditional association with 4 statutory areas and the effect of that acknowledgement; and

(d) in subpart 4, a protocol to be issued to the trustees by the Minister for Arts, Culture and Heritage; and

(e) in subpart 5, the assignment and alteration of place names.

(4) Part 3 provides for commercial redress, including the transfer of licensed land and a statutory right of first refusal (**RFR**).

(5) Part 4 provides for the vesting of the Helensville and certain other land in the trustees of the Development Trust.

(6) There are 4 schedules:

(a) Schedule 1, Part A sets out the cultural redress properties and the legal description of each property, together with any interests to which a property is subject:

(b) Schedule 1, Part B sets out the legal description of, and encumbrances applying to, the Parakai Recreation Reserve:

(c) Schedule 2 sets out the procedures applying to the Parakai Recreation Reserve Board:

(d) Schedule 3 sets out the statutory areas:

(e) Schedule 4 sets out the notice requirements for the RFR process.

Acknowledgements and apology of the Crown

7 Acknowledgements and apology

Sections 8 and 9 record the text of the acknowledgements and apology of the Crown to Ngāti Whātua o Kaipara in the deed of settlement.

8 Acknowledgements

(1) The Crown acknowledges the long tradition of commitment and support of Ngāti Whātua o Kaipara given to the Crown from 1840. The Crown also acknowledges the willingness of Ngāti Whātua o Kaipara to provide lands for settlement purposes. These lands contributed to the establishment of the settler economy and the development of the nation state of New Zealand.

(2) The Crown acknowledges that it did not correctly apply certain regulations for pre-Treaty and pre-emption waiver transactions. The Crown also acknowledges that it did not always protect Māori interests during investigations into these transactions.

(3) The Crown acknowledges that it took approximately 24 000 acres of the lands of Ngāti Whātua o Kaipara claimed by settlers as a result of pre-emption waiver transactions ("surplus lands"), rather than returning these lands to Ngāti Whātua o Kaipara, and this has long been a source of grievance to Ngāti Whātua o Kaipara. The Crown acknowledges that its policy of taking surplus land from pre-emption waiver purchases breached the Treaty of Waitangi and its principles when it failed to ensure any assessment of whether Ngāti Whātua o Kaipara retained adequate lands for their needs. The Crown also acknowledges that this failure was compounded by flaws in the way the Crown implemented the policy in further breach of the Treaty of Waitangi and its principles.

(4) The Crown acknowledges that by failing to set aside one tenth of the lands transacted during the pre-emption waiver period for public purposes, especially the establishment of schools and hospitals for the future benefit of Māori (in-

cluding Ngāti Whātua o Kaipara), it breached the Treaty of Waitangi and its principles.

(5) The Crown acknowledges that, in purchasing a large amount of land from Ngāti Whātua o Kaipara between 1848 and 1868, it failed to ensure that Ngāti Whātua o Kaipara were reserved sufficient lands for their future use or benefit, and that that failure was in breach of the Treaty of Waitangi and its principles. The Crown also acknowledges that it did not take adequate steps to prevent the alienation of the few reserves that were made.

(6) The Crown acknowledges that it purchased lands at low prices from Ngāti Whātua o Kaipara on the understanding that European settlement would bring benefits to Ngāti Whātua o Kaipara and that their remaining lands would increase in value. The Crown also acknowledges that the benefits Ngāti Whātua o Kaipara were led to expect from European settlement, such as schools, hospitals and roads, were slow to arrive or were not always realised, and that this has remained a significant grievance for Ngāti Whātua o Kaipara.

(7) The Crown acknowledges that the operation and impact of the Native land laws since 1864, in particular the awarding of land to individual Ngāti Whātua o Kaipara rather than to iwi and hapū, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of the traditional tribal structures of Ngāti Whātua o Kaipara which were based on collective tribal and hapū custodianship of land. The Crown failed to take steps to adequately protect those structures. This had a prejudicial effect on Ngāti Whātua o Kaipara, and was a breach of the Treaty of Waitangi and its principles.

(8) The Crown acknowledges that the Native Land Court title determination process carried significant costs for Ngāti Whātua o Kaipara. These costs included survey and court costs, which could and did lead to further alienations of land.

(9) The Crown acknowledges that Ngāti Whātua o Kaipara continued to demonstrate their desire to participate in the development of the region by gifting various lands for public purposes, including ten acres at Te Awaroa (Helensville) and land for the Riverhead to Helensville railway. The Crown also acknowledges that it did not adhere to all conditions accompanying these gifts, including returning those lands when they were no longer needed for the purposes given, and that that failure was in breach of the Treaty of Waitangi and its principles.

(10) The Crown acknowledges that at the Kohimarama Conference of 1860 and during the "Orakei Parliaments", Ngāti Whātua o Kaipara rangatira sought equal participation for Māori in central and local government. The Crown acknowledges that the four Māori seats established to represent Māori in Parliament did not meet Ngāti Whātua o Kaipara expectations.

(11) The Crown acknowledges that by the 1920s there was little suitable land available for Ngāti Whātua o Kaipara to benefit from land-development schemes and that the assistance that was provided benefited very few.

(12) The Crown acknowledges that lands of significance to Ngāti Whātua o Kaipara at Puketapu and elsewhere were acquired by the Crown for sand-dune reclamation purposes in the decade to 1934, including through compulsory taking. The Crown acknowledges that it did not work with Ngāti Whātua o Kaipara to find an alternative to Crown acquisition and that the loss of these lands hindered access for Ngāti Whātua o Kaipara to urupā, kaimoana, and other resources.

(13) The Crown acknowledges that many members of Ngāti Whātua o Kaipara suffered poor health following European colonisation, and that Crown provision of health services to Ngāti Whātua o Kaipara was inadequate until the 1930s. The Crown also acknowledges that the education system historically had low expectations for Māori academic achievement and that this had a detrimental effect on Ngāti Whātua o Kaipara.

(14) The Crown acknowledges that the Otakanini block was compulsorily vested in the Tokerau District Māori Land Board without consultation with the owners of the block and that this denied the owners any meaningful role in the administration of the land for fifty years. The Crown also acknowledges that the leases were not properly administered and upon the return of the Otakanini block in 1958, the owners carried significant burdens that impeded the ongoing development of the land. These burdens included additional costs to remedy many breaches of lease conditions and to restore the land to the condition envisaged at the time the leases were entered into.

(15) The Crown acknowledges that the Crown's corporatisation reforms in the 1980s, in particular of the forestry industry, resulted in high unemployment rates and had a devastating impact on Ngāti Whātua o Kaipara communities.

(16) The Crown acknowledges that the cumulative effect of Crown purchasing, public works takings, and private purchasing rendered Ngāti Whātua o Kaipara virtually landless. The Crown also acknowledges that its failure to monitor the ongoing impact of land purchases contributed to the position today where Ngāti Whātua o Kaipara have insufficient land. The failure to ensure that Ngāti Whātua o Kaipara retained sufficient land was a breach of the Treaty of Waitangi and its principles. This state of landlessness has undermined the economic, social, and cultural development of Ngāti Whātua o Kaipara.

(17) The Crown acknowledges that from the 1940s a state of virtual landlessness was a significant factor contributing to high levels of migration of Ngāti Whātua o Kaipara and that most Ngāti Whātua o Kaipara now live outside their rōhe. The Crown further acknowledges that Ngāti Whātua o Kaipara communities have endured social deprivation for too long.

(18) The Crown acknowledges that the cumulative effect of the Crown's breaches of the Treaty of Waitangi and its principles significantly undermined the tino

rangatiratanga of Ngāti Whātua o Kaipara, their economic and social development, and physical, cultural and spiritual well-being with effects that continue to be felt to the present day.

(19) The Crown acknowledges that it failed to deal in an appropriate way with grievances raised by successive generations of Ngāti Whātua o Kaipara and that resolution of these grievances is long overdue.

9 Apology

(1) The Crown recognises that, from the signing of the Treaty of Waitangi, Ngāti Whātua o Kaipara committed themselves to a close and positive relationship with the Crown and, through sales and other means, provided lands for European settlement. The Crown deeply regrets that the benefits Ngāti Whātua o Kaipara were led to expect from the relationship, including benefits from the sale of land, were slow to arrive or were not always realised.

(2) The Crown profoundly regrets and unreservedly apologises for its actions, which have resulted in the virtual landlessness of Ngāti Whātua o Kaipara. This state of landlessness has had devastating consequences for the social, cultural, economic, spiritual, and physical well-being of Ngāti Whātua o Kaipara that continue to be felt today.

(3) With this apology and settlement the Crown seeks to atone for these wrongs and to begin the process of healing. The Crown intends to improve and strengthen its historically close relationship with Ngāti Whātua o Kaipara based on the Treaty of Waitangi and its principles so as to create a solid foundation for the future.

Subpart 2—Interpretation

10 Interpretation of Act generally

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

11 Interpretation

In this Act, unless the context otherwise requires,—

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

attachments means the attachments to the deed of settlement

Auckland Prison Housing Block and **Housing Block** have the meaning given in section 82

commercial redress property has the meaning given in section 82

Commissioner of Crown Lands means the Commissioner of Crown Lands appointed under section 24AA of the Land Act 1948

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

conservation area has the meaning given in section 2(1) of the Conservation Act 1987

conservation legislation means—

(a) the Conservation Act 1987; and

(b) the enactments listed in Schedule 1 of that Act

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

(a) for a company, control of the composition of its board of directors; and

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

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

Crown body means—

(a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and

(b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and

(c) the New Zealand Railways Corporation; and

(d) a company or body that is wholly owned or controlled by 1 or more of the following:

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

(e) a subsidiary of, or a related company to, a company or body referred to in paragraph (d)

cultural redress property has the meaning given in section 20

culture and heritage protocol means the protocol defined in section 72

deed of settlement—

(a) means the deed of settlement dated 9 September 2011 and signed by—

(i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and

(ii) Rhys Charles Freeman, Rangimarie Naida Glavish, Margaret Anne Kawharu, Te Kahui-iti Morehu, Waata Herewini Richards, Gloria May Timoti, Haahi Rangi Walker, and Takutaimoana Wi-

kiriwhi, trustees of Ngā Maunga Whakahii o Kaipara Development Trust, for and on behalf of Ngāti Whātua o Kaipara; and

(b) includes—

(i) the schedules and attachments to the deed; and

(ii) any amendments to the deed, or to its schedules and attachments

Development Trust means the Ngā Maunga Whakahii o Kaipara Development Trust

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

historical claims has the meaning given in section 13

interest means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property

LINZ means Land Information New Zealand

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

member of Ngāti Whātua o Kaipara means every individual referred to in section 12(1)(a)

Ngā Maunga Whakahii o Kaipara Development Trust means the trust of that name established for the benefit of Ngāti Whātua o Kaipara by the Ngā Maunga Whakahii o Kaipara Development trust deed dated 4 April 2011

Ngā Maunga Whakahii o Kaipara Tari Pupuritaonga Trust means the trust of that name established for the benefit of Ngāti Whātua o Kaipara by the Ngā Maunga Whakahii o Kaipara Tari Pupuritaonga trust deed dated 4 April 2011

property redress schedule means the property redress schedule of the deed of settlement

purchased non-forest commercial property has the meaning given in section 82

purchased Riverhead Forest property has the meaning given in section 82

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

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

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

representative entity means—

(a) the trustees of—

(i) the Development Trust; and

(ii) the Tari Pupuritaonga Trust; and

(b) any person (including any trustee) acting for, or on behalf of,—

(i) the collective group referred to in section 12(1)(a); or

(ii) 1 or more of the whānau, hapū, or groups that together form the collective group referred to in section 12(1)(a); or

(iii) 1 or more members of Ngāti Whātua o Kaipara

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

RFR means the right of first refusal provided for in subpart 4 of Part 3

RFR land has the meaning given in section 96

settlement date means the date that is 20 working days after the date on which this Act comes into force

statutory acknowledgement has the meaning given in section 59

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

Tari Pupuritaonga Trust means Ngā Maunga Whakahii o Kaipara Tari Pupuritaonga Trust

Te Kawenata Taiao o Ngāti Whātua o Kaipara and **Te Kawenata** mean the document of that name set out in part 1 of the documents schedule

Te Kawerau ā Maki claims negotiation body means the person or persons from time to time recognised by the Crown to negotiate the Te Kawerau ā Maki deed of settlement

Te Kawerau ā Maki deed of settlement and **TKaM deed of settlement** have the meaning given in section 95

Te Kawerau ā Maki governance entity and **TKaM governance entity** have the meaning given in section 95

Te Kawerau ā Maki settlement legislation and **TKaM settlement legislation** have the meaning given in section 95

transfer, in relation to a property, means the transfer of the beneficial ownership of the property upon settlement of that property

trustees and **trustees of the Development Trust** mean the trustees from time to time of Ngā Maunga Whakahii o Kaipara Development Trust, acting in their capacity as trustees of that trust

trustees of the Tari Pupuritaonga Trust means the trustees from time to time of the Tari Pupuritaonga Trust, acting in their capacity as trustees of that trust

working day means a day other than—

(a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; or

(b) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year; or

(c) the days observed as the anniversaries of the provinces of Auckland and Wellington.

Section 11 **Heritage New Zealand Pouhere Taonga**: inserted, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 11 **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

12 Meaning of Ngāti Whātua o Kaipara

(1) In this Act, **Ngāti Whātua o Kaipara**—

(a) means the collective group composed of individuals who are descended from—

(i) Haumoewaarangi; and

(ii) a recognised ancestor of at least one of Ngāti Whātua Tūturu, Te Tao Ū, Ngāti Rango (sometimes referred to as Ngāti Rongo), Ngāti Hine, or Te Uri o Hau who exercised customary rights predominantly within the area of interest at any time after 6 February 1840; and

(b) includes the individuals referred to in paragraph (a); and

(c) includes every whānau, hapū, or group to the extent that it is composed of those individuals.

(2) In this section and section 13,—

area of interest means the area that Ngāti Whātua o Kaipara identifies as its area of interest, as set out in part 1 of the attachments

customary rights means rights exercised according to tikanga o Ngāti Whātua o Kaipara, including—

(a) rights to occupy land; and

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

(c) rights of burial; and

(d) rights to affiliate to a Ngāti Whātua o Kaipara marae at any of the following places:

(i) Haranui:

(ii) Reweti:

(iii) Araparera:

(iv) Kakanui:

(v) Puatahi

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

(a) birth:

(b) legal adoption:

(c) Māori customary adoption in accordance with Ngāti Whātua o Kaipara tikanga

tikanga Ngāti Whātua o Kaipara means the customary values and practices of Ngāti Whātua o Kaipara.

13 Meaning of historical claims

(1) In this Act, **historical claims**—

(a) means the claims described in subsections (2) and (3); but

(b) does not include the claims described in subsection (4).

(2) The historical claims are every claim that Ngāti Whātua o Kaipara or a representative entity of Ngāti Whātua o Kaipara had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that—

(a) is founded on a right arising—

(i) from the Treaty of Waitangi or its principles; or

(ii) under legislation; or

(iii) at common law (including aboriginal title or customary law); or

(iv) from a fiduciary duty; or

(v) otherwise; and

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

(i) by, or on behalf of, the Crown; or

(ii) by or under legislation.

(3) The historical claims include—

(a) every claim that relates exclusively to Ngāti Whātua o Kaipara or a representative entity of Ngāti Whātua o Kaipara, to the extent that subsection (2) applies to a claim, including—

(i) Wai 279—Te Kēti B Block claim; and

(ii) Wai 312—Ngāti Whātua o Kaipara ki te Tonga claim; and

(iii) Wai 733—Ōtakanini Lands and Resources claim; and

(b) every other claim to the Waitangi Tribunal, so far as it relates to Ngāti Whātua o Kaipara or a representative entity, to the extent that subsection (2) applies to a claim, including—

(i) Wai 121—Manukau Māori Trust Board (Ngāti Whātua Lands and Fisheries) claim; and

(ii) Wai 303—Te Rūnanga o Ngāti Whātua claim; and

(iii) Wai 756—Te Tao Ū Southern Kaipara Lands and Resources claim; and

(iv) Wai 798—Ngāti Rango claim; and

(v) Wai 861—Te Tai Tokerau District Māori Council claim; and

(vi) Wai 881—Haumoewharangi-Maki descendants claim; and

(vii) Wai 887—Watene Tautari Whakapapa Whānau Trust claim; and

(viii) Wai 1045—Ngāti Marua claim; and

(ix) Wai 1046—Ngāti Whātua Tūturu o Te Tao Ū claim; and

(x) Wai 1114—Te Runanga o Te Tao Ū claim; and

(xi) Wai 1127—Ngā Oho o Te Tao Ū claim; and

(xii) Wai 1128—Te Tao Ū (Auckland) Land Alienation claim; and

(xiii) Wai 1146—Te Tao Ū Land and Resources claim; and

(xiv) Wai 1519—Ngāti Whātua (Josephs) claim; and

(xv) Wai 1825—Deborah Kapa and the descendants of Hetaraka Takapuna claim; and

(xvi) Wai 2181—Ngā Uri o Maki-nui claim; and

(c) every claim to the following, to the extent that the claim relates to Ngāti Whātua o Kaipara or a representative entity and subsection (2) applies to the claim:

(i) the maunga as defined in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; and

(ii) the motu as defined in section 11(1) of that Act; and

(iii) the Rangitoto Island properties as defined in section 8(1) of that Act; and

(iv) Māngere Mountain as defined in section 8(1) of that Act; and

(v) the Maungakiekie / One Tree Hill northern land as defined in section 8(1) of that Act.

(4) However, the historical claims do not include—

(a) any of the Te Uri o Hau historical claims, being claims settled by the Te Uri o Hau deed of settlement and the Te Uri o Hau Claims Settlement Act 2002; or

(b) a claim that a member of Ngāti Whātua o Kaipara, or a whānau, hapū, or group referred to in section 12(1)(c), had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not referred to in section 12(1)(a); or

(c) a claim that a representative entity may have to the extent that the claim is, or is based on, a claim referred to in paragraph (a) or (b).

(5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

Section 13(3)(b)(xvi): amended, on 1 August 2014, by section 166(2) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

Section 13(3)(c): inserted, on 1 August 2014, by section 166(3) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

14 Settlement of section 13(2), (3)(a), and (3)(b) historical claims final

(1AA) In this section, **historical claims** means the claims described in section 13(2), (3)(a), and (3)(b).

(1) The historical claims are settled.

(2) The settlement of the historical claims is final and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.

(3) Subsections (1) and (2) do not limit the deed of settlement.

(4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

(d) the redress provided under the deed of settlement or this Act.

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

Section 14 heading: amended, on 1 August 2014, by section 166(4) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

Section 14(1AA): inserted, on 1 August 2014, by section 166(5) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

14A Settlement of section 13(3)(c) historical claims

(1) In this section,—

collective deed has the same meaning as in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

effective date has the same meaning as in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

historical claims means the claims described in section 13(3)(c) of this Act.

(2) The historical claims are settled.

(3) The settlement of the historical claims is final and, on and from the effective date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.

(4) Subsections (1) and (2) do not limit the acknowledgements expressed in, or the provisions of, the collective deed.

(5) Despite any other enactment or rule of law, on and from the effective date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the collective deed; or

(c) the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; or

(d) the redress provided under the collective deed or that Act.

(6) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the collective deed of settlement or the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Section 14A: inserted, on 1 August 2014, by section 166(6) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52).

Amendment to Treaty of Waitangi Act 1975

15 Amendment to Treaty of Waitangi Act 1975

(1) This section amends the Treaty of Waitangi Act 1975.

(2) In Schedule 3, insert in its appropriate alphabetical order "Ngāti Whātua o Kaipara Claims Settlement Act 2013, section 14(4) and (5)."

Resumptive memorials no longer to apply

16 Certain enactments cease to apply

(1) The enactments listed in subsection (2) do not apply—

(a) to a cultural redress property; or

(b) to a commercial redress property; or

(c) to RFR land; or

(d) to a purchased non-forest commercial property if its purchase is effected under the deed of settlement; or

(e) to a purchased Riverhead Forest property, if it is not commercial redress property but its purchase is effected under the deed of settlement; or

(f) to the Housing Block, if it is purchased and its purchase is effected under the deed of settlement; or

(g) for the benefit of Ngāti Whātua o Kaipara or a representative entity.

(2) The enactments are—

(a) Part 3 of the Crown Forest Assets Act 1989:

(b) sections 211 to 213 of the Education Act 1989:

(c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:

(d) sections 27A to 27C of the State-Owned Enterprises Act 1986:

(e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

17 When resumptive memorials to be cancelled

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

(a) that is all or part of each class of property referred to in section 16(1); and

(b) in a certificate of title or computer register that has a memorial entered under any enactment listed in section 16(2).

(2) The chief executive of LINZ must issue the certificate as soon as is reasonably practicable—

(a) after the settlement date for a class of property referred to in section 16(1)(a) to (c); and

(b) after the actual date of settlement of the property for a property referred to in section 16(1)(d) to (f).

(3) Each certificate must state that it is issued under this section.

(4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—

(a) register the certificate against each certificate of title or computer register identified in the certificate; and

(b) cancel, in respect of each allotment identified in the certificate, each memorial that is recorded on a computer register described in the certificate.

Subpart 4—Miscellaneous matters

18 Rule against perpetuities does not apply

(1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—

(a) do not prescribe or restrict the period during which—

(i) the Development Trust or the Tari Pupuritaonga Trust may exist in law; or

(ii) the trustees of those trusts may hold or deal with property or income derived from property; and

(b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

(2) However, if either or both of the trusts named in subsection (1)(a) are, or become, a charitable trust, the application (if any) of the rule against perpetuities or any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

19 Access to deed of settlement

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

(a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington between 9 am and 5 pm on any working day; and

(b) free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

Part 2
Cultural redress

Subpart 1—Vesting of cultural redress properties

20 Interpretation

In this Part,—

Council means the Auckland Council established by section 6 of the Local Government (Auckland Council) Act 2009

cultural redress property means each of the following properties, and each property means the land described by that name in Part A of Schedule 1:

Property vesting in fee simple

(a) Makarau; and

Properties vesting in fee simple to be administered as reserves

(b) Atuanui Scenic Reserve; and

(c) Makarau Bridge Reserve; and

(d) Parakai; and

(e) Ten Acre Block Recreation Reserve; and

Properties vesting in fee simple subject to conservation covenant

(f) Mairetahi Landing; and

(g) Mauiniu Island; and

(h) Motoremu Island; and

(i) Tīpare

Development Trust custodian trustee, in relation to the vesting and management of the Parakai Recreation Reserve, means a custodian trustee incorporated by the trustees of the Development Trust under clause 22.1 of Ngā Maunga Whakahii o Kaipara Development Trust deed

Parakai Recreation Reserve means the land of that name described in Part B of Schedule 1

reserve property means the properties referred to in paragraphs (b) to (e) of the definition of **cultural redress property**

Tari Pupuritaonga Trust custodian trustee, in relation to the vesting and management of reserve properties, means a custodian trustee incorporated by the trustees of the Tari Pupuritaonga Trust under clause 20.1 of the Ngā Maunga Whakahii o Kaipara Tari Pupuritanga trust deed.

Property vesting in fee simple

21 Makarau

(1) Makarau ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Makarau vests in the trustees of the Development Trust.

(3) The vesting of Makarau under this section is a disposition for the purposes of Part 4A of the Conservation Act 1987, but section 24 of that Act does not apply.

Properties vesting in fee simple to be administered as reserves

22 Atuanui Scenic Reserve

(1) The reservation of Atuanui Scenic Reserve as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Atuanui Scenic Reserve vests in the trustees of the Tari Pupuritaonga Trust.

(3) Atuanui Scenic Reserve is declared a reserve and classified as a scenic reserve for the purpose specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve created by subsection (3) is named Atuanui Scenic Reserve.

(5) Despite subsections (1) and (2), the viewing platform as shown on deed plan OTS-674-08—

(a) does not vest under subsection (2); but

(b) remains the property of the Crown.

23 Makarau Bridge Reserve

(1) The reservation of Makarau Bridge Reserve as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked.

(2) The fee simple estate in Makarau Bridge Reserve vests in the trustees of the Tari Pupuritaonga Trust.

(3) Makarau Bridge Reserve is declared a reserve and classified as a local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977.

(4) Subsections (1) to (3) do not apply until the trustees of the Tari Pupuritaonga Trust provide the Council with a registrable right of way easement in gross in relation to the Makarau Bridge Reserve on the terms and conditions set out in part 7 of the documents schedule.

(5) The reserve created by subsection (3) is named Makarau Bridge Local Purpose (Estuarine Habitat) Reserve.

24 Parakai

(1) Parakai (being part of the Parakai Conservation Area) ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Parakai vests in the trustees of the Tari Pupuritaonga Trust.

(3) Parakai is declared a reserve and classified as a local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977.

(4) The reserve created by subsection (3) is named Parakai Local Purpose (Estuarine Habitat) Reserve.

25 Ten Acre Block Recreation Reserve

(1) The reservation of the Ten Acre Block Recreation Reserve as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Ten Acre Block Recreation Reserve vests in the trustees of the Tari Pupuritaonga Trust.

(3) The Ten Acre Block Recreation Reserve is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve created by subsection (3) is named the Ten Acre Block Recreation Reserve.

Properties vesting in fee simple subject to conservation covenant

26 Mairetahi Landing

(1) The reservation of the Mairetahi Landing as a local purpose (landing) reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Mairetahi Landing vests in the trustees of the Tari Pupuritaonga Trust.

(3) Subsections (1) and (2) do not apply until the trustees of the Tari Pupuritaonga Trust provide the Crown with a registrable covenant in relation to the Mairetahi Landing on the terms and conditions set out in subpart A of part 4 of the documents schedule.

(4) The covenant is to be treated as a conservation covenant for the purposes of—

(a) section 77 of the Reserves Act 1977; and

(b) section 27 of the Conservation Act 1987.

27 Mauiniu Island

(1) The reservation of Mauiniu Island as a local purpose (sand retainer) reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Mauiniu Island vests in the trustees of the Tari Pupuritaonga Trust.

(3) Subsections (1) and (2) do not apply until the trustees of the Tari Pupuritaonga Trust provide the Crown with a registrable covenant in relation to Mauiniu Island on the terms and conditions set out in subpart B of part 4 of the documents schedule.

(4) The covenant is to be treated as a conservation covenant for the purposes of—

(a) section 77 of the Reserves Act 1977; and

(b) section 27 of the Conservation Act 1987.

28 Moturemu Island

(1) The reservation of Moturemu Island (being Moturemu Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Moturemu Island vests in the trustees of the Tari Pupuritaonga Trust.

(3) Subsections (1) and (2) do not apply until the trustees of the Tari Pupuritaonga Trust provide the Crown with a registrable covenant in relation to Moturemu Island on the terms and conditions set out in subpart C of part 4 of the documents schedule.

(4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

29 Tīpare

(1) Tīpare (being part of Ti Tree Island Conservation Area) ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Tīpare vests in the trustees of the Tari Pupuritaonga Trust.

(3) Subsections (1) and (2) do not apply until the trustees of the Tari Pupuritaonga Trust provide the Crown with a registrable covenant in relation to Tīpare on the terms and conditions set out in subpart D of part 4 of the documents schedule.

(4) The covenant is to be treated as a conservation covenant for the purposes of—

(a) section 77 of the Reserves Act 1977; and

(b) section 27 of the Conservation Act 1987.

General provisions applying to vesting of cultural redress properties (other than Parakai Recreation Reserve)

30 Properties vest subject to, or together with, interests

Each cultural redress property vests under this subpart subject to, or together with, any interests listed in relation to the property in the third column of the table in Part A of Schedule 1.

31 Registration of ownership

(1) This section applies to the fee simple estate in a cultural redress property vested by this subpart.

(2) To the extent that a cultural redress property (other than Mauiniu Island) is all of the land contained in a computer freehold register, the Registrar-General must, in accordance with a written application from an authorised person,—

(a) register the trustees of the Tari Pupuritaonga Trust as the proprietors of the fee simple estate in the land; and

(b) record any entry on the computer freehold register, and do anything else that is necessary to give effect to this subpart and to part 5 of the deed of settlement.

(3) To the extent that subsection (2) does not apply to a cultural redress property, and in the case of Mauiniu Island, the Registrar-General must, in accordance with a written application received from an authorised person,—

(a) create a computer freehold register for the fee simple estate,—

(i) in the case of Makarau, in the name of the trustees of the Development Trust; and

(ii) in any other cultural redress property to which this subsection applies, in the name of the trustees of the Tari Pupuritaonga Trust; and

(b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.

(4) Subsection (3) applies subject to the completion of any survey necessary to create a computer freehold register.

(5) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—

(a) 24 months after the settlement date; or

(b) any later date that may be agreed in writing by the Crown, the trustees of the Development Trust, and the trustees of the Tari Pupuritaonga Trust.

(6) In this section, **authorised person** means,—

(a) for a cultural redress property, the Director-General:

(b) for the Helensville land, the chief executive of LINZ.

32 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property (other than Makarau) under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

(2) Despite subsection (1),—

(a) the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property under sections 22 to 25; and

(b) the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of the following reserve properties is reduced to a width of 3 metres:

(i) Mauiniu Island; and

(ii) Moturemu Island; and

(iii) Tīpare.

(3) If the reservation under this subpart of a reserve site is revoked in relation to all or part of the site, the vesting of the reserve property in the trustees of the Tari Pupuritaonga Trust is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the property.

33 Matters to be recorded on computer freehold register

(1) The Registrar-General must record on the computer freehold register—

(a) for a reserve property—

(i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and

(ii) that the land is subject to sections 32(3) and 36; and

(b) for each of the following properties, that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to 3 metres:

(i) Mauiniu Island; and

(ii) Moturemu Island; and

(iii) Tīpare; and

(c) for Mairetahi Landing, that the land is subject to Part 4A of the Conservation Act 1987; and

(d) for Makarau, that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply.

(2) A notification made under subsection (1) that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

(3) If the reservation of a reserve site under this subpart is revoked in relation to—

(a) all of the site, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the site the notifications that—

(i) section 24 of the Conservation Act 1987 does not apply to the site; and

(ii) the site is subject to sections 32(3) and 36 of this Act; or

(b) part of the site, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain on the computer freehold register only for the part of the site that remains a reserve.

(4) The Registrar-General must comply with an application received in accordance with subsection (3)(a).

34 Application of other enactments

(1) The vesting of the fee simple estate in a cultural redress property under this subpart does not—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals.

(2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.

(3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.

(4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

(a) the vesting of the fee simple estate in a cultural redress property under this subpart; or

(b) any matter incidental to, or required for the purpose of, the vesting.

Reserve properties

35 Application of other enactments to reserve properties

(1) The trustees of the Tari Pupuritaonga Trust are the administering body of a reserve property for the purposes of the Reserves Act 1977.

(2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve property, despite sections 48A(6), 114(5), and 115(6) of that Act.

(3) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve site.

(4) If the reservation under this subpart of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site,—

(a) section 25(2) of that Act applies to the revocation; but

(b) the other provisions of section 25 do not apply.

(5) A reserve property is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

(6) The Minister must not change the name of a reserve property under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the property, and section 16(10A) of that Act does not apply to the proposed change.

36 Subsequent transfer of reserve land

(1) This section applies to all, or the part, of a reserve property that remains a reserve under the Reserves Act 1977 after the vesting of that property in the trustees of the Tari Pupuritaonga Trust under this subpart (the **reserve land**).

(2) The fee simple estate in the reserve land may be transferred to any other person, but only in accordance with this section or section 37 or 38.

37 Transfer to new administering body

(1) The registered proprietors of reserve land may apply to the Minister of Conservation in writing for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).

(2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able to—

(a) comply with the requirements of the Reserves Act 1977; and

(b) perform the duties of an administering body under that Act.

(3) The Registrar-General must, upon receiving the required documents, register the new owners as the proprietors of the fee simple estate in the reserve land.

(4) The required documents are—

(a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and

(b) the written consent of the Minister of Conservation to the transfer of the reserve land; and

(c) any other document required for the registration of the transfer instrument.

(5) The new owners, from the time of their registration as the proprietors under this section,—

(a) are the administering body of the reserve land for the purposes of the Reserves Act 1977; and

(b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.

(6) A transfer that complies with this section need not comply with any other requirements.

38 Transfer of reserve land if trustees change

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

(a) the transferors of the reserve land are or were trustees of a trust; and

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

(c) the transferee is the Tari Pupuritaonga Trust custodian trustee; and

(d) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that paragraphs (a) and (b) or (a) and (c) apply.

39 Reserve land not to be mortgaged

The registered proprietors of a reserve site must not mortgage, or give a security interest in, all or any part of the site that remains a reserve under the Reserves Act 1977 after the site is vested in the trustees of the Tari Pupuritaonga Trust under this subpart.

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

(1) This section applies to any bylaw, or any prohibition or restriction on use or access that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to

a reserve site before the site was vested in the trustees of the Tari Pupuritaonga Trust under this subpart.

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

41 Names of Crown protected areas discontinued

(1) Subsection (2) applies to the land, or the part of the land, in a cultural redress property that, immediately before the commencement of this Act, was all or part of a Crown protected area.

(2) The official geographic name of the Crown protected area is discontinued in respect of the land and the Board must amend the Gazetteer accordingly.

(3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Parakai Recreation Reserve

42 Vesting of Parakai Recreation Reserve in Council cancelled

The vesting under section 26 of the Reserves Act 1977 of the Parakai Recreation Reserve in the Council is cancelled.

43 Vesting in trustees and Council

(1) The fee simple estate in the Parakai Recreation Reserve is vested, as tenants in common as to an undivided half share each, in—

(a) the trustees; and

(b) the Council.

(2) The Parakai Recreation Reserve is vested as a reserve under subsection (1), to be held in trust—

(a) subject to, or together with, the interests listed in column 3 of the table in Part B of Schedule 1; and

(b) for the purposes for which the reserve is classified from time to time under the Reserves Act 1977; and

(c) subject to the provisions of this Act.

44 Registration of ownership

The Registrar-General of Land must, in accordance with a written application by the Director-General,—

(a) create a computer freehold register for undivided half shares of the fee simple estate in the Parakai Recreation Reserve in the name—

(i) of the trustees; and

(ii) of the Council; and

(b) record on the computer freehold register—

(i) any interests that are described in the written application and are registered, notified, or notifiable; and

(ii) that the Parakai Recreation Reserve is subject to sections 45(1) to (4), 46, 48, and 52.

45 Application of Reserves Act 1977 and other enactments

(1) The Parakai Recreation Reserve remains a recreation reserve under the Reserves Act 1977 unless subsection (3) applies.

(2) The Parakai Recreation Reserve must not be—

(a) exchanged for other land under section 15 of the Reserves Act 1977; or

(b) united with another reserve (or with part of another reserve) under section 52 of that Act; or

(c) transferred, mortgaged, or the subject of a grant of a security interest.

(3) Subsection (1) does not prevent a change being made, in accordance with the Reserves Act 1977, to the classification of the Parakai Recreation Reserve.

(4) Subsection (2)(a) and (b) does not limit any Act other than the Reserves Act 1977.

(5) The vesting of an undivided half share of the fee simple estate in the Parakai Recreation Reserve by section 43(2) does not—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals.

(6) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the Parakai Recreation Reserve.

(7) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

(a) the vesting of an undivided half share of the fee simple estate in the Parakai Recreation Reserve by section 43(2); or

(b) any matter incidental to, or required for the purpose of, that vesting.

Administration of Parakai Recreation Reserve

46 Board to be administering body

(1) Not later than the settlement date, the Parakai Recreation Reserve Board (the **Board**) must be appointed in accordance with Schedule 2.

(2) The Board is subject to the provisions of that schedule.

(3) Despite the fact that the Parakai Recreation Reserve is vested in the trustees and the Council,—

(a) for the purposes of its administration, the Parakai Recreation Reserve is deemed to be vested in the Board under section 26 of the Reserves Act 1977; and

(b) the Board has the same functions, powers, and obligations in respect of the Parakai Recreation Reserve as if, on the settlement date, that reserve had been so vested.

(4) Section 41 of the Reserves Act 1977 applies to the Board as if it were a local authority for the purpose of preparing a management plan for the Parakai Recreation Reserve.

47 Powers of Minister of Conservation

(1) The Minister of Conservation has the same functions, powers, and obligations in respect of the Parakai Recreation Reserve and the Board as if the reserve were vested in the Board under section 26 of the Reserves Act 1977.

(2) The Minister of Conservation may, in accordance with section 27 of the Reserves Act 1977, cancel the deemed vesting of the Parakai Recreation Reserve in the Board as if the reserve were vested in the Board under section 26 of that Act.

48 Transfer to other trustees

(1) Despite section 45(2)(c) (which prohibits transfer of the Parakai Recreation Reserve), the trustees may transfer their undivided one half share in the fee simple estate in the reserve to—

(a) transferees who are trustees after—

(i) a new trustee has been appointed; or

(ii) a transferor has ceased to be a trustee; or

(b) the Development Trust custodian trustee.

(2) Subsection (1) is conditional on the transfer instrument being accompanied by a certificate given by the transferees, or their solicitor, verifying that the transferees are—

(a) the trustees; or

(b) the Development Trust custodian trustee.

49 Marginal strips

Section 24 of the Conservation Act 1987 does not apply to the vesting of the Parakai Recreation Reserve under section 43.

50 Third-party rights unaffected

(1) Neither the vesting of the Parakai Recreation Reserve in the trustees and the Council nor the deemed vesting of the reserve in the Board under section 46(3), affects the rights and obligations of any person in respect of the Parakai Recreation Reserve other than—

(a) the Crown; and

(b) the trustees; and

(c) the Council.

(2) The rights and obligations referred to in subsection (1) include rights or obligations in relation to the ownership, management, or control of fixtures, structures, or improvements attached to, on, or under the Parakai Recreation Reserve.

(3) On and from the settlement date, the lessor's interest in the leases over the Parakai Recreation Reserve vests in the Board.

51 Bylaws

A bylaw or prohibition or restriction on the use of, or access to or over, the Parakai Recreation Reserve made or imposed under the Reserves Act 1977 remains in force until it expires or is revoked under that Act.

Revocation and cancellation

52 Revocation of reservation

(1) This section applies if the Minister of Conservation—

(a) revokes the reservation of the Parakai Recreation Reserve or part of it under section 24 of the Reserves Act 1977; or

(b) cancels the deemed vesting under section 46(3) of the Parakai Recreation Reserve in the Board under section 27 of the Reserves Act 1977.

(2) If subsection (1) applies,—

(a) sections 43 to 48 cease to apply to the affected land; and

(b) the fee simple estate in the affected land ceases to be vested in—

(i) the Council under section 43; and

(ii) the trustees or the Development Trust custodian trustee, as the case may be; and

(c) the deemed vesting of the affected land in the Board under section 46 ceases; and

(d) if the reservation of the affected land is revoked under section 24 of the Reserves Act 1977,—

(i) section 25 of that Act applies; and

(ii) the affected land becomes Crown land available for disposal under the Land Act 1948.

(3) However, if the Minister of Conservation cancels the deemed vesting of the affected land under section 27 of the Reserves Act 1977, the land revests in the Crown in accordance with section 27(1) or (4) of that Act.

(4) In this section, **affected land** means the whole or any part of the Parakai Recreation Reserve in respect of which the reservation is revoked.

53 Alteration of computer freehold registers if reservation revoked

(1) This section applies if section 52(1) applies.

(2) The Director-General must apply in writing to the Registrar-General—

(a) to remove the notification on the computer freehold registers required by section 44(b)(ii); and

(b) to take any other action in relation to the computer freehold registers that is—

(i) required by the Director-General of Conservation; and

(ii) authorised by the Reserves Act 1977 or the Land Act 1948; and

(c) if a part of the reserve is revoked,—

(i) to ensure that the notification on the computer freehold registers required by section 44(b)(ii) remains on the register for the part of the reserve for which the reservation is not revoked; and

(ii) to comply with paragraph (b).

54 Obligation of Registrar-General of Land

The Registrar-General of Land must comply with any application made in writing by the Director-General of Conservation under section 53.

Subpart 2—Te Kawenata Taiao o Ngāti Whātua o Kaipara

55 Interpretation

In this subpart,—

conservation document means a national park management plan, conservation management plan, conservation management strategy, or freshwater fisheries management plan

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

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

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

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

56 Authority to enter into Te Kawenata

Not later than the settlement date, the Minister of Conservation, the Director-General, and the trustees of the Development Trust must enter into Te Kawenata o Taiao o Ngāti Whātua o Kaipara.

57 Noting of Te Kawenata on conservation documents

(1) The Director-General must ensure that a summary of Te Kawenata is noted on every conservation document affecting Te Kawenata Taiao Area (as defined in Te Kawenata).

(2) The noting of the summary—

(a) is for the purpose of public notice only; and

(b) does not amend the conservation documents for the purposes of the Conservation Act 1987 or the National Parks Act 1980.

58 Te Kawenata subject to powers, functions, duties, and rights

(1) Te Kawenata does not restrict—

(a) the ability of the Crown to exercise its powers and perform its functions and duties in good faith and in accordance with the law and Government policy, which includes (without limitation) the ability to—

(i) introduce legislation; and

(ii) change Government policy; and

(iii) issue a document similar to Te Kawenata to, or to interact with or consult, a person the Crown considers appropriate, including (without limitation) any iwi, hapū, marae, whānau, or other representatives of tangata whenua; or

(b) the responsibilities of the Minister of Conservation; or

(c) the legal rights of Ngāti Whātua o Kaipara or a representative entity.

(2) Te Kawenata does not grant, create, or provide evidence of an estate or interest in, or rights relating to,—

(a) land held, managed, or administered under the conservation legislation; or

(b) the common marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011; or

(c) fauna or flora managed or administered under the conservation legislation.

Subpart 3—Statutory acknowledgement

59 Interpretation

In this subpart, unless the context otherwise requires,—

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

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

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

(a) that is made by Ngāti Whātua o Kaipara of their particular cultural, spiritual, historical, and traditional association with the statutory area; and

(b) that is in the form set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 60 in respect of each statutory area, on the terms set out in this subpart

statutory area means an area that is specified in Schedule 3 and whose general location is indicated on the deed plan referred to in relation to that area

statutory plan—

(a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as those terms are defined in section 43AA of the Resource Management Act 1991; and

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

60 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

61 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are to—

(a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 62 to 64; and

(b) require relevant consent authorities to provide summaries of resource consent applications or, as the case requires, copies of notices of applications to the trustees in accordance with section 66; and

(c) enable the trustees or any member of Ngāti Whātua o Kaipara to cite the statutory acknowledgement as evidence of the association of Ngāti Whātua o Kaipara with the relevant statutory area, as provided for in section 67.

Section 61(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

62 Relevant consent authorities to have regard to statutory acknowledgement

(1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.

(3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

63 Environment Court to have regard to statutory acknowledgement

(1) This section applies to proceedings in the Environment Court in respect of an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.

(3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

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

(1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 64: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

65 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, a relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—

(a) the relevant provisions of sections 60 to 64, 66, and 67 in full; and

(b) the description of statutory areas; and

(c) the statements of association.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—

(a) part of the statutory plan; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

66 Provision of summaries or notices of certain applications

(1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:

(a) a summary of the application, if the application is received by the consent authority; or

(b) a copy of the notice, if the application is served on the consent authority under section 145(10) of the Resource Management Act 1991.

(2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.

(3) The summary must be provided—

(a) as soon as is reasonably practicable after an application is received by the relevant consent authority; but

(b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.

(4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the relevant consent authority receives the notice.

(5) The trustees may, by notice in writing to a relevant consent authority,—

(a) waive the rights to be notified under this section; and

(b) state the scope of that waiver and the period it applies for.

(6) An obligation under this section does not apply to the extent that the corresponding right has been waived.

(7) This section does not affect the obligation of a relevant consent authority to decide,—

(a) under section 95 of the Resource Management Act 1991, whether to notify an application:

(b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

67 Use of statutory acknowledgement

(1) The trustees and any member of Ngāti Whātua o Kaipara may, as evidence of the association of Ngāti Whātua o Kaipara with a statutory area, cite the statutory acknowledgement relating to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

(d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.

(2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—

(a) the bodies referred to in subsection (1); or

(b) parties to proceedings before those bodies; or

(c) any other person who is entitled to participate in those proceedings.

(3) However, those bodies and persons may take the statutory acknowledgement into account.

(4) To avoid doubt,—

(a) neither the trustees nor members of Ngāti Whātua o Kaipara are precluded from stating that Ngāti Whātua o Kaipara has an association with a statutory area that is not described in the statutory acknowledgement; and

(b) the content and existence of the statutory acknowledgement do not limit any statement made.

Section 67(1)(c): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

68 Application of statutory acknowledgement to river, stream, and harbour

In relation to the statutory acknowledgement,—

harbour includes the bed of the harbour and everything above the bed

river or **stream**—

(a) means—

(i) a continuously or intermittently flowing body of fresh water, including a modified watercourse; and

(ii) the bed of the river or stream; but

(b) does not include—

(i) a part of the bed of the river or stream that is not owned by the Crown; or

(ii) land that the waters of the river or stream do not cover at their fullest flow without overlapping its banks; or

(iii) an artificial watercourse; or

(iv) a tributary flowing into the river or stream.

General provisions relating to statutory acknowledgement

69 Exercise of powers and performance of functions and duties

(1) The statutory acknowledgement does not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw.

(2) No person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngāti Whātua o Kaipara with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.

(3) Subsection (2) does not affect the operation of subsection (1).

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

70 Rights not affected

(1) The statutory acknowledgement does not—

(a) affect the lawful rights or interests of any person who is not a party to the deed of settlement; or

(b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

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

Consequential amendment

71 Amendment to Resource Management Act 1991

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

(2) In Schedule 11, insert in its appropriate alphabetical order "Ngāti Whātua o Kaipara Claims Settlement Act 2013".

Subpart 4—Culture and heritage protocol

72 Interpretation

In this subpart,—

Minister means the Minister for Arts, Culture and Heritage

protocol means the culture and heritage protocol and includes any amendment to the protocol

taonga tūturu—

(a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and

(b) includes ngā taonga tūturu defined in section 2(1) of that Act.

73 Issuing, amending, or cancelling protocol

(1) The Minister—

(a) must issue the culture and heritage protocol to the trustees on the terms and conditions set out in part 3 of the documents schedule; and

(b) may amend or cancel that protocol.

(2) The Minister may amend or cancel the protocol at the initiative of either—

(a) the trustees; or

(b) the Minister.

(3) The Minister may amend or cancel the protocol only after consulting, and having particular regard to the views of, the trustees.

74 Protocol subject to rights, functions, and duties

The protocol does not restrict—

(a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, which includes the ability to—

(i) introduce legislation; and

(ii) change government policy; and

(iii) interact with or consult a person who the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or

(b) the responsibilities of the Minister or the Ministry for Culture and Heritage; or

(c) the legal rights of Ngāti Whātua o Kaipara or a representative entity.

75 Limitation of rights under protocol

The protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

76 Enforcement of protocol

(1) The Crown must comply with the protocol while it is in force.

(2) If the Crown fails to comply with the protocol without good cause, the trustees may, subject to the Crown Proceedings Act 1950, enforce the protocol.

(3) Despite subsection (2), damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with the protocol.

(4) To avoid doubt,—

(a) subsections (1) and (2) do not apply to guidelines developed for the implementation of the protocol; and

(b) subsection (3) does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under subsection (2).

Subpart 5—Geographic names

77 Interpretation

In this subpart,—

Board means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa continued by section 7 of the NZGB Act

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

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

78 New official geographic names of features

(1) A name specified in the first column of the table in clause 5.15.1 of the deed of settlement for a feature described in the second and third columns of that table is assigned to that feature.

(2) A name specified in the first column of the table in clause 5.15.2 of the deed of settlement for a feature is altered to the name specified for the feature in the second column of that table.

(3) Each assignment or alteration under this section is to be treated as if it were the assignment or alteration of the official geographic name, by a determination of the Board under section 19 of the NZGB Act, that takes effect on the settlement date.

79 Publication of new official geographic name

(1) The Board must, as soon as practicable after the settlement date, give public notice of each assignment or alteration of a name under section 78 in accordance with section 21(2) and (3) of the NZGB Act.

(2) The notice must state that the assignment or alteration took effect on the settlement date.

80 Alteration of new official geographic names

(1) In making a determination to alter an official geographic name assigned or altered by this subpart, the Board—

(a) need not comply with section 16, 17, 18, 19(1), or 20 of the NZGB Act; but

(b) must have the written consent of the trustees.

(2) To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act.

81 Name change for Crown protected area

The name of Lake Ototoa Scenic Reserve is changed to Rototoa/Lake Rototoa Scenic Reserve.

Part 3
Commercial redress

82 Interpretation

In this Part,—

Auckland Prison Housing Block and **Housing Block** mean the Auckland (Paremoremo) on-site housing village, described as the Paremoremo Housing Block in part 5 of the property redress schedule, if an effective Housing Block purchase notice is given

commercial redress property means the properties transferred under clause 6.1.2 of the deed of settlement, being—

(a) Woodhill Forest; and

(b) any purchased Riverhead Forest property, purchased in accordance with clause 6.1.2(b) of the deed of settlement; and

(c) the non-forest commercial properties; but

(d) does not include any purchased non-forest commercial properties

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

Crown forestry licence—

(a) has the meaning given in section 2(1) of the Crown Forest Assets Act 1989; and

(b) in relation to the licensed land, means the licence described in the third column of the tables in parts 3 and 4 of the property redress schedule

Crown forestry rental trust means the forestry rental trust referred to in section 34 of the Crown Forest Assets Act 1989

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust under section 34 of the Crown Forest Assets Act 1989

effective Housing Block purchase notice means the notice given when electing to purchase the Housing Block in accordance with paragraphs 7.9 and 7.10 of the property redress schedule

effective Riverhead Forest property purchase notice means a notice given when electing to purchase any selected Riverhead Forest property given in accordance with paragraphs 6.10 and 6.11 of the property redress schedule

land holding agency means,—

(a) for Woodhill Forest, LINZ:

(b) for each non-forest commercial property, the land holding agency specified for the property in subpart A of part 3 of the property redress schedule:

(c) for a Riverhead Forest property, LINZ:

(d) for the Housing Block, the Department of Corrections

leaseback property means each of the following properties described in subpart A of part 3 of the property redress schedule:

(a) Kaipara College:

(b) Kaukapakapa School:

(c) Parakai School:

(d) Tauhoa School:

(e) Waimauku School:

(f) Woodhill School

licensed land means—

(a) Woodhill Forest as described in subpart A of part 3 of the property redress schedule; and

(b) any purchased Riverhead Forest property

licensee, in relation to the licensed land, means the registered holder for the time being of the Crown forestry licence

licensor means the licensor for the time being of the Crown forestry licence

non-forest commercial property means a property listed in subpart A of part 3 of the property redress schedule, other than Woodhill Forest

ownership transfer date means—

(a) for a commercial redress property, the settlement date; and

(b) for a purchased non-forest commercial property, the actual transfer date for that property; and

(c) for the purchased Riverhead Forest property, if it is not a commercial property, the actual transfer date for the property; and

(d) for the Housing Block, the actual transfer date for the property

purchased non-forest commercial property means a non-forest commercial property purchased in accordance with clause 6.2 of part 6 of the deed of settlement

purchased Riverhead Forest property means a selected Riverhead Forest property to which an effective Riverhead Forest property purchase notice relates

Riverhead Forest property—

(a) means the land of each of the following 5 properties, being in each case the land described by that name in part 4 of the property redress schedule:

(i) Riverhead Forest selection unit 1:

(ii) Riverhead Forest selection unit 2:

(iii) Riverhead Forest selection unit 3:

(iv) Riverhead Forest selection unit 4:

(v) Riverhead Forest selection unit 5; but

(b) excludes, to the extent provided by the Crown forestry licence for the land,—

(i) all trees growing, standing, or lying on the land; and

(ii) all improvements that have been acquired by a purchaser of trees on the land or made, after the acquisition of the trees, by the purchaser or the licensee

transfer property means—

(a) each commercial redress property transferred in accordance with clause 6.1.2 of the deed of settlement; and

(b) any purchased non-forest commercial property transferred in accordance with clause 6.2.3 of the deed of settlement; and

(c) any purchased Riverhead Forest property transferred in accordance with paragraph 6.12.3(b) of the property redress schedule); and

(d) the Housing Block, transferred in accordance with paragraph 7.11.2(d) of the property redress schedule

Woodhill Forest—

(a) means the land described by that name in subpart A of part 3 of the property redress schedule; but

(b) excludes, to the extent provided by the Crown forestry licence in relation to the land,—

(i) all trees growing, standing, or lying on the land; and

(ii) all improvements that have been acquired by a purchaser of trees on the land or made, after the acquisition of the trees, by the purchaser or the licensee.

Subpart 1—Transfer properties

83 The Crown may transfer properties

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

(a) transfer the fee simple estate in a transfer property, including—

(i) to the trustees:

(ii) to the trustees as tenants in common with another person:

(iii) in the case of the Housing Block, to 1 or more governance entities giving an effective Housing Block purchase notice or to a Housing Block nominee; and

(b) sign a transfer instrument or other document, or do anything else necessary to effect the transfer.

(2) In this section,—

governance entity means each of the following:

(a) the trustees:

(b) the TKaM governance entity

Housing Block nominee means a person nominated by 1 or more governance entities that give the effective Housing Block purchase notice to the Department of Corrections.

84 Minister of Conservation may grant easements

(1) The Minister of Conservation may grant a right of way easement over a conservation area, as required under the deed of settlement.

(2) An easement granted under subsection (1) is—

(a) enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and

(b) to be treated as having been granted in accordance with Part 3B of that Act; and

(c) registrable under section 17ZA(2) of that Act as if it were a deed to which that provision applied.

85 Registrar-General to create computer freehold register

(1) This section applies to—

(a) each transfer property that is to be transferred under section 83 to the extent that—

(i) the property is not all of the land contained in a computer freehold register; or

(ii) there is no computer freehold register for all or part of the property; and

(b) licensed land that is subject to a single Crown forestry licence.

(2) The Registrar-General must, in accordance with a written application by an authorised person—

(a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; or

(b) in the case of the Housing Block, if so required by the written application, create 2 computer freehold registers for the fee simple estate in the property in the name of the Crown, each for an undivided specified share of the fee simple estate in the Housing Block.

(3) If the written application referred to in subsection (2) so requires, the Registrar-General must—

(a) record on the register any interests that are registered, notified, or notifiable and that are described in the written application; but

(b) omit from the register any statement of purpose.

(4) Subsections (2) and (3) are subject to the completion of any survey necessary to create a computer freehold register.

(5) The authorised person may grant a covenant for the later creation of a computer freehold register for any land transferred to the trustees.

(6) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register a covenant (as provided for in subsection (5)) under the Land Transfer Act 1952 by creating a computer interest register; and

(b) the Registrar-General must register the covenant in accordance with paragraph (a).

(7) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for the property.

86 Application of other enactments

(1) This section applies to the transfer to the trustees (including any transfer to the trustees as tenants in common with another person) of a transfer property.

(2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

(3) The transfer does not—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals.

(4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way that may otherwise be required in relation to the transfer.

(5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

(a) the transfer; or

(b) a matter incidental to, or required for the purpose of, that transfer.

(6) In exercising the powers conferred by section 83, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a relevant property to the trustees.

(7) Subsection (4) does not limit subsection (2) or (3).

Subpart 2—Licensed land

87 Licensed land ceases to be Crown forest land

(1) Licensed land ceases to be Crown forest land on the registration of the transfer of the fee simple estate in the land to the trustees.

(2) However, although licensed land does not cease to be Crown forest land until the transfer of the fee simple estate in the land to the trustees is registered, neither the Crown nor any court or tribunal may do any thing or omit to do any thing between the settlement date and the date of registration if that act or omission would be—

(a) consistent with the Crown Forest Assets Act 1989; but

(b) inconsistent with the deed of settlement.

88 Trustees to be confirmed beneficiaries and licensors

(1) The trustees are, in relation to the licensed land, the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed.

(2) The effect of subsection (1) is that—

(a) the trustees are entitled to the rental proceeds payable since the commencement of the Crown forestry licence; and

(b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustees are the confirmed beneficiaries.

(3) The trustees are the licensors under the Crown forestry licence as if the licensed land had been returned to Māori ownership—

(a) on the ownership transfer date for the land; and

(b) under section 36 of the Crown Forest Assets Act 1989.

89 Notice under Crown Forest Assets Act 1989

(1) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of a Crown forestry licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land.

(2) Notice given by the Crown under subsection (1) has effect as if—

(a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and

(b) the recommendation had become final on the ownership transfer date for the land.

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

90 Effect of transfer of licensed land

(1) Sections 88 and 89 apply to the licensed land, whether or not, on the ownership transfer date,—

(a) the transfer of the fee simple estate in the licensed land has been registered; or

(b) the processes described in clause 17.4 of the Crown forestry licence (which relates to licence-splitting processes) have been completed.

(2) To the extent that the Crown has not completed the processes referred to in subsection (1)(b) before the ownership transfer date, it must continue those processes—

(a) on and after the ownership transfer date; and

(b) until the processes are completed.

(3) For the period from the ownership transfer date until the completion of the processes referred to in subsections (1) and (2), the licence fee payable under the Crown forestry licence in respect of the licensed land is the amount calculated in accordance with paragraphs 10.24 and 10.25 of the property redress schedule.

(4) With effect from the ownership transfer date, references to the prospective proprietors in clause 17.4 of the Crown forestry licence must, in relation to the licensed land, be read as if they were references to the trustees.

Subpart 3—Access to protected sites

91 Interpretation

In this subpart,—

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

(a) is wāhi tapu or a wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero, as defined in section 6 of that Act

right of access means the right conferred by section 92.

Section 91 **protected site** paragraph (a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 91 **protected site** paragraph (b): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

92 Right of access to protected sites

(1) The owner of land on which a protected site is situated and any person holding an interest in, or a right of occupancy to, that land must allow access across the land to each protected site to Māori for whom the protected site is of special spiritual, cultural, or historical significance.

(2) A right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.

(3) A right of access is subject to the following conditions:

(a) the right of access applies on and after the ownership transfer date for the land; and

(b) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and

(c) the right of access may be exercised only at reasonable times during daylight hours; and

(d) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access as are reasonably required for—

(i) the safety of people; or

(ii) the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or

(iii) operational reasons.

93 Right of access subject to Crown forestry licence

(1) A right of access is subject to the terms of any Crown forestry licence, unless the licensee has agreed to the exercise of the right of access.

(2) An amendment to a Crown forestry licence will be of no effect to the extent that it purports to—

(a) delay the date from which a person who has a right of access may exercise that right; or

(b) otherwise adversely affect the right of access.

94 Notation on computer freehold register

(1) The Registrar-General must, in accordance with a written application by an authorised person, record on the computer freehold register for the licensed land that the land is, or may at any future time be, subject to section 92.

(2) An application must be made as soon as is reasonably practicable after the ownership transfer date.

(3) However, if a computer freehold register has not been created by the ownership transfer date, an application must be made as soon as is reasonably practicable after the register has been created.

(4) In this section, unless the context otherwise requires, **authorised person** means a person authorised by the chief executive of LINZ.

Subpart 4—Right of first refusal over RFR land

Interpretation

95 Interpretation

In this subpart and Schedule 4, unless the context otherwise requires,—

approving Marutūāhu settlement legislation means the settlement legislation that—

(a) approves as redress for Marutūāhu the rights to non-exclusive RFR land provided by or under this subpart to the Marutūāhu governance entity; and

(b) provides that those rights may be exercised by the Marutūāhu governance entity on and from the settlement date defined in the Marutūāhu settlement legislation

approving TKaM settlement legislation means the settlement legislation that—

(a) approves as redress for TKaM the rights to Auckland Prison provided by or under this subpart to the TKaM governance entity; and

(b) provides that those rights may be exercised by the TKaM governance entity on and from the settlement date defined in the TKaM settlement legislation

Auckland Prison—

(a) means the land described as Paremoremo Prison in part 5 of the attachments if, on the RFR date for the Auckland Prison,—

(i) the land is vested in the Crown; or

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

(b) includes land obtained in exchange for a disposal of Auckland Prison under section 111 or 112

dispose of, in relation to RFR land,—

(a) means—

(i) to transfer or vest the fee simple estate in the land; or

(ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but

(b) to avoid doubt, does not include—

(i) to mortgage, or give a security interest in, the land; or

(ii) to grant an easement over the land; or

(iii) to consent to an assignment of a lease, or to a sublease, of the land; or

(iv) to remove an improvement, a fixture, or a fitting from the land

exclusive RFR area means the area shown on SO 438209

exclusive RFR land has the meaning given in section 97(1)

expiry date, in relation to an offer, means its expiry date under sections 100(a) and 101

governance entity means any or all of the following:

(a) the trustees:

(b) the TKaM governance entity:

(c) the Marutūāhu governance entity

Marutūāhu deed of settlement means a deed between the Crown and Marutūāhu that settles the Marutūāhu historical claims

Marutūāhu governance entity means the entity that the Marutūāhu settlement legislation specifies as having the rights of the Marutūāhu governance entity under this subpart

Marutūāhu settlement legislation means legislation that settles the historical claims of Marutūāhu

non-exclusive RFR land has the meaning given in section 97(1)

notice means a notice given in writing under this subpart

offer means an offer by an RFR landowner, made in accordance with section 100, to dispose of RFR land to a governance entity

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

RFR date means the date on which this subpart comes into effect under section 98 in relation to—

(a) exclusive RFR land:

(b) Auckland Prison:

(c) non-exclusive RFR land

RFR land has the meaning given in section 96

RFR land nominee means a nominee nominated by a governance entity, as provided for by section 104(3)

RFR landowner, in relation to RFR land,—

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

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

(c) includes a local authority to which RFR land has been disposed of under section 106(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested—

(i) on the settlement date; or

(ii) after the settlement date, under section 107(1)

RFR period means the period that, in respect of—

(a) the exclusive RFR land and non-exclusive RFR land, is 169 years from the RFR date for that land; and

(b) Auckland Prison, is 170 years from the RFR date for that land

State highway has the meaning given in section 5(1) of the Land Transport Management Act 2003

Te Kawerau ā Maki deed of settlement and **TKaM deed of settlement** mean a deed of settlement between Te Kawerau ā Maki and the Crown that settles the historical claims of Te Kawerau ā Maki

Te Kawerau ā Maki governance entity and **TKaM governance entity** mean the entity that Te Kawerau ā Maki deed of settlement specifies as having the rights of Te Kawerau ā Maki governance entity

Te Kawerau ā Maki settlement legislation and **TKaM settlement legislation** mean legislation that settles the historical claims of Te Kawerau ā Maki.

96 Meaning of RFR land

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

(a) the exclusive RFR land; and

(b) Auckland Prison; and

(c) the non-exclusive RFR land.

(2) Land ceases to be RFR land if—

(a) the fee simple estate in the land is transferred from the RFR landowner to—

(i) a governance entity or its nominee (for example, under section 104); or

(ii) any other person (including the Crown or a Crown body) under section 99(1)(c); or

(b) the fee simple estate in the land is transferred from the RFR landowner to, or vests in, a person other than the Crown or a Crown body—

(i) under any of sections 105 to 115 (which relate to permitted disposals of RFR land); or

(ii) under section 116(1) (which relates to matters that may override the obligations of an RFR landowner under this subpart); or

(c) for non-exclusive RFR land, notice is given under section 97(2); or

(d) the RFR period ends.

97 Meaning of exclusive RFR land and non-exclusive RFR land

(1) In this subpart,—

exclusive RFR land—

(a) means land in the exclusive RFR area if, on the settlement date,—

(i) the land is vested in the Crown; or

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

(b) includes land in the area marked "A" on SO 438209 that, on the settlement date, is a reserve vested in an administering body (within the meaning of the Reserves Act 1977) that derived title from the Crown, provided that the land revests in the Crown under section 25 or 27 of the Reserves Act 1977; and

(c) includes land obtained in exchange for a disposal of exclusive RFR land under section 111 or 112; and

(d) includes the land described in part 7 of the attachments; but

(e) does not include—

(i) land in the area marked "B" on SO 438209 that, on the settlement date, is a State highway (unless the land is identified in this Act as exclusive RFR land); or

(ii) a transfer property

non-exclusive RFR land—

(a) means land described in part 6 of the attachments if, on the RFR date for that land,—

(i) the land is vested in the Crown; or

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

(b) includes land obtained in exchange for a disposal of non-exclusive RFR land under section 111 or 112; but

(c) does not include non-exclusive RFR land in respect of which notice is given under subsection (2).

(2) The Minister for Treaty of Waitangi Negotiations may, before the settlement date, give notice that non-exclusive RFR land is not to be, or is to cease to be, non-exclusive RFR land—

(a) to the trustees; and

(b) to the Marutūāhu governance entity, if approving Marutūāhu settlement legislation is enacted.

Application of this subpart

98 When this subpart comes into effect

The provisions of this subpart come into effect as follows:

(a) for the exclusive RFR land, on the settlement date; and

(b) for Auckland Prison, if the settlement date under approving TKaM settlement legislation—

(i) occurs before or on the settlement date under this Act, on that date; or

(ii) has not occurred before or on that settlement date, on the earlier of—

(A) the date that is 36 months after the settlement date under this Act:

(B) the settlement date under the approving TKaM settlement legislation; and

(c) for the non-exclusive RFR land, if the settlement date under approving Marutūāhu settlement legislation—

(i) occurs before or on the settlement date under this Act, on that date; or

(ii) has not occurred before or on that settlement date, on the earlier of—

(A) the date that is 36 months after the settlement date under this Act:

(B) the settlement date under the approving Marutūāhu settlement legislation.

Restrictions on disposal

99 Restrictions on disposal of RFR land

(1) An RFR landowner must not dispose of RFR land to a person other than to the trustees or a governance entity referred to in subsection (3)(b) or (4)(b) (or the RFR land nominee of a governance entity) unless the land is disposed of—

(a) under any of sections 105 to 115; or

(b) under section 116(1); or

(c) in accordance with subsection (2).

(2) An RFR landowner may dispose of RFR land to any person within 2 years after the expiry date of an offer made by an RFR landowner if the offer was,—

(a) in the case of exclusive RFR land, made by notice to the trustees:

(b) in the case of Auckland Prison, made by notice in accordance with subsection (3):

(c) in the case of non-exclusive RFR land, made by notice in accordance with subsection (4).

(3) In the case of Auckland Prison, notice must be given, if the settlement date under the TKaM settlement legislation—

(a) has not occurred at the date of the offer, to the trustees; or

(b) has occurred at the date of the offer, to the trustees and the TKaM governance entity.

(4) In the case of non-exclusive RFR land, notice must be given if the settlement date under the Marutūāhu settlement legislation—

(a) has not occurred at the date of the offer, to the trustees; or

(b) has occurred at the date of the offer, to the trustees and the Marutūāhu governance entity.

(5) In every case where notice has been given under subsection (2)(a), (3), or (4), the offer must—

(a) have been made in accordance with section 100; and

(b) have been made on terms that are the same as, or more favourable to the relevant governance entity than, the terms of the disposal to the other person; and

(c) not have been withdrawn under section 102; and

(d) not have been accepted under section 103.

Rights of first refusal of governance entities

100 Requirements for offer

An offer by an RFR landowner to dispose of RFR land must be made by notice that specifies—

(a) the terms of the offer, including its expiry date (which must comply with section 101); and

(b) the legal description of the land, including any interests affecting it; and

(c) the reference for any computer register for the land; and

(d) a statement that identifies the RFR land as exclusive RFR land or non-exclusive RFR land; and

(e) a street address for the land (if applicable); and

(f) a street address, postal address, and fax number for the trustees of the governance entity to which the offer is made to give notices to the RFR landowner in relation to the offer.

101 Expiry date of offer

(1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the governance entity receives notice of the offer.

(2) However, the expiry date of an offer may be on or after the date that is 20 working days after the governance entity receives notice of the offer if—

(a) the governance entity received an earlier offer; and

(b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and

(c) the earlier offer was not withdrawn.

(3) If section 103(3) applies, the expiry date is the date specified in the notice given under that provision.

102 Withdrawal of offer

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

103 Acceptance of offer

(1) The trustees may, by notice (the **acceptance notice**) to the RFR landowner that made the offer, accept an offer given by notice under section 99(2)(a), (3)(a), or (4)(a).

(2) However, an acceptance notice may be given by only 1 of the governance entities to which the offer was made under section 99(3)(b) or (4)(b).

(3) If the RFR landowner receives acceptance notices before the expiry date from both governance entities to which the offer was made, the RFR landowner

must, not later than 10 working days after receiving the notices, give notice to both governance entities, advising that—

(a) acceptance notices have been received from both governance entities; and

(b) the offer may be accepted by only 1 of the governance entities to which it was made; and

(c) for an offer to be accepted, 1 notice of acceptance from 1 (but not both) of the governance entities must be received by the RFR landowner not later than 20 working days after the date that both governance entities receive this notice.

(4) If a governance entity accepts an offer, it must accept all the RFR land offered, unless the offer permits it to accept less.

(5) An offer may be accepted under this section only if—

(a) the offer has not been withdrawn; and

(b) the expiry date of the offer has not passed.

104 Formation of contract

(1) If the trustees accept an offer under section 103 by an RFR landowner to dispose of RFR land,—

(a) a contract between the RFR landowner and the trustees for the disposal of the RFR land is formed on the terms in the offer; and

(b) the terms of the contract may be varied by written agreement between the RFR landowner and the trustees.

(2) Subsection (1) applies, with the necessary modifications, if—

(a) the TKaM governance entity accepts an offer to dispose of Auckland Prison; or

(b) the Marutūāhu governance entity accepts an offer to dispose of non-exclusive RFR land.

(3) A governance entity may, in a contract made under this section, nominate another person to whom the RFR land may be transferred (the **nominee**).

(4) A governance entity may nominate a nominee only if—

(a) the nominee is lawfully able to hold the RFR land; and

(b) notice in respect of the nominee is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.

(5) The notice given under subsection (4) must specify—

(a) the full name of the nominee; and

(b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.

(6) If a governance entity nominates a nominee, the governance entity remains liable for the obligations of the transferee under the contract.

Certain disposals permitted but land remains RFR land

105 Disposal to the Crown or Crown bodies

(1) An RFR landowner may dispose of RFR land to—

(a) the Crown; or

(b) a Crown body.

(2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

106 Disposal of existing public works to local authority

(1) An RFR landowner may dispose of RFR land that is a public work or part of a public work, in accordance with section 50 of the Public Works Act 1981, to a local authority (as defined in section 2 of that Act).

(2) To avoid doubt, if RFR land is disposed of to a local authority under subsection (1), the local authority becomes—

(a) the RFR landowner of the land; and

(b) subject to the obligations of an RFR landowner under this subpart.

107 Disposal of reserves to administering bodies

(1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.

(2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under subsection (1), the administering body does not become—

(a) the RFR landowner of the land; or

(b) subject to the obligations of an RFR landowner under this subpart.

(3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—

(a) the RFR landowner of the land; and

(b) subject to the obligations of an RFR landowner under this subpart.

Certain disposals permitted but land ceases to be RFR land

108 Disposal in accordance with enactment or rule of law

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

109 Disposal in accordance with legal or equitable obligation

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the RFR date for that land; or

(ii) was conditional before the RFR date for that land but became unconditional on or after that date; or

(iii) arose after the exercise (whether before, on, or after the RFR date) of an option existing before the RFR date; or

(b) the requirements, existing before the RFR date, of a gift, an endowment, or a trust relating to the land.

110 Disposal by the Crown under certain legislation

The Crown may dispose of RFR land in accordance with—

(a) section 54(1)(d) of the Land Act 1948; or

(b) section 355(3) of the Resource Management Act 1991; or

(c) section 34 of the Marine and Coastal Area (Takutai Moana) Act 2011.

111 Disposal of land held for public works

(1) An RFR landowner may dispose of RFR land in accordance with—

(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as those provisions are applied by another enactment); or

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981.

112 Disposal for reserve or conservation purposes

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

(a) section 15 of the Reserves Act 1977; or

(b) section 16A or 24E of the Conservation Act 1987.

113 Disposal for charitable purposes

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

114 Disposal to tenants

The Crown may dispose of RFR land—

(a) that was held on the RFR date for education purposes to a person who, immediately before the disposal, is a tenant of the land or of all or part of a building on the land; or

(b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted,—

(i) before the RFR date; or

(ii) on or after the RFR date for that land as a renewal of a lease granted before that date; or

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

115 Disposal by Housing New Zealand Corporation

(1) Housing New Zealand Corporation or any of its subsidiaries may dispose of the Hobsonville land if—

(a) that land is Crown-owned land held for State housing purposes at Hobsonville; and

(b) the Minister of Housing has given notice to the trustees that, in the Minister's opinion, the purpose of the disposal is to achieve, or to assist in achieving, the Crown's social objectives in relation to housing or services related to housing.

(2) In this section, **Hobsonville land** means the land shown on deed plan OTS-674-17.

RFR landowner obligations

116 RFR landowner's obligations under this subpart

(1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

(a) any other enactment or rule of law but, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any encumbrance or legal or equitable obligation—

(i) that prevents or limits an RFR landowner's disposal of RFR land to a governance entity; and

(ii) that the RFR landowner cannot satisfy by taking reasonable steps; and

(c) the terms of a mortgage over, or security interest in, RFR land.

(2) For the purposes of subsection (1)(b)(ii), reasonable steps do not include steps to promote the passing of an enactment.

(3) This subpart does not limit subsection (1).

Notices about RFR land

117 Notice to LINZ of creation of computer register after settlement date

(1) If a computer register is first created for RFR land after the RFR date for the relevant RFR land, the RFR landowner must give the chief executive of LINZ notice that the register has been created.

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

(3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.

(4) The notice must include the reference for the computer register and a legal description of the land.

118 Notice to governance entities of disposals of RFR land to others

(1) An RFR landowner must give notice of any disposal,—

(a) in the case of exclusive RFR land, to the trustees, if the disposal is to a person other than those trustees; and

(b) in the case of Auckland Prison, to the trustees and the TKaM governance entity, if the disposal is to a person other than those trustees or that governance entity; and

(c) in the case of non-exclusive RFR land, to the trustees and the Marutūāhu governance entity, if the disposal is to a person other than those trustees or that governance entity.

(2) The notice must be given on or before the date that is 20 working days before the disposal.

(3) The notice must—

(a) specify the legal description of the land and any interests affecting it; and

(b) identify any computer register that contains the land; and

(c) specify the street address for the land (if applicable); and

(d) identify the person to whom the land is being disposed of; and

(e) explain how the disposal complies with section 99(1); and

(f) if the disposal is made under section 99(2), include a copy of any written contract for the disposal.

(4) The requirement under subsection (1)(b) and (c) to notify the TKaM governance entity and the Marutūāhu governance entity respectively applies only if, before the date of the notice, as the case may require, relevant approving settlement legislation has been enacted.

119 Notice to governance entities if disposal of certain RFR land being considered

(1) This section applies if an RFR landowner is considering whether to dispose, in a way that may require an offer under this subpart, of—

(a) Auckland Prison:

(b) non-exclusive RFR land.

(2) The RFR landowner must give notice to any governance entity to which the offer would be made under this subpart if the land were to be disposed of.

(3) The notice must—

(a) specify the legal description of the land; and

(b) identify any computer register that contains the land; and

(c) specify the street address for the land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate and inspect it.

(4) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—

(a) section 207(4) of the Education Act 1989 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education Act 1989); or

(b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or

(c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment.

120 Notice to LINZ of land ceasing to be RFR land

(1) Notice must be given in accordance with this section if, after the RFR date,—

(a) any RFR land contained in a computer register is to cease to be RFR land under section 96(2); or

(b) any non-exclusive RFR land contained in a computer register is to cease to be non-exclusive RFR land under section 97(2).

(2) The RFR landowner must give notice to the chief executive of LINZ—

(a) that the land is to cease being RFR land; and

(b) that specifies the legal description of the land; and

(c) that identifies the computer register that contains the land.

(3) A notice given under subsection (1)(a) must—

(a) be given as early as practicable before the transfer or vesting; and

(b) specify the details of the transfer or vesting of the land that will result in the land ceasing to be RFR land.

(4) A notice given under subsection (1)(b) must—

(a) be given as early as practicable after the land ceases to be RFR land; and

(b) include a copy of the notification given by the Minister for Treaty of Waitangi Negotiations under section 96(3).

121 Notice requirements

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

(a) an RFR landowner; or

(b) a governance entity.

Notations identifying RFR land

122 Notations to be recorded on computer registers for RFR land

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers for,—

(a) the RFR land for which there is a computer register on the RFR date for the land; and

(b) the RFR land for which a computer register is first created after the RFR date for the land; and

(c) land for which there is a computer register and that becomes RFR land after the RFR date for the land.

(2) A certificate must be issued as soon as is reasonably practicable after—

(a) the RFR date for the land, in the case of RFR land for which there is a computer register on that date; or

(b) receiving a notice under section 117 that a computer register has been created for the RFR land or that the land has become RFR land, in the case of any other land.

(3) Each certificate must state that it is issued under this section.

(4) The chief executive must provide a copy of each certificate, as soon as is reasonably practicable after issuing the certificate, if the certificate—

(a) is for exclusive RFR land, to the trustees:

(b) is for the Auckland Prison,—

(i) to the trustees; and

(ii) if approving TKaM settlement legislation has been enacted, to the TKaM governance entity:

(c) is for non-exclusive RFR land,—

(i) to the trustees; and

(ii) if approving Marutūāhu settlement legislation has been enacted, to the Marutūāhu governance entity.

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record as a memorial on the computer register for the RFR land identified in the certificate that the land is—

(a) RFR land as defined in section 96; and

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

123 Removal of notations when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice given under section 120(1)(a), issue to the Registrar-General a certificate that—

(a) specifies the legal description of the land; and

(b) identifies the computer register for the land; and

(c) specifies the details of the transfer or vesting of the land; and

(d) states that it is issued under this section.

(2) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice given under section 120(1)(b), issue to the Registrar-General a certificate that—

(a) specifies the legal description of the land described in the notice; and

(b) identifies the computer register that contains the land; and

(c) includes a copy of the notice given under section 97(2); and

(d) states that it is issued under this section.

(3) The chief executive must provide a copy of each certificate, as soon as is reasonably practicable after issuing the certificate, in accordance with the requirements of section 122(4).

(4) If the Registrar-General receives a certificate issued under subsection (1) or (2), the Registrar-General must remove any memorial recorded under section 122 from the computer register identified in the certificate—

(a) immediately before registering the transfer or vesting described in the certificate, if the certificate is issued under subsection (1); and

(b) as soon as is reasonably practicable after receiving the certificate, if the certificate is issued under subsection (2).

124 Removal of notations when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that—

(a) identifies each computer register that still has a memorial recorded on it under section 122; and

(b) states that it is issued under this section.

(2) The chief executive must provide a copy of each certificate as soon as is reasonably practicable after issuing it, in accordance with the requirements of section 122(4).

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any memorial recorded under section 122 from the computer register identified in the certificate.

General provisions

125 Waiver and variation

(1) A governance entity may, by notice to an RFR landowner, waive any or all of the rights the governance entity has in relation to the landowner under this subpart.

(2) An RFR landowner and the governance entity may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.

(3) The following entities may agree in writing that one of them may exercise any right provided for by this subpart that may be exercised by both of them or by the other:

(a) the trustees and the TKaM governance entity:

(b) the trustees and the Marutūāhu governance entity.

(4) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

126 Assignment of rights and obligations under this subpart

(1) Subsection (3) applies if an RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional documents; and

(b) has given the notices required by subsection (2).

(2) Notices must be given to each RFR landowner—

(a) stating that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specifying the date of the assignment; and

(c) specifying the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specifying the street address, postal address, fax number, or email address for notices to the assignees.

(3) This subpart and Schedule 4 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with all necessary modifications.

(4) In this section,—

constitutional documents means the trust deed or other instrument adopted for the governance of the RFR holder

RFR holder means the 1 or more persons who have the rights and obligations of the trustees under this subpart because—

(a) they are the trustees; or

(b) they have previously been assigned those rights and obligations under this section.

127 Disposal of Crown bodies not affected

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

Part 4
Other redress

128 Helensville land vested

(1) In this section, **Helensville land** means the land at 24 Commercial Road Helensville, in the North Auckland Land District, 0.1878 hectares, more or less, being Lot 1 DP 441007. All *Gazette* notice C688263.1.

(2) The fee simple estate in the Helensville land vests in the trustees of the Development Trust.

(3) Sections 16, 17, and 31 to 34 apply to the Helensville land, as far as they are relevant, as if that land were a cultural redress property, but modified as necessary to provide that the Helensville land vests in the trustees of the Development Trust.

(4) LINZ is the land holding agency for the Helensville land.

129 23 Commercial Road/1 Rata Street and 3 Rata Street vested

(1) In this section, the land at 23 Commercial Road/1 Rata Street and 3 Rata Street is the land at that location, in the North Auckland Land District, described as follows:

(a) 0.0455 hectares, more or less, being Section 1B Block XIV Kaipara Survey District. All computer freehold register NA 171/281; and

(b) 0.1687 hectares, more or less, being Part Section 1C Block XIV Kaipara Survey District. Balance computer freehold register NA 958/23.

(2) The reservation of the part of the land at 23 Commercial Road/1 Rata Street and 3 Rata Street that is reserved—

(a) as a park, public garden, and recreation ground subject to the Reserves Act 1977 is revoked; and

(b) as a library site subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in the land at 23 Commercial Road/1 Rata Street and 3 Rata Street vests in the trustees of the Development Trust.

(4) The vesting by subsection (3) does not include any improvements on the land that are owned by the Auckland Council.

(5) Sections 16, 17, 31(5), and 32 to 34 apply to the land at 23 Commercial Road/1 Rata Street and 3 Rata Street, as far as they are relevant, as if that land were a cultural redress property, but modified as necessary to provide that the land at 23 Commercial Road/1 Rata Street and 3 Rata Street vests in the trustees of the Development Trust.

(6) The Registrar-General must, in accordance with a written application from the Secretary for Justice,—

(a) register the trustees of the Development Trust as the proprietors of the fee simple estate in the land described in subsection (1); and

(b) record any entry on the computer freehold register, and do anything else that is necessary to give effect to this section and part 7 of the deed of settlement.

Schedule 1
Cultural redress properties and Parakai Recreation Reserve

ss 6(6), 20, 43

Part A
Cultural redress properties

Name of site	Description (all North Auckland Land District)	Encumbrances
Property vesting in fee simple		
Makarau	5.0862 hectares, more or less, being Section 1 SO 444818 and Section 36 Block II Kaipara Survey District.	
Properties vesting in fee simple to be administered as reserves		
Atuanui Scenic Reserve	625.6540 hectares, more or less, being Section 1 SO 440005. All *Gazette* notice C465246.1 and parts *Gazette* notice D376064.1 and *Gazette* notice D376064.2.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Makarau Bridge Reserve	4.1644 hectares, more or less, being Section 1 SO 446489. Part *Gazette* 1973, p 895.	Local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977. Subject to right of way easement referred to in section 23(4).
Parakai	26.2754 hectares, more or less, being Sections 1 to 189 SO 441418.	Local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977.
Ten Acre Block Recreation Reserve	0.0195 hectares, more or less, being Section 37 Block XIV Kaipara Survey District. All *Gazette* notice 16275.	Recreation reserve subject to section 17 of the Reserves Act 1977.
Properties vesting in fee simple subject to conservation covenant		
Mairetahi Landing	4.3250 hectares, more or less, being Section 1 SO 439996. Part *Gazette* 1936, p 1530.	Subject to the conservation covenant referred to in section 26(3).
Mauiniu Island	2.1868 hectares, more or less, being Section 1 SO 440002. All computer freehold register NA98D/745.	Subject to the conservation covenant referred to in section 27(3). Together with a right to enter into and upon and use the lakes on the land created by Transfer 306110. The within land to be added to a water area (Crosland Farm Settlement) for the purposes of section 50 of the Land Act 1948 created by *Gazette* A187922.

Name of site	Description (all North Auckland Land District)	Encumbrances
		Resolution pursuant to section 321(3)(b) of the Local Government Act 1974 created by C709584.3.
Moturemu Island	5.0500 hectares, more or less, being Section 1 SO 440003. Part computer freehold register NA23/186.	Subject to the conservation covenant referred to in section 28(3).
Tīpare	2.3300 hectares, more or less, being Section 1 SO 440004. Part *Gazette* notice C465397.2.	Subject to the conservation covenant referred to in section 29(3).

Part B
Parakai Recreation Reserve

Name of site	Description (North Auckland Land District)	Encumbrances
Parakai Recreation Reserve	18.4140 hectares, more or less, being Sections 1 and 2 SO 439999. All computer freehold register NA75C/241 and Part *Gazette* 1918, p 1240.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to an unregistered lease to Parakai Springs Complex Limited commencing 1 January 1996. Subject to a lease to Aquatic Parks (NZ) Limited created by C055727.1.

Schedule 2
Parakai Recreation Reserve: Procedural matters

ss 6(6), 46

1 Membership of Board

(1) The Parakai Recreation Reserve Board (the **Board**) must consist of 6 members (or may consist of 8 members if agreed in writing by the trustees and the Council).

(2) The trustees must appoint half of the members of the Board by notice to the Council, and the Council must appoint half by notice to the trustees.

(3) An act or decision of the Board is not invalid because fewer than the number of members required by subclause (1) have been appointed.

(4) The first members of the Board must be appointed not later than the settlement date.

2 Application of Reserves Act 1977 to Board

Sections 31 to 34 of the Reserves Act 1977 apply to the Board as if it were a Board appointed under section 30(1) of that Act, except that—

(a) section 31(a) of that Act does not apply to the term of office of a member of the Board; and

(b) the Minister may not remove a member under section 31(c) of that Act; and

(c) section 32(1), (2), (5) and (10) of that Act do not apply to meetings of the Board.

3 Term of office of Board members

(1) A member of the Board holds office for a term not exceeding 3 years, as specified in the notice of appointment.

(2) A member may be removed from office at the sole discretion of—

(a) the trustees, in the case of a member appointed by the trustees, upon written notice by the trustees to the member and to the Council; and

(b) the Council, in the case of a member appointed by the Council, upon written notice by the Council to the member and to the trustees.

(3) A person removed from office under subclause (2) may be reappointed.

4 Chairperson

(1) The members of the Board appointed by the trustees must, by written notice to the Council, appoint a member to be the chairperson of the Board.

(2) The term of office of the chairperson must be specified in the notice of appointment, but—

(a) must not exceed the term of office of that person as a member of the Board; and

(b) terminates if the person ceases to be a member of the Board.

5 Notice of appointments

The Board must give public notice in a daily newspaper circulating in Auckland of the appointment of—

(a) members of the Board; and

(b) the chairperson.

6 Procedures of Board

(1) The Board may regulate its own procedure, unless otherwise provided for in this schedule, including procedures for—

(a) subcommittees of the Board, including their appointment and powers; and

(b) the resolution of disputes.

(2) The Board may appoint persons who are not members of the Board to be members of subcommittees.

(3) Every matter before the Board must be determined by a majority of votes of the members present and voting on that matter.

7 Meetings of Board

(1) The first meeting of the Board must be held not later than 2 months after the settlement date.

(2) Unless otherwise agreed by the members of the Board,—

(a) the Board must meet at least twice each year; and

(b) each member has 1 vote; and

(c) if there is an equality of votes cast by members (including the chairperson), the chairperson also has a casting vote.

8 Funding of Board

(1) In addition to any money received by the Board by way of rent, royalty, or otherwise in respect of the Parakai Recreation Reserve under section 78(1) of the Reserves Act 1977, the trustees or the Council may agree to provide additional funding to be applied in respect of the reserve.

(2) There is no obligation on the Council to make any payment to the members of the Board appointed by the trustees by way of remuneration, reimbursement of travelling or other expenses, or otherwise.

9 Application of Public Audit Act 2001

The Board is a public entity within the meaning of section 4 of the Public Audit Act 2001.

Schedule 3
Statutory areas

ss 6(6), 59

Motutara Settlement Scenic Reserve and Goldie Bush Scenic Reserve (as shown on deed plan OTS-674-12)

Ototoa Conservation Area and Lake Rototoa Scenic Reserve (as shown on deed plan OTS-674-15)

Papakanui Conservation Area and Papakanui Spit Wildlife Refuge (as shown on deed plan OTS-674-11)

Coastal Statutory Acknowledgement Area (as shown on deed plan OTS-674-10)

Schedule 4
RFR notice requirements

ss 6(6), 95, 121, 126

1 Requirements for giving notice

A notice by or to an RFR landowner or a governance entity under subpart 4 of Part 3 must be—

(a) in writing and signed by—

(i) the person giving it; or

(ii) in the case of the trustees, at least 3 of the trustees; or

(iii) in the case of the TKaM governance entity, the persons specified in the approving TKaM settlement legislation; or

(iv) in the case of the Marutūāhu governance entity, the persons specified in the approving Marutūāhu settlement legislation; and

(b) addressed to the recipient at that person's current street address, postal address, fax number, or other electronic address,—

(i) in the case of a notice to a governance entity, as specified in whichever is the later of the relevant deed of settlement and a notice of change of address for service signed for and on behalf of the governance entity:

(ii) in the case of a notice to the RFR landowner, as specified by the RFR landowner in an offer made under section 100:

(iii) in the case of a notice given to the chief executive of LINZ under section 117 or 120, the Wellington office of LINZ; and

(c) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number or transmitting it by other electronic means such as email.

2 Limitation on use of electronic transmission

Notices given under sections 100, 103, and 104—

(a) may be given by fax; but

(b) must not be given by other electronic means such as email.

3 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the second day after posting, if posted; or

(c) at the time of transmission, if faxed or given by other electronic means.

(2) However, a notice is to be treated as having been received on the next working day if, under subclause (1), it would be treated as having been received—

(a) after 5 pm on a working day; or

(b) on a day that is not a working day.

Reprints notes

1 General

This is a reprint of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52): section 166

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

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