Reprint
as at 12 November 2018

Ngāti Pūkenga Claims Settlement Act 2017

Public Act	2017 No 39
Date of assent	14 August 2017
Commencement	see section 2

Contents

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.

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Pūkenga Claims Settlement Act 2017.

2 Commencement

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

Part 1
Preliminary matters, acknowledgements and apology, and settlement of historical claims

Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology given by the Crown to Ngāti Pūkenga in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Pūkenga.

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; or

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

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

5 Act binds the Crown

This Act binds the Crown.

6 Outline

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

(2) This Part—

(a) sets out the purpose of this Act; and

(b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and

(c) specifies that the Act binds the Crown; and

(d) records the text of the acknowledgements and apology given by the Crown to Ngāti Pūkenga, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Ngāti Pūkenga and historical claims; and

(f) provides that the settlement of the historical claims is final except as to the matters provided for in section 13(3); and

(g) provides for—

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

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

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

(iv) the exclusion of the law against perpetuities; and

(v) access to the deed of settlement.

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

(a) cultural redress that does not involve the vesting of land, namely,—

(i) 2 protocols, on the terms set out in the documents schedule; and

(ii) a statutory acknowledgement by the Crown of the statements made by Ngāti Pūkenga of their cultural, historical, spiritual, and traditional association with certain statutory and coastal statutory areas; and

(b) cultural redress requiring vesting in the trustees, and in the case of 1 property in certain circumstances jointly with the trustees of the settlement trusts of 2 other iwi, of the fee simple estate in certain cultural redress properties, including provisions relating to certain minerals in specified cultural redress properties; and

(c) the joint vesting in the trustees, and in the trustees of the settlement trusts of 5 other iwi, of 2 properties (ngā pae maunga) to be administered as reserves by a joint management body appointed by the new owners.

(4) Part 3 provides for commercial redress, including the power to transfer the commercial redress property, and the right of first refusal over RFR land.

(5) There are 4 schedules, as follows:

(a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates:

(b) Schedule 2 describes the cultural redress properties:

(c) Schedule 3 describes 2 properties (ngā pae maunga) jointly vested in fee simple to be administered as reserves:

(d) Schedule 4 sets out provisions that apply to notices given in relation to RFR land.

Acknowledgements and apology of the Crown

7 Acknowledgements and apology

(1) Sections 8 and 9 record the text of the acknowledgements and apology given by the Crown to Ngāti Pūkenga in the deed of settlement.

(2) The acknowledgements and apology are to be read together with the historical account recorded in part 3 of the deed of settlement.

8 Acknowledgements

General acknowledgements

(1) The Crown acknowledges that the Ngāti Pūkenga rangatira Te Kou o Rehua made a commitment to te Tiriti o Waitangi/the Treaty of Waitangi and the relationship with the Crown that flowed from it. The Crown further acknowledges that Ngāti Pūkenga have always maintained this commitment through to the present day.

(2) The Crown acknowledges—

(a) that, despite the promise of te Tiriti o Waitangi/the Treaty of Waitangi, many Crown actions created long-standing grievances for Ngāti Pūkenga; and

(b) that the Crown failed to deal in an appropriate way with grievances raised by successive generations of Ngāti Pūkenga; and

(c) that recognition of Ngāti Pūkenga grievances is long overdue.

War in Tauranga

(3) The Crown acknowledges that—

(a) Ngāti Pūkenga, as an iwi, did not take part in the war in Tauranga because they were committed to upholding te Tiriti o Waitangi/the Treaty of Waitangi; and

(b) the Crown was ultimately responsible for the outbreak of war in Tauranga in 1864 and its actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Tauranga confiscation/raupatu

(4) The Crown acknowledges that, despite leading Te Tāwera and Ngāti Pūkenga to believe their interests would be scrupulously respected, the confiscation/raupatu at Tauranga Moana and the Tauranga District Lands Acts 1867 and 1868 unjustly extinguished the customary title of Te Tāwera and Ngāti Pūkenga in the land within the confiscation district, and breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(5) The Crown acknowledges that its confiscation/raupatu at Tauranga Moana left Ngāti Pūkenga increasingly dependent on tuku whenua lands (lands received through customary transfer) outside of Tauranga for their support, and that the wish Te Kou o Rehua expressed in his ōhākī for all Ngāti Pūkenga at Manaia to return to Tauranga Moana has not been realised.

(6) The Crown also acknowledges that—

(a) it returned just 98.5 acres of the Tauranga confiscation block to 3 Ngāti Pūkenga individuals; and

(b) it did not offer the same opportunity to Ngāti Pūkenga to pursue their ancestral claim to the greater Otawa block, which included the Otawa, Ngāpeke, Pāpāmoa, and Mangatawa blocks, that it offered others, and in so doing it failed to acknowledge the ancestral claim of Ngāti Pūkenga at Tauranga Moana; and

(c) it returned land to Ngāti Pūkenga in the form of individualised title rather than Māori customary title.

(7) The Crown further acknowledges that the confiscation/raupatu and the subsequent enactment of the Tauranga District Lands Acts 1867 and 1868—

(a) deprived Ngāti Pūkenga of wāhi tapu, access to natural resources, and opportunities for development at Tauranga Moana; and

(b) prevented Ngāti Pūkenga from exercising mana and rangatiratanga over land and resources within Tauranga Moana; and

(c) severed the ability of Ngāti Pūkenga to nurture the traditions associated with their long connections with their customary lands, including wāhi tapu, natural resources, and other sites in Tauranga Moana and marginalised Ngāti Pūkenga, as an iwi in Tauranga Moana.

Te Puna-Katikati purchase

(8) The Crown acknowledges that it failed to actively protect Ngāti Pūkenga interests in lands that Ngāti Pūkenga wished to retain when the Crown initiated the purchase of Te Puna and Katikati blocks in 1864 without investigating the rights of Ngāti Pūkenga or involving Ngāti Pūkenga in purchase negotiations

and completed the purchase despite Ngāti Pūkenga opposition, and this failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Native land laws

(9) The Crown acknowledges that—

(a) the operation and impact of the native land laws at Tauranga Moana, Manaia, Maketū, and Pakikaikutu, in particular, the awarding of land to individual Ngāti Pūkenga rather than to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the further erosion of the traditional tribal structures of Ngāti Pūkenga, which were based on collective tribal and hapū custodianship of land. This had a prejudicial effect on Ngāti Pūkenga and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles; and

(b) it did not, until 1894, provide any means in the native land law legislation for a form of collective title enabling Ngāti Pūkenga to administer and utilise their lands, but by that time title to much Ngāti Pūkenga land had been awarded to individual Ngāti Pūkenga; and

(c) the failure to provide a legal means for the collective administration of Ngāti Pūkenga land was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(10) The Crown acknowledges that—

(a) Ngāti Pūkenga reasonably believed that the 8 individuals to whom the Native Land Court awarded title of Manaia 1 and 2 in 1871 were representatives of the hapū of Ngāti Pūkenga; and

(b) the Native Land Court awarded the lands of Ngāti Whakina at Manaia 1 and 2 in 1889 to a successor of one of the individual owners despite the opposition to this award by Ngāti Pūkenga; and

(c) the Crown purchased Manaia 1 and 2 in 1891 from the individual owner recognised under the native land laws, leaving Ngāti Whakina landless; and

(d) by allowing that individual owner to sell hapū lands, the native land legislation did not reflect the Crown's obligation to actively protect the interests of Ngāti Whakina in Manaia 1 and 2, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(11) The Crown acknowledges that between 1921 and 1932 it purchased a large area of land at Manaia from individual owners despite 2 meetings of the assembled owners of that land refusing to even consider the Crown's offer.

Pakikaikutu coastal road

(12) The Crown acknowledges that its taking of land for the coastal road at Pakikaikutu severed the Ngāti Pūkenga kāinga at Pakikaikutu from the sea, and that this has caused great distress for Ngāti Pūkenga.

Surveys at Manaia

(13) The Crown acknowledges that Ngāti Pūkenga were deprived of nearly 320 acres of their land at Manaia when the Crown took this land to pay for surveys. The Crown further acknowledges that the 320 acres included approximately 35 acres for surveys that were never carried out, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Maketū consolidation scheme

(14) The Crown acknowledges that the Maketū consolidation scheme carried out by the Crown resulted in Ngāti Pūkenga losing interests in some of the land to which they had customary connections and acquiring interests in land to which they had lesser connections.

Tauranga development scheme

(15) The Crown acknowledges that its administration of the Tauranga development scheme deprived Ngāti Pūkenga of effective control of a significant part of their land for many years. The Crown also acknowledges that Ngāti Pūkenga did not receive all the benefits they were led to expect from the development scheme and many owners effectively lost the opportunity to live on and use their land under the development scheme.

Uneconomic interests

(16) The Crown acknowledges that, between 1953 and 1974, legislation empowered the Māori Trustee to compulsorily acquire Ngāti Pūkenga land interests that the Crown considered uneconomic. The Crown acknowledges that this was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles and deprived Ngāti Pūkenga of a direct link to their turangawaewae.

Land status changes

(17) The Crown acknowledges that the compulsory status changes to Maori land titles carried out under the Māori Affairs Amendment Act 1967 weakened the connection of many Ngāti Pūkenga to their turangawaewae.

Insufficiency of land

(18) The Crown acknowledges that it failed to ensure that Ngāti Pūkenga were left with sufficient land at Tauranga for their present and future needs and that this failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Environment

(19) The Crown acknowledges—

(a) that Ngāti Pūkenga describe Tauranga Moana and the Maketū and Little Waihi estuaries as significant taonga and sources of spiritual and material well-being; and

(b) that Ngāti Pūkenga also describe Whangarei Harbour as of great importance to them; and

(c) the significance of the land, awa, and harbour at Manaia to Ngāti Pūkenga as a pataka kai; and

(d) that environmental degradation has been a source of distress to Ngāti Pūkenga because of adverse impacts on—

(i) Tauranga Moana, especially the Waitao awa and Rangataua arm of the harbour and the Maketū and Little Waihi estuaries; and

(ii) the land, awa, and harbour at Manaia; and

(iii) the quantity and quality of species at those locations that were important to Ngāti Pūkenga.

9 Apology

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

"(a) The Crown makes this apology to Ngāti Pūkenga and their ancestors and descendants.

(b) The Crown unreservedly apologises for bringing war to Tauranga Moana and unjustly extinguishing all customary title to land within the Tauranga Moana confiscation district. The Crown is sorry that Ngāti Pūkenga did not receive the same opportunity as others to protect and nurture their interests in Tauranga Moana after the raupatu, and that Ngāti Pūkenga were left increasingly dependent on lands outside Tauranga Moana for their support. For the Crown, the marginalisation of Ngāti Pūkenga in Tauranga Moana, and the harm this caused, are sources of profound regret.

(c) The Crown apologises for exacerbating this harm by consistently failing to respect the rangatiratanga of Ngāti Pūkenga in their remaining lands.

(d) The Crown acknowledges the suffering it caused Ngāti Pūkenga through its breaches of te Tiriti o Waitangi/the Treaty of Waitangi. This settlement will, the Crown sincerely hopes, mark the beginning of a new relationship between the Crown and Ngāti Pūkenga that is founded on respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles."

Interpretation provisions

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

(1) 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

commercial redress property has the meaning given in section 82

computer register has the meaning given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002

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

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

cultural redress property has the meaning given in section 42

deed of settlement—

(a) means the deed of settlement dated 7 April 2013 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) Rahera Ohia, Harry Haerengarangi Mikaere, Hori Parata, Rehua Smallman, and Regina Berghan, for and on behalf of Ngāti Pūkenga and as the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and

(b) includes—

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

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

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

historical claims has the meaning given in section 13

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

joint cultural redress property has the meaning given in section 65

LINZ means Land Information New Zealand

member of Ngāti Pūkenga means an individual referred to in section 12(1)(a)

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

record of title has the meaning given in section 5(1) of the Land Transfer Act 2017

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

Registrar-General has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017

representative entity means—

(a) the trustees; and

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

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

(ii) 1 or more members of Ngāti Pūkenga; or

(iii) 1 or more of the whānau, hapū, or groups referred to in section 12(1)(c)

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

reserve property has the meaning given in section 42

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

RFR means the right of first refusal provided for by subpart 2 of Part 3

RFR land has the meaning given in section 88

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 28

Te Tāwharau o Ngāti Pūkenga Trust means the trust of that name established by a trust deed dated 24 March 2013

tikanga means customary values and practices

trustees of the Te Tāwharau o Ngāti Pūkenga Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Te Tāwharau o Ngāti Pūkenga 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:

(b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:

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

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

(2) *[Repealed]*

(3) *[Repealed]*

Section 11(2): repealed, on 12 November 2018, by section 11(3).

Section 11(3): repealed, on 12 November 2018, by section 11(3).

12 Meaning of Ngāti Pūkenga

(1) In this Act, **Ngāti Pūkenga**—

(a) means the collective group composed of individuals who are descended from 1 or more Ngāti Pūkenga tūpuna; and

(b) includes those individuals; and

(c) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including the following:

(i) Ngāti Pūkenga, Te Tawera, and Ngāti Hā; and

(ii) Ngāti Kiorekino, Ngāti Hinemotu, Ngāti Pūkenga, Ngāti Rakau, Ngāti Te Matau, Ngai Towhare, and Ngāti Whakina.

(2) In this section and section 13,—

areas of interest means the areas shown as the kāinga areas of interest in part 1 of the attachments

customary rights means rights exercised according to tikanga Māori, including—

(a) rights to occupy land; and

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

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

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Ngāti Pūkenga tikanga

Ngāti Pūkenga tupuna means an individual who—

(a) exercised customary rights as Ngāti Pūkenga by virtue of being descended from—

(i) Pūkenga, Kumaramaoa, and Rongopopoia; or

(ii) a recognised ancestor of a group referred to in subsection (1)(c)(i) or (ii); and

(b) exercised the customary rights as Ngāti Pūkenga predominantly in relation to the areas of interest at any time after 6 February 1840.

13 Meaning of historical claims

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

(a) means the claims described in subsection (2); and

(b) includes the claims described in subsection (4); but

(c) does not include the claims described in subsection (5).

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

(a) is founded on a right arising—

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

(ii) under legislation; or

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

(iv) from a fiduciary duty; or

(v) otherwise; and

(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) However, subsection (2) does not apply to a historical claim to the extent that the claim relates to—

(a) the use, management, or governance of Tauranga Moana:

(b) the effects of that use, management, or governance on the health and well-being of the people of Ngāti Pūkenga:

(c) the deterioration of the health and well-being of Tauranga Moana:

(d) any failure to recognise or provide for a right of Ngāti Pūkenga in relation to Tauranga Moana that arises from Te Tiriti o Waitangi/the Treaty of Waitangi:

(e) any failure to recognise or provide for the rangatiratanga and kaitiakitanga of Ngāti Pūkenga in relation to Tauranga Moana.

(4) The historical claims include—

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

(i) Wai 148 (Manaia 1C School Site claim); and

(ii) Wai 162 (Kopukairoa Telecom Site claim); and

(iii) Wai 210 (Ngāti Pūkenga claim); and

(iv) Wai 285 (Manaia Blocks claim); and

(v) Wai 637 (Tauranga Raupatu claim); and

(vi) Wai 751 (Ngapeke Block (Tauranga) claim); and

(vii) Wai 815 (Pukaingataru Block claim); and

(viii) Wai 1441 (Ngāti Pūkenga of Pakikaikutu Kainga claim); and

(ix) Wai 1703 (Ngāti Pūkenga Lands (Ashby) claim); and

(b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that subsection (2) applies to the claim and the claim relates to Ngāti Pūkenga or a representative entity:

(i) Wai 3 (Welcome Bay Sewerage Scheme claim); and

(ii) Wai 47 (Pūkenga Land claim); and

(iii) Wai 100 (Hauraki claim); and

(iv) Wai 728 (Tikapa Moana (Hauraki Gulf) National Marine Park claim).

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

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

(b) a claim that a representative entity had or may have that is based on a claim referred to in paragraph (a).

(6) 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.

(7) In this section, a reference to subsection (2) is a reference to that subsection as modified by subsection (3).

14 Meaning of Tauranga Moana

(1) In section 13(3), **Tauranga Moana**—

(a) means—

(i) the waters (including internal waters and tidal lagoons) and other natural resources and the geographic features (including Tauranga Harbour) comprising the coastal marine area marked "A" on the Tauranga Moana plan in the attachments; and

(ii) the waters and other natural resources and the geographic features comprising the rivers, streams, creeks, and natural watercourses within the catchment that flow into—

(A) Tauranga Harbour; or

(B) the sea at any point within the area marked "A" on the Tauranga Moana plan; and

(iii) the waters and other natural resources and the geographic features comprising wetlands, swamps, and lagoons within the catchment; and

(iv) the beds and aquatic margins of the water bodies referred to in subparagraphs (i) to (iii); and

(v) the ecosystems associated with the waters and natural features referred to in subparagraphs (i) to (iv); but

(b) does not include—

(i) the waters and other natural resources situated on offshore islands for which the Minister of Local Government is the territorial

authority under section 22 of the Local Government Act 2002, including Tūhua (current recorded name Mayor Island (Tuhua)) and Motītī Island (current recorded name Motiti Island):

(ii) the waters and other natural resources and the geographic features comprising the rivers, streams, creeks, and natural watercourses within the catchment that do not flow into—

(A) Tauranga Harbour:

(B) the sea at any point within the area marked "A" on the Tauranga Moana plan.

(2) In this section, **Tauranga Moana plan** means the plan with that title included in the fifth deed to amend the deed of settlement, dated 9 August 2017.

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

(1) The historical claims are settled.

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

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

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

(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.

Amendment to Treaty of Waitangi Act 1975

16 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 Pūkenga Claims Settlement Act 2017, section 15(4) and (5)".

Resumptive memorials no longer to apply

17 Certain enactments do not apply

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

(a) to a cultural redress property (other than Te Tihi o Hauturu); or

(b) to Te Tihi o Hauturu on and from the date of its vesting in accordance with section 47; or

(c) to the commercial redress property; or

(d) to a joint cultural redress property on and from its vesting date under subpart 4 of Part 2; or

(e) to the RFR land; or

(f) for the benefit of Ngāti Pūkenga 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.

18 Resumptive memorials to be cancelled

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

(a) is all or part of—

(i) a cultural redress property:

(ii) the commercial redress property:

(iii) a joint cultural redress property:

(iv) the RFR land; and

(b) is subject to a resumptive memorial recorded under any enactment listed in section 17(2).

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

(a) the settlement date, for a cultural redress property (other than Te Tihi o Hauturu), the commercial redress property, or the RFR land; or

(b) the date of the vesting of the property in accordance with section 47 for Te Tihi o Hauturu; or

(c) the vesting date of the property under subpart 4 of Part 2, for a joint cultural redress property.

(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 record of title identified in the certificate; and

(b) cancel each memorial recorded under an enactment listed in section 17(2) on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.

Miscellaneous matters

19 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 Te Tāwharau o Ngāti Pūkenga Trust may exist in law; or

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

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

(2) However, if the Te Tāwharau o Ngāti Pūkenga Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

20 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.

21 Provisions that have same effect

If a provision in this Act has the same effect as a provision in another Act, the provisions must be given effect to only once, as if they were 1 provision.

Part 2
Cultural redress

Subpart 1—Protocols

22 Interpretation

In this subpart,—

protocol—

(a) means each of the following protocols issued under section 23(1)(a):

(i) primary industries protocol:

(ii) taonga tūturu protocol; and

(b) includes any amendments made under section 23(1)(b)

responsible Minister means,—

(a) for the primary industries protocol, the Minister for Primary Industries:

(b) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage:

(c) for either of those protocols, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to a protocol.

General provisions applying to protocols

23 Issuing, amending, and cancelling protocols

(1) The responsible Minister—

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

(b) may amend or cancel that protocol.

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

(a) the trustees; or

(b) the responsible Minister.

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

24 Protocols subject to rights, functions, and duties

Protocols do not restrict—

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

(i) to introduce legislation and change Government policy; and

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

(b) the responsibilities of a responsible Minister or a department of State; or

(c) the legal rights of Ngāti Pūkenga or a representative entity.

25 Enforcement of protocols

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

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

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

(4) To avoid doubt,—

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

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

Primary industries

26 Primary industries protocol

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

(2) The noting of the summary is—

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

(b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.

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

(a) the Fisheries Act 1996:

(b) the Maori Commercial Aquaculture Claims Settlement Act 2004:

(c) the Maori Fisheries Act 2004:

(d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

(4) In this section,—

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

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

Taonga tūturu

27 Taonga tūturu protocol

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

(2) In this section, **taonga tūturu**—

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

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

Subpart 2—Statutory acknowledgement

28 Interpretation

In this subpart,—

coastal statement of association means a statement of association for a coastal statutory area

coastal statutory area means a statutory area described in Schedule 1 as—

(a) the Pakikaikutu coastal statutory area; or

(b) the Te Tumu to Waihi Estuary coastal statutory area

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

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

(a) made by Ngāti Pūkenga of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

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

statutory acknowledgement means the acknowledgement made by the Crown in section 29 in respect of the statutory areas, on the terms set out in this subpart

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

statutory plan—

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

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

Statutory acknowledgement

29 Statutory acknowledgement by the Crown

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

30 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 31 to 33; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees in accordance with sections 34 and 35; and

(c) to enable the trustees and any member of Ngāti Pūkenga to cite the statutory acknowledgement as evidence of the association of Ngāti Pūkenga with a statutory area, in accordance with section 36.

31 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.

32 Environment Court to have regard to statutory acknowledgement

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

(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.

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

(1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.

(2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.

(3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—

(a) in determining whether the trustees are persons directly affected by the decision; and

(b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.

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

34 Recording statutory acknowledgement on statutory plans

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

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

(a) a copy of sections 29 to 33, 35, and 36; and

(b) descriptions of the statutory areas wholly or partly covered by the plan; and

(c) the statement of association for each statutory area.

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

(a) part of the statutory plan; or

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

35 Provision of summary or notice to trustees

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

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

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

(2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B 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 the relevant consent authority receives the application; but

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

(4) A copy of a notice must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice.

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

(a) waive the right to be provided with a summary or copy of a notice under this section; and

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

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

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

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

36 Use of statutory acknowledgement

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

(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, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.

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

(a) Te Ohu Kai Moana Trustee Limited for the purposes of determining coastline entitlements under section 11 and Schedule 6 of the Maori Fisheries Act 2004; or

(b) the Maori Land Court or any person or body in the determination of a dispute under Part 5 of the Maori Fisheries Act 2004.

(5) To avoid doubt, the content and existence of the statutory acknowledgement do not—

(a) imply, and should not be treated as implying, that the association Ngāti Pūkenga has with a statutory area is exclusive; or

(b) preclude any iwi other than Ngāti Pūkenga from stating that they have, or from being treated as having, an association with, or an interest in, a statutory area; or

(c) preclude either the trustees or members of Ngāti Pūkenga from stating that Ngāti Pūkenga has an association with a statutory area that is not described in the statutory acknowledgement; or

(d) limit any statement made by Ngāti Pūkenga, other iwi, or their members.

37 Application of statutory acknowledgement to river or stream

If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement—

(a) applies only to—

(i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and

(ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but

(b) does not apply to—

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

(ii) an artificial watercourse.

38 Application of statutory acknowledgement to coastal statutory areas

(1) In relation to the Pakikaikutu coastal statutory area, the statutory acknowledgement—

(a) applies, and is limited, to an area 100 metres wide on the seaward side of, and adjoining, the line of mean high-water springs; but

(b) does not of itself constitute, and may not be relied upon as, evidence that Ngāti Pūkenga is an iwi whose territory abuts Whangarei Harbour for the purposes of section 143 of the Maori Fisheries Act 2004.

(2) In relation to the Te Tumu to Waihi Estuary coastal statutory area, the statutory acknowledgment applies, and is limited, to the area between mean high-water springs and mean low-water springs.

39 Exercise of powers and performance of functions and duties

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

(2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Pūkenga with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.

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

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

40 Rights not affected

(1) The statutory acknowledgement—

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

(b) does not 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 to Resource Management Act 1991

41 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 Pūkenga Claims Settlement Act 2017".

Subpart 3—Vesting of cultural redress properties

42 Interpretation

In this subpart,—

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

Property vested in fee simple

(a) Liens Block:

Property vested in fee simple with parts to be administered as reserve

(b) Ōtūkōpiri:

Properties vested in fee simple subject to conservation covenant

(c) Pae ki Hauraki:

(d) Te Tihi o Hauturu

reserve property means the parts of Ōtūkōpiri that are Sections 2, 3, and 4 SO 483376.

Property vested in fee simple

43 Liens Block

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

(2) The fee simple estate in Liens Block vests in the trustees.

Property vested in fee simple with parts to be administered as reserve

44 Ōtūkōpiri

(1) Any part of Ōtūkōpiri that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.

(2) The fee simple estate in Ōtūkōpiri vests in the trustees.

(3) The parts of Ōtūkōpiri that are Sections 2, 3, and 4 SO 483376 are declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve referred to in subsection (3) is named Ōtūkōpiri Recreation Reserve.

(5) The lease is varied so that the area subject to the lease is only the part of Ōtūkōpiri that is Section 1 SO 483376.

(6) The Registrar-General must note the variation on record of title SA23D/203.

(7) In this section and section 45, **lease** means the lease held in record of title SA23D/203 as renewed by instrument 9979180.1.

45 Modification of Conservation Act 1987 for Ōtūkōpiri

Section 64(2)(b) of the Conservation Act 1987 continues to apply to the part of Ōtūkōpiri that is Section 1 SO 483376 and the lease as if—

(a) the reference to the Director-General were a reference to the lessor under the lease, except in clause 13 of the lease where the reference to the lessor must be read as a reference to the Crown; and

(b) the provisions of the Land Act 1948 specified in section 64(3) of the Conservation Act 1987 were sections 130 to 151 (except 143(1)) and sections 170 to 170B of the Land Act 1948; and

(c) the reference to the Crown and Her Majesty in sections 136(4), 139(1), and 146(3) of the Land Act 1948 were a reference to the lessor under the lease; and

(d) "with the approval of the Minister," were omitted from section 146(1) of the Land Act 1948.

Property vested in fee simple subject to conservation covenant

46 Pae ki Hauraki

(1) Pae ki Hauraki (being part of Coromandel Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Pae ki Hauraki vests in the trustees.

(3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Pae ki Hauraki on the terms and conditions set out in part 6 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.

47 Te Tihi o Hauturu

(1) This section takes effect on the latest of the following dates:

(a) the settlement date under this Act:

(b) the settlement date under Ngāti Maru settlement legislation:

(c) the settlement date under Ngāti Tamaterā settlement legislation.

(2) Te Tihi o Hauturu (being part of the Coromandel Forest Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.

(3) The fee simple estate in Te Tihi o Hauturu vests as undivided one-third shares in the specified groups of trustees as tenants in common as follows:

(a) a share vests in the trustees under this paragraph; and

(b) a share vests in the trustees of the Ngāti Maru Rūnanga Trust under the Ngāti Maru settlement legislation; and

(c) a share vests in the trustees of the Ngāti Tamaterā Treaty Settlement Trust under the Ngāti Tamaterā settlement legislation.

(4) Subsections (2) and (3) do not take effect until the trustees referred to in subsection (3) have jointly provided the Crown with a registrable covenant in relation to Te Tihi o Hauturu on the terms and conditions set out in part 7 of the documents schedule.

(5) 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.

(6) In this section,—

Ngāti Maru Rūnanga Trust means the trust of that name established by a trust deed dated 15 October 2013

Ngāti Maru settlement legislation means legislation that—

(a) settles the historical claims of Ngāti Maru; and

(b) provides for the vesting of an undivided one-third share of the fee simple estate in Te Tihi o Hauturu in the trustees of the Ngāti Maru Rūnanga Trust

Ngāti Tamaterā settlement legislation means legislation that—

(a) settles the historical claims of Ngāti Tamaterā; and

(b) provides for the vesting of an undivided one-third share of the fee simple estate in Te Tihi o Hauturu in the trustees of the Ngāti Tamaterā Treaty Settlement Trust

Ngāti Tamaterā Treaty Settlement Trust means the trust of that name established by a trust deed dated 22 October 2013.

General provisions applying to vesting of cultural redress properties

48 Properties vest subject to or together with interests

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

49 Vesting of share of fee simple estate in property

In sections 50 to 55, 62, and 63, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in Te Tihi o Hauturu, if section 47(3) applies.

50 Registration of ownership

(1) This section applies to a cultural redress property vested under this subpart.

(2) Subsection (3) applies to a cultural redress property (other than Te Tihi o Hauturu), but only to the extent that the property is all of the land contained in a record of title.

(3) The Registrar-General must, on written application by an authorised person,—

(a) register the trustees as the proprietors of the fee simple estate in the property; and

(b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to the deed of settlement.

(4) Subsection (5) applies to a cultural redress property (other than Te Tihi o Hauturu), but only to the extent that subsection (2) does not apply to the property.

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

(a) create 1 or more records of title for the fee simple estate in the property in the name of the trustees; and

(b) record on the records of title any interests that are registered, notified, or notifiable and that are described in the application.

(6) For Te Tihi o Hauturu, the Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a record of title for an undivided one-third share of the fee simple estate in the property in the names of the trustees; and

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

(7) Subsections (5) and (6) are subject to the completion of any survey necessary to create a record of title.

(8) A record of title must be created under this section as soon as is reasonably practicable after,—

(a) in the case of Te Tihi o Hauturu, the date on which Te Tihi o Hauturu vests in accordance with section 47; or

(b) in any other case, the settlement date.

(9) A record of title must be created under this section no later than—

(a) 24 months after the relevant date under subsection (8); or

(b) any later date that may be agreed in writing—

(i) by the Crown and the trustees; or

(ii) in the case of Te Tihi o Hauturu, by the Crown, the trustees, and the trustees of the other trusts in which the property is jointly vested.

(10) In this section, **authorised person** means a person authorised by the Director-General.

51 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property 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) Section 24 of the Conservation Act 1987 does not apply to the vesting of the reserve property.

(3) If the reservation of the reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

(4) Subsections (2) and (3) do not limit subsection (1).

52 Matters to be recorded on record of title

(1) The Registrar-General must record on the record of title,—

(a) for the reserve property (*see* section 44(3)),—

(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 51(3) and 57; and

(b) for the part of Ōtūkōpiri that is Section 1 SO 483376 (*see* section 44(5)), that the land is subject to Part 4A of the Conservation Act 1987; and

(c) for any other cultural redress property, that the land is subject to Part 4A of the Conservation Act 1987.

(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) For the reserve property, if the reservation of the property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notifications that—

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

(ii) the property is subject to sections 51(3) and 57; or

(b) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain only on the record of title for the part of the property that remains a reserve.

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

53 Application of other enactments

(1) The vesting of the fee simple estate in Ōtūkōpiri 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 Crown Minerals Act 1991 applies, subject to sections 54 and 62 to 64, in relation to the vesting of the fee simple estate in Liens Block, Pae ki Hauraki, and Te Tihi o Hauturu under this subpart.

(3) 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.

(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.

54 Further application of Crown Minerals Act 1991

(1) This section applies to each of the following properties (the **relevant properties**) on and from the date the property vests in the trustees:

(a) Liens Block:

(b) Pae ki Hauraki:

(c) Te Tihi o Hauturu.

(2) Each relevant property must be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991.

(3) To the extent relevant, section 61(1A) and (2) (except paragraph (db)) of the Crown Minerals Act 1991 applies to each relevant property, but the rest of section 61 does not apply, except as provided for in subsection (7)(b).

(4) Section 61(1A) and (2) of the Crown Minerals Act 1991 (except paragraph (db)) must be read in light of—

(a) the relevant properties being no longer owned, held, or managed by the Crown by virtue of the vestings referred to in subsection (1); and

(b) certain minerals being owned by the trustees by virtue of section 63.

(5) A reference in section 61(1A) and (2) of the Crown Minerals Act 1991—

(a) to a Minister or Ministers or to the Crown (but not the reference to a Crown owned mineral) must be read as a reference to the trustees:

(b) to a Crown owned mineral must be read as including a reference to the minerals owned by the trustees by virtue of section 63.

(6) The Governor-General may, by Order in Council, declare that any or all of the relevant properties are no longer to be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991.

(7) The power conferred by subsection (6)—

(a) may be exercised only on the recommendation of the Minister of Energy and Resources and the Minister of Conservation, after those Ministers have consulted with the trustees to the extent that is reasonably practicable, having regard to all circumstances of the particular case; and

(b) is subject to section 61(5), (6), (7), and (9) of the Crown Minerals Act 1991.

(8) In subsections (4)(b), (5), and (7)(a), **trustees** includes, if relevant, a subsequent owner of a relevant property.

55 Names of Crown protected areas discontinued

(1) Subsection (2) applies to the land, or the part of the land, in a cultural redress property that, immediately before the date on which the property vests under this subpart, was all or part of a Crown protected area.

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

(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.

Further provisions applying to reserve property

56 Application of other enactments to reserve property

(1) The trustees are the administering body of the reserve property.

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

(3) If the reservation of the reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.

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

(5) The reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name.

57 Subsequent transfer of reserve land

(1) This section applies to all or the part of the reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.

(2) The fee simple estate in the reserve land may be transferred only in accordance with section 58 or 59.

(3) In this section and sections 58 to 60, **reserve land** means the land that remains a reserve as described in subsection (1).

58 Transfer of reserve land to new administering body

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

(2) The Minister of Conservation must give written consent to the transfer if the registered 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 under this section,—

(a) are the administering body of the reserve land; and

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

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

59 Transfer of reserve land to trustees of existing administering body 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 the trustees of a trust; and

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

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

60 Reserve land not to be mortgaged

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

61 Saving of bylaws, etc, in relation to reserve property

(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 the reserve property before the property was vested in the trustees 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.

Minerals

62 Application

Sections 63 and 64 apply to the land vested in the trustees by the following sections:

(a) section 43 (Liens Block):

(b) section 46 (Pae ki Hauraki):

(c) section 47 (Te Tihi o Hauturu).

63 Certain minerals no longer to be reserved to the Crown

(1) Despite section 11 of the Crown Minerals Act 1991, when land to which section 62 refers is vested in the trustees, any Crown owned minerals in that land vest with, and form part of, the land.

(2) However, if a share in land is vested in the trustees, the trustees own a share in any Crown owned minerals in that land in the same proportion as that in which they own the land.

(3) Nothing in this section and section 64—

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

(b) affects other lawful rights to subsurface minerals.

(4) To avoid doubt, the vesting of land referred to in section 62 is subject to any mineral interests or rights to which any person other than the Crown was entitled under the Land Transfer Act 2017 or any other Act, before the commencement of this Act, whether or not such interests or rights are recorded on the record of title for the land.

64 Notation of mineral ownership on records of title

(1) This section applies instead of section 86 of the Crown Minerals Act 1991 to land referred to in section 62 at the point in time of its vesting.

(2) A written application lodged under section 50 in respect of that land must include a request to the Registrar-General to record on any record of title for the land that the land is subject to section 63 of the Ngāti Pūkenga Claims Settlement Act 2017.

(3) The Registrar-General must comply with a request received under subsection (2).

Subpart 4—Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves

65 Interpretation

In this subpart, unless the context otherwise requires,—

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

(a) Ōtanewainuku:

(b) Pūwhenua

Ngā Hapū o Ngāti Ranginui Settlement Trust means the trust of that name established by a trust deed dated 19 June 2012

Ngāi Te Rangi Settlement Trust means the trust of that name established by a trust deed dated 5 July 2013

Tapuika Iwi Authority Trust has the meaning given in section 12 of the Tapuika Claims Settlement Act 2014

Te Kapu o Waitaha has the meaning given in section 9 of the Waitaha Claims Settlement Act 2013

Te Tāhuhu o Tawakeheimoa Trust has the meaning given in section 13 of the Ngāti Rangiwewehi Claims Settlement Act 2014

vesting date means the date specified under section 66.

66 Application of this subpart

(1) This subpart takes effect on and from a date specified by Order in Council made on the recommendation of the Minister of Conservation.

(2) The Minister must not make a recommendation unless and until—

(a) legislation is enacted to settle the historical claims of the iwi described in subsection (3); and

(b) that legislation, in each case, provides for the vesting, on a date specified by Order in Council, of the fee simple estate in Ōtanewainuku and

Pūwhenua as undivided equal shares in the persons described in sections 67(2) and 68(2) as tenants in common.

(3) The iwi are—

(a) Ngā Hapū o Ngāti Ranginui:

(b) Ngāi Te Rangi.

67 Ōtanewainuku

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

(2) The fee simple estate in Ōtanewainuku vests as undivided one-sixth shares in the following as tenants in common:

(a) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

(b) the trustees of the Ngāi Te Rangi Settlement Trust; and

(c) the trustees of the Tapuika Iwi Authority Trust; and

(d) the trustees of Te Kapu o Waitaha; and

(e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.

(3) Ōtanewainuku is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Ōtanewainuku Scenic Reserve.

(5) The joint management body established by section 69 is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

(6) Subsections (1) to (5) do not take effect until the persons described in subsection (2) have provided the Crown with a registrable easement in gross for a right of way over Ōtanewainuku on the terms and conditions set out in part 5 of the documents schedule.

(7) Despite the provisions of the Reserves Act 1977, the easement—

(a) is enforceable in accordance with its terms; and

(b) is to be treated as having been granted in accordance with that Act.

68 Pūwhenua

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

(2) The fee simple estate in Pūwhenua vests as undivided one-sixth shares in the following as tenants in common:

(a) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

(b) the trustees of the Ngāi Te Rangi Settlement Trust; and

(c) the trustees of the Tapuika Iwi Authority Trust; and

(d) the trustees of Te Kapu o Waitaha; and

(e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.

(3) Pūwhenua is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Pūwhenua Scenic Reserve.

(5) The joint management body established by section 69 is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

69 Joint management body for Ōtanewainuku and Pūwhenua Scenic Reserves

(1) A joint management body is established for Ōtanewainuku Scenic Reserve and Pūwhenua Scenic Reserve.

(2) The following are appointers for the purposes of this section:

(a) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

(b) the trustees of the Ngāi Te Rangi Settlement Trust; and

(c) the trustees of the Tapuika Iwi Authority Trust; and

(d) the trustees of Te Kapu o Waitaha; and

(e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.

(3) Each appointer may appoint 1 member to the joint management body.

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

(a) the full name, address, and other contact details of the member; and

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

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

(6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.

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

(8) However, the first meeting of the body must be held no later than 2 months after the vesting date.

70 Restriction on transfer of joint cultural redress property

(1) The registered proprietors of an undivided share in the fee simple estate in a joint cultural redress property must not transfer the undivided share.

(2) However, the registered proprietors may transfer the undivided share if—

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

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

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

General provisions applying to vesting of joint cultural redress properties

71 Properties vest subject to or together with interests

Each joint cultural redress property vests under this subpart subject to, or together with, any interests listed for the property in Schedule 3 or granted in relation to the property before the vesting date.

72 Interests in land for joint cultural redress properties

(1) This section applies to a joint cultural redress property while all or part of the property remains a reserve under the Reserves Act 1977 (the **reserve land**).

(2) If the property is affected by an interest that is an interest in land and the interest is listed for the property in Schedule 3 or granted in relation to the property before the vesting date, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

(3) Any interest that is an interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered proprietor of the land.

(4) However, subsections (2) and (3) do not affect the registration of the easement referred to in section 67(6).

73 Interests that are not interests in land

(1) This section applies if a joint cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in Schedule 3, or that is granted in relation to the property before the vesting date, and for which there is a grantor, whether or not the interest also applies to land outside the joint cultural redress property.

(2) The interest applies as if the owners of the joint cultural redress property were the grantor of the interest in respect of the property, except to the extent that subsection (3) applies.

(3) If all or part of the joint cultural redress property is reserve land to which section 72 applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

(4) The interest applies—

(a) until the interest expires or is terminated; and

(b) with any other necessary modifications; and

(c) despite any change in status of the land in the property.

74 Registration of ownership

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

(2) The Registrar-General must, in accordance with an application received from an authorised person,—

(a) create a record of title for each undivided one-sixth share of the fee simple estate in the property in the name of each of—

(i) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

(ii) the trustees of the Ngāi Te Rangi Settlement Trust; and

(iii) the trustees of the Tapuika Iwi Authority Trust; and

(iv) the trustees of Te Kapu o Waitaha; and

(v) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and

(vi) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and

(b) record on each record of title any interests that are registered, notified, or notifiable and that are described in the application.

(3) Subsection (2) is subject to the completion of any survey necessary to create a record of title.

(4) A record of title must be created under this section as soon as is reasonably practicable after the vesting date, but no later than—

(a) 24 months after the vesting date; or

(b) any later date that may be agreed in writing by the Crown and the persons in whose names the register is to be created.

(5) In this section, **authorised person** means a person authorised by the Director-General.

75 Application of Part 4A of Conservation Act 1987

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

(2) If the reservation of a joint cultural redress property under section 67(3) or 68(3) is revoked in relation to all or part of the property, then the vesting is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.

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

(1) The Registrar-General must record on a record of title for a joint cultural redress property that—

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

(b) the land is subject to sections 70, 72(3), and 75(2) of this Act.

(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 under section 67(3) or 68(3) is revoked for—

(a) all of the property, then the Director-General must apply in writing to the Registrar-General to remove from the records of title for the property the notifications that—

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

(ii) the property is subject to sections 70, 72(3), and 75(2) of this Act; or

(b) part of the property, then the Registrar-General must ensure that the notifications referred to in paragraph (a) remain only on the records of title for the part of the property that remains a reserve.

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

77 Application of other enactments to joint cultural redress properties

(1) The vesting of the fee simple estate in a joint 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 joint cultural redress property.

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

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

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

78 Application of Reserves Act 1977 to joint cultural redress properties

(1) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a joint cultural redress property.

(2) If the reservation under section 67(3) or 68(3) of a joint cultural redress property as a reserve is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.

79 Joint cultural redress property that is reserve must not be mortgaged

The registered proprietors of a joint cultural redress property must not mortgage, or give a security interest in, all or any part of the property that, at any time after vesting under section 67 or 68, remains a reserve under the Reserves Act 1977.

80 Saving of bylaws, etc, in relation to joint cultural redress properties

(1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a joint cultural redress property before the property vested under section 67 or 68.

(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.

81 Scenic reserve not to become Crown protected area

(1) A joint cultural redress property is not a Crown protected area.

(2) The Minister must not change the name of a joint cultural redress 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.

(3) In this section, **Crown protected area** has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Part 3
Commercial redress

Subpart 1—Transfer of commercial redress property

82 Interpretation

In this subpart, **commercial redress property** means the property described as 447–479 Welcome Bay Road, Tauranga in part 3 of the property redress schedule.

83 The Crown may transfer commercial redress property

To give effect to part 7 of the deed of settlement, the Crown (acting by and through the chief executive of the Ministry of Justice) is authorised—

(a) to transfer the fee simple estate in the commercial redress property to the trustees; and

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

84 Record of title for commercial redress property

(1) This section applies to the commercial redress property that is to be transferred to the trustees under section 83.

(2) However, this section applies only to the extent that—

(a) the property is not all of the land contained in a record of title; or

(b) there is no record of title for all or part of the property.

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

(a) create a record of title for the fee simple estate in the property in the name of the Crown; and

(b) record on the record of title any interests that are registered, notified, or notifiable and that are described in the application; but

(c) omit any statement of purpose from the record of title.

(4) Subsection (3) is subject to the completion of any survey necessary to create a record of title.

(5) In this section and section 85, **authorised person** means a person authorised by the chief executive of the Ministry of Justice.

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

(1) For the purposes of section 84, the authorised person may grant a covenant for the later creation of a record of title for the commercial redress property.

(2) Despite the Land Transfer Act 2017,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title; and

(b) the Registrar-General must comply with the request.

86 Application of other enactments

(1) This section applies to the transfer to the trustees of the fee simple estate in the commercial redress 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 required to fulfil the terms of the deed of settlement in relation to the transfer.

(5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.

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

(7) Subsection (6) is subject to subsections (2) and (3).

Subpart 2—Right of first refusal over RFR land

Interpretation

87 Interpretation

In this subpart and Schedule 4,—

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

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

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(a) means—

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

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

(b) to avoid doubt, does not include—

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

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

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

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

expiry date, in relation to an offer, means its expiry date under sections 90(2)(a) and 91

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 90, to dispose of RFR land to the trustees

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

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

RFR 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 96(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date, under section 97(1)

RFR period means the period of 174 years on and from the settlement date

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

88 Meaning of RFR land

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

(a) the land described in part 2A of the attachments that, on the settlement date,—

(i) is vested in the Crown; or

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

(b) any land obtained in exchange for a disposal of RFR land under section 101(1)(c) or 102.

(2) Land ceases to be RFR land if—

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

(i) the trustees or their nominee (for example, under a contract formed under section 94); or

(ii) any other person (including the Crown or a Crown body) under section 89(d); or

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

(i) under any of sections 98 to 104 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 105(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

(c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under section 113; or

(d) the RFR period for the land ends.

Restrictions on disposal of RFR land

89 Restrictions on disposal of RFR land

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

(a) under any of sections 95 to 104; or

(b) under any matter referred to in section 105(1); or

(c) in accordance with a waiver or variation given under section 113; or

(d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees if the offer to the trustees was—

(i) made in accordance with section 90; and

(ii) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and

(iii) not withdrawn under section 92; and

(iv) not accepted under section 93.

Trustees' right of first refusal

90 Requirements for offer

(1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees.

(2) The notice must include—

(a) the terms of the offer, including its expiry date; and

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

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

(d) a street address, postal address, and fax number or electronic address for the trustees to give notices to the RFR landowner in relation to the offer.

91 Expiry date of offer

(1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the trustees receive notice of the offer.

(2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the trustees receive notice of the offer if—

(a) the trustees received an earlier offer to dispose of the land; and

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

(c) the earlier offer was not withdrawn.

92 Withdrawal of offer

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

93 Acceptance of offer

(1) The trustees may, by notice to the RFR landowner who made an offer, accept the offer if—

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

(2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less.

94 Formation of contract

(1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer.

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

(3) Under the contract, the trustees may nominate any person (the **nominee**) to receive the transfer of the RFR land.

(4) The trustees may nominate a nominee only if—

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

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

(5) The notice must specify—

(a) the full name of the nominee; and

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

(6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

Disposals to others but land remains RFR land

95 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.

96 Disposal of existing public works to local authorities

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

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

(a) the RFR landowner of the land; and

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

97 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.

Disposals to others where land may cease to be RFR land

98 Disposal in accordance with obligations under enactment or rule of law

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

99 Disposal in accordance with legal or equitable obligations

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the settlement date; or

(ii) was conditional before the settlement date but became unconditional on or after the settlement date; or

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

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

100 Disposal under certain legislation

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

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

(b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

(c) section 355(3) of the Resource Management Act 1991; or

(d) an Act that—

(i) excludes the land from a national park within the meaning of the National Parks Act 1980; and

(ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

101 Disposal of land held for public works

(1) An RFR landowner may dispose of RFR land in accordance with—

(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or

(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.

102 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.

103 Disposal for charitable purposes

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

104 Disposal to tenants

The Crown may dispose of RFR land—

(a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or

(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 settlement date; or

(ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or

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

RFR landowner obligations

105 RFR landowner's obligations subject to other matters

(1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

(a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any interest or legal or equitable obligation—

(i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees; and

(ii) that the RFR landowner cannot satisfy by taking reasonable steps; and

(c) the terms of a mortgage over, or security interest in, RFR land.

(2) Reasonable steps, for the purposes of subsection (1)(b)(ii), do not include steps to promote the passing of an enactment.

Notices about RFR land

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

(1) If a record of title is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the record of title has been created.

(2) If land for which there is a record of title becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.

(3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the RFR land or after the land becomes RFR land.

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

107 Notice to trustees of disposal of RFR land to others

(1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.

(2) The notice must be given on or before the date that is 20 working days before the day of the disposal.

(3) The notice must include—

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

(b) the reference for any record of title for the land; and

(c) the street address for the land (if applicable); and

(d) the name of the person to whom the land is being disposed of; and

(e) an explanation of how the disposal complies with section 89; and

(f) if the disposal is to be made under section 89(d), a copy of any written contract for the disposal.

108 Notice to LINZ of land ceasing to be RFR land

(1) This section applies if land contained in a record of title is to cease being RFR land because—

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

(i) the trustees or their nominee (for example, under a contract formed under section 94); or

(ii) any other person (including the Crown or a Crown body) under section 89(d); or

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

(i) under any of sections 98 to 104; or

(ii) under any matter referred to in section 105(1); or

(c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under section 113.

(2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

(c) the details of the transfer or vesting of the land.

109 Notice requirements

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

(a) an RFR landowner; or

(b) the trustees.

Right of first refusal recorded on records of title

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

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the records of title for,—

(a) the RFR land for which there is a record of title on the settlement date; and

(b) the RFR land for which a record of title is first created after the settlement date; and

(c) land for which there is a record of title that becomes RFR land after the settlement date.

(2) The chief executive must issue a certificate as soon as is reasonably practicable—

(a) after the settlement date, for RFR land for which there is a record of title on the settlement date; or

(b) after receiving a notice under section 106 that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.

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

(4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is—

(a) RFR land, as defined in section 88; and

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

111 Removal of notifications when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 108, issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

(c) the details of the transfer or vesting of the land; and

(d) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notification recorded under section 110 for the land described in the certificate.

112 Removal of notifications when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—

(a) the reference for each record of title for that RFR land that still has a notification recorded under section 110; and

(b) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under section 110 from any record of title identified in the certificate.

General provisions applying to right of first refusal

113 Waiver and variation

(1) The trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this subpart.

(2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.

(3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

114 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.

115 Assignment of rights and obligations under this subpart

(1) Subsection (3) applies if the RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and

(b) has given the notices required by subsection (2).

(2) The RFR holder must give notices to each RFR landowner that—

(a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specify the date of the assignment; and

(c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.

(3) This subpart and Schedule 4 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.

(4) In this section,—

constitutional document means the trust deed or other instrument adopted for the governance of the RFR holder

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.

Schedule 1
Statutory areas

s 28

Areas subject to statutory acknowledgement

Statutory area	Location
Hauturu Block	As shown on OTS-060-005
Manaia Harbour statutory area	As shown on OTS-060-006
Manaia River statutory area	As shown on OTS-060-011
Pakikaikutu coastal statutory area	As shown on OTS-060-009
Te Tumu to Waihi Estuary coastal statutory area	As shown on OTS-060-007

Schedule 2
Cultural redress properties

ss 42, 48

Property vested in fee simple

Name of property	Description	Interests
Liens Block	*South Auckland Land District—Thames–Coromandel District* 106.3564 hectares, more or less, being Manaia (1B & 2B) E1. All Proclamation S582198.	

Property vested in fee simple with parts to be administered as reserve

Name of property	Description	Interests
Ōtūkōpiri	*South Auckland Land District—Tauranga City* 5.1172 hectares, more or less, being Section 1 SO 483376. Part Proclamation S363330.	Subject to a roadway created by court order H403957 (affects Sections 1 and 3 SO 483376). Subject to a lease to Tauranga District Group Riding for the Disabled Association Incorporated held in record of title SA23D/203 as renewed by instrument 9979180.1, as varied by section 44(5) (affects Section 1 SO 483376).
	0.9120 hectares, more or less, being Sections 2, 3, and 4 SO 483376. Balance Proclamation S363330.	Subject to being a recreation reserve, as referred to in section 44(3) (affects Sections 2, 3, and 4 SO 483376).

Properties to be vested in fee simple subject to conservation covenant

Name of property	Description	Interests
Pae ki Hauraki	*South Auckland Land District—Thames–Coromandel District* 301.8358 hectares, more or less, being Section 2 SO 497491. Part *Gazette* 1971, p 847.	Subject to the conservation covenant referred to in section 46(3).
Te Tihi o Hauturu	*South Auckland Land District—Thames–Coromandel District* 10.0000 hectares, more or less, being Section 1 SO 497491. Part *Gazette* notice H986951.2.	Subject to the conservation covenant referred to in section 47(4).

Schedule 3
Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves

ss 65, 71, 72, 73

Name of property	Description	Interests
Ōtanewainuku	*South Auckland Land District—Western Bay of Plenty* 123.8969 hectares, more or less, being Section 1 SO 468244. Part *Gazette* 1947, p 481, 1920, p 2119, 1879, p 781, and 1884, p 238.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 67(6). Subject to an unregistered guiding permit with concession number BP-23723-GUI to Golden Fern Trust. Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.
Pūwhenua	*South Auckland Land District—Western Bay of Plenty* 66.6000 hectares, more or less, being Section 1 SO 466075. Part record of title SA68A/371 and part *Gazette* 1940, p 1059.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Together with a right of way easement created by easement instrument 9415471.1. Together with a right of way easement created by easement instrument 9415486.1. Together with a right of way easement created by easement instrument 9418923.1. Together with a right of way easement created by easement instrument 9419109.1. Together with a right of way easement created by easement instrument 9420594.1. Together with a right of way easement created by easement instrument 9420663.1. Together with a right of way easement created by easement instrument 9505068.1.

Schedule 4
Notices in relation to RFR land

ss 87, 109, 115(3)

1 Requirements for giving notice

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

(a) in writing and signed by—

(i) the person giving it; or

(ii) at least 2 of the trustees, for a notice given by the trustees; and

(b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—

(i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 90, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under section 106 or 108, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite clause 1, a notice given in accordance with clause 1(a) may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 22(1)(a) and (b) of the Electronic Transactions Act 2002.

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 fourth day after posting, if posted; or

(c) at the time of transmission, if faxed or sent by other electronic means.

(2) However, a notice is to be treated as having been received on the next working day if, under subclause (1), it would be treated as having been received—

(a) after 5 pm on a working day; or

(b) on a day that is not a working day.

Reprints notes

1 General

This is a reprint of the Ngāti Pūkenga Claims Settlement Act 2017 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

Ngāti Pūkenga Claims Settlement Act 2017 (2017 No 39): section 11(3)

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