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as at 10 July 2026

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

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Commencement	see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Māori Development—Te Puni Kōkiri.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009.

2 Commencement

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

Part 1
Purpose of Act, interpretation, settlement of historical claims, and miscellaneous matters

Subpart 1—Purpose of Act

3 Purpose

The purpose of this Act is to give effect to certain provisions of the deed of settlement, which is a deed that settles the historical claims of Taranaki Whānui ki Te Upoko o Te Ika.

4 Act binds the Crown

This Act binds the Crown.

5 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 the deed of settlement.

(2) This Part—

- (a) sets out the purpose of this Act and specifies that it binds the Crown; and
- (b) defines terms used in this Act, including key terms such as Taranaki Whānui ki Te Upoko o Te Ika and historical claims; and
- (c) provides that the settlement of the historical claims is final; and
- (d) provides for—
  - (i) the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
  - (ii) consequential amendments to the Treaty of Waitangi Act 1975; and
  - (iii) the effect of the settlement on certain memorials; and
  - (iv) the exclusion of the limit on the duration of a trust, the timing of actions or matters provided for in this Act, and access to the deed of settlement.

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

- (a) protocols to be issued to the trustees by the Minister of Conservation, the Minister of Fisheries, and the Minister for Arts, Culture and Heritage; and
- (b) an acknowledgement by the Crown of the statements made by Taranaki Whānui ki Te Upoko o Te Ika of their cultural, spiritual, historical, and traditional association with 13 statutory areas, and the effect of that acknowledgement; and
- (c) a deed of recognition between the Crown and the trustees; and
- (d) the vesting in the trustees of the fee simple estate in 18 cultural redress properties and subsequent management arrangements in relation to the 2 sites that are lakebed and esplanade land and the 7 reserve sites (including the 4 Harbour Islands reserves); and
- (e) the alteration of place names.

(4) Part 3 provides for commercial redress, including—

- (a) the transfer of deferred selection properties to the trustees to give effect to the deed of settlement; and
- (b) the creation of computer registers, and the effect of registration, in relation to the deferred selection properties; and
- (c) the application of other enactments in relation to the transfer of deferred selection properties; and

(d) a right of first refusal in relation to RFR land that may be exercised by the trustees.

(5) There are 4 schedules that—

(a) describe the 13 statutory areas to which the statutory acknowledgement relates:

(b) describe the 18 cultural redress properties:

(c) set out provisions relating to the Harbour Islands Kaitiaki Board:

(d) set out provisions that apply to notices given in relation to RFR land.

Section 5(2)(d)(iv): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Subpart 2—Interpretation

6 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.

7 Interpretation

In this Act, unless the context requires another meaning,—

actual deferred settlement date, in relation to a deferred selection property, means the date on which settlement of the property takes place under clause 4.53 of the provisions schedule of the deed of settlement

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

authorised person,—

(a) in respect of a cultural redress property, has the meaning given to it in section 73(11); and

(b) in respect of a deferred selection property, has the meaning given to it in section 89(5)

business day means the period from 9 am to 5 pm on any day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

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

(ba) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) the day observed as the anniversary of the province of Wellington

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

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

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

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

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

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

(a) in relation to a company, control of the composition of its board of directors; and

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

Crown—

(a) has the meaning given to it in section 2(1) of the Public Finance Act 1989; and

(b) for the purposes of subpart 1 of Part 3, includes the New Zealand Railways Corporation

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 any 1 or more of the following:

  (i) the Crown:

  (ii) a Crown entity:

  (iii) a State enterprise:

  (iv) the New Zealand Railways Corporation; and

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

cultural redress property has the meaning given to it in section 38(1)

date of the deed of settlement means 19 August 2008

deed of recognition means a deed of recognition entered into by the Minister of Conservation and the trustees under section 32(a), including any amendments made under section 32(b)

deed of settlement and **deed**—

(a) mean the deed of settlement dated 19 August 2008 and signed by—

(i) the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Dr Michael Cullen, and the Minister of Māori Affairs, the Honourable Parekura Horomia, for the Crown; and

(ii) Professor Ralph Heberley Ngatata Love, Kevin Hikaia Amohia, Neville McClutchie Baker, Spencer Waemura Carr, June Te Raumange Jackson, Dr Catherine Maarie Amohia Love, Hinekehu Ngaki Dawn McConnell, Rebecca Elizabeth Mellish, Dr Ihakara Porutu Puketapu, Sir Paul Alfred Reeves, and Mark Te One for Taranaki Whānui ki Te Upoko o Te Ika and for the Port Nicholson Block Settlement Trust; and

(b) include—

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

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

deferred selection property means a property described in subpart H or subpart I of Part 4 of the provisions schedule of the deed of settlement

Director-General means the Director-General of Conservation

DOC protocol means a protocol issued by the Minister of Conservation under section 17(1)(a), including any amendments made under section 17(1)(b)

DOC protocol area means the area shown on the map attached to the DOC protocol

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

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

fisheries protocol means a protocol issued by the Minister of Fisheries under section 17(1)(a), including any amendments made under section 17(1)(b)

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

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

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

historical claims has the meaning given to it in section 9

jointly established trust has the meaning given to it in section 46(5)

land holding agency, in relation to a deferred selection property, means the land holding agency specified for that property in subpart H of Part 4 of the provisions schedule of the deed of settlement

LINZ means Land Information New Zealand

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

member of Taranaki Whānui ki Te Upoko o Te Ika means every individual referred to in section 8(2)(a)

Ministry for Culture and Heritage protocol means a protocol issued by the Minister for Arts, Culture and Heritage under section 17(1)(a), including any amendments made under section 17(1)(b)

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

Port Nicholson Block Settlement Trust means the trust established by the Port Nicholson Block Settlement Trust deed

Port Nicholson Block Settlement Trust deed—

(a) means the deed of trust establishing the Port Nicholson Block Settlement Trust, dated 11 August 2008; and

(b) includes—

(i) the schedules of the deed of trust; and

(ii) any amendments to the deed of trust or its schedules

protocol means a protocol issued under section 17(1)(a), including any amendments made under section 17(1)(b)

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

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

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

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

representative entity means—

(a) the trustees; and

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

(i) the collective group referred to in section 8(2)(a); or

(ii) 1 or more of the whānau, hapū, or groups that together form the collective group referred to in section 8(2)(a); or

(iii) 1 or more members of Taranaki Whānui ki Te Upoko o Te Ika

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

responsible department means, as the case may be, 1 of the following departments of State:

(a) the Department of Conservation:

(b) the Ministry of Fisheries:

(c) the Ministry for Culture and Heritage:

(d) any other department of State authorised by the Prime Minister to exercise powers or perform functions and duties under subpart 1 of Part 2

responsible Minister means, as the case may be, 1 of the following Ministers:

(a) the Minister of Conservation:

(b) the Minister of Fisheries:

(c) the Minister for Arts, Culture and Heritage:

(d) any other Minister of the Crown authorised by the Prime Minister to exercise powers or perform functions and duties under subpart 1 of Part 2

RFR land has the meaning given to it in section 92

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

settlement document means a document entered into by the Crown to give effect to the deed of settlement, being—

(a) each protocol; and

(b) the deed of recognition

settlement property means—

(a) each cultural redress property; and

(b) each deferred selection property; and

(c) all RFR land

statements of association has the meaning given to it in section 23(2)

statutory acknowledgement means the acknowledgement made by the Crown in section 23(1) in respect of each statutory area, on the terms set out in subpart 2 of Part 2

statutory area means an area described in Schedule 1, the general location of which is indicated on the SO plan referred to in relation to that area in Schedule 1 (but which does not establish the precise boundaries of the statutory area)

statutory plan—

(a) means a district plan, proposed plan, regional coastal plan, regional plan, or regional policy statement as defined in section 2(1) of the Resource Management Act 1991; and

(b) includes a proposed policy statement provided for in Schedule 1 of the Resource Management Act 1991

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

taonga tūturu—

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

(b) includes ngā taonga tūturu (which has the meaning given to it in section 2(1) of that Act)

Taranaki area means the area within the claimants' boundaries shown in figure 4 of the Taranaki Report—Kaupapa Tuatahi of the Waitangi Tribunal (submitted to the Minister in Charge of Treaty of Waitangi Negotiations and the Minister of Māori Affairs on 14 June 1996)

trustees of the Port Nicholson Block Settlement Trust and **trustees** mean the trustees from time to time of the Port Nicholson Block Settlement Trust.

Section 7 **business day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 7 **business day** paragraph (ba): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 7 **deferred selection property**: amended, on 30 November 2022, by section 90 of the Statutes Amendment Act 2022 (2022 No 75).

Section 7 **Heritage New Zealand Pouhere Taonga**: inserted, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 7 **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

8 Meaning of Taranaki Whānui ki Te Upoko o Te Ika

(1) This section is subject to clause 8.2.3 of the deed of settlement as at the date of the deed of settlement.

(2) In this Act, **Taranaki Whānui ki Te Upoko o Te Ika** means—

(a) the collective group composed of individuals who—

(i) descend from 1 or more of the recognised ancestors of the following iwi:

(A) Te Atiawa:

(B) Ngāti Tama:

(C) Taranaki:

(D) Ngāti Ruanui:

(E) other iwi from the Taranaki area (for example, Ngāti Mutunga); and

(ii) also descend from 1 or more of—

(A) the original signatories of the 27 September 1839 Port Nicholson Block purchase deed; and

(B) the persons listed in the Schedule to the Declaration of the Native Land Court in Wellington dated 11 April 1888; and

(C) other persons not referred to in subsubparagraph (A) or (B), but who exercised customary rights in the Port Nicholson Block, Wellington District, on or after 6 February 1840 by virtue of being descended from 1 or more of the recognised ancestors of the iwi referred to in paragraph (a)(i); and

(b) any whānau, hapū, or group (including a group composed of the beneficiaries of the Wellington Tenths Trust and a group composed of the beneficiaries of the Palmerston North Māori Reserves Trust) to the extent that it is composed of individuals referred to in paragraph (a); and

(c) every individual referred to in paragraph (a).

(3) In subsection (2)(a), a person is descended from another person if the first person is descended from the other by—

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Taranaki Whānui ki Te Upoko o Te Ika tikanga (customary values and practices).

(4) In subsection (2)(a),—

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

(a) rights to occupy land; and

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

Taranaki area has the same meaning as in section 7.

9 Meaning of historical claims

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

(a) means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Taranaki Whānui ki Te Upoko o Te Ika (or a representative entity) had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that—

(i) is, or is founded on, a right arising—

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

(B) under legislation; or

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

(D) from fiduciary duty; or

(E) otherwise; and

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

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

(B) by or under legislation; and

(b) includes every claim to the Waitangi Tribunal to which paragraph (a) applies that relates exclusively to Taranaki Whānui ki Te Upoko o Te Ika (or a representative entity), including (subject to clause 8.2.3 of the deed of settlement as at the date of the deed of settlement)—

(i) Wai 105—Hutt Section 19 claim; and

(ii) Wai 145—Port Nicholson Block claim; and

(iii) Wai 183—Korokoro Urupā claim; and

(iv) Wai 377—Kaiwharawhara and Hutt claim; and

(v) Wai 442—Waiwhetu Pā land claim; and

(vi) Wai 562—Pipitea Pā and street properties claim; and

(vii) Wai 571—Section 1, Pipitea Street (resumption) claim; and

(viii) Wai 660—Hutt Section 19 (part of) claim; and

(ix) Wai 734—Whanganui a Tara (Ngāti Mutunga) claim; and

(x) Wai 735—Whanganui a Tara (Ngāti Tama) claim; and

(c) includes every other claim to the Waitangi Tribunal to which paragraph (a) applies so far as it relates to Taranaki Whānui ki Te Upoko o Te Ika (or a representative entity).

(2) However, **historical claims** does not include the following claims:

(a) a claim that a member of Taranaki Whānui ki Te Upoko o Te Ika, or a whānau, hapū, or group referred to in section 8(2)(b), may have that is, or is founded on, a right arising as a result of being descended from an ancestor who is not referred to in section 8(2)(a):

(b) a claim that a member of Taranaki Whānui ki Te Upoko o Te Ika, or a whānau, hapū, or group referred to in section 8(2)(b), may have in relation to an excluded area:

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

(3) In subsection (2)(b), **excluded area** means each of the following areas to the extent it is land within New Zealand:

(a) the South Island:

(b) the Chatham Islands:

(c) the Taranaki area:

(d) the Kapiti Coast.

(4) In subsection (3),—

Kapiti Coast means the district of the Kapiti Coast District Council as at the date of the deed of settlement

land within New Zealand means land within the baseline described in sections 5, 6, and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (being the low-water mark along the coast of New Zealand, including the coast of all islands, except as otherwise provided in section 6 or 6A of that Act)

Taranaki area has the same meaning as in section 7.

(5) To avoid doubt, subsection (1)(a) is not limited by subsection (1)(b) or (c).

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

10 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 acknowledgements expressed in, or the provisions of, 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, without limitation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

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

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

Consequential amendment to Treaty of Waitangi Act 1975

11 Amendment to Treaty of Waitangi Act 1975

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

(2) Schedule 3 is amended by inserting the following item in the appropriate alphabetical order: "Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009, section 10(4) and (5)."

Protections no longer apply

12 Certain enactments do not apply

(1) Nothing in the enactments listed in subsection (2) applies—

(a) to a settlement property; or

(b) for the benefit of Taranaki Whānui ki Te Upoko o Te Ika or a representative entity.

(2) The enactments are—

(a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975:

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

(c) sections 568 to 570 of the Education and Training Act 2020:

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

(e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

(3) However, this section applies to—

(a) a deferred selection property only if—

(i) the trustees elect to purchase the property under clause 4.7 of the provisions schedule of the deed of settlement; and

(ii) the purchase is settled under clause 4.53 of that schedule; or

(b) the urupā site only on and from the date (described in section 48(7)) on which the site vests under section 48(1).

Section 12(2)(c): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

13 Removal of memorials

(1) The chief executive of LINZ must issue to the Registrar-General a certificate that identifies (by reference to the relevant legal description, certificate of title, or computer register) each allotment that is—

(a) all or part of a settlement property; and

(b) contained in a certificate of title or computer register that has a memorial entered under any enactment referred to in section 12(2).

(2) The chief executive of LINZ must issue a certificate under subsection (1) as soon as is reasonably practicable after—

(a) the settlement date, in the case of a cultural redress property (other than the urupā site) or RFR land; or

(b) the date (described in section 48(7)) on which the urupā site vests under section 48(1), in the case of the urupā site; or

(c) the actual deferred settlement date, in the case of a deferred selection property.

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

(4) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under subsection (1),—

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

(b) cancel, in respect of each allotment identified in the certificate, each memorial that is entered (in accordance with any enactment referred to in section 12(2)) on a certificate of title or computer register identified in the certificate.

Subpart 4—Miscellaneous matters

No limit on duration of trusts

Heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

14 Limit on duration of trusts does not apply

(1) No rule of law or provisions of an Act limiting the duration of a trust, including section 16 of the Trusts Act 2019,—

(a) prescribe or restrict the period during which—

(i) the Port Nicholson Block Settlement Trust may exist in law; or

(ii) the trustees, in their capacity as trustees, may hold or deal with property (including income derived from property); or

(b) apply to a settlement document 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 Port Nicholson Block Settlement Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 14 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 14(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 14(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Timing of actions or matters

15 Timing of actions or matters

(1) Actions or matters occurring under this Act occur or take effect on and from the settlement date.

(2) However, if a provision of this Act requires an action or matter to occur or take effect on a date other than the settlement date, that action or matter occurs or takes effect on and from that other date.

Access to deed of settlement

16 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 on any business day; and

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

Part 2
Cultural redress

Subpart 1—Protocols

General provisions

17 Authority to issue, amend, or cancel protocols

(1) Each responsible Minister may—

(a) issue a protocol to the trustees in the form set out in Part 1 of the documents schedule of the deed of settlement; and

(b) amend or cancel that protocol.

(2) A protocol may be amended or cancelled under subsection (1) at the initiative of either—

(a) the trustees; or

(b) the responsible Minister.

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

18 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

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

(i) introduce legislation and change government policy; and

(ii) interact or consult with a person the Crown considers appropriate, including (without limitation) any iwi, hapū, marae, whānau, or other representative of tangata whenua; or

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

(c) the legal rights of Taranaki Whānui ki Te Upoko o Te Ika or a representative entity.

19 Enforceability of protocols

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

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

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

(4) To avoid doubt,—

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

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

20 Limitation of rights

(1) The DOC protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, land held, managed, or administered, or flora or fauna managed or administered, under—

(a) the Conservation Act 1987; or

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

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

(a) the Fisheries Act 1996:

(b) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:

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

(d) the Maori Fisheries Act 2004.

(3) The Ministry for Culture and Heritage protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

Noting of DOC and fisheries protocols

21 Noting of DOC protocol

(1) A summary of the terms of the DOC protocol must be noted in the conservation documents affecting the DOC protocol area.

(2) The noting of the DOC protocol is—

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

(b) not an amendment to the conservation documents for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

22 Noting of fisheries protocol

(1) A summary of the terms of the fisheries protocol must be noted in fisheries plans affecting the fisheries protocol area.

(2) The noting of the fisheries protocol is—

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

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

(3) In this section, **fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996.

Subpart 2—Statutory acknowledgement and deed of recognition

Statutory acknowledgement

23 Statutory acknowledgement by the Crown

(1) The Crown acknowledges the statements of association.

(2) In this Act, **statements of association** means the statements—

(a) made by Taranaki Whānui ki Te Upoko o Te Ika of their particular cultural, spiritual, historical, and traditional association with each statutory area; and

(b) that are in the form set out in Part 2 of the documents schedule of the deed of settlement at the settlement date.

24 Purposes of statutory acknowledgement

(1) The only purposes of the statutory acknowledgement are to—

(a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 25 to 27; and

(b) require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 29; and

(c) enable the trustees and any member of Taranaki Whānui ki Te Upoko o Te Ika to cite the statutory acknowledgement as evidence of the association of Taranaki Whānui ki Te Upoko o Te Ika with the relevant statutory areas, as provided for in section 30.

(2) This section does not limit sections 33 to 35.

Section 24(1)(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

25 Relevant consent authorities to have regard to statutory acknowledgement

(1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion, in accordance with sections 93 to 94C of the Resource Management Act 1991, as to whether the trustees are persons who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or directly affecting the statutory area.

(2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

26 Environment Court to have regard to statutory acknowledgement

(1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining under section 274 of the Resource Management Act 1991 whether the trustees are persons having an interest in proceedings greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

(2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

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

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

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

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

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

Section 27: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

28 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 the relevant provisions of sections 23 to 31 in full, the descriptions of the statutory areas, and the statements of association.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not—

(a) part of the statutory plan, unless adopted by the relevant consent authority; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991, unless adopted as part of the statutory plan.

29 Distribution of resource consent applications to trustees

(1) Each relevant consent authority must, for a period of 20 years from the effective date, forward to the trustees a summary of resource consent applications received by that consent authority for activities within, adjacent to, or directly affecting a statutory area.

(2) The information provided under subsection (1) must be—

(a) the same as would be given under section 93 of the Resource Management Act 1991 to persons likely to be adversely affected, or as may be agreed between the trustees and the relevant consent authority; and

(b) provided as soon as is reasonably practicable after each application is received, and before a determination is made on the application in accordance with sections 93 to 94C of the Resource Management Act 1991.

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

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

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

(4) For the purposes of this section, a regional council dealing with an application to carry out a restricted coastal activity in a statutory area must be treated as if it were the relevant consent authority in relation to that application.

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

(a) notify an application in accordance with sections 93 to 94C of the Resource Management Act 1991:

(b) form an opinion as to whether the trustees are persons who may be adversely affected under those sections.

30 Use of statutory acknowledgement

(1) The trustees and any member of Taranaki Whānui ki Te Upoko o Te Ika may, as evidence of the association of Taranaki Whānui ki Te Upoko o Te Ika with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.

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

(a) relevant consent authorities:

(b) the Environment Court:

(c) Heritage New Zealand Pouhere Taonga:

(d) parties to proceedings before those bodies:

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

(3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.

(4) To avoid doubt,—

(a) neither the trustees nor members of Taranaki Whānui ki Te Upoko o Te Ika are precluded from stating that Taranaki Whānui ki Te Upoko o Te Ika have an association with a statutory area that is not described in the statutory acknowledgement; and

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

Section 30(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 30(2)(c): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

31 Application of statutory acknowledgement to river, stream, or harbour

In relation to a statutory acknowledgement,—

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

river or **stream**—

(a) means—

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

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

(b) does not include—

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

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

(iii) an artificial watercourse; or

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

Deed of recognition

32 Authorisation to enter into and amend deed of recognition

The Minister of Conservation may—

(a) enter into a deed of recognition with the trustees, in the form set out in Part 3 of the documents schedule of the deed of settlement, in respect of the land within the following statutory areas:

(i) Rimutaka Forest Park:

(ii) Wainuiomata Scenic Reserve:

(iii) Turakirae Head Scientific Reserve; and

(b) amend the deed of recognition by entering into a deed of amendment with the trustees.

General provisions

33 Exercise of powers and performance of duties and functions

(1) Except as expressly provided in this subpart,—

(a) the statutory acknowledgement and the deed of recognition do not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; and

(b) no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Taranaki Whānui ki Te Upoko o Te Ika with a statutory area (as described in a statement of association) than that person would give under the relevant legislation or bylaw if no statutory acknowledgement or deed of recognition existed in respect of the statutory area.

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

34 Rights not affected

Except as expressly provided in this subpart, the statutory acknowledgement and the deed of recognition do not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

35 Limitation of rights

Except as expressly provided in this subpart, the statutory acknowledgement and the deed of recognition do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

Consequential amendment to Resource Management Act 1991

36 Amendment to Resource Management Act 1991

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

(2) Schedule 11 is amended by inserting the following item in the appropriate alphabetical order: "Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009."

Subpart 3—The Crown not prevented from providing other similar redress

37 The Crown not prevented from providing other similar redress

(1) The provision of the specified cultural redress does not prevent the Crown from doing anything that is consistent with that cultural redress, including—

(a) providing, or agreeing to introduce legislation providing or enabling, the same or similar redress to any person other than Taranaki Whānui ki Te Upoko o Te Ika or the trustees; or

(b) disposing of land.

(2) However, subsection (1) is not an acknowledgement by the Crown or Taranaki Whānui ki Te Upoko o Te Ika that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates.

(3) In this section, **specified cultural redress** means the protocols, the statutory acknowledgement, and the deed of recognition.

Subpart 4—Vesting of cultural redress properties

38 Interpretation

(1) In this Act, **cultural redress property** means any of the following sites, and each site means the land described by that name in Schedule 2:

(a) 1 Thorndon Quay:

(b) 81–87 Thorndon Quay:

(c) the Waiwhetu Road site:

(d) the former Wainuiomata College site:

(e) the former Wainuiomata Intermediate School site:

(f) the former Waiwhetu School site:

(g) the Pipitea Marae site:

(h) the dendroglyph site:

(i) the urupā site:

(j) the bed of Lake Kohangatera and the Lake Kohangatera esplanade land (together comprising 1 site):

(k) the bed of Lake Kohangapiripiri and the Lake Kohangapiripiri esplanade land (together comprising 1 site):

(l) Wi Tako Scenic Reserve:

(m) Point Dorset Recreation Reserve:

(n) the Korokoro Gateway site:

(o) Makaro Scientific Reserve:

(p) Mokopuna Scientific Reserve:

(q) Matiu Scientific Reserve:

(r) Matiu Historic Reserve.

(2) In this subpart, subpart 5, and Schedules 2 and 3,—

bed of Lake Kohangapiripiri means the land described by that name in the second column of Schedule 2

bed of Lake Kohangatera means the land described by that name in the second column of Schedule 2

Crown stratum means the part of Lake Kohangatera and the part of Lake Kohangapiripiri comprising the space occupied by water and the space occupied by air above the water

Harbour Islands Kaitiaki Board means the Board referred to in section 71

Harbour Islands reserves means Makaro Scientific Reserve, Mokopuna Scientific Reserve, Matiu Scientific Reserve, and Matiu Historic Reserve

Lake Kohangapiripiri means the bed of Lake Kohangapiripiri and the Crown stratum above the bed

Lake Kohangapiripiri esplanade land means the land described by that name in the second column of Schedule 2

Lake Kohangatera means the bed of Lake Kohangatera and the Crown stratum above the bed

Lake Kohangatera esplanade land means the land described by that name in the second column of Schedule 2

lakebeds and esplanade land means—

(a) the bed of Lake Kohangatera and the Lake Kohangatera esplanade land; and

(b) the bed of Lake Kohangapiripiri and the Lake Kohangapiripiri esplanade land

Minister means the Minister of Conservation

reserve site means each of the following cultural redress properties:

(a) Wi Tako Scenic Reserve:

(b) Point Dorset Recreation Reserve:

(c) the Korokoro Gateway site:

(d) Makaro Scientific Reserve:

(e) Mokopuna Scientific Reserve:

(f) Matiu Scientific Reserve:

(g) Matiu Historic Reserve.

Sites vest in fee simple

39 1 Thorndon Quay

The fee simple estate in 1 Thorndon Quay vests in the trustees.

40 81–87 Thorndon Quay

The fee simple estate in 81–87 Thorndon Quay vests in the trustees.

41 Waiwhetu Road site

The fee simple estate in the Waiwhetu Road site vests in the trustees.

42 Former Wainuiomata College site

The fee simple estate in the former Wainuiomata College site vests in the trustees.

43 Former Wainuiomata Intermediate School site

The fee simple estate in the former Wainuiomata Intermediate School site vests in the trustees.

44 Former Waiwhetu School site

The fee simple estate in the former Waiwhetu School site vests in the trustees.

45 Pipitea Marae site

(1) The part of the Pipitea Marae site that was formerly Section 1 SO 406978 ceases to be held under the Public Works Act 1981 for the purposes of buildings of general government and public buildings of the general government.

(2) Any part of the Pipitea Marae site that is subject to section 15 of the Maori Purposes Act 1969 or section 9 of the Maori Purposes Act 1974 ceases to be—

(a) subject to those sections; and

(b) held for the purposes specified in those sections.

(3) The fee simple estate in the part of the Pipitea Marae site referred to in subsection (2) vests in the Crown as Crown land subject to the Land Act 1948.

(4) The fee simple estate in the Pipitea Marae site vests in the trustees.

(5) Any improvements in or on the Pipitea Marae site do not vest in the trustees, despite the vesting under subsection (4).

(6) The Pipitea Marae site is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act, while the land is used for the purposes of a marae.

46 Subsequent vesting of Pipitea Marae site in jointly established trust

(1) This section takes effect only if, on or before the day that is 24 months after the settlement date, the jointly established trust—

(a) is registered as a charitable entity under the Charities Act 2005; and

(b) gives written notice of that registration to the Secretary for Justice.

(2) In that case, this section takes effect on—

(a) the day that is 5 business days after the day on which the jointly established trust gives written notice of its registration to the Secretary for Justice; or

(b) the settlement date, immediately after section 45 takes effect, if the day described in paragraph (a) is before the settlement date.

(3) The fee simple estate in the Pipitea Marae site, including the improvements in or on the site, vests in the jointly established trust.

(4) The unregistered first renewal of the lease previously registered as lease 146830.3 is terminated.

(5) In this Act, **jointly established trust** means the charitable trust—

(a) that, on the settlement date, is incorporated under the Charitable Trusts Act 1957 as Pipitea Marae Charitable Trust; and

(b) that has been jointly established by the trustees and the Ngati Poneke Maori Association Incorporated to hold on trust the fee simple estate in the Pipitea Marae site and the improvements in or on the site.

Sites vest in fee simple to be administered as Maori reservations

47 Dendroglyph site

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

(2) The fee simple estate in the dendroglyph site vests in the Crown as Crown land subject to the Land Act 1948.

(3) The fee simple estate in the dendroglyph site vests in the trustees.

(4) The dendroglyph site is set apart as a Maori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993,—

(a) for the purposes of a place of cultural and historical interest; and

(b) to be held for the benefit of Taranaki Whānui ki Te Upoko o Te Ika.

(5) The dendroglyph site is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.

(6) Wellington Regional Council must provide the trustees with a registrable right of way easement in favour of the dendroglyph site in the form set out in Part 4 of the documents schedule of the deed of settlement.

(7) An easement granted in accordance with subsection (6) is—

(a) enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and

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

48 Urupā site

(1) The fee simple estate in the urupā site vests in the trustees.

(2) The urupā site is set apart as a Maori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993,—

(a) for the purposes of a burial ground; and

(b) to be held for the benefit of Taranaki Whānui ki Te Upoko o Te Ika.

(3) The urupā site is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.

(4) However, subsections (1) to (3) do not apply unless—

(a) the trustees provide MEL (West Wind) Limited with a registrable right of way easement and a registrable memorandum of encumbrance in relation to the urupā site; and

(b) the trustees and the Crown provide MEL (West Wind) Limited and Meridian Energy Limited with a signed deed of covenants; and

(c) not later than 3 years after the settlement date, any requirements under the Resource Management Act 1991 are met (including the obtaining of any resource consents) that are necessary to—

(i) use the site as an urupā; and

(ii) form the right of way to the specifications described in the easement referred to in paragraph (a).

(5) Each document referred to in subsection (4)(a) and (b) must be provided in the form set out in Part 4 of the documents schedule of the deed of settlement.

(6) An easement or encumbrance granted in accordance with subsections (4) and (5) is—

(a) enforceable in accordance with its terms, despite the provisions of Te Ture Whenua Maori Act 1993; and

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

(7) The vesting under subsection (1) occurs on the date that is the later of—

(a) the settlement date; or

(b) the date by which all the things referred to in subsection (4) have happened.

Sites vest in fee simple subject to conservation covenant

49 Bed of Lake Kohangatera and Lake Kohangatera esplanade land

(1) The reservation of the Lake Kohangatera esplanade land as a local purpose (esplanade) reserve subject to section 23 of the Reserves Act 1977is revoked.

(2) The fee simple estate in the Lake Kohangatera esplanade land vests in the Crown as Crown land subject to the Land Act 1948.

(3) The reservation of Lake Kohangatera as a government purpose reserve for wildlife management purposes subject to section 22 of the Reserves Act 1977 is revoked.

(4) The fee simple estate in the bed of Lake Kohangatera and the Lake Kohangatera esplanade land vests in the trustees.

(5) The bed of Lake Kohangatera and the Lake Kohangatera esplanade land is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.

(6) Subsections (1) to (5) are subject to the trustees providing the Crown with a registrable covenant in relation to the lakebeds and esplanade land in the form set out in Part 4 of the documents schedule of the deed of settlement.

(7) The covenant referred to in subsection (6) 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.

50 Bed of Lake Kohangapiripiri and Lake Kohangapiripiri esplanade land

(1) The part of Lake Kohangapiripiri that is Section 1 SO 406979 ceases to be held under the Public Works Act 1981 for the purposes of a main sewer outfall.

(2) The reservation of the Lake Kohangapiripiri esplanade land as a local purpose (esplanade) reserve subject to section 23 of the Reserves Act 1977 is revoked.

(3) The fee simple estate in the part of Lake Kohangapiripiri that is Section 1 SO 406979 and in the Lake Kohangapiripiri esplanade land vests in the Crown as Crown land subject to the Land Act 1948.

(4) Any reservation of Lake Kohangapiripiri as a government purpose reserve for wildlife management purposes subject to section 22 of the Reserves Act 1977 is revoked.

(5) The fee simple estate in the bed of Lake Kohangapiripiri and the Lake Kohangapiripiri esplanade land vests in the trustees.

(6) The bed of Lake Kohangapiripiri and the Lake Kohangapiripiri esplanade land is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.

(7) Subsections (1) to (6) are subject to the trustees providing the Crown with the registrable covenant referred to in section 49(6).

51 Lake Kohangatera and Lake Kohangapiripiri Scientific Reserve

(1) The Crown stratum above the bed of Lake Kohangatera and the bed of Lake Kohangapiripiri is declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.

(2) The reserve created by subsection (1) is named Lake Kohangatera and Lake Kohangapiripiri Scientific Reserve, despite section 16(10) of the Reserves Act 1977.

52 Lawful access or use, and recreational activities, in relation to lakes

(1) Despite the vestings under sections 49(4) and 50(5),—

(a) any lawful right of access to, or use of, Lake Kohangatera or Lake Kohangapiripiri remains unaffected; and

(b) members of the public may carry out recreational activities in or on Lake Kohangatera or Lake Kohangapiripiri; and

(c) the registered proprietors of the lakebeds and esplanade land must not interfere with a member of the public carrying out a recreational activity in or on Lake Kohangatera or Lake Kohangapiripiri.

(2) A **recreational activity** under subsection (1)—

(a) for which any enactment requires a permit, licence, or other authorisation, must be carried out in accordance with the required authorisation:

(b) does not include an activity that—

(i) is unlawful under any enactment or bylaw; or

(ii) involves attaching a fixture to the bed of Lake Kohangatera or the bed of Lake Kohangapiripiri; or

(iii) involves a risk of a significant adverse effect to Lake Kohangatera or Lake Kohangapiripiri.

(3) To avoid doubt, the vestings under sections 49(4) and 50(5) do not give any rights to, or impose any obligations on, the trustees in relation to—

(a) the waters of Lake Kohangatera or Lake Kohangapiripiri; or

(b) the aquatic life of Lake Kohangatera or Lake Kohangapiripiri (other than the plants attached to the bed of Lake Kohangatera or the bed of Lake Kohangapiripiri).

53 Existing structures in or on lakebeds and esplanade land

(1) Despite the vestings under sections 49(4) and 50(5), an existing structure—

(a) does not vest in the trustees; and

(b) may remain in or on the lakebeds and esplanade land without the consent of, and without charge by, the registered proprietors of the land; and

(c) may be used, occupied, accessed, repaired, maintained, removed, or demolished at any time without the consent of, and without charge by, the registered proprietors of the land.

(2) However, if the owner of an existing structure removes or demolishes it, the registered proprietors may require the owner to leave the lakebeds and esplanade land concerned in a clean and tidy condition.

(3) In this section and sections 54 and 55, **existing structure** means a structure in or on any of the lakebeds and esplanade land to the extent that the structure existed on the settlement date.

(4) A structure is an **existing structure** whether or not, at any time, it was or is unlawful or unauthorised.

54 Determination of matters relating to existing structures

Despite the vestings under sections 49(4) and 50(5), a local authority must determine the following matters as if the lakebeds and esplanade land were owned by the Crown:

(a) a person's application for a resource consent or building consent under the Resource Management Act 1991 or the Building Act 2004 to use, occupy, access, repair, maintain, remove, or demolish an existing structure; or

(b) any attempt by a person to rectify the non-compliance of an existing structure with or under the Resource Management Act 1991 or the Building Act 2004.

55 Liability for existing structures

The registered proprietors of the lakebeds and esplanade land are not liable for an existing structure for which they would, apart from this section, be liable by reason of their ownership of any of the lakebeds and esplanade land.

56 New structures require consent

(1) No person may erect or modify a structure in or on, or attach a structure to, any of the lakebeds and esplanade land, unless the registered proprietors of the land first give their written consent.

(2) However, subsection (1) does not apply if—

(a) the activity relating to the structure is permitted or otherwise authorised under section 53; or

(b) section 57 applies to the activity relating to the structure.

(3) The registered proprietors may impose conditions on the grant of their consent, including imposing a charge.

57 Authorisations not affected

(1) To avoid doubt, the vestings under sections 49(4) and 50(5) do not limit or otherwise affect a right or authorisation provided by or under an enactment that does not require the consent of the owners of land—

(a) to undertake an activity in, on, or in relation to the lakebeds and esplanade land; or

(b) to exercise a power or perform a function or duty in, on, or in relation to the lakebeds and esplanade land.

(2) The rights and authorisations referred to in subsection (1) include, but are not limited to, a right or authorisation to—

(a) place or install, permanently or temporarily, a structure of any kind in or on the lakebeds and esplanade land; or

(b) enter and remain on the lakebeds and esplanade land to carry out any activity, including to gain access to, or undertake an activity on, any structure placed or installed in or on the lakebeds and esplanade land.

Sites vest in fee simple to be administered as scenic, recreation, or local purpose reserves

58 Wi Tako Scenic Reserve

(1) The reservation of Wi Tako Scenic Reserve as a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked.

(2) The fee simple estate in Wi Tako Scenic Reserve vests in the trustees.

(3) Wi Tako Scenic Reserve 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 created by subsection (3) is named Wi Tako Ngatata Scenic Reserve, despite section 16(10) of the Reserves Act 1977.

(5) Upper Hutt City Council is the administering body of the reserve for the purposes of the Reserves Act 1977 and has the functions, obligations, and

powers of an administering body under that Act, as if the reserve were vested in the Council under section 26 of that Act.

59 Point Dorset Recreation Reserve

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

(2) The fee simple estate in Point Dorset Recreation Reserve vests in the trustees.

(3) Point Dorset Recreation Reserve is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve created by subsection (3) is named Point Dorset Recreation Reserve, despite section 16(10) of the Reserves Act 1977.

(5) Wellington City Council is the administering body of the reserve for the purposes of the Reserves Act 1977 and has the functions, obligations, and powers of an administering body under that Act, as if the reserve were vested in the Council under section 26 of that Act.

60 Korokoro Gateway site

(1) The part of the Korokoro Gateway site that is a stewardship area under the Conservation Act 1987 ceases to be a stewardship area.

(2) The fee simple estate in the Korokoro Gateway site vests in the trustees.

(3) The Korokoro Gateway site is declared a reserve and classified as a local purpose reserve, for the purpose of cultural and community facilities, subject to section 23 of the Reserves Act 1977.

(4) The reserve created by subsection (3) is named Honiana Te Puni Local Purpose Reserve, despite section 16(10) of the Reserves Act 1977.

(5) Hutt City Council is the administering body of the reserve for the purposes of the Reserves Act 1977 and has the functions, obligations, and powers of an administering body under that Act, as if the reserve were vested in the Council under section 26 of that Act.

(6) Any improvements in or on the Korokoro Gateway site do not vest in the trustees, despite the vesting under subsection (2).

Harbour Islands reserves vest in fee simple to be administered as scientific or historic reserves

61 Makaro Scientific Reserve

(1) The reservation of Makaro Scientific Reserve as a scientific reserve subject to section 21 of the Reserves Act 1977 is revoked.

(2) The fee simple estate in Makaro Scientific Reserve vests in the trustees.

(3) Makaro Scientific Reserve is declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.

(4) The reserve created by subsection (3) is named Makaro Scientific Reserve, despite section 16(10) of the Reserves Act 1977.

62 Mokopuna Scientific Reserve

(1) Mokopuna Scientific Reserve ceases to be a wildlife refuge subject to the Wildlife Act 1953.

(2) The reservation of Mokopuna Scientific Reserve as a scientific reserve subject to section 21 of the Reserves Act 1977 is revoked.

(3) The fee simple estate in Mokopuna Scientific Reserve vests in the trustees.

(4) Mokopuna Scientific Reserve is declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.

(5) The reserve created by subsection (4) is named Mokopuna Scientific Reserve, despite section 16(10) of the Reserves Act 1977.

63 Matiu Scientific Reserve

(1) The part of Matiu Scientific Reserve that is Section 3 SO 20946 ceases to be—

(a) subject to section 74 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923; and

(b) held in trust, under that section, as a site for a lighthouse.

(2) The fee simple estate in the part of Matiu Scientific Reserve that is Section 3 SO 20946 vests in the Crown as Crown land subject to the Land Act 1948.

(3) Any reservation of Matiu Scientific Reserve as a scientific reserve subject to section 21 of the Reserves Act 1977 is revoked.

(4) The fee simple estate in Matiu Scientific Reserve vests in the trustees.

(5) Matiu Scientific Reserve is declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.

(6) The reserve created by subsection (5) is named Matiu Scientific Reserve, despite section 16(10) of the Reserves Act 1977.

(7) Subsections (1) to (6) are subject to the trustees providing Wellington Regional Council with a registrable lease in relation to the part of Matiu Scientific Reserve that is Section 3 SO 20946 in the form set out in Part 4 of the documents schedule of the deed of settlement.

(8) A lease granted in accordance with subsection (7) is—

(a) enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and

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

(9) Despite the vesting under subsection (4), any improvements in or on Matiu Scientific Reserve at the settlement date—

(a) do not vest in the trustees; and

(b) may remain in or on the land without the consent of, and without charge by, the registered proprietors of the land; and

(c) may be used, occupied, accessed, repaired, maintained, removed, or demolished at any time without the consent of, and without charge by, the registered proprietors. However, if the owner of an improvement removes or demolishes it, the registered proprietors of the land may require the owner to leave the land concerned in a clean and tidy condition.

(10) Subsection (9)(b) and (c) are subject to the terms of any lease granted in accordance with subsection (7).

64 Matiu Historic Reserve

(1) The reservation of Matiu Historic Reserve as a historic reserve subject to section 18 of the Reserves Act 1977 is revoked.

(2) The fee simple estate in Matiu Historic Reserve vests in the trustees.

(3) Matiu Historic Reserve is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(4) The reserve created by subsection (3) is named Matiu Historic Reserve, despite section 16(10) of the Reserves Act 1977.

(5) Despite the vesting under subsection (2), any improvements in or on Matiu Historic Reserve at the settlement date—

(a) do not vest in the trustees; and

(b) may remain in or on the land without the consent of, and without charge by, the registered proprietors of the land; and

(c) may be used, occupied, accessed, repaired, maintained, removed, or demolished at any time without the consent of, and without charge by, the registered proprietors. However, if the owner of an improvement removes or demolishes it, the registered proprietors of the land may require the owner to leave the land concerned in a clean and tidy condition.

Application of Reserves Act 1977 to Harbour Islands reserves

65 Harbour Islands Kaitiaki Board to be administering body

The Harbour Islands Kaitiaki Board—

(a) is the administering body of the Harbour Islands reserves for the purposes of the Reserves Act 1977; and

(b) has the functions, obligations, and powers of an administering body under that Act, as if the reserves were vested in the Board under section 26 of that Act, except as provided in this subpart and Schedule 3.

66 Functions, obligations, and powers of Minister

(1) The Minister of Conservation has, in respect of the Harbour Islands reserves, the functions, obligations, and powers that the Minister has under the Reserves Act 1977 in relation to a reserve not vested in the Crown, except as provided in subsection (2), this subpart, and Schedule 3.

(2) The Minister may not appoint a committee under section 9 of the Reserves Act 1977 in relation to the Harbour Islands reserves.

67 Functions, obligations, and powers of Director-General

(1) The Director-General is responsible for managing the Harbour Islands reserves—

(a) for the purposes specified in section 40(1) of the Reserves Act 1977; and

(b) in accordance with that Act and any management plan prepared for the reserves by the Harbour Islands Kaitiaki Board.

(2) The Director-General may, in performing the function under subsection (1), do anything that he or she considers necessary for the management of the Harbour Islands reserves.

68 Modified application of certain provisions of Reserves Act 1977 in relation to Harbour Islands reserves

(1) Section 41 of the Reserves Act 1977 applies in relation to the Harbour Islands reserves, except that—

(a) instead of the requirements under section 41(1),—

(i) the Harbour Islands Kaitiaki Board must, within 24 months of becoming the administering body of the Harbour Islands reserves, prepare a management plan for the reserves; and

(ii) the Board must submit the management plan to the Minister and the chairperson of the Port Nicholson Block Settlement Trust for their approval; and

(b) the Minister and the chairperson of the Port Nicholson Block Settlement Trust may together extend the period specified in paragraph (a)(i); and

(c) the Minister may not require the Board to review its management plan under section 41(4); and

(d) the following provisions do not apply:

(i) section 41(2) (Minister's power to extend the time within which the management plan must be submitted for approval):

(ii) section 41(6)(aa) (requirement to send copy of draft plan to designated officer):

(iii) section 41(7) (Minister's power to direct administering body to follow specified procedure if review of plan required under section 41(4)):

(iv) section 41(15) (Minister's power to refuse to approve, or consent to, activity until plan approved).

(2) Sections 42(1), 49, and 50 of the Reserves Act 1977 apply in relation to the Harbour Islands reserves as if references to the Minister were references to the Harbour Islands Kaitiaki Board.

(3) Section 58 of the Reserves Act 1977 applies in relation to the Harbour Islands reserves, except that—

(a) section 58(a) and (d) do not apply; and

(b) the consent of the Minister is not required under section 58(b); and

(c) the parts of the reserves used as sites for residences on the commencement of this Act are to be treated as having been set apart as sites for residences under section 58(b).

(4) Section 59A of the Reserves Act 1977 and Part 3B of the Conservation Act 1987 (as applied by that section) apply in relation to the Harbour Islands reserves as if—

(a) the reserves were vested in the Crown; and

(b) references to the Minister were references to the Harbour Islands Kaitiaki Board.

(5) Despite section 78 of the Reserves Act 1977, the following money must be paid in accordance with the Public Finance Act 1989 into the Department's Departmental Bank Account and applied for the benefit of the Harbour Islands reserves:

(a) any rent, fee, royalty, or other amount received under a concession granted for a Harbour Islands reserve; and

(b) any other amount paid in accordance with the Reserves Act 1977 in respect of a Harbour Islands reserve.

(6) Section 93 of the Reserves Act 1977 applies in relation to the Harbour Islands reserves, except that **officer** does not include any officer or employee of the Harbour Islands Kaitiaki Board.

(7) Sections 94 to 105 and section 110 of the Reserves Act 1977 apply in relation to the Harbour Islands reserves as if references to the Commissioner or the administering body were references to the Director-General.

69 Certain provisions of Reserves Act 1977 do not apply in relation to Harbour Islands reserves

Sections 8(9) and (10), 15, 48, 48A, 58A, 59(2), 64, 74, 78, 79, 80, 81, 88, 89, 90, 113, 114, and 115 of the Reserves Act 1977 do not apply in relation to the Harbour Islands reserves.

70 Advice on conservation and other matters

The New Zealand Conservation Authority, the Wellington Conservation Board, the Minister, and the Director-General must consult with, and have regard to the views of, the Harbour Islands Kaitiaki Board in relation to each of the following matters to the extent the matter affects the Harbour Islands reserves:

(a) conservation management:

(b) conservation policy:

(c) conservation documents:

(d) annual business planning:

(e) appointment of rangers.

71 Appointment of Harbour Islands Kaitiaki Board and other provisions that apply

The Harbour Islands Kaitiaki Board must be appointed in accordance with, and is subject to, the provisions set out in Schedule 3.

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

72 Properties vest subject to, or together with, encumbrances

Each cultural redress property vests under subpart 4 subject to, or together with, any encumbrances listed in relation to the property in Schedule 2.

73 Registration of ownership

(1) This section applies in relation to the fee simple estate in a cultural redress property vested in the trustees under subpart 4.

(2) The Registrar-General must, on written application by an authorised person, comply with subsections (3) to (7).

(3) To the extent that a cultural redress property is all of the land contained in a computer freehold register, the Registrar-General must—

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

(b) make any entries in the register, and do all other things, that are necessary to give effect to this Part and to Part 5 of the deed of settlement.

(4) To the extent that a cultural redress property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General must, in accordance with an application received from an authorised person,—

(a) create 1 or more computer freehold registers for the fee simple estate in the property in the names of the trustees; and

(b) enter on the register any encumbrances that are registered, notified, or notifiable and that are described in the application.

(5) However, subsections (6) and (7) apply instead in the case of the Pipitea Marae site.

(6) If the fee simple estate in the Pipitea Marae site has vested in the jointly established trust under section 46, then the Registrar-General must, in accordance with an application received from an authorised person,—

(a) create a computer freehold register for the fee simple estate in the property in the names of the trustees; and

(b) enter on the register any encumbrances that are registered, notified, or notifiable and that are described in the application; and

(c) then immediately register the jointly established trust as the proprietor of the fee simple estate in the property.

(7) If the jointly established trust has not satisfied section 46(1) (by becoming registered and giving written notice of registration) by the end of the day that is 24 months after the settlement date, then the Registrar-General must, in accordance with an application received from an authorised person,—

(a) create a computer freehold register for the fee simple estate in the property in the names of the trustees; and

(b) enter on the register any encumbrances that are registered, notified, or notifiable and that are described in the application.

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

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

(a) 24 months after the settlement date or, in the case of the Pipitea Marae site, 26 months after the settlement date; or

(b) any later date that may be agreed in writing by the trustees and the Crown.

(10) However, in the case of the urupā site, subsection (9) applies as if references to the settlement date were references to the date (described in section 48(7)) on which the site vests under section 48(1).

(11) In subsections (2), (4), (6), and (7), **authorised person** means a person authorised by—

(a) the chief executive of LINZ, in the case of 1 Thorndon Quay:

(b) the Secretary for Justice, in the case of—

(i) 81–87 Thorndon Quay:

(ii) the Waiwhetu Road site:

(iii) the former Wainuiomata College site:

(iv) the former Wainuiomata Intermediate School site:

(v) the Pipitea Marae site:

(vi) the urupā site:

(c) the Secretary for Education, in the case of the former Waiwhetu School site:

(d) the Director-General, in all other cases.

74 Application of Part 4A of Conservation Act 1987

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

(2) Despite subsection (1),—

(a) the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site under section 58(2), 59(2), 60(2), 61(2), 62(3), 63(4), or 64(2):

(b) Part 4A of the Conservation Act 1987 does not apply to the vesting of—

(i) the bed of Lake Kohangatera and the Lake Kohangatera esplanade land under section 49(4); or

(ii) the bed of Lake Kohangapiripiri and the Lake Kohangapiripiri esplanade land under section 50(5).

(3) If the reservation, under subpart 4, of a reserve site is revoked in relation to all or part of the site, then the site's vesting referred to in subsection (2)(a) is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the site, as the case may be.

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

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

(a) a reserve site that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply, and that the land is subject to sections 74(3) and 78 of this Act; and

(b) the bed of Lake Kohangatera and the Lake Kohangatera esplanade land that Part 4A of the Conservation Act 1987 does not apply; and

(c) the bed of Lake Kohangapiripiri and the Lake Kohangapiripiri esplanade land that Part 4A of the Conservation Act 1987 does not apply; and

(d) 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) If the reservation, under subpart 4, of a reserve site is revoked in relation to—

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

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

(ii) the site is subject to sections 74(3) and 78 of this Act; or

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

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

76 Application of other enactments

(1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under subpart 4, of the reserve status of a cultural redress property.

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

(a) the vesting of the fee simple estate in a cultural redress property under subpart 4; or

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

(3) The vesting of the fee simple estate in a cultural redress property under subpart 4 does not—

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

(b) affect other rights to subsurface minerals.

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

77 Application of certain payments

The Minister of Conservation may direct that any intra-Crown payment for the following sites be paid and applied in the manner specified in section 82(1)(a) of the Reserves Act 1977:

(a) the bed of Lake Kohangatera:

(b) the bed of Lake Kohangapiripiri, except Section 1 SO 406979:

(c) Wi Tako Scenic Reserve:

(d) Point Dorset Recreation Reserve:

(e) the Harbour Islands reserves, except the part of Matiu Scientific Reserve that is Section 3 SO 20946.

Provisions relating to reserve sites

78 Subsequent transfer of reserve land

(1) This section applies to all, or the part, of a reserve site that, at any time after vesting in the trustees under subpart 4, remains a reserve under the Reserves Act 1977 (the **reserve land**).

(2) The fee simple estate in the reserve land may be transferred to any other person only in accordance with this section, despite any other enactment or rule of law.

(3) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to another person or persons (the **new owners**) if, upon written application, the registered proprietors of the reserve land satisfy the Minister that the new owners are able to—

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

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

(4) The Registrar-General must, upon receiving the documents specified in subsection (5), register the new owners as the proprietors of the fee simple estate in the reserve land.

(5) The documents are—

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

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

(c) the written consent of the administering body of the reserve land; and

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

(6) The new owners, from the time of registration under subsection (4),—

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

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

(7) Despite subsections (1) and (2), this section does not apply to the transfer of the fee simple estate in 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.

79 Revocation of reservation of reserve site

If the reservation, under subpart 4, of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site, section 25 of that Act, except subsection (2), does not apply to the revocation.

80 Trustees must not mortgage reserves

The registered proprietors of a reserve site must not mortgage, or give a security interest in, all or any part of the site that, at any time after vesting in the trustees under subpart 4, remains a reserve under the Reserves Act 1977.

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

(1) This section applies to any bylaw, prohibition, permit, concession, or restriction on use or access that an administering body or the Minister made or granted under the Reserves Act 1977 or the Conservation Act 1987 in relation to a reserve site before the site vested in the trustees under subpart 4.

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

82 Consequential repeal of enactments

The following enactments are repealed:

(a) section 74 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923:

(b) section 15 of the Maori Purposes Act 1969:

(c) section 9 of the Maori Purposes Act 1974.

Subpart 6—Place names

83 Interpretation

In this subpart,—

new place name—

(a) means a place name to which an existing place name is altered under section 84(1); and

(b) includes any alteration to a place name under section 86

New Zealand Geographic Board means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa continued by section 7 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

84 New place names

(1) Each existing place name specified in the first column of clause 5.13 of the deed of settlement (at the settlement date) is altered to the new place name specified in the second column of that clause.

(2) The alteration of an existing place name to a new place name is to be treated as having been made—

(a) with the approval of the New Zealand Geographic Board; and

(b) in accordance with the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

85 Publication of notice of new place names

(1) The New Zealand Geographic Board must, as soon as practicable after the settlement date, publish a notice in the *Gazette*—

(a) specifying each new place name and its location and the existing place name being altered; and

(b) stating that the New Zealand Geographic Board may alter the new place names or their locations in accordance with section 86.

(2) The New Zealand Geographic Board must, as soon as practicable after publication of the notice under subsection (1), ensure that a copy of the notice is published in accordance with the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

(3) A copy of the *Gazette* notice published under subsection (1) is conclusive evidence that the new place names were altered on the date of the *Gazette* notice.

86 Alteration of new place names

(1) Despite the provisions of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, the New Zealand Geographic Board may, with the consent of the trustees, alter any new place name or its location.

(2) Sections 84(2) and 85 apply, with any necessary modifications, to an alteration made under subsection (1).

87 When new place name takes effect

Place names altered under section 84 or 86 take effect on the date of the *Gazette* notice published under section 85(1).

Part 3
Commercial redress

Subpart 1—Transfer of deferred selection properties

88 The Crown may transfer properties

(1) To give effect to Part 6 of the deed of settlement, and Part 4 of the provisions schedule of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency or, in respect of land held under the Land Act 1948, the Commissioner of Crown Lands) is authorised to do 1 or both of the following:

(a) transfer the fee simple estate in a deferred selection property to the trustees:

(b) sign a transfer instrument or other document, or do any other thing to effect the transfer.

(2) As soon as is reasonably practicable after the actual deferred settlement date for a deferred selection property, the chief executive of the land holding agency or, in respect of land held under the Land Act 1948, the Commissioner of Crown Lands must provide written notification of that date to the chief executive of LINZ for the purposes of section 13.

89 Registrar-General to create computer freehold register

(1) This section applies to a deferred selection property to the extent that it is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property.

(2) The Registrar-General must, in accordance with a written application by an authorised person, and after completion of any necessary survey, create a computer freehold register in the name of the Crown—

(a) subject to, and together with, any encumbrances that are registered, notified, or notifiable and that are described in the written application; but

(b) without any statement of purpose.

(3) The authorised person may grant a covenant to arrange for the later creation of a computer freehold register for a deferred selection property.

(4) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register a covenant (as referred to in subsection (3)) under the Land Transfer Act 1952 by creating a computer interest register; and

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

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

90 Application of other enactments

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

(a) the transfer to the trustees of a deferred selection property; or

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

(2) The transfer of a deferred selection property to the trustees does not—

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

(b) affect other rights to subsurface minerals.

(3) The transfer of a deferred selection property to the trustees 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.

(4) In exercising the powers conferred by section 88, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a deferred selection property.

(5) Subsection (4) is subject to subsections (2) and (3).

(6) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of Part 6 of the deed of settlement, or Part 4 of the provisions schedule of the deed of settlement, in relation to the transfer of a deferred selection property.

Subpart 2—Trustees' right of first refusal in relation to RFR land

Interpretation

91 Interpretation

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

dispose of, in relation to RFR land,—

(a) means to—

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

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

(b) to avoid doubt, does not include to—

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

(ii) grant an easement over the land; or

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

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

expiry date, in relation to an offer, means its expiry date under sections 94(a) and 95

notice means a notice under this subpart

offer means an offer, made in accordance with section 94, by an RFR landowner to dispose of RFR land to the trustees

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

RFR land has the meaning given to it in section 92

RFR land schedule means the RFR land schedule of the deed of settlement

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 whom RFR land has been disposed of under section 104(1)

RFR period means the period of 100 years from the settlement date.

92 Meaning of RFR land

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

(a) land described in the RFR land schedule at the date of the deed of settlement if, on the settlement date,—

(i) the land is vested in the Crown or the Crown holds the fee simple estate in the land; or

(ii) a Crown body holds the fee simple estate in the land; and

(b) land added to the RFR land schedule by an amendment to the deed of settlement if, on the date of the amendment or the settlement date (whichever is later),—

(i) the land is vested in the Crown or the Crown holds the fee simple estate in the land; or

(ii) a Crown body holds the fee simple estate in the land and has consented in writing to the land becoming RFR land; and

(c) land obtained in exchange for a disposal of RFR land under section 103(1)(c) or (d) or 105(a) or (c).

(2) However, land ceases to be RFR land when any of the following things happen:

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

(i) the trustees (for example, under section 97); or

(ii) any other person (including the Crown or a Crown body) under section 93(b); or

(b) the RFR landowner transfers or vests the fee simple estate in the land to or in a person other than the Crown or a Crown body under any of sections 100 to 103 or 105 to 109 or any of the things referred to in section 110(1); or

(c) the RFR period ends.

Restrictions on disposal of RFR land

93 Restrictions on disposal of RFR land

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

(a) under any of sections 99 to 109 or any of the things referred to in section 110(1); or

(b) 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 was—

(i) made in accordance with section 94; and

(ii) 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 96; and

(iv) not accepted under section 97.

Trustees' right of first refusal

94 Requirements for offer

An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees, incorporating—

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

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

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

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

95 Expiry date of offer

(1) The expiry date of an offer must be at least 1 month after the trustees receive notice of the offer.

(2) However, the expiry date of an offer may be at least 10 business days after 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.

96 Withdrawal of offer

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

97 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.

98 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 landowner and the trustees on the terms in the offer.

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

Disposals to others

99 Disposals to the Crown or Crown bodies

An RFR landowner may dispose of RFR land to—

(a) the Crown; or

(b) a Crown body.

100 Disposals in accordance with enactment or rule of law

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

101 Disposals in accordance with legal or equitable obligation

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

(a) a legal or 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, endowment, or trust relating to the land.

102 Disposals by the Crown under certain legislation

The Crown may dispose of RFR land in accordance with—

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

(b) section 563 of the Education and Training Act 2020; or

(c) section 355(3), 355AA, or 355AB of the Resource Management Act 1991.

Section 102(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

103 Disposals of land held for public works

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

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

(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(1)(e) of the Public Works Act 1981.

104 Disposals of existing public works

(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 the Public Works Act 1981).

(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.

105 Disposals for reserve or conservation purposes

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

(a) section 15 of the Reserves Act 1977; or

(b) section 26 or 26A of the Reserves Act 1977; or

(c) section 16A or 24E of the Conservation Act 1987.

106 Disposals for charitable purposes

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

107 Disposals 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 as a renewal of a lease granted before the settlement date; or

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

108 Disposals by Housing New Zealand Corporation

Housing New Zealand Corporation, or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Housing has given notice to the trustees that, in the Minister's opinion, the disposal is to achieve, or assist in achieving, the Crown's social objectives in relation to housing or services related to housing.

109 Disposals by Health New Zealand

Health New Zealand (as defined in section 4 of the Healthy Futures (Pae Ora) Act 2022), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees that, in the Minister's

opinion, the disposal will achieve, or assist in achieving, Health New Zealand's objectives.

Section 109: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 109: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

110 RFR landowner's obligations under this subpart

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

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

(b) any encumbrance, or legal or equitable obligation,—

(i) that prevents or limits an RFR landowner's disposal of RFR land to 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.

(3) This subpart does not limit any of the things referred to in subsection (1).

Notices

111 Notice of RFR land with computer register after settlement date

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

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

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

(4) The notice must include the reference for the computer register and a legal description of the land.

112 Notice to trustees of disposals 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.

(2) The notice must be given at least 20 business days before the disposal.

(3) The notice must—

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

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

(c) identify the person to whom the land is being disposed of; and

(d) explain how the disposal complies with section 93; and

(e) include a copy of any written contract for the disposal.

113 Notice of land ceasing to be RFR land

(1) This section applies if land is to cease being RFR land because—

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

(i) the trustees (for example, under section 97); or

(ii) any other person (including the Crown or a Crown body) under section 93(b); or

(b) the RFR landowner is to transfer or vest the fee simple estate in the land to or in a person other than the Crown or a Crown body under any of sections 100 to 103 or 105 to 109 or any of the things referred to in section 110(1).

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

(3) The notice must—

(a) include a legal description of the land; and

(b) specify the details of the transfer or vesting of the land.

114 Notice requirements

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

(a) an RFR landowner; or

(b) the trustees.

Memorials for RFR land

115 Recording memorials on computer registers for RFR land

(1) The chief executive of LINZ must issue to the Registrar-General certificates that identify—

(a) the RFR land for which there is a computer register on the settlement date; and

(b) the RFR land for which a computer register is first created after the settlement date; and

(c) land for which there is a computer register that becomes RFR land after the settlement date.

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

(a) the settlement date, in the case of RFR land for which there is a computer register on the settlement date; or

(b) receiving a notice under section 111 that a computer register has been created for the RFR land or that the land has become RFR land, in any other case.

(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 the computer register for the RFR land identified in the certificate that the land is—

(a) RFR land as defined in section 92 of this Act; and

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

116 Removal of memorials when land to be transferred or vested

(1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under section 113 that land is to cease being RFR land, issue to the Registrar-General a certificate that—

(a) identifies each allotment of that land that is contained in a computer register that has a memorial recorded on it under section 115; and

(b) specifies the details of the transfer or vesting of the land; and

(c) states that it is issued under this section.

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

(3) If the Registrar-General receives a certificate issued under this section before registering the transfer or vesting of RFR land described in the certificate, the Registrar-General must, immediately before registering the transfer or vesting, remove a memorial recorded under section 115 from any computer register for the land.

(4) If the Registrar-General receives a certificate issued under this section after registering the transfer or vesting of RFR land described in the certificate, the Registrar-General must, as soon as is reasonably practicable, remove a memorial recorded under section 115 from any computer register for the land.

117 Removal of memorials when RFR period ends

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

(a) identifies each allotment of land that is contained in a computer register that still has a memorial recorded on it under section 115; and

(b) states that it 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 a memorial recorded under section 115 from any computer register for the land identified in the certificate.

General provisions

118 Time limits must be strictly complied with

The time limits specified in sections 93 and 97 must be strictly complied with.

119 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 agreement under this section is on the terms, and applies for the period, specified in it.

120 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.

Schedule 1
Statutory areas

s 7

Statutory area	Location
Kaiwharawhara Stream	As shown on SO 408069
Coastal marine area	As shown on SO 408070
Hutt River	As shown on SO 408071
Waiwhetu Stream	As shown on SO 408072
Wellington Harbour	As shown on SO 408073
Riverside Drive marginal strip	As shown on SO 408074
Seaview marginal strip	As shown on SO 408075
Government Buildings Historic Reserve	As shown on SO 408076
Turnbull House Historic Reserve	As shown on SO 408077
Rimutaka Forest Park	As shown on SO 408079
Wainuiomata Scenic Reserve	As shown on SO 408080
Turakirae Head Scientific Reserve	As shown on SO 408081
Kelburn Local Purposes (Community and Administrative Buildings) Reserve	As shown on SO 408078

Schedule 2
Cultural redress properties

ss 38, 72

All cultural redress properties are in the Wellington Land District.

Part 1
Sites vest in fee simple

Name of site	Description	Encumbrances
1 Thorndon Quay	0.0564 hectares, more or less, being Section 1 SO 35738. All computer freehold register WN36D/521.	Subject to an unregistered lease dated 2 August 2006 to Counselling & Psychotherapy Associates Limited. Subject to an unregistered lease dated 23 August 2007 to Babystar Holdings Limited. Subject to an unregistered renewal of lease dated 15 December 2006 to Rail and Maritime Transport Union Incorporated, renewing a lease dated 21 December 2000. Subject to an unregistered renewal of lease dated 19 June 2006 to Jumbani Investments Limited (now assigned to 175 Degrees East Limited), renewing a lease dated 17 June 2003. Subject to an outdoor billboard agreement dated 30 September 2004 to (now) Isite Limited. Subject to section 3 of the Petroleum Act 1937, section 8 of the Atomic Energy Act 1945, sections 6 and 8 of the Mining Act 1971, and sections 5 and 261 of the Coal Mines Act 1979.
81–87 Thorndon Quay	0.0871 hectares, more or less, being Part Lots 7 and 8 Plan A/1064 and Part Subdivision 9 Pipitea Pa. All computer freehold register WN42C/243.	Subject to an unregistered lease dated 3 November 2006 to Venture Realty Limited.
Waiwhetu Road site	0.1311 hectares, more or less, being Section 1 SO 406939. All GN B601539.1.	Subject to an easement in gross in favour of (now) Vector Limited for a right to erect and maintain an electric substation and a right to convey electricity, created by transfer 890090.2.
Former Wainuiomata College site	7.6897 hectares, more or less, being Part Lot 1 DP 20910. All computer freehold register 45698.	Subject to an unregistered lease to Te Runanganui o Taranaki Whanui ki Te Upoko o Te Ika a Maui Association Incorporated.

Name of site	Description	Encumbrances
Former Wainuiomata Intermediate School site	4.0288 hectares, more or less, being Lots 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 DP 21094. All computer freehold register 45705.	Subject to an unregistered lease to Te Runanganui o Taranaki Whanui ki Te Upoko o Te Ika a Maui Association Incorporated. Together with water rights created by transfers 271704 and 329019.
Former Waiwhetu School site	1.6221 hectares, more or less, being Lot 2 DP 319038. All computer freehold register 74499.	Subject to a right to drain sewage in gross in favour of Hutt City Council, created by easement instrument 5853747.4. Subject to a water drainage right, created by easement instrument 5853747.3, which is subject to section 243(a) of the Resource Management Act 1991. Subject to certificates K43519, K43518, and 495447, under section 26 of the Housing Act 1955, that pipelines for the passage of sewage or sanitary sewage pass through the land.
Pipitea Marae site	0.3564 hectares, more or less, being Section 1 SO 406983. All computer freehold register WN16A/350, part document K25892, and balance computer freehold register WN401/66.	Subject to the unregistered first renewal of the lease previously registered as lease 146830.3, which is to be treated as requiring the consent of the Minister of Māori Affairs to any change in the annual rent on rent review.

Part 2
Sites vest in fee simple to be administered as Maori reservations

Name of site	Description	Encumbrances
Dendroglyph site	0.0507 hectares, more or less, being Sections 1 and 2 SO 406982. Part computer freehold register WN41A/384.	Together with the right of way easement referred to in section 47(6).
Urupā site	3.9377 hectares, more or less, being Section 1 SO 407043. Part computer freehold register WN37A/957.	Subject to the right of way easement referred to in section 48(4) and to the fencing covenant included with that easement. Subject to the memorandum of encumbrance referred to in section 48(4). Subject to section 11 of the Crown Minerals Act 1991.

Part 3
Sites vest in fee simple subject to conservation covenant

Name of site	Description	Encumbrances
Bed of Lake Kohangatera and the Lake Kohangatera esplanade land	*Bed of Lake Kohangatera* 33.0622 hectares, more or less, being Section 2 SO 409042, but excluding the Crown stratum (as defined in section 38(2)). Part GN 911916.1. *Lake Kohangatera esplanade land* 7.8000 hectares, more or less, being Lot 11 DP 53891.	Subject to the conservation covenant referred to in section 49(6).
Bed of Lake Kohangapiripiri and the Lake Kohangapiripiri esplanade land	*Bed of Lake Kohangapiripiri* 8.7900 hectares, more or less, being Lot 9 DP 53891, but excluding the Crown stratum (as defined in section 38(2)). Part GN 911916.1. 3.5141 hectares, more or less, being Section 1 SO 406979, but excluding the Crown stratum (as defined in section 38(2)). Part computer freehold register WND1/1106. *Lake Kohangapiripiri esplanade land* 3.2500 hectares, more or less, being Lot 10 DP 53891.	Subject to the conservation covenant referred to in section 49(6).

Part 4
Sites vest in fee simple to be administered as scenic, recreation, or local purpose reserves

Name of site	Description	Encumbrances
Wi Tako Scenic Reserve	59.2230 hectares, more or less, being Section 1 SO 34638. All GN B152032.2.	Subject to an easement in gross, in favour of (now) UnitedNetworks Limited, for a right to lay and maintain an electric power supply cable, created by transfer B300767.1.
Point Dorset Recreation Reserve	8.4490 hectares, more or less, being Sections 1, 2, 3, and 4 SO 38155. All GN B801376.1.	
Korokoro Gateway site	5.1300 hectares, more or less, being Section 1 SO 407772.	Subject to an unregistered licence to occupy dated 9 October 1959 in favour of the Wellington Water Ski Club Incorporated. Subject to an informal right to convey water in favour of Wellington Regional Council.

Part 5
Harbour Islands reserves vest in fee simple to be administered as scientific or historic reserves

Name of site	Description	Encumbrances
Makaro Scientific Reserve	1.7000 hectares, more or less, being Section 1 SO 36220. All *Gazette* 1997 page 3872.	
Mokopuna Scientific Reserve	0.7992 hectares, more or less, being Section 1 SO 20946. All *Gazette* 1997 page 3872.	
Matiu Scientific Reserve	22.5459 hectares, more or less, being Section 2 SO 406882. Part *Gazette* 1998 page 3416. 0.3465 hectares, more or less, being Section 3 SO 20946. Part GN B731787.2.	Subject to the lease referred to in section 63(7).
Matiu Historic Reserve	2.3423 hectares, more or less, being Section 1 SO 406882. All *Gazette* 1998 page 3416.	

Schedule 3
Provisions applying to Harbour Islands Kaitiaki Board

ss 65, 66, 71

Sections 31 to 34 of Reserves Act 1977

1 Sections 31 to 34 of Reserves Act 1977 apply

(1) Sections 31 to 34 of the Reserves Act 1977 apply to the Harbour Islands Kaitiaki Board as if it were a Board appointed under section 30(1) of that Act, except as provided in this schedule.

(2) However,—

(a) the Minister of Conservation may not, under section 31(c) of the Reserves Act 1977, remove from office a member of the Board appointed by the trustees; and

(b) section 32(1), (2), (5), (7), and (10) of the Reserves Act 1977 do not apply to meetings of the Board.

Membership of Board

2 Appointment of members of Board

(1) The Minister and the trustees must appoint the members of the Harbour Islands Kaitiaki Board in accordance with clause 3.

(2) Each member appointed by the Minister must be appointed by notice in the *Gazette*.

(3) Each member appointed by the Harbour Islands Kaitiaki Board must be appointed by notice in a daily or other newspaper circulating in Wellington.

3 Number of members of Board

(1) The Harbour Islands Kaitiaki Board must consist of—

(a) 3 members appointed by the Minister, on the nomination of the Director-General:

(b) 3 members appointed by the trustees.

(2) The trustees must appoint, as the chairperson of the Board, 1 of the members it appointed to the Board.

Procedure of Board

4 Meetings of Board

(1) The Harbour Islands Kaitiaki Board may regulate its own procedure, except as provided in this schedule.

(2) The first meeting of the Harbour Islands Kaitiaki Board must be held not later than 2 months after the date that its final member is appointed by notice under clause 2(2) or (3).

(3) Unless the members of the Harbour Islands Kaitiaki Board agree otherwise—

(a) the Board must meet at least twice a year; and

(b) members each have 1 ordinary vote; and

(c) the chairperson does not have a casting vote.

5 Vacancy in membership of Board

An act or proceeding of the Harbour Islands Kaitiaki Board is not invalid only because fewer than 6 members have been appointed to the Board.

Dispute resolution procedure for Board

6 Disputes to be referred to Minister and chairperson of Port Nicholson Block Settlement Trust

(1) Any dispute between members of the Harbour Islands Kaitiaki Board relating to the exercise of powers or the performance of functions by the Board must be referred to the Minister and the chairperson of the Port Nicholson Block Settlement Trust for resolution.

(2) A decision of the Minister and the chairperson of the Port Nicholson Block Settlement Trust in resolution of a dispute referred to them is final.

Public Audit Act 2001 applies to Board

7 Public Audit Act 2001 applies

The Harbour Islands Kaitiaki Board is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Schedule 4
Notices in relation to RFR land

s 114

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, in the case of a notice given by the trustees; and

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

(i) specified for the trustees in accordance with the deed of settlement, in the case of a notice to the trustees; or

(ii) specified by the RFR landowner in an offer made under section 94, or specified in a later notice given to the trustees, in the case of a notice by the trustees to an RFR landowner; and

(iii) of the national office of LINZ, in the case of a notice given to the chief executive of LINZ under section 111 or 113; and

(c) given by—

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

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

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

2 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the second day after posting, if posted; or

(c) at the time of transmission, if faxed.

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

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

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

Notes

1 General

This is a consolidation of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Statutes Amendment Act 2022 (2022 No 75): Part 29

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Education and Training Act 2020 (2020 No 38): section 668

Trusts Act 2019 (2019 No 38): section 161

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

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