**Version**
**as at 27 August 2025**

# Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

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|---|---|
| Public Act | 2010 No 119 |
| Date of assent | 26 October 2010 |
| Commencement | see section 2 |

## Contents


| | | Page |
|---|---|---|
| 1 | Title | 4 |
| 2 | Commencement | 4 |
| | **Part 1**<br>**Preliminary provisions** | |
| 3 | Overarching purpose of Act | 4 |
| 4 | Purpose of Act | 5 |
| 5 | Guiding principles of interpretation | 5 |
| 6 | How this Act applies to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi | 5 |
| 7 | Interpretation | 6 |
| 8 | Act binds the Crown | 11 |
| | **Part 2**<br>**Co-governance of Waikato River** | |
| 9 | Relationship with Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 | 11 |


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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.**

***Recognition of vision and strategy for Waikato River***

*Te Ture Whaimana*

10 Scope of vision and strategy 11

*Status*

11 Relationship of sections 12 to 16 with Resource Management Act 1991 11
12 Vision and strategy is part of Waikato Regional Policy Statement 11
13 Effect of vision and strategy on planning documents, environmental performance standards, and infrastructure design solutions 12
14 Updating Resource Management Act 1991 planning documents to conform with reviewed vision and strategy 13
15 Effect of vision and strategy on resource consent conditions and designations 14
16 Statement about vision and strategy in Conservation Act 1987 documents and Resource Management Act 1991 planning documents 15
17 Status of vision and strategy for other enactments 15
18 Duty to have particular regard to vision and strategy 16

*Reviews*

19 Initial review 18
20 Subsequent reviews 19
21 Purpose and conduct of reviews 19

*Amendments*

22 Amendments made by Order in Council 19

***Establishment of, and granting of functions and powers to, Waikato River Authority***

23 Establishment and purpose of Authority 20

*General functions and powers*

24 General functions 20
25 General powers 21

*Resource consent functions*

26 Accredited commissioners 22
27 Sections 28 to 32 apply to applications for resource consents relating to Waikato River 22
28 Notice of applications 22
29 Hearing committees 22
30 Call-ins 22
31 Section 100A of Resource Management Act 1991 23
32 Section 147(1)(c) of Resource Management Act 1991 24

*Waikato River Clean-up Trust function*

33 Trustee 24

*Administrative provisions*

34 Presentation of annual reports 24
35 Other provisions on Authority 24

***Upper Waikato River integrated management plan***

36 Meaning of Upper Waikato River integrated management plan 24
37 Preparation and approval of plan 25
38 Effect of components 26
39 Review and amendment of plan 26
40 What plan does not do 26

**Part 3**
**Upper Waikato River co-management arrangements**

***Environmental plan***

41 Preparation and availability 27
42 Effect 27

***Joint management agreement***

43 Duty to make 27
44 Scope 28
45 Contents 29
46 Principles for development and operation 29
47 Monitoring and enforcement 30
48 Preparation, review, change, or variation of Resource Management Act 1991 planning document 31
49 Resource consent process 31
50 Process for finalising 33
51 Suspension 36
52 Waiver of rights 36
53 Legal framework 36
54 Extension 37
55 Review and amendment 37
56 Other powers not affected 37
57 Exercise of powers in certain circumstances 38

***Miscellaneous***

58 Regulations and bylaws 38
59 Limitation on regulations and bylaws 39
60 Accords 39
61 Limit on duration of trusts does not apply 40
62 Authority and Trusts: public bodies, entities, and authorities 40

**Schedule 1** 41
**Vision and strategy for Waikato River**

**Schedule 2** 44
**Process to review vision and strategy**

**Schedule 3** 47
**Terms of Waikato River Clean-up Trust**

**Schedule 4** 55
**Waikato River Authority**

**Schedule 5** 66
**Upper Waikato River integrated management plan**

### 1 Title

This Act is the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

### 2 Commencement

(1) Parts 1 and 3 come into force on the day after the date on which this Act receives the Royal assent.

(2) The rest of this Act comes into force on a date to be appointed by the Governor-General by an Order in Council made on the advice of the Minister for Treaty of Waitangi Negotiations.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 2(2): Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (except Parts 1 and 3) brought into force, on 25 November 2010, by clause 2(b) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act and Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act Commencement Order 2010 (SR 2010/379).

Section 2(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## Part 1
## Preliminary provisions

### 3 Overarching purpose of Act

The overarching purpose of this Act is to restore and protect the health and wellbeing of the Waikato River for present and future generations.

### 4 Purpose of Act

This Act—

(a) recognises the significance of the Waikato River to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi:

(b) recognises the vision and strategy for the Waikato River:

(c) establishes and grants functions and powers to the Waikato River Authority:

(d) establishes the Waikato River Clean-up Trust:

(e) acknowledges and provides a process that may recognise certain customary activities of Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi:

(f) provides co-management arrangements for the Waikato River.

### 5 Guiding principles of interpretation

(1) The vision and strategy is intended by Parliament to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River.

(2) This Act must be interpreted in a manner that best furthers sections 3 and 4 and subsection (1).

### 6 How this Act applies to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi

(1) In this Act,—

**Trust** means,—

(a) for Ngati Tuwharetoa, the Tuwharetoa Maori Trust Board:

(b) for Raukawa,—

(i) the trustees of the Raukawa Settlement Trust; or

(ii) an entity that the Raukawa Settlement Trust nominates under subsection (4):

(c) for Te Arawa River Iwi, the trustees of the Te Arawa River Iwi Trust.

(2) Part 2—

(a) provides for each Trust to appoint a member to the Waikato River Authority; and

(b) provides for the Trusts to make an Upper Waikato River integrated management plan.

(3) Part 3 provides for each Trust to make—

(a) its own environmental plan; and

(b) its own joint management agreements.

(4) The following provisions apply to the Raukawa Settlement Trust:

(a) the trustees may nominate an entity to carry out a duty or function for them, or exercise a power for them, under this Act:

(b) the trustees make the nomination by giving written or electronic notice to the Crown, the Council, a local authority, or other person affected by the carrying out of the duty or function or the exercise of the power:

(c) the trustees are not relieved of liability for the carrying out of the duty or function or the exercise of the power by making the nomination, unless the Crown agrees that they are.

## 7 Interpretation

(1) In this Act,—

**Authority** means the Waikato River Authority

**Council** means the Waikato Regional Council

**Minister** means the Minister for the Environment.

(2) In this Act, unless the context requires another meaning,—

**appointer** means a person who appoints a member under clause 2 of Schedule 4

**business day** means the period of 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) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year; and

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

**catchment**,—

(a) in sections 10, 17, and 18 and Schedule 1, means the areas marked "A" and "B" on SO plan 409144:

(b) in sections 36(3), 37(5), 42(4), 44(1) and (2)(a)(i), and 47, means the area marked "B" on SO plan 409144:

(c) in sections 44(2)(a)(ii) and 47, includes the area marked "C" on SO plan 409144 to the extent to which activities are included in a joint management agreement through the application of section 44(2)(a)(ii)

**commencement date** means,—

(a) in Parts 1 and 3, the day referred to in section 2(1):

(b) in the rest of this Act, the date of an Order in Council made under section 2(2)

**component** means a component described in section 36(3)

**consent authority** has the meaning given to it by the Resource Management Act 1991

**conservation legislation** means—

(a) the Conservation Act 1987; and

(b) the enactments listed in Schedule 1 of the Conservation Act 1987

**Crown** has the meaning given to it by the Public Finance Act 1989

**deed** means,—

(a) for Ngati Tuwharetoa, the deed in relation to co-management arrangements for the Waikato River between the Crown and the Tuwharetoa Maori Trust Board dated 31 May 2010:

(b) for Raukawa, the deed in relation to a co-management framework for the Waikato River between the Crown and Raukawa and the trustees of the Raukawa Settlement Trust dated 17 December 2009:

(c) for Te Arawa River Iwi, the deed in relation to a co-management framework for the Waikato River between the Crown and Te Arawa River Iwi and the trustees of Te Arawa River Iwi Trust dated 9 March 2010

**department** has the meaning given to it by the Public Service Act 2020

**financial year** has the meaning given to it by the Public Finance Act 1989

**joint management agreement** means an agreement to which sections 43 to 57 apply

**local authority**,—

(a) for the purposes of sections 10 to 16 and Schedules 2 and 4,—

  (i) means the Council and the territorial authorities whose boundaries fall within, or partly within, the areas marked "A" and "B" on SO plan 409144; and

  (ii) does not include the Auckland Council:

(b) for the purposes of sections 43 to 57,—

  (i) means the Council and the territorial authorities whose boundaries fall within, or partly within, the area marked "B" on SO plan 409144; and

  (ii) includes the territorial authorities whose boundaries fall within, or partly within, the area marked "C" on SO plan 409144 to the extent to which activities are included in a joint management agreement through the application of section 44(2)(a)(ii):

(c) for the purposes of any other provisions of this Act, has the meaning given to it by the Resource Management Act 1991

**Ngati Tuwharetoa** means the persons represented by the Tuwharetoa Maori Trust Board

**operational date** means,—

(a) if paragraph (a) of the definition of **commencement date** applies, the date that is 20 business days after the day referred to in section 2(1):

(b) if paragraph (b) of the definition of **commencement date** applies, the date that is 20 business days after the date of the Order in Council

**public notice** means a notice published—

(a) in 1 or more daily newspapers circulating in the Waikato region; or

(b) on an Internet site to which the public have free access

**Raukawa** means—

(a) the collective group of individuals who descend from Raukawa and affiliate to a Raukawa marae in the Waikato area; and

(b) each individual referred to in paragraph (a); and

(c) the part of an iwi, hapu, whanau, or group of individuals made up of individuals referred to in paragraph (a)

**Raukawa Settlement Trust** means the trust created by the trust deed dated 16 June 2009

**register** means the register established and maintained under section 26

**Resource Management Act 1991 decision maker** means a person accredited under a programme approved and notified under section 39A of the Resource Management Act 1991

**Resource Management Act 1991 planning document** means each of the following as defined in the Resource Management Act 1991:

(a) a district plan:

(b) a proposed district plan:

(c) a regional plan:

(d) a proposed regional plan:

(e) a regional policy statement:

(f) a proposed regional policy statement

**scoping study** means the independent scoping study concerning the Waikato River commissioned and funded by the Crown

**Te Arawa Lakes** has the meaning given to it by the Te Arawa Lakes Settlement Act 2006

**Te Arawa River Iwi** means Ngati Tahu-Ngati Whaoa, Ngati Kearoa-Ngati Tuara, and Tuhourangi-Ngati Wahiao, which are the relevant Affiliate Te

Arawa Iwi/Hapu under the deed of settlement between the Crown, the Affiliate Te Arawa Iwi/Hapu, and the trustees of Te Pumautanga o Te Arawa Trust dated 11 June 2008

**Te Arawa River Iwi Trust** means the trust created by the trust deed dated 20 May 2009

**Te Puaha o Waikato** means the mouth of the Waikato River

**Tuwharetoa Maori Trust Board** means the Maori Trust Board continued under section 10 of the Maori Trust Boards Act 1955 that represents—

(a) Ngati Tuwharetoa, as the board's beneficiaries within the meaning of the Maori Trust Boards Act 1955; and

(b) the hapu of Ngati Tuwharetoa with interests in the Waikato River

**vision and strategy** means the vision and strategy for the Waikato River set out in Schedule 1

**Waikato River**,—

(a) in sections 10, 17, 18, 21, 23, 24, 27, 33, and 46 and Schedules 1 to 4,—

(i) means the body of water known as the Waikato River flowing continuously or intermittently from Te Waiheke o Huka (from a point that Ngati Tuwharetoa know as Te Toka a Tia) to Te Puaha o Waikato to the extent to which it is within the areas marked "A" and "B" on SO plan 409144:

(ii) includes the Waipa River from its junction with the Puniu River to its junction with the Waikato River to the extent to which the rivers are within the areas marked "A" and "B" on SO plan 409144:

(iii) includes all tributaries, streams, and watercourses flowing into the rivers described in subparagraphs (i) and (ii), to the extent to which they are within the areas marked "A" and "B" on SO plan 409144:

(iv) includes lakes and wetlands within the areas marked "A" and "B" on SO plan 409144:

(v) includes the beds and banks of the water bodies described in subparagraphs (i) to (iv):

(b) in sections 36 to 40, 42, 44, 45, 47, 49, and 58 and Schedule 5,—

(i) means the body of water known as the Waikato River flowing continuously or intermittently from Te Waiheke o Huka (from a point that Ngati Tuwharetoa know as Te Toka a Tia) to Karapiro to the extent to which it is within the area marked B on SO plan 409144:

(ii) includes all tributaries, streams, and watercourses flowing into the part of the Waikato River described in subparagraph (i) to the

extent to which they are within the area marked "B" on SO plan 409144:

(iii) includes lakes and wetlands within the area marked "B" on SO plan 409144 but does not include any of the Te Arawa Lakes:

(iv) includes the beds and banks of the water bodies, other than the Te Arawa Lakes, described in subparagraphs (i) to (iii):

(c) in sections 45, 47, and 49,—

(i) includes the Waipā River from its source to its junction with the Puniu River to the extent to which—

(A) the Waipā River is within the area marked "C" on SO plan 409144:

(B) activities in the catchment of the Waipā River are included in a joint management agreement through the application of section 44(2)(a)(ii):

(ii) includes all tributaries, streams, and watercourses flowing into the part of the Waipā River described in subparagraph (i) to the extent to which they are within the area marked "C" on SO plan 409144:

(iii) includes lakes and wetlands associated with the part of the Waipā River described in subparagraph (i) to the extent to which they are within the area marked "C" on SO plan 409144:

(iv) includes the beds and banks of the water bodies described in subparagraphs (i) to (iii)

**Waikato River Authority** means the body established by section 23

**Waikato River Clean-up Trust** means the trust established by section 33(2).

Section 7(2) **business day**: replaced, 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(2) **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(2) **department**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 7(2) **Te Arawa Lakes**: inserted, on 20 March 2014, by section 138(2) of the Raukawa Claims Settlement Act 2014 (2014 No 7).

Section 7(2) **Waikato River** paragraph (a)(iii): inserted, on 20 March 2014, by section 138(3) of the Raukawa Claims Settlement Act 2014 (2014 No 7).

Section 7(2) **Waikato River** paragraph (a)(iv): inserted, on 20 March 2014, by section 138(3) of the Raukawa Claims Settlement Act 2014 (2014 No 7).

Section 7(2) **Waikato River** paragraph (a)(v): inserted, on 20 March 2014, by section 138(3) of the Raukawa Claims Settlement Act 2014 (2014 No 7).

Section 7(2) **Waikato River** paragraph (b): replaced, on 20 March 2014, by section 138(4) of the Raukawa Claims Settlement Act 2014 (2014 No 7).

Section 7(2) **Waikato River** paragraph (c): replaced, on 20 March 2014, by section 138(4) of the Raukawa Claims Settlement Act 2014 (2014 No 7).

### 8 Act binds the Crown

This Act binds the Crown.

## Part 2
## Co-governance of Waikato River

### 9 Relationship with Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

The matters provided for in sections 10 to 35 are also provided for in sections 9 to 34 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, having been agreed between the Crown and Waikato-Tainui in a deed of settlement dated 17 December 2009.

### *Recognition of vision and strategy for Waikato River*

*Te Ture Whaimana*

### 10 Scope of vision and strategy

(1) The Waikato River and its contribution to New Zealand's cultural, social, environmental, and economic wellbeing are of national importance.

(2) The vision and strategy applies to the Waikato River and activities within its catchment affecting the Waikato River.

(3) The vision and strategy is Te Ture Whaimana o Te Awa o Waikato.

*Status*

### 11 Relationship of sections 12 to 16 with Resource Management Act 1991

(1) Sections 12 to 16 have effect to the extent to which the content of the vision and strategy relates to matters covered by the Resource Management Act 1991.

(2) Sections 12 to 16 prevail over sections 59 to 77 of the Resource Management Act 1991.

### 12 Vision and strategy is part of Waikato Regional Policy Statement

(1) On and from the commencement date, the vision and strategy in its entirety is deemed to be part of the Waikato Regional Policy Statement without the use of the process in Schedule 1 of the Resource Management Act 1991.

(2) As soon as reasonably practicable after the commencement date, the Council must—

(a) insert the vision and strategy into the policy statement without using the process in Schedule 1 of the Resource Management Act 1991; and

(b) make consequential amendments to records and publications to reflect paragraph (a).

(3) On and from the commencement date, the Council must ensure that the policy statement does not remain inconsistent with the vision and strategy for any longer than is necessary to amend the policy statement to make it consistent with the vision and strategy.

(4) The vision and strategy prevails over the policy statement during any period of inconsistency described in subsection (3).

### 13 Effect of vision and strategy on planning documents, environmental performance standards, and infrastructure design solutions

(1) The vision and strategy prevails over any inconsistent provision in—

(a) a national policy statement issued under section 52 of the Resource Management Act 1991; and

(b) a New Zealand coastal policy statement issued under section 57 of the Resource Management Act 1991; and

(c) a national planning standard published under section 58F of the Resource Management Act 1991, to the extent that it contains provisions referred to in section 58C(1)(b) of that Act (which refers to matters that may be included in a national policy statement); and

(d) a wastewater environmental performance standard made under section 138 of the Water Services Act 2021; and

(e) a stormwater environmental performance standard made under section 139A of the Water Services Act 2021; and

(f) an infrastructure design solution made under section 139C of the Water Services Act 2021.

(2) The Council must not review or amend under section 79 of the Resource Management Act 1991 the vision and strategy inserted in the Waikato Regional Policy Statement.

(3) A local authority must not amend under section 55 of the Resource Management Act 1991 a document defined in section 55(1) of the Act if the amendment would make the document inconsistent with the vision and strategy.

(3A) A local authority must not amend under section 58I of the Resource Management Act 1991 a document defined in that section, to the extent that the document contains provisions referred to in section 58C(1)(b) of that Act, if the amendment would make the document inconsistent with the vision and strategy.

(4) If a rule included in a regional or district plan for the purpose of giving effect to the vision and strategy is more stringent than a document listed in subsection (5), the rule prevails over that document.

(5) The documents are—

(a) a national environmental standard made under section 43 of the Resource Management Act 1991:

(b) a water conservation order made under section 214 of the Resource Management Act 1991:

(c) a wastewater environmental performance standard made under section 138 of the Water Services Act 2021:

(d) a stormwater environmental performance standard made under section 139A of the Water Services Act 2021:

(e) an infrastructure design solution made under section 139C of the Water Services Act 2021.

Section 13 heading: amended, on 27 August 2025, by section 118(1) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 13(1)(b): amended, on 19 April 2017, by section 123 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 13(1)(c): inserted, on 19 April 2017, by section 123 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 13(1)(d): inserted, on 27 August 2025, by section 118(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 13(1)(e): inserted, on 27 August 2025, by section 118(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 13(1)(f): inserted, on 27 August 2025, by section 118(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 13(3A): inserted, on 19 April 2017, by section 123 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 13(4): replaced, on 27 August 2025, by section 118(3) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 13(5): replaced, on 27 August 2025, by section 118(3) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

## 14 Updating Resource Management Act 1991 planning documents to conform with reviewed vision and strategy

(1) The Council must follow the process in subsection (3), and every local authority must follow the process in subsection (4), after every vision and strategy review.

(2) The local authority must begin the process—

(a) no later than 6 months after the completion of the review under section 19:

(b) no later than 12 months after the completion of each review under section 20.

(3) The Council must—

(a) review the Waikato Regional Policy Statement to see whether it is consistent with the vision and strategy; and

(b) if the policy statement is inconsistent with the vision and strategy, initiate an amendment to it to make it consistent, using the process in Schedule 1 of the Resource Management Act 1991.

(4) Every local authority must—

(a) review its regional or district plan to see whether it gives effect to the vision and strategy; and

(b) if the regional or district plan does not give effect to the vision and strategy, initiate an amendment to it to ensure that it does so, using the process in Schedule 1 of the Resource Management Act 1991.

(5) Subsection (6) applies if a joint management agreement between a local authority and a Trust is not in force when the local authority begins the process under subsection (3) or (4).

(6) The local authority must,—

(a) as soon as practicable after the commencement of a review under subsection (3)(a) or (4)(a), convene a joint working party under section 48(2)(a); and

(b) decide jointly with the Trust on the final recommendation on whether to make an amendment to a Resource Management Act 1991 planning document, as provided for in section 48(2)(b); and

(c) decide jointly with the Trust on the final recommendation on the content of a Resource Management Act 1991 planning document to be notified under clause 5 of Schedule 1 of the Resource Management Act 1991, as provided for in section 48(2)(c); and

(d) discuss with the Trust the potential for the Trust to participate in the decisions on a Resource Management Act 1991 planning document under clause 10 of Schedule 1 of the Resource Management Act 1991, as provided for in section 48(2)(d).

### 15 Effect of vision and strategy on resource consent conditions and designations

(1) This section applies as follows:

(a) it applies after a local authority has made the amendments required by section 14; and

(b) it does not require a local authority or a requiring authority to act.

(2) The local authority may begin a review under section 128 of the Resource Management Act 1991 of the conditions of a resource consent to make them consistent with the vision and strategy.

(3) A requiring authority may give notice under section 181 of the Resource Management Act 1991 of its requirement to alter a designation to make it consistent with the vision and strategy.

### 16 Statement about vision and strategy in Conservation Act 1987 documents and Resource Management Act 1991 planning documents

(1) This section applies to a person who prepares or changes any of the following documents:

(a) a conservation management strategy or conservation management plan under the—

(i) Conservation Act 1987:

(ii) National Parks Act 1980:

(iii) Reserves Act 1977:

(iv) Wild Animal Control Act 1977:

(v) Wildlife Act 1953:

(b) a freshwater fisheries management plan approved under the Conservation Act 1987:

(c) a sports fish management plan approved under the Conservation Act 1987:

(d) a Resource Management Act 1991 planning document to which sections 10 to 15 apply.

(2) The person must—

(a) make an explicit statement in the document on how the vision and strategy has been given effect to; and

(b) provide a copy of the statement to the Authority no later than 20 business days after the document has been completed.

### 17 Status of vision and strategy for other enactments

(1) Subsections (2) to (6) have effect to the extent to which the content of the vision and strategy relates to the carrying out of functions or the exercise of powers for the Waikato River and activities in its catchment that affect the Waikato River under the Acts referred to in subsections (2) to (6).

(2) For the purposes of the Conservation Act 1987, the vision and strategy is a statement of general policy approved under section 17B of the Act.

(3) For the purposes of the National Parks Act 1980, the vision and strategy is a statement of general policy adopted under section 44 of the Act.

(4) For the purposes of the Reserves Act 1977, the vision and strategy is a statement of general policy approved under section 15A of the Act.

(5) For the purposes of the Wild Animal Control Act 1977, the vision and strategy is a statement of general policy approved under section 5(1)(ca) of the Act.

(6) For the purposes of the Wildlife Act 1953, the vision and strategy is a statement of general policy approved under section 14C of the Act.

(7) A conservation management strategy or a conservation management plan made under an Act referred to in any of subsections (2) to (6) must not derogate from a statement of general policy created by any of subsections (2) to (6) for any longer than is necessary to amend the strategy or plan to make it consistent with the vision and strategy.

(8) The process for reviewing and, if necessary, amending the strategy or plan must begin—

(a) no later than 6 months after the completion of the review under section 19:

(b) no later than 12 months after the completion of each review under section 20.

(9) The vision and strategy prevails over the strategy or plan during any period of inconsistency described in subsection (7).

(10) A freshwater fisheries management plan approved under section 17K of the Conservation Act 1987 and a sports fish management plan approved under section 17M of the Conservation Act 1987 must not derogate from the vision and strategy.

(11) Subsections (7) to (10) apply to a freshwater fisheries management plan approved under section 17K of the Conservation Act 1987 and a sports fish management plan approved under section 17M of the Conservation Act 1987 as if the plans were conservation management plans.

(12) To the extent to which it affects the Waikato River, a national energy efficiency and conservation strategy prepared and published under section 18 of the Energy Efficiency and Conservation Act 2000 must be consistent with the vision and strategy.

(13) To the extent to which it affects the Waikato River, a management plan for a foreshore and seabed reserve prepared under section 44 of the Foreshore and Seabed Act 2004 must not be inconsistent with the vision and strategy.

(14) *[Repealed]*

(15) The vision and strategy prevails over any inconsistent provision in a bylaw made by a local authority, if it is more stringent than the bylaw.

Section 17(14): repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

### 18 Duty to have particular regard to vision and strategy

(1) Subsections (2) and (5) have effect to the extent to which the content of the vision and strategy relates to the carrying out of functions or the exercise of powers under the Acts referred to in subsections (4) and (7).

(2) Subsection (3) applies to a person carrying out functions or exercising powers under an enactment specified in subsection (4) if the functions or powers—

(a) relate to—

(i) the Waikato River; or

(ii) activities in the catchment that affect the Waikato River; and

(b) are not covered by sections 12 to 17.

(3) The person must have particular regard to the vision and strategy in addition to any requirement specified in the enactment for the carrying out of the functions or the exercise of the powers.

(4) The enactments are the—

(a) Conservation Act 1987:

(aa) Fast-track Approvals Act 2024:

(b) National Parks Act 1980:

(c) Reserves Act 1977:

(d) Resource Management Act 1991:

(e) Wild Animal Control Act 1977:

(f) Wildlife Act 1953.

(5) Subsection (6) applies to a person carrying out functions or exercising powers under an enactment specified in subsection (7) if the functions or powers relate to—

(a) the Waikato River; or

(b) activities in the catchment that affect the Waikato River.

(6) The person must have particular regard to the vision and strategy in addition to any requirement specified in the enactment for the carrying out of the functions or the exercise of the powers.

(7) The enactments are the—

(a) Biosecurity Act 1993:

(b) Fisheries Act 1996:

(c) Forests Act 1949:

(d) Health Act 1956:

(e) Heritage New Zealand Pouhere Taonga Act 2014:

(f) Land Drainage Act 1908:

(g) Local Government Act 1974:

(h) Local Government Act 2002:

(i) Native Plants Protection Act 1934:

(j) New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:

(k) Queen Elizabeth the Second National Trust Act 1977:

(l) River Boards Act 1908:

(m) Soil Conservation and Rivers Control Act 1941:

(n) Walking Access Act 2008.

(8) Subsection (9) applies to a person carrying out functions or exercising powers under an enactment specified in subsection (10) if the functions or powers relate to—

(a) the Waikato River; or

(b) activities in the catchment that affect the Waikato River.

(9) Except as otherwise expressly provided in this Act, the person must have particular regard to the vision and strategy in addition to any requirement specified in the enactment for carrying out the functions or exercising the powers.

(10) The enactments are—

(aaa) the Local Government (Water Services) Act 2025; and

(a) the Water Services Authority—Taumata Arowai Act 2020; and

(b) the Water Services Act 2021.

Section 18(4)(aa): inserted, as section 18(4)(ba), on 24 December 2024, by section 121 of the Fast-track Approvals Act 2024 (2024 No 56).

Section 18(4)(aa): editorial change made by the PCO, on 4 June 2025, under sections 86(1) and 87(l)(iii) of the Legislation Act 2019 (2019 No 58).

Section 18(7)(e): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 18(8): inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 18(9): inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 18(10): inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 18(10)(aaa): inserted, on 27 August 2025, by section 119 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 18(10)(a): replaced, on 27 August 2025, by section 111(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

*Reviews*

### 19 Initial review

Within 3 months of the operational date, the Authority must begin a review of the vision and strategy—

(a) for the purpose of considering whether targets and methods should be developed for inclusion in the vision and strategy; and

(b) if it wishes, for the purpose of considering whether the vision and strategy should be amended in any other way.

### 20 Subsequent reviews

After the review described in section 19, the Authority must review the vision and strategy no earlier than 5 years and no later than 10 years after the previous review.

### 21 Purpose and conduct of reviews

(1) The Authority's purpose in reviewing the vision and strategy is to determine whether the Authority should recommend to the Crown and the other appointers that the vision and strategy be amended.

(2) When reviewing the vision and strategy, the Authority—

(a) must take the following into account, to the extent to which they are consistent with the overarching purpose of this Act:

(i) iwi environmental plans to the extent to which they relate to the Waikato River:

(ii) iwi objectives for the Waikato River:

(iii) the report of the scoping study; and

(b) may take into account any other documents that the Authority considers relevant to the health and wellbeing of the Waikato River.

(3) When reviewing the vision and strategy, the Authority must follow the process in Schedule 2.

(4) The Authority—

(a) may recommend that the vision and strategy include—

(i) targets to achieve the vision and strategy; and

(ii) methods to implement the vision and strategy; and

(b) may recommend other amendments to the vision and strategy.

(5) The Authority may make only those recommendations for amendments to the vision and strategy that are consistent with the overarching purpose of this Act.

*Amendments*

### 22 Amendments made by Order in Council

(1) The Governor-General may amend the vision and strategy by amending Schedule 1 by Order in Council.

(2) The Governor-General may make an Order in Council under subsection (1) only on the advice of the Minister given under subsection (3).

(3) The Minister must advise the Governor-General to make an Order in Council to amend the vision and strategy if—

(a) the Crown and the other appointers each receive a written or electronic recommendation from the Authority under section 21 to amend the vision and strategy; and

(b) the recommendation sets out the amended vision and strategy in full and identifies the amendments; and

(c) the recommendation complies with section 21(5); and

(d) the Crown and the other appointers agree in writing or electronically with one another to accept the recommendation.

(4) An Order in Council made under this section must specify the date on which the amendments to the vision and strategy take effect.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 22(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## *Establishment of, and granting of functions and powers to, Waikato River Authority*

### 23 Establishment and purpose of Authority

(1) This Act establishes a statutory body called the Waikato River Authority.

(2) The purpose of the Authority is to—

(a) set the primary direction through the vision and strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for present and future generations:

(b) promote an integrated, holistic, and co-ordinated approach to the implementation of the vision and strategy and the management of the Waikato River:

(c) fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust.

(3) The duty of the members of the Authority is to act to achieve the purpose of the Authority.

#### *General functions and powers*

### 24 General functions

(1) The principal function of the Authority is to achieve its purpose.

(2) The other functions of the Authority are to—

(a) engage with and provide advice to local authorities on amending Resource Management Act 1991 planning documents to make them give effect to the vision and strategy:

(b) engage with and provide advice to the range of agencies with responsibilities relating to the Waikato River, including, without limitation, local authorities and biosecurity, conservation, and fisheries agencies, to achieve an integrated, holistic, and co-ordinated approach to the implementation of the vision and strategy and the management of the Waikato River:

(c) act as trustee for the Waikato River Clean-up Trust and, in that capacity, administer the contestable clean-up fund for the Waikato River:

(d) engage with and provide advice to the Environmental Protection Authority:

(e) monitor—

(i) the carrying out, effectiveness, and achievement of the principal function of the Authority:

(ii) the implementation, effectiveness, and achievement of the vision and strategy, including any targets and methods:

(iii) the implementation, effectiveness, and achievement of clean-up initiatives funded by the Waikato River Clean-up Trust:

(f) report at least every 5 years to the Crown and the other appointers on the results of the monitoring carried out under paragraph (e):

(g) periodically review the vision and strategy and, at the Authority's discretion, recommend amendments to it to the Crown and the other appointers:

(h) request call-ins under the Resource Management Act 1991:

(i) establish and maintain the register:

(j) appoint commissioners to sit on hearings committees or boards of inquiry when required to do so under section 29 or 30.

### 25 General powers

(1) The Authority has full capacity, and the full rights, powers, and privileges entailed by that capacity, to do any act or activity or enter any transaction, subject to the following:

(a) the Authority has the capacity, rights, powers, and privileges for the purpose only of carrying out its functions; and

(b) the Authority's capacity, rights, powers, and privileges are subject to this Act, other enactments, and the common law.

(2) The Authority may prescribe a fee for the purposes of clause 16(3) of Schedule 4.

*Resource consent functions*

### 26 Accredited commissioners

The Authority must establish and maintain a register of persons who—

(a) are Resource Management Act 1991 decision makers; and

(b) have been appointed for inclusion on the register by iwi who appoint members of the Authority.

### 27 Sections 28 to 32 apply to applications for resource consents relating to Waikato River

Sections 28 to 32 apply to applications to the Council for resource consent—

(a) to take, use, dam, or divert water in the Waikato River:

(b) to be allowed to make a point source discharge to the Waikato River:

(c) to do any activity listed in section 13 of the Resource Management Act 1991 in relation to the Waikato River.

### 28 Notice of applications

(1) The Council must give written or electronic notice to the Authority and each Trust of the receipt of an application.

(2) The Council must give the notice no later than 5 business days after receiving the application.

### 29 Hearing committees

(1) This section applies if the Council holds a hearing under the Resource Management Act 1991 on the application.

(2) The committee to hear and make a decision on the application must consist of—

(a) a number of members appointed by the Council who are Resource Management Act 1991 decision makers; and

(b) the same number of members appointed by the Authority who must be persons whose names are recorded in the register; and

(c) an independent chairperson jointly appointed by the Authority and the Council, who must be a Resource Management Act 1991 decision maker.

(3) The Authority and the Council must discuss the persons to be appointed to the hearing committee with a view to ensuring that the committee contains members with an appropriate mix of skills, expertise, and experience.

### 30 Call-ins

(1) This section applies if an application is called in and referred to a board of inquiry under Part 6AA of the Resource Management Act 1991.

(2) As soon as practicable, the Environmental Protection Authority must serve notice on the Authority of the decision to call in the application.

(3) As soon as practicable, the Minister must request from the Authority the names of persons for appointment to the board, seeking the name of 1 person if the board is to have 3 appointees and the names of 2 persons if the board is to have 5 appointees.

(4) Within 10 business days of receiving the request, the Authority must give the Minister the number of names sought by the Minister, taking the names from the register.

(5) The board must consist of—

(a) the persons named under subsection (4); and

(b) the same number of other persons; and

(c) a chairperson appointed under section 149J(3)(b) of the Resource Management Act 1991.

(6) The Authority and the Minister must discuss the persons to be appointed to the board with a view to ensuring that the board contains members with an appropriate mix of skills, expertise, and experience.

(7) Persons appointed under subsection (5) must be treated in the same manner as persons appointed under section 149J of the Resource Management Act 1991.

### 31 Section 100A of Resource Management Act 1991

(1) This section applies if the Council receives a request under section 100A of the Resource Management Act 1991 to delegate the hearing of an application to a commissioner or commissioners.

(2) The Council must delegate the hearing duties, functions, and powers only of the persons it must appoint under section 29(2)(a). It must not delegate the hearing duties, functions, and powers of the persons whom the Authority must appoint under section 29(2)(b).

(3) The Council must ensure that the number of commissioners delegated to hear the application is equal to the number of members appointed under section 29(2)(b).

(4) The commissioners delegated to hear the application are—

(a) the commissioners to whom the Council delegates hearing duties, functions, and powers under subsection (2), who are appointed under section 100A of the Resource Management Act 1991; and

(b) the persons whom the Authority appoints under section 29(2)(b), who are deemed to be appointed under section 100A of the Resource Management Act 1991; and

(c) the independent chairperson appointed under section 29(2)(c), who is deemed to be appointed under section 100A of the Resource Management Act 1991.

### 32 Section 147(1)(c) of Resource Management Act 1991

Section 29 applies if an application is lodged with the Environmental Protection Authority under section 145 of the Resource Management Act 1991 and a direction is made under section 147(1)(c) of the Act to refer the matter to the Council.

*Waikato River Clean-up Trust function*

### 33 Trustee

(1) The Authority is the trustee of the Waikato River Clean-up Trust.

(2) The Waikato River Clean-up Trust is established on the operational date.

(3) The object of the trust is the restoration and protection of the health and wellbeing of the Waikato River for present and future generations.

(4) The terms of the trust are set out in Schedule 3.

(5) The trustee of the trust is deemed to satisfy the requirements of section CW 41(5)(a) of the Income Tax Act 2007.

*Administrative provisions*

### 34 Presentation of annual reports

The Minister must present to Parliament each annual report the Minister receives from the Authority within 1 month of receiving the report.

### 35 Other provisions on Authority

Schedule 4 contains other provisions on the Authority.

## *Upper Waikato River integrated management plan*

### 36 Meaning of Upper Waikato River integrated management plan

(1) An Upper Waikato River integrated management plan is a plan that—

(a) has the purpose described in subsection (2); and

(b) contains all or some of the components described in subsection (3).

(2) The purpose is to achieve an integrated approach between the Trusts that prepare the plan, relevant departments, relevant local authorities, and appropriate agencies to the management of aquatic life, habitats, and natural resources within the Waikato River consistent with the overarching purpose of this Act.

(3) The components are—

(a) a conservation component, which is a component on issues related to conservation management under the conservation legislation:

(b) a fisheries component, which is a component on issues related to fisheries management under the Fisheries Act 1996:

(c) a regional council component, which is a component on issues related to the resource management, biosecurity, and local government functions of the Council under the Resource Management Act 1991, Biosecurity Act 1993, Local Government Act 2002, and any other relevant enactments:

(d) any other component agreed between the Trusts that prepare the plan and an appropriate agency, including a local authority, responsible for—

(i) administering enactments that affect the Waikato River and activities in its catchment that affect the Waikato River; or

(ii) carrying out functions or exercising powers under enactments that affect the Waikato River.

### 37 Preparation and approval of plan

(1) For Ngati Tuwharetoa, the Trust must give the other Trusts written or electronic notice within 60 business days of the commencement date as to whether the Trust wishes to participate in the preparation and approval of the Upper Waikato River integrated management plan.

(2) For Raukawa and Te Arawa River Iwi, the Trusts must prepare the plan together with relevant departments, relevant local authorities, and appropriate agencies, and the Trust for Ngati Tuwharetoa if it wishes to participate,—

(a) following the process in Schedule 5; and

(b) acting in a co-operative and co-ordinated manner.

(3) A component becomes a component of the plan when it is approved as follows:

(a) the conservation component must be approved jointly by the Trusts that prepared the plan and the Minister of Conservation:

(b) the fisheries component must be approved jointly by the Trusts that prepared the plan and the Minister of Fisheries:

(c) the regional council component must be approved jointly by the Trusts that prepared the plan and the Council:

(d) any other component must be approved jointly by the Trusts that prepared the plan and the agency that agreed on it.

(4) If a component cannot be approved under subsection (3) because the Trusts and a relevant department or relevant local authority or appropriate agency have not been able to reach agreement on it, each component on which agreement has been reached may be approved under subsection (3).

(5) Within 3 years of the operational date, an Upper Waikato River integrated management plan for the Waikato River and its catchment must exist containing the components that have been approved under subsection (3).

### 38 Effect of components

(1) This section states the effects of the components of the Upper Waikato River integrated management plan.

(2) The conservation component is, for the purposes of the Conservation Act 1987,—

(a) a conservation management plan under section 17E; and

(b) a freshwater fisheries management plan under section 17J.

(3) The fisheries component is a fisheries plan under section 11A of the Fisheries Act 1996.

(4) The regional council component means that a relevant local authority that is preparing, reviewing, or changing a Resource Management Act 1991 planning document must have regard to the plan.

(5) The other component has the effect agreed between the Trusts that prepared the plan and the appropriate agency.

### 39 Review and amendment of plan

The Upper Waikato River integrated management plan may be reviewed and amended—

(a) as a combined initiative of the Trusts that prepared the plan, and the Trust for Ngati Tuwharetoa if it did not participate in the preparation of the plan and decides under clause 4(4) of Schedule 5 to participate in the review, and the relevant departments, relevant local authorities, and appropriate agencies; and

(b) wholly or as to an individual component; and

(c) from time to time; and

(d) following the process in Schedule 5.

### 40 What plan does not do

The Upper Waikato River integrated management plan does not—

(a) displace or derogate from the tikanga of Ngati Tuwharetoa, Raukawa, or Te Arawa River Iwi:

(b) displace or derogate from any agreements or arrangements between Ngati Tuwharetoa, Raukawa, or Te Arawa River Iwi and the Crown, local authorities, statutory authorities, or any other person:

(c) preclude or otherwise limit the ability of Ngati Tuwharetoa, Raukawa, or Te Arawa River Iwi to enter into any agreements or arrangements with the Crown, local authorities, statutory authorities, or any other person.

# Part 3
# Upper Waikato River co-management arrangements

## *Environmental plan*

### 41 Preparation and availability

(1) Each Trust may prepare an environmental plan.

(2) If a Trust decides to prepare a plan, the plan—

(a) must be served on the Director-General of Conservation, the chief executive of the Ministry of Fisheries, relevant local authorities, and any other relevant agency:

(b) must be available to the public for inspection at the offices of the Trust, the relevant local authorities, and any other relevant agency:

(c) may be reviewed and amended from time to time by the Trust.

### 42 Effect

(1) A local authority served under section 41(2)(a) preparing, reviewing, or changing a Resource Management Act 1991 planning document must recognise the environmental plan in the same manner as would be required under the Resource Management Act 1991 for any planning document recognised by an iwi authority.

(2) A consent authority considering an application for a resource consent under section 104 of the Resource Management Act 1991 must have regard to the environmental plan, if it considers that section 104(1)(c) applies to the plan.

(3) A person carrying out functions or exercising powers under sections 12 to 14 of the Fisheries Act 1996 must recognise and provide for the environmental plan to the extent to which its contents relate to the functions or powers.

(4) A person carrying out functions or exercising powers under the conservation legislation in relation to the Waikato River and its catchment must have particular regard to the environmental plan to the extent to which its contents relate to the functions or powers.

## *Joint management agreement*

### 43 Duty to make

(1) A joint management agreement must be in force between each local authority and each Trust no later than,—

(a) for Ngati Tuwharetoa,—

(i) 18 months after the local authority receives a notice from the Trust under section 50(1); or

(ii) a later date that the authority and the Trust agree on electronically or in writing:

(b) for Raukawa and Te Arawa River Iwi,—

(i) 18 months after the operational date; or

(ii) a later date that the authority and the Trust agree on electronically or in writing.

(2) Each joint management agreement must be generally in the form set out in the applicable part of the schedule of the deed.

### 44 Scope

(1) For Ngati Tuwharetoa, a joint management agreement—

(a) must cover no other subject matter than—

(i) matters relating to the Waikato River and activities within its catchment affecting the Waikato River:

(ii) matters relating to the waterways within Taupo Waters (as defined in clause 3 of the deed), if the local authority and the Trust agree to the matters being covered in the agreement:

(b) must cover the matters referred to in section 45:

(c) may cover additional duties, functions, or powers agreed under section 54.

(2) For Raukawa, a joint management agreement—

(a) must cover no other subject matter than—

(i) matters relating to the Waikato River and activities within its catchment affecting the Waikato River:

(ii) matters relating to activities in the catchment of the Waipa River from its source to its junction with the Puniu River to the extent to which the matters relate to the Raukawa interests in the catchment if the matters set out in parts 5 and 6 of the deed are applied to the Waipa River:

(b) must cover the matters referred to in section 45:

(c) may cover additional duties, functions, or powers agreed under section 54.

(3) For Te Arawa River Iwi, a joint management agreement—

(a) must cover no other subject matter than matters relating to the Waikato River and activities within its catchment affecting the Waikato River:

(b) must cover the matters referred to in section 45:

(c) may cover additional duties, functions, or powers agreed under section 54.

### 45 Contents

(1) A joint management agreement must provide for the local authority and the Trust to work together in carrying out the following duties and functions, and exercising the following powers, in the Resource Management Act 1991:

(a) monitoring and enforcement, under section 47:

(b) preparation, review, change, or variation of a Resource Management Act 1991 planning document, under section 48:

(c) duties, functions, or powers under Part 6 of the Resource Management Act 1991 in relation to applications for resource consents, under section 49.

(2) A joint management agreement must provide a process for the local authority and the Trust to explore—

(a) whether customary activities could be carried out by the iwi on the Waikato River without the need for a statutory authorisation from the local authority; and

(b) in particular, whether customary activities could be provided for as permitted activities in relevant regional plans or district plans.

### 46 Principles for development and operation

In working together to develop the joint management agreement, and in working together under the joint management agreement, the local authority and the Trust must act in a manner consistent with the following guiding principles:

(a) they must promote the overarching purpose of this Act to restore and protect the health and wellbeing of the Waikato River for present and future generations:

(b) they must respect the mana whakahaere rights and responsibilities of the iwi:

(c) they must promote the principle of co-management:

(d) they must reflect a shared commitment to—

(i) working together in good faith and a spirit of co-operation:

(ii) being open, honest, and transparent in their communications:

(iii) using their best endeavours to ensure that the purpose of the joint management agreement is achieved in an enduring manner:

(e) they must recognise that the joint management agreement operates within statutory frameworks and that complying with those statutory frameworks, meeting statutory timeframes, and minimising delays and costs are important.

### 47 Monitoring and enforcement

(1) This section applies to monitoring and enforcement relating to the Waikato River and activities within its catchment affecting the Waikato River.

(2) The part of the joint management agreement on monitoring and enforcement must provide for the local authority and the Trust to—

(a) meet no less than twice each year to—

(i) discuss and agree the priorities for the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991:

(ii) discuss and agree the methods for and extent of the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991:

(iii) discuss the potential for the iwi to participate in the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991:

(b) meet no less than twice each year to discuss appropriate responses to address the outcomes of the monitoring of those matters set out in section 35(2)(a) to (e) of the Resource Management Act 1991, including—

(i) the potential for review of Resource Management Act 1991 planning documents; and

(ii) enforcement under the Resource Management Act 1991, including criteria for the commencement of prosecutions, applications for enforcement orders, the service of abatement notices, and the service of infringement notices:

(c) agree appropriate procedures for reporting back to the Trust on the enforcement action taken by the local authority:

(d) discuss and agree the role of the Trust in the 5 yearly review provided for in section 35(2A) of the Resource Management Act 1991:

(e) discuss the potential for persons nominated by the Trust to participate in enforcement action under the Resource Management Act 1991.

(3) The local authority and the Trust each bears its own costs of complying with this section.

(4) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.

### 48 Preparation, review, change, or variation of Resource Management Act 1991 planning document

(1) This section applies to preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document to the extent to which those processes relate to the vision and strategy.

(2) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must provide—

(a) that, before the preparation, review, change, or variation commences, the local authority and the Trust must convene a joint working party to discuss and recommend to the local authority—

(i) the process to be adopted for the preparation, review, change, or variation; and

(ii) the general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 of Schedule 1 of the Resource Management Act 1991:

(b) that the local authority and the Trust must decide jointly on the final recommendation to the local authority on whether to commence a review of, and whether to make an amendment to, a Resource Management Act 1991 planning document:

(c) that the local authority and the Trust must decide jointly on the final recommendation to a local authority on the content of a Resource Management Act 1991 planning document to be notified under clause 5 of Schedule 1 of the Resource Management Act 1991:

(d) that the local authority and the Trust must discuss the potential for the Trust to participate in making decisions on a Resource Management Act 1991 planning document under clause 10 of Schedule 1 of the Resource Management Act 1991.

(3) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must also provide a mechanism for the Trust to participate in processes under Part 2 of Schedule 1 of the Resource Management Act 1991.

(4) The local authority and the Trust each bears its own costs of complying with this section.

(5) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.

### 49 Resource consent process

(1) This section applies to—

(a) applications to the Council for resource consent to—

(i) dam, divert, take, or use, water from or in the Waikato River:

(ii) discharge a contaminant or water into the Waikato River:

(iii) discharge a contaminant onto or into land in circumstances that will result in the contaminant entering the Waikato River:

(iv) discharge a contaminant onto or into land in circumstances that will result in another contaminant emanating as a result of natural processes from the former contaminant entering the Waikato River:

(v) alter, demolish, erect, extend, place, reconstruct, remove, or use a structure or part of structure in, on, under, or over the bed or banks of the Waikato River:

(vi) drill, excavate, tunnel, or otherwise disturb the bed or banks of the Waikato River:

(vii) deposit a substance in, on, or under the bed or banks of the Waikato River:

(viii) reclaim or drain the bed of the Waikato River:

(ix) enter onto or pass across the bed of the Waikato River:

(x) introduce or plant a plant or part of a plant, whether exotic or indigenous, in, on, or under the bed or banks of the Waikato River:

(xi) damage, destroy, disturb, or remove a plant or part of a plant, whether exotic or indigenous, in, on, or under the bed or banks of the Waikato River:

(xii) damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed or banks of the Waikato River:

(xiii) damage, destroy, disturb, or remove the habitats of animals or aquatic life in, on, or under the bed or banks of the Waikato River:

(b) applications to a territorial authority for resource consent for the use of or activities on the surface of the water in the Waikato River.

(2) The part of the joint management agreement on the resource consent process must provide that—

(a) the local authority must provide the Trust with information on the applications for resource consents the local authority receives:

(b) the information must be—

(i) the same as would be given to affected persons through limited notification under section 95B of the Resource Management Act 1991; or

(ii) the information that the local authority and the Trust agree on:

(c) the information must be provided as soon as reasonably practicable after the application is received and before a determination is made under sections 95A to 95C of the Resource Management Act 1991:

(d) the local authority and the Trust must jointly develop and agree criteria to assist local authority decision-making under the following processes or sections of the Resource Management Act 1991:

(i) best practice for pre-application processes:

(ii) section 87E (request that an application be determined by the Environment Court rather than the consent authority):

(iii) section 88(3) (incomplete application for resource consent):

(iv) section 91 (deferral pending additional consents):

(v) section 92 (requests for further information):

(vi) sections 95 to 95F (notification of applications for resource consent):

(vii) sections 127 and 128 (change, cancellation, or review of consent conditions).

(3) The criteria developed and agreed under subsection (2)(d)—

(a) are additional to, and must not derogate from, the criteria that the local authority must apply under the Resource Management Act 1991:

(b) do not impose a requirement on a consent authority to change, cancel, or review consent conditions.

(4) The local authority and the Trust each bears its own costs of complying with this section.

(5) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.

### 50 Process for finalising

*Convening joint committee*

(1) For Ngati Tuwharetoa, the local authority and the Trust must convene a joint committee to begin the process for finalising the joint management agreement within 30 business days of the local authority receiving from the Trust a written or electronic notice to convene the committee.

(2) For Raukawa and Te Arawa River Iwi, the local authority and the Trust must convene a joint committee to begin the process for finalising the joint management agreement within 30 business days of the operational date.

*Working together positively*

(3) The local authority and the Trust must work together in a positive and constructive manner to finalise the joint management agreement within the timeframe in section 43, having particular regard to the principles set out in section 46.

(4) The local authority and the Trust may resort to any facilitation, mediation, or other process that they consider to be appropriate in the process of finalising the joint management agreement.

*Advising Minister of progress*

(5) In subsection (6), **relevant date** means,—

(a) for Ngati Tuwharetoa,—

(i) the date on which the local authority receives a notice from the Trust under subsection (1); or

(ii) a later date that the authority and the Trust agree on electronically or in writing:

(b) for Raukawa and Te Arawa River Iwi,—

(i) the operational date; or

(ii) a later date that the authority and the Trust agree on electronically or in writing.

(6) No later than 14 months after the relevant date, the local authority and the Trust must give written or electronic notice to the Minister and the Trust—

(a) confirming that all matters relating to the joint management agreement have been agreed; or

(b) identifying the nature of issues in dispute that the parties have not been able to resolve and the position of the parties on the issues; or

(c) notifying an electronic or written agreement to extend the date by which a joint management agreement must be in force.

(7) If notice is given under subsection (6)(a), the notice must also specify the date on which the joint management agreement is to come into force.

(8) For Ngati Tuwharetoa, if notice is given under subsection (6)(b), the Minister and the Trust, in consultation with the local authority, must work together to resolve the issues.

(9) For Raukawa and Te Arawa River Iwi, if notice is given under subsection (6)(b), the following process applies:

(a) the Minister and the Trust must jointly forward the notice to the Authority:

(b) within 2 months of receiving the notice, the Authority must consult with local authorities and the Trust and—

(i) make a written or electronic recommendation to the Minister and the Trust on how some or all of the issues in dispute should be determined, having particular regard to the principles set out in section 46; or

(ii) if the members of the Authority are unable to reach a decision on any of the issues in dispute, give written or electronic notice to the Minister and the Trust that the Authority is unable to make a recommendation on how the issues in dispute should be determined:

(c) the Minister and the Trust, in consultation with the local authority, must work together to resolve the issues.

(10) The working together under subsection (8) or (9)(c) may continue for a period of no more than 2 months, unless the Minister and the Trust agree in writing or electronically on a longer period.

*Agreement finalised without ministerial involvement*

(11) If, at the end of 2 months, all matters relating to the joint management agreement have been resolved, the local authority and the Trust must finalise the joint management agreement and give written or electronic notice to the Minister specifying the date on which the joint management agreement is to come into force.

*Agreement finalised with ministerial involvement*

(12) If, at the end of 2 months, an issue relating to the joint management agreement remains in dispute, the Minister must determine the issue. In making a determination, the Minister—

(a) must have particular regard to the principles set out in section 46:

(b) for Raukawa and Te Arawa River Iwi, must have particular regard to any recommendations made by the Authority under subsection (9)(b)(i):

(c) for Raukawa and Te Arawa River Iwi, may consult the Authority.

(13) When the local authority and the Trust have the Minister's determination, they must—

(a) finalise the joint management agreement; and

(b) give written or electronic notice to the Minister specifying the date on which the joint management agreement is to come into force.

(14) The Minister may appoint a facilitator or take any other action that the Minister considers appropriate to promote the resolution of any issues in dispute between the local authority and the Trust.

(15) If notice is given under subsection (6)(c), not less than 4 months before the extended date by which a joint management agreement must be in force, the local authority and the Trust must give written or electronic notice to the Minister and the Trust—

(a) confirming that—

(i) all matters relating to the joint management agreement have been agreed; and

(ii) the joint management agreement will be in force on the extended date; or

(b) identifying the nature of issues in dispute that the parties have not been able to resolve and the position of the parties on the issues.

(16) If notice is given under subsection (15)(b), the Minister and the Trust, in consultation with the local authority, must work together to resolve the issue and the provisions of subsections (8) to (14) apply with any necessary modification.

*Agreement may come into force in stages*

(17) The local authority and the Trust may agree that a joint management agreement is to come into force in stages.

*Minister must get copy of agreement*

(18) When the local authority and the Trust give notice to the Minister of the date on which the joint management agreement is to come into force, they must also give the Minister a copy of the agreement.

*Schedule 7 of Local Government Act 2002 excluded*

(19) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the Trust when, in finalising the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.

### 51 Suspension

(1) The local authority and the Trust may agree in writing or electronically to suspend, wholly or partly, the operation of the joint management agreement.

(2) In reaching an agreement, the parties must specify the scope and duration of the suspension.

### 52 Waiver of rights

(1) The Trust may give written or electronic notice to the local authority that it waives a right provided for in the joint management agreement.

(2) The Trust must specify the extent and duration of the waiver in the notice.

(3) The Trust may at any time revoke a notice of waiver by written or electronic notice to the local authority.

### 53 Legal framework

(1) Sections 36B to 36E of the Resource Management Act 1991 do not apply to a joint management agreement.

(2) The carrying out of a duty or function, or the exercise of a power, under a joint management agreement has the same legal effect as the carrying out of a duty or function, or the exercise of a power, by a local authority.

(3) A local authority must not use the special consultative procedure under section 83 of the Local Government Act 2002 in relation to a joint management agreement.

(4) A joint management agreement is enforceable between the parties to it.

(5) Neither party has the right to terminate a joint management agreement.

### 54 Extension

(1) The local authority and the Trust may agree to extend the joint management agreement to cover duties, functions, or powers that are additional to those specified in section 45.

(2) If the local authority and the Trust agree to extend the joint management agreement to cover additional duties, functions, or powers, subsections (3) to (6) apply.

(3) The extended part of the joint management agreement is subject to sections 51 to 53 and 55 to 57.

(4) The extended part of the joint management agreement may be terminated wholly or partly by one party giving the other party 20 business days' written or electronic notice.

(5) Before either party exercises the right in subsection (4), the parties must work together to seek to resolve the issue giving rise to the wish to terminate, in a manner consistent with the principles set out in section 46 and the dispute resolution process contained in the joint management agreement.

(6) Termination under subsection (4) does not affect the remaining part of the joint management agreement.

### 55 Review and amendment

(1) The local authority and the Trust may at any time agree in writing or electronically to undertake a review of the joint management agreement.

(2) If, as a result of a review, the local authority and the Trust agree in writing or electronically that the joint management agreement should be amended, they may amend the joint management agreement without further formality.

(3) If the joint management agreement is amended, the local authority and the Trust must—

(a) give written or electronic notice of the amendment to the Minister; and

(b) provide a copy of the amended joint management agreement to the Minister.

### 56 Other powers not affected

The provisions of this Act relating to joint management agreements do not preclude the local authority from—

(a) making any other joint management agreement with the Trust under the Resource Management Act 1991:

(b) making any other co-management arrangement with the Trust under any enactment:

(c) making a transfer or delegation to the Trust under any enactment.

### 57 Exercise of powers in certain circumstances

(1) This section applies if—

(a) a statutory function or power is affected by a joint management agreement; and

(b) either—

(i) an emergency situation arises; or

(ii) a statutory timeframe for the carrying out of the function or the exercise of the power is not able to be complied with under the joint management agreement.

(2) The local authority may carry out the function or exercise the power on its own account and not in accordance with the joint management agreement.

(3) As soon as practicable, the local authority must give the relevant Trust written or electronic notice of the carrying out of the function or the exercise of the power.

## *Miscellaneous*

### 58 Regulations and bylaws

(1) The Governor-General may, by Order in Council, make regulations consistent with the overarching purpose of this Act for the management of aquatic life, habitats, and natural resources managed under the conservation legislation.

(2) Within 2 years of the operational date, the Minister of Fisheries must recommend to the Governor-General the making of regulations under the Fisheries Act 1996 providing for each Trust to manage customary fishing on the Waikato River through the issuing of customary fishing authorisations to fisheries managed under the Fisheries Act 1996.

(3) Within 80 business days of the operational date, the Minister of Fisheries must recommend to the Governor-General the making of regulations under the Fisheries Act 1996 providing for each Trust to recommend to the Minister of Fisheries the making of bylaws restricting or prohibiting fishing on the Waikato River of fisheries managed under the Fisheries Act 1996.

(4) The Minister of Fisheries must make any bylaws recommended under subsection (3), unless the Minister is satisfied that the proposed bylaws would have an undue adverse effect on fishing.

(5) Regulations under subsection (1) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| Legislation Act 2019 requirements for secondary legislation made under subsection (1) | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 58(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 59 Limitation on regulations and bylaws

Regulations must not be made under section 58 that—

(a) displace or otherwise derogate from—

(i) the tikanga of Ngati Tuwharetoa, Raukawa, or Te Arawa River Iwi; or

(ii) any agreements or arrangements between Ngati Tuwharetoa, Raukawa, or Te Arawa River Iwi and any Crown agency, local authority, or other person; or

(iii) the Te Arawa Lakes (Fisheries) Regulations 2006; or

(b) have an undue adverse effect on the rights, benefits, and duties of a mandated iwi organisation (as defined in the Maori Fisheries Act 2004) of Ngati Tuwharetoa, Raukawa, or Te Arawa River Iwi; or

(c) preclude or otherwise limit the ability of Ngati Tuwharetoa, Raukawa, or Te Arawa River Iwi to enter any agreements or arrangements with any Crown agency, local authority, or other person.

## 60 Accords

(1) In relation to Ngati Tuwharetoa, the Crown and the Trust may enter into accords.

(2) In relation to Raukawa and Te Arawa River Iwi, the Crown must actively engage with the Trusts to ensure that the accords referred to in clauses 8.1 to 8.5 of the deeds are entered into—

(a) as expeditiously as possible; and

(b) before—

(i) the operational date; or

(ii) another date that the Crown and each Trust individually agree on in writing or electronically.

(3) The terms of an accord may be varied by agreement between the Crown and the Trust in accordance with the accord's terms.

### 61 Limit on duration of trusts does not apply

(1) No rule of law or provisions of an Act, including section 11 of the Trusts Act 2019, prescribe or restrict the period during which—

(a) each Trust and the Waikato River Clean-up Trust may exist in law; or

(b) the trustees of each Trust and the Waikato River Clean-up Trust may hold or deal with property or income from property in their capacity as trustees.

(2) No rule of law or provisions of an Act, including section 11 of the Trusts Act 2019, apply to a document entered into to give effect to the deed if the application of that provision would make the document invalid or ineffective or a right conferred by the document invalid or ineffective.

Section 61: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

### 62 Authority and Trusts: public bodies, entities, and authorities

(1) The Authority and each Trust is a public body for the purposes of clause 30 of Schedule 7 of the Local Government Act 2002.

(2) The Authority 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.

(3) The Authority is a public authority for the purposes of the definition of public authority in the Resource Management Act 1991.

(4) Each Trust—

(a) is a public authority for the purposes of paragraph (a) of the definition of public authority in the Resource Management Act 1991; and

(b) is a public authority for the purposes of paragraph (b) of the definition of public authority in the Resource Management Act 1991 only when it makes a joint management agreement under the Resource Management Act 1991 that is not a joint management agreement under any other Act.

# Schedule 1
# Vision and strategy for Waikato River

s 7

## 1 Vision

(1) Toku awa koiora me ona pikonga he kura tangihia o te matamuri. The river of life, each curve more beautiful than the last.

(2) Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.

(3) In order to realise the vision, the following objectives will be pursued:

- (a) the restoration and protection of the health and wellbeing of the Waikato River:
- (b) the restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships:
- (c) the restoration and protection of the relationships of Waikato River Iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural, and spiritual relationships:
- (d) the restoration and protection of the relationships of the Waikato Region's communities with the Waikato River, including their economic, social, cultural, and spiritual relationships:
- (e) the integrated, holistic, and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River:
- (f) the adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River:
- (g) the recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River:
- (h) the recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities:
- (i) the protection and enhancement of significant sites, fisheries, flora, and fauna:
- (j) the recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental, and economic wellbeing

requires the restoration and protection of the health and wellbeing of the Waikato River:

(k) the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length:

(l) the promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities:

(m) the application to the above of both matauranga Maori and the latest available scientific methods.

## 2 Strategy

To achieve the vision, the following strategies will be followed:

(a) ensure that the highest level of recognition is given to the restoration and protection of the Waikato River:

(b) establish what the current health status of the Waikato River is by utilising matauranga Maori and the latest available scientific methods:

(c) develop targets for improving the health and wellbeing of the Waikato River by utilising matauranga Maori and the latest available scientific methods:

(d) develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River:

(e) develop and share local, national, and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River:

(f) recognise and protect wahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they do decide) to promote their cultural, spiritual, and historic relationship with the Waikato River:

(g) recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community:

(h) actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community:

(i) encourage and foster a "whole of river" approach to the restoration and protection of the Waikato River, including the development, recognition, and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River:

(j) establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River iwi (where they so decide), and stakeholders with an interest in advancing, restoring, and protecting the health and wellbeing of the Waikato River:

(k) ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review:

(l) ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.

# Schedule 2
# Process to review vision and strategy

s 21(3)

## 1 Powers during review

During a review of the vision and strategy, the Authority may—

(a) consult with any person whom the Authority considers appropriate; and

(b) seek any information and commission any reports that the Authority considers appropriate; and

(c) take any other actions that the Authority considers appropriate.

## 2 Duty following review

If the Authority considers that an amendment to the vision and strategy may be appropriate as a result of its review, the Authority must prepare a draft vision and strategy by following the process in clause 3.

## 3 Preparation of draft

(1) This clause applies during the preparation of a draft vision and strategy.

(2) The Authority must consult—

(a) the Minister, the Minister of Conservation, the Minister of Fisheries, and relevant departments; and

(b) relevant iwi authorities; and

(c) the local authorities.

(3) The Authority may consult any other person or organisation.

(4) The Authority may—

(a) seek any information and commission any reports that the Authority considers appropriate; and

(b) take any other actions that the Authority considers appropriate.

## 4 Notice of draft

(1) This clause applies once the Authority has prepared the draft vision and strategy.

(2) The Authority must ensure that the draft is available for public inspection at locations that are appropriate to facilitate public participation in the development of the vision and strategy.

(3) The Authority must give public notice of the draft.

(4) The public notice must—

(a) state that the draft vision and strategy is available for inspection at the places and times specified in the notice; and

(b) call on interested persons to make submissions on the draft to the Authority at the place and before a date, specified in the notice, no less than 20 business days after the date of the notice.

(5) The Authority must also give to the persons who provided comments under clause 3—

(a) a copy of the draft; and

(b) written or electronic notice inviting them to provide a written or electronic submission to the Authority on the draft before the date specified in the public notice.

(6) The Authority may give notice of the draft in any other way that the Authority considers appropriate but the notice must convey the same information as is in the public notice.

(7) Any person may make a written or electronic submission on the draft to the Authority before the date specified in the public notice.

(8) A submission must include a statement as to whether the person wishes to be heard in support of the submission.

### 5 Submissions made public

As soon as practicable after the Authority receives a submission, it must ensure that the submission is available for public inspection at the locations at which the draft vision and strategy is available for public inspection.

### 6 Hearing of submissions

(1) The Authority must give persons who ask to be heard in support of a submission a reasonable opportunity of appearing before the Authority.

(2) The Authority must give the persons written or electronic notice of not less than 10 business days specifying the dates, times, and places of the hearings.

(3) The Authority may—

(a) appoint a committee to hear submissions:

(b) appoint to the committee any person whom the Authority considers appropriately qualified to hear submissions, whether or not the person is a member of the Authority.

(4) The Authority must hear submissions in public.

(5) The Authority may—

(a) request a person to provide further information or evidence in support of the person's submission; and

(b) commission reports on submissions; and

(c) commission reports on any other matters; and

(d) take any other action it considers appropriate in relation to the hearing of submissions.

(6) The Authority must comply with subclauses (1), (2), and (4) but may otherwise regulate its procedures as it sees fit.

### 7 Decision

(1) This clause applies once the Authority has completed the hearing and consideration of submissions.

(2) The Authority must do 1 of the following:

- (a) notify the appointers that it does not recommend that the vision and strategy be amended:
- (b) recommend to the appointers that the vision and strategy be amended in the manner set out in the full version of the vision and strategy with amendments shown accompanying the recommendation.

(3) In making a decision under subclause (2), the Authority—

- (a) must seek to identify all reasonably practicable options for the achievement of the overarching purpose of this Act; and
- (b) must assess the options by considering—
  - (i) the benefits and costs of each option in terms of the present and future social, economic, environmental, and cultural wellbeing of the communities associated with the Waikato River, including if practicable a quantification of the benefits and costs of each option; and
  - (ii) the extent to which the vision and strategy would be promoted or achieved in an integrated and efficient manner by each option; and
- (c) may recommend that the vision and strategy be amended only if the amendment would be consistent with the overarching purpose of this Act.

(4) The Authority must include with its notification or recommendation under subclause (2)—

- (a) a report that summarises the Authority's assessment under subclause (3); and
- (b) a report that summarises the submissions on a proposed provision or an issue and gives reasons for accepting or rejecting the submissions, without necessarily addressing each individual submission.

# Schedule 3
# Terms of Waikato River Clean-up Trust

s 33(4)

## 1 Interpretation

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

**object** means the object of the trust described in clause 3

**property**—

(a) means all property, whether real or personal; and

(b) includes choses in action, interests, money, and rights

**river iwi** means—

(a) Maniapoto; and

(b) Ngati Tuwharetoa; and

(c) Raukawa; and

(d) Te Arawa River Iwi; and

(e) Waikato-Tainui

**trust** means the trust established by section 33(2)

**trust fund** means property that—

(a) either—

(i) the Authority receives from time to time from the Crown or otherwise; or

(ii) is growth in the property described in subparagraph (i); and

(b) the Authority holds on the terms of the trust

**trustee** means the Authority.

## 2 Name

(1) The trust is the Waikato River Clean-up Trust.

(2) The trustee may amend or change the name by deed.

## 3 Object

(1) The trust is a trust for charitable purposes.

(2) The object of the trust is the restoration and protection of the health and wellbeing of the Waikato River for present and future generations.

(3) Whenever possible, the object is to be interpreted having adequate regard to—

(a) the vision and strategy; and

(b) the report of the scoping study.

### 4 Application of income

(1) The trustee may pay or apply all or any of the income of the trust to promote or advance the object in the manner the trustee determines.

(2) Before acting under subclause (1), the trustee must pay or provide for all the trustee's costs for establishing, managing, and administering the trust.

### 5 Application of capital

The trustee may pay or apply all or any of the capital of the trust to promote or advance the object in the manner the trustee determines.

### 6 Applications for funding

(1) Funding from the trust is available on a contestable basis for use in projects to achieve the object.

(2) The trustee must—

(a) prepare a strategy document that identifies areas of priority for funding that are consistent with the object; and

(b) identify the criteria, based on relevant factors, that the trustee is to apply in approving or not approving funding; and

(c) publish the strategy document and the criteria.

(3) The trustee must devise an appropriate process for inviting and dealing with applications to the trust for funding.

(4) The process must be designed to ensure the following, to the extent reasonably possible:

(a) the targeting of funding to the priority areas identified by the trustee in its strategy document; and

(b) not funding a project or a part of a project that another agency would fund or be likely to fund in the normal course of its operations if the trust did not exist; and

(c) efficiency in the allocation and use of funding, including having particular regard to the desirability of applicants using funding from other sources; and

(d) contestability in the allocation of funding; and

(e) preference being given to projects that achieve practical results over projects that are purely for research purposes; and

(f) adequate regard being given to the vision and strategy; and

(g) adequate regard being given to the report of the scoping study; and

(h) adequate regard being given to any other relevant research; and

(i) adequate regard being given to the extent to which projects would further iwi environmental plans, in the case of applications from iwi or

applications based on matauranga Maori or on the mauri of the Waikato River; and

(j) accountability by recipients of funding.

(5) The trustee must devise appropriate forms or templates for applications to ensure that the information applicants provide to the trustee is sufficient to enable the trustee to make properly informed decisions by being—

(a) complete; and

(b) supported by adequate technical material and other submissions and evidence; and

(c) timely.

(6) The trustee may approve an application for funding only after due consideration.

(7) The trustee must impose accountability requirements on recipients of funds for—

(a) achievement of targets or milestones; and

(b) reporting back to the trustee on the use of funds and results achieved.

(8) The accountability requirements must—

(a) be adequate and appropriate; and

(b) not impose unduly onerous obligations on applicants with limited infrastructure, such as marae.

(9) In making decisions under this clause, the members of the trustee must pursue—

(a) the highest level of good faith engagement; and

(b) consensus decision-making.

### 7 Funding from non-Crown sources

(1) The trustee may accept a donation of property from a source other than the Crown to be held on the terms of the trust.

(2) However, the trustee must not accept a donation if it is subject to a condition that is inconsistent with the object.

### 8 Investment of trust fund

(1) The trustee may invest all or any of the trust fund in any property that the laws of New Zealand permit for the investment of the funds of trusts.

(2) The trustee has full power to buy or otherwise acquire any property and full power to sell or otherwise dispose of any of the trust fund.

(3) In exercising its investment powers, the trustee must—

(a) act in accordance with the applicable provisions of the Trusts Act 2019; and

(b) have due regard to the object.

Schedule 3 clause 8(3)(a): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

### 9 Authorities, discretions, and powers

(1) The trustee has all the authorities, discretions, and powers vested in the trustee by law or by this schedule.

(2) The trustee has power—

(a) to sell, call in, and convert into money or other property all or part of the trust fund; and

(b) to accumulate the income of the trust fund; and

(c) to apply or set aside part of the trust fund towards the payment of liabilities or obligations of the trustee; and

(d) to open and maintain a bank account and to decide on the signatories to the account; and

(e) to raise or borrow money (either bearing or free of interest) from any person; and

(f) to secure the repayment of money borrowed and any interest on it by mortgage or charge over all or any of the property that is part of the trust fund; and

(g) to apply money borrowed for any of the purposes for which the assets of the trust fund may be applied, used, or invested; and

(h) in relation to a part of the trust fund,—

(i) to set it apart as a sub-trust or special endowment or for a special purpose or under a special or distinguishing name; and

(ii) to apply it and any accretions to it for the purpose for which it was set apart or for any other purpose authorised by this schedule; and

(i) to advertise the trust and the object; and

(j) to seek, receive, or decline bequests, conveyances, devises, donations, or transfers of property; and

(k) to obtain incorporation or registration of the trust under an enactment on charitable trusts; and

(l) to appoint or engage or employ a person for a period—

(i) as an expert or professional person to advise on or carry out any of the authorities, discretions, or powers authorised by this schedule:

(ii) as an attorney or delegate for the trustee in New Zealand or elsewhere for all or any of the purposes of the trust:

(iii) as a manager or agent for or on behalf of the trustee in all or any matters relating to the management and the control of the trust and any business owned by the trustee or in which it is concerned:

(iv) as a secretary of the trustee:

(v) as an employee of the trustee in all or any matters relating to the trust; and

(m) to act on an opinion or advice or information obtained from a person referred to in subclause (l)(i); and

(n) to determine all questions and matters of doubt that may arise in the course of the administration, distribution, investment, liquidation, management, partition, realisation, or winding up of the trust fund or the trust in a manner conducive to the attainment of the object; and

(o) generally to do all other lawful acts and things that are incidental or conducive to the attainment of the object; and

(p) to pay from the assets of the trust costs incurred by the trustee in carrying out any of its duties or functions or exercising any of its authorities, discretions, or powers, except as prohibited by clause 12.

(3) All authorities, discretions, and powers that the trustee has may be exercised by the trustee in its absolute discretion and from time to time and on such terms and conditions and in such manner and by such means as it thinks fit.

(4) The trustee may exercise the fullest possible authorities and powers as if it were the beneficial owner of the trust fund, as long as each exercise of an authority or power by the trustee is reasonably necessary or advisable in order to further the achievement of the object.

### 10 Benefits and advantages

(1) No person with some control over a business carried on by, for, or for the benefit of the trust is able to direct or divert an amount from the trust to their own benefit or advantage.

(2) However,—

(a) the trustee may receive full reimbursement for all costs that the trustee properly incurs in connection with the affairs of the trust and that are not met by the Crown; and

(b) the trustee may pay reasonable and proper remuneration for services actually rendered to the trust.

(3) Subclause (1) does not apply if the Income Tax Act 2007 or any other relevant legislation is amended to allow a person with some control over a business carried on by, for, or for the benefit of a trust to be able to direct or divert an amount from the trust to the person's own benefit or advantage without compromising the charitable tax status of the trust.

(4) In this clause,—

(a) **benefit or advantage** includes a benefit or advantage listed in section CW 42(8) of the Income Tax Act 2007:

(b) **person with some control** includes a person who has control of the types described in sections CW 42(5) to (7) of the Income Tax Act 2007.

### 11 No private pecuniary profit

(1) No person involved in the trust may make a private pecuniary profit.

(2) However,—

(a) a member of the trustee is entitled to be reimbursed out of the assets of the trust for all expenses that he or she properly incurs in connection with the affairs of the trust:

(b) the trust may pay reasonable and proper remuneration to an employee of the trust in return for services actually rendered to the trust.

### 12 Interested members of trustee

(1) A conflict transaction exists for a member of the trustee if the member's interests or duty in a particular matter conflict or might conflict with his or her duty to the trust.

(2) A conflict transaction also exists for a member of the trustee if the following circumstances arise:

(a) the member has been, is, becomes, or intends to become associated with a person, whether as director or otherwise in a private capacity or as trustee of another trust; and

(b) the person is a person with whom the trustee is dealing in any way but, in particular, dealing with by way of considering the person's application for funding.

(3) However, a conflict transaction does not arise for a member in relation to an application for funding merely because the member is a member of an iwi that is making the application.

(4) When a conflict transaction exists for a member,—

(a) the member for whom it exists must declare the nature of the conflict or the potential conflict at a meeting of the trustee; and

(b) the member may be required by the chairperson to leave the meeting; and

(c) if the member does not leave the meeting, the chairperson may adjourn the meeting until the member does leave; and

(d) the member must not take part in deliberations or proceedings, including decision-making, relating to the conflict transaction; and

(e) if the member contravenes paragraph (a) or (d),—

(i) the member's participation is not counted; and

(ii) the member is not counted in the quorum present at the meeting.

### 13 Execution of documents

(1) This clause applies when the trustee needs to sign or attest to a document under a resolution of the trustee.

(2) It is sufficient for the document to be signed or attested to by—

(a) 2 or more members of the trustee; or

(b) an attorney, agent, or other delegate validly appointed by the trustee for the purpose of signing or attesting to the document.

### 14 Costs and indemnity

(1) The Crown must meet the reasonable operational costs of the trustee.

(2) To the extent to which the Crown's meeting of the operational costs is insufficient, the trustee is fully indemnified by the assets of the trust for a loss or liability that the trustee incurs in relation to—

(a) an authority, discretion, duty, function, or power of the trustee; or

(b) a cost of managing or administering the trust.

### 15 Accounts and audit

(1) The trustee must ensure that financial records are kept for the trust.

(2) The financial records must present the trust's receipts, credits, payments, liabilities, and any other relevant matter in a way that shows the true state of the trust's financial affairs.

(3) The trust's annual accounts must be prepared by a chartered accountant appointed by the trustee.

(4) The trustee must have the annual accounts audited by the Auditor-General.

(5) The financial records and annual accounts must be kept at the trustee's office or at any other place that the trustee thinks suitable.

(6) The financial records and annual accounts must be available to be inspected by a member of the trustee at any time.

### 16 Reporting

(1) At the end of each financial year, the trustee must provide an annual report to the Minister and the river iwi.

(2) The report must include—

(a) adequate details of the applications for funding approved by the trustee under clause 6 during the financial year; and

(b) adequate details of the reports received by the trustee from recipients of funds under clause 6(7); and

(c) the accounts for the financial year prepared and audited under clause 15.

(3) The trustee must publish the annual report.

(4) In this clause, **financial year** means the period of 1 year starting on 1 July.

### 17 Borrowing

No lender to the trustee for the purposes of the trust need enquire about—

(a) the need for the borrowing; or

(b) the purpose of the borrowing; or

(c) the use of the money borrowed.

### 18 Winding up

(1) The trust is wound up on the earlier of—

(a) the date the trust fund has finally been exhausted; and

(b) the date the trustee determines with the approval of the Crown and river iwi.

(2) On the winding up, the trustee must pay or apply the remaining capital and income of the trust fund, if any, towards the achievement of the object.

### 19 Governing law

The trust is governed by the laws of New Zealand.

# Schedule 4
# Waikato River Authority

s 35

## 1 Legal status

The Authority is a body corporate separate from—

(a) its appointers, employees, and members; and

(b) the local authorities.

## 2 Composition of membership

(1) The Authority consists of 10 members as follows:

(a) 1 member appointed by the trustee of the Waikato Raupatu River Trust:

(b) 1 member appointed by the trustees of the Te Arawa River Iwi Trust:

(c) 1 member appointed by the Tuwharetoa Maori Trust Board:

(d) 1 member appointed by the trustees of the Raukawa Settlement Trust:

(e) 1 member appointed by the Maniapoto Maori Trust Board:

(f) 1 member appointed by the Minister in consultation with the Minister of Finance, the Minister of Local Government, and the Minister of Maori Affairs on the recommendation of the Council:

(g) 1 member appointed by the Minister in consultation with the Minister of Finance, the Minister of Local Government, and the Minister of Maori Affairs from persons recommended by the territorial authorities (other than the Auckland Council) whose boundaries fall within, or partly within, areas marked "A" and "B" on SO plan 409144:

(h) 3 members appointed by the Minister in consultation with the Minister of Finance and the Minister of Maori Affairs.

(2) In appointing members to the Authority, the Minister—

(a) may seek recommendations from persons whom the Minister considers appropriate; and

(b) must have regard to the members already appointed to the Authority to ensure that the membership reflects a balanced mix of knowledge and experience in relation to the Waikato River; and

(c) must ensure that at least 2 of the members appointed under subclause (1)(f) to (h) are ordinarily resident in the Waikato region.

(3) In recommending a person for appointment as a member of the Authority, a local authority must be satisfied that the person has the skills, knowledge, or experience to—

(a) participate effectively in the governance of the Authority and the management of its functions; and

(b) contribute to the achievement of the overarching purpose of this Act to restore and protect the health and wellbeing of the Waikato River for present and future generations.

(4) The decision of a local authority to recommend a person for appointment as a member of the Authority—

(a) does not require the local authority to undertake consultation; and

(b) does not have the effect of making the Authority a council organisation or a council-controlled organisation.

(5) If the Council does not make a recommendation, the Minister may appoint a member who, in the opinion of the Minister,—

(a) has a sound knowledge of the Waikato region and its communities; and

(b) has the skills, knowledge, or experience to—

(i) participate effectively in the governance of the Authority and the management of its functions; and

(ii) contribute to the achievement of the overarching purpose of this Act to restore and protect the health and wellbeing of the Waikato River for present and future generations.

(6) If the territorial authorities do not make a recommendation, the Minister may appoint a member who, in the opinion of the Minister,—

(a) has a sound knowledge of local communities associated with the Waikato River and its catchments; and

(b) has the skills, knowledge, or experience to—

(i) participate effectively in the governance of the Authority and the management of its functions; and

(ii) contribute to the achievement of the overarching purpose of this Act to restore and protect the health and wellbeing of the Waikato River for present and future generations.

### 3 Method of appointment and length of membership

(1) A member is appointed by the appointer of the member giving a written or electronic notice to—

(a) the other appointers; and

(b) the Authority.

(2) The notice must state the date on which the appointment starts.

(3) A member—

(a) is appointed for a term of up to 3 years; and

(b) may be reappointed for further terms of up to 3 years each.

### 4 Cessation of membership

(1) A member whose term of appointment has ended under clause 3(3)(a) continues to hold office until—

(a) the member is reappointed; or

(b) the appointer of the member appoints a successor for the member.

(2) A member may resign from the Authority by giving 4 weeks' written or electronic notice to—

(a) the appointers; and

(b) the other members.

(3) A member is removed as a member of the Authority by the appointer of the member giving a written or electronic notice to—

(a) the other appointers; and

(b) the Authority.

(4) The notice must state the date on which the appointment stops.

(5) An appointer may give a notice under subclause (3) only if the appointer is satisfied that the member—

(a) has neglected his or her duty as a member:

(b) has been guilty of misconduct:

(c) is bankrupt:

(d) is unable to perform the functions of office.

(6) Subclause (7) applies if—

(a) a member dies:

(b) a member's term of appointment ends and the member is not reappointed:

(c) a member resigns:

(d) a member is removed as a member.

(7) The appointer of the member must appoint a successor to the member as soon as reasonably practicable and within 4 weeks.

### 5 Vacancies in membership

(1) Subclause (2) applies if the appointer named in clause 2(1)(b) or (d)—

(a) has not appointed a member; or

(b) has not appointed a successor to a member.

(2) The chairperson of the Trust referred to in clause 2(1)(b) or (d) is the member or the successor to a member.

### 6 Co-chairs

(1) Two members of the Authority are to be co-chairs.

(2) The members appointed under clause 2(1)(a) to (e) must designate one of their number to be one of the co-chairs.

(3) The appointer of members under clause 2(1)(f) to (h) must designate one of those members to be one of the co-chairs.

(4) A co-chair—

(a) holds office for a term of up to 3 years unless before his or her term as co-chair ends he or she ceases to be a member of the Authority; and

(b) may hold office for further terms of up to 3 years each for so long as he or she continues to be a member of the Authority.

(5) When designating a person to be a co-chair, those responsible for making the designation must consider the person's knowledge, experience, and expertise relevant to—

(a) the functions and powers of the Authority; and

(b) the role and responsibilities of co-chair of the Authority.

### 7 Setting up meetings

(1) The Authority—

(a) must hold 4 meetings a year; and

(b) may hold as many more meetings as are necessary to enable it to perform its functions and exercise its powers properly.

(2) The Authority must meet within the first 2 months of each financial year.

(3) At the initial meeting of each financial year, the Authority must adopt a schedule of meetings for the coming year.

(4) Notices of meetings must be given as follows:

(a) for the initial meeting of the financial year, the notice must be given at least 5 business days before it:

(b) once the Authority has adopted a schedule of meetings,—

(i) the notice must be given at least 5 business days before the first meeting on the schedule:

(ii) a notice to members of the schedule or a change to the schedule constitutes a notice of every meeting on the schedule or the schedule as amended:

(c) the co-chairs must give the notice:

(d) the notice must be given to each member:

(e) the notice must state the date, time, and place of the meeting:

(f) the notice must be given by hand, by post, or by an electronic means.

(5) Except when the Authority is meeting to exercise its functions as trustee of the Waikato River Clean-up Trust, notices of meetings must be published in—

(a) 1 or more daily newspapers circulating in the Waikato region; or

(b) 1 or more other newspapers that have at least an equivalent circulation in the Waikato region.

(6) A member may waive the requirement of giving notice of a meeting to him or her.

(7) A member may request leave of absence from a particular meeting.

### 8 At meetings

(1) The Authority must keep and approve the minutes of its meetings. The properly kept and approved minutes are prima facie evidence of the business transacted at the meetings.

(2) A resolution of the Authority is valid when the co-chairs certify it.

(3) A member has the right to attend any meeting, unless lawfully excluded.

(4) A member unable to attend a meeting in person may attend by way of an electronic means.

(5) The quorum for meetings is one of the following:

(a) the co-chair appointed from among the members appointed under clause 2(1)(a) to (e), 2 other members appointed under clause 2(1)(a) to (e), and 3 members appointed under clause 2(1)(f) to (h); or

(b) the co-chair appointed from among the members appointed under clause 2(1)(f) to (h), 2 other members appointed under clause 2(1)(f) to (h), and 3 members appointed under clause 2(1)(a) to (e); or

(c) both co-chairs, 2 members appointed under clause 2(1)(f) to (h), and 2 members appointed under clause 2(1)(a) to (e).

(6) A meeting is properly constituted if a quorum is present.

(7) At least a quorum must be present during the whole of the time at which the business is transacted at the meeting.

(8) Members may bring to meetings such advisers as the Authority considers necessary to facilitate the efficient transaction of the meeting's business.

(9) Except when the Authority is meeting to exercise its functions as trustee of the Waikato River Clean-up Trust, the Authority's meetings must be open to the public.

(10) Despite subclause (9), the co-chairs may—

(a) exclude the public from any meeting, or any part of a meeting, of the Authority for one or both of the following reasons:

(i) if attendance of the public would result in disclosure of information for which, in the opinion of the co-chairs, good reason for withholding the information exists; or

(ii) if the Authority wants to deliberate in private; and

(b) require a member of the public to leave a meeting if, on reasonable grounds, the co-chairs believe that the behaviour of the member of the public is likely to prejudice or continue to prejudice the orderly conduct of the meeting.

(11) A member of the public required to leave a meeting who refuses or fails to do so or attempts to re-enter without permission may be removed by a constable or an officer or employee of the Authority.

(12) For the purposes of subclauses (10) and (11), **public** includes bona fide members of the news media.

### 9 Decision-making

(1) Members must reach decisions pursuing—

(a) the highest level of good faith engagement; and

(b) consensus decision-making.

(2) Members must approach decision-making in a manner that is consistent with, and reflects, the purpose of the Authority.

### 10 Decisions by Minister and nominated person

(1) If the members of the Authority are unable to reach a decision as described in clause 9(1), they must refer the matter to—

(a) the Minister for the Environment or another Minister nominated by the Minister for the Environment; and

(b) a person nominated by the members appointed under clause 2(1)(a) to (e).

(2) The members of the Authority must provide the persons to whom the matter is referred under subclause (1) with a written statement of the matters in disagreement and the reasons for the disagreement.

(3) The persons must work in good faith to resolve the matter.

(4) If the persons reach agreement on a resolution of the matter, they must notify the Authority of the recommended resolution.

(5) After receiving a recommendation, the members of the Authority must seek to resolve the matter.

(6) If within 20 business days of receiving a recommendation the members of the Authority have not resolved the matter, the recommendation becomes binding and the Authority must give effect to it.

(7) If within 30 business days of receiving a referral the persons do not reach agreement on a resolution, they must advise the Authority that the matter has not been resolved.

### 11 Members bound by decisions

(1) Members are bound by the decisions and recommendations made by the Authority and by recommendations that have become binding under clause 10.

(2) Members must not take steps to undermine the decisions and recommendations.

### 12 Validity and invalidity

(1) The appointment of a member is not invalid because of a defect in the appointment.

(2) A meeting is not invalid if a member does not receive a notice of the meeting or does not receive it in time unless—

(a) the person responsible for giving the notice is proved to have acted in bad faith or without reasonable care; and

(b) the member concerned did not attend the meeting.

(3) A meeting is not invalid if notice of the meeting is not published as required by this schedule or is not published in time.

(4) Nothing done by the Authority is invalid because of—

(a) a vacancy in the membership of the Authority at the time the thing was done; or

(b) the subsequent discovery of a defect in the appointment of a person acting as a member; or

(c) the subsequent discovery that the person was incapable of being a member; or

(d) a member's contravention of clause 13(1) or (2).

### 13 Conflict management

(1) If a member has a material interest in the carrying out of a function, exercise of a power, or making of a decision or recommendation by the Authority, the member must declare the nature of the interest—

(a) at a meeting of the Authority; and

(b) either,—

(i) if the member is not a co-chair, to the co-chairs; or

(ii) if the member is a co-chair, to the other co-chair and to the member's appointer.

(2) The member must not take part in any deliberations or proceedings, including any form of decision-making, concerning the matter in which the member has a material interest.

(3) The co-chairs, or either of them, may require the member to leave the meeting.

(4) If the member does not leave the meeting, the co-chairs, or either of them, may adjourn the meeting until the member does leave.

(5) If a member contravenes subclause (1) or (2),—

(a) his or her participation in the decision is not counted; and

(b) he or she will not be counted in the quorum present at the meeting; and

(c) the co-chairs must,—

(i) as soon as practicable after becoming aware of the contravention, report it to the appointers; and

(ii) record the contravention in the annual report of the Authority.

(6) A material interest arises when a member—

(a) is a party to, or will derive a material financial benefit from, the transaction or matter:

(b) has a material financial interest in another party to the transaction or in a person to whom the matter directly relates:

(c) is a director, officer, member, or trustee of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter:

(d) is the parent, child, spouse, civil union partner, or de facto partner of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter:

(e) through the person's membership of a local authority, public body, group, organisation, or iwi has a vested interest in the subject-matter under consideration of such a nature that any decision in which the member participated would be, or would have the appearance of being, improperly influenced by the interest or connection.

(7) A material interest does not arise—

(a) merely because the member is a ratepayer:

(b) merely because the member is a member of a local authority:

(c) merely because the member is a member of an iwi or hapu:

(d) merely because the economic, social, cultural, and spiritual values of any iwi or hapu and their relationships with the Authority are advanced by or reflected in—

(i) the subject matter under consideration:

(ii) any decision by or recommendation of the Authority:

(iii) participation in the matter by the member.

(8) Members whose appointment was recommended by, or who are members of, a local authority are not—

(a) disqualified from participating in any decision-making by the local authority by virtue of being a member or participating in making a decision of the Authority:

(b) bound by the provisions of the Local Government Act 2002 when acting or making decisions as a member of the Authority:

(c) bound to consult with or seek direction from the local authority.

### 14 Administration

(1) The Crown bears the reasonable operational costs of the Authority.

(2) Members are paid out of money appropriated by Parliament.

(3) Members are paid fees as determined by the Minister of Finance in accordance with the framework determined by the Government for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

(4) Members are also paid, in accordance with the framework, reimbursing allowances or actual and reasonable expenses incurred in undertaking the duties and functions of the Authority.

(5) A member is not entitled to compensation or any other payment or benefit if he or she ceases for any reason to be a member of the Authority.

(6) A member is not liable for anything done or omitted in good faith in the carrying out of the Authority's functions or the exercise of its powers.

### 15 Reporting and audit

(1) No later than 4 months after the end of each financial year, the Authority must provide a report to the appointers.

(2) The report must be signed by the co-chairs and include at least the following information:

(a) the dates and times of the meetings of the Authority that occurred during the year:

(b) details of advice given and recommendations made by the Authority during the year:

(c) the outcomes achieved by the Authority during the year:

(d) the results of monitoring carried out by the Authority during the year:

(e) any other activities undertaken by the Authority during the year:

(f) details (including approved and paid funding) of initiatives and activities funded during the year by the Waikato River Clean-up Trust:

(g) the annual financial statements of the Authority for the year:

(h) the annual financial statements of the Waikato River Clean-up Trust for the year:

(i) for each member, the total value of fees, allowances, reimbursements, or other benefits paid or payable to the member during the year:

(j) the Auditor-General's audit report for the year:

(k) any other information that is necessary to enable an informed assessment to be made of the operations and performance of the Authority for the year.

(3) The Authority must publish every report.

(4) No later than 6 months after the end of each financial year, the Authority must hold an annual meeting.

(5) Notices of the annual meetings must be given as follows:

(a) to the appointers at least 10 business days before the meeting is to be held; and

(b) by the co-chairs; and

(c) by hand, by post, or by an electronic means.

(6) Notices of the annual meeting must include the annual reports and any other information that the Authority considers the appointers may require to assess the activities of the Authority during the year.

### 16 Access to information

(1) A member of the public may, without payment of a fee, inspect, during normal business hours,—

(a) at least 2 business days before a meeting of the Authority, copies of agendas and reports circulated to members relating to the meeting; and

(b) copies of minutes of a meeting or part of a meeting, except for minutes covering periods when the public was excluded.

(2) The co-chairs of the Authority may classify reports, minutes, or documents or parts of reports, minutes, or documents, or classes of document as confidential, in which case they must be withheld from inspection by a member of the public.

(3) A member of the public who inspects a document may take notes and, on payment of any fee the Authority may prescribe, obtain from the Authority a copy of any part of a document inspected by the member of the public.

(4) Defamatory matter in a document inspected by a member of the public under subclause (3) is privileged unless, in proceedings for defamation in respect of the publication, the plaintiff proves that, in publishing the matter, the defendant was predominantly motivated by ill will towards the plaintiff.

(5) An oral statement made at a meeting of the Authority in accordance with the procedure for the conduct of meetings approved by the Authority is privileged

unless, in proceedings for defamation in respect of the statement, the plaintiff proves that, in making the statement, the defendant was predominantly motivated by ill will towards the plaintiff.

(6) The privilege conferred in this clause is in addition to and not in substitution for or derogation from any other privilege, whether absolute or qualified, that applies to the proceedings of the Authority by virtue of any other enactment or rule of law.

### 17 First steps

(1) The terms of membership of the initial members are as follows:

(a) for the purposes of clause 2(1)(a), the initial member is appointed for a term of 5 years:

(b) for the purposes of clause 2(1)(b) and (c), the initial members are appointed for terms of 2 years:

(c) for the purposes of clause 2(1)(d) and (e), the initial members are appointed for terms of 3 years:

(d) for the purposes of clause 2(1)(f) and (g), the initial members are appointed for terms of 2 years:

(e) for the purposes of clause 2(1)(h), the initial members are appointed for terms of 3 years.

(2) The Authority must have its first meeting within 3 months of the commencement date.

(3) The initial co-chairs are—

(a) the member appointed under clause 2(1)(a); and

(b) the member appointed under clause 2(1)(h) designated by the appointer of members under clause 2(1)(h) to be an initial co-chair.

(4) For 5 years following the commencement date, the member appointed under clause 2(1)(a) is the designated co-chair under clause 6(2).

# Schedule 5
# Upper Waikato River integrated management plan

s 37

## 1 Preparation of draft plan

The following process applies to the preparation of a draft of the integrated management plan:

(a) the Trusts and the relevant departments, relevant local authorities, and appropriate agencies must meet to discuss the preparation of a draft plan; and

(b) the Trusts and the relevant departments, relevant local authorities, and appropriate agencies may consult with and seek comment from appropriate persons and organisations in the preparation of the draft plan.

## 2 Notification and submissions on draft plan

(1) When the Trusts and the relevant departments, relevant local authorities, and appropriate agencies have prepared the draft plan, they—

(a) must notify it by giving public notice; and

(b) may notify it by any other means that the Trusts and the relevant departments, relevant local authorities, and appropriate agencies think appropriate; and

(c) must ensure that the draft plan is available for public inspection.

(2) The public notice must—

(a) state that the draft plan is available for inspection at the places and times specified in the notice; and

(b) state that interested persons or organisations may lodge submissions on the draft plan—

(i) with the Trusts or the relevant departments, relevant local authorities, or appropriate agencies:

(ii) at the place specified in the notice:

(iii) before the date specified in the notice; and

(c) set a date for the lodging of submissions that is at least 20 business days after the date of the publication of the notice.

(3) Any person or organisation may make a written or electronic submission on the draft plan in the manner described in the public notice.

## 3 Approval of plan

(1) The Trusts and the relevant departments, relevant local authorities, and appropriate agencies must consider submissions made under clause 2, to the extent to which they are consistent with the purpose of the plan.

(2) The Trusts and, as applicable, the relevant Minister or the Council or the appropriate agency may then approve the plan.

(3) The Trusts and the relevant departments, relevant local authorities, and appropriate agencies—

(a) must notify the plan by giving public notice; and

(b) may notify the plan by any other means that the Trusts and the relevant departments, relevant local authorities, and appropriate agencies think appropriate.

(4) The public notice must—

(a) state where the plan is available for public inspection; and

(b) state when the plan comes into force.

(5) The plan—

(a) must be available for public inspection at the local offices of the relevant departments, relevant local authorities, and appropriate agencies; and

(b) comes into force on the date specified in the public notice.

### 4 Review of, and amendments to, plan

(1) The Trusts that prepared the plan and the relevant departments, relevant local authorities, and appropriate agencies may at any time agree to review the plan or any component of the plan.

(2) None of the Trusts or the relevant departments, relevant local authorities, or appropriate agencies may unreasonably withhold their agreement under subclause (1).

(3) The Trusts that prepared the plan and the relevant departments, relevant local authorities, and appropriate agencies must start a review of the plan—

(a) within 5 years after the date on which the plan comes into force; and

(b) within 5 years after the previous review is completed by—

(i) a decision that the plan does not need to be amended; or

(ii) the approval of an amended plan.

(4) If the Trust for Ngati Tuwharetoa did not participate in the preparation of the plan, the following provisions apply:

(a) the other Trusts must give the Trust for Ngati Tuwharetoa written or electronic notice of an intended review under subclause (1) or (3):

(b) if the Trust for Ngati Tuwharetoa decides to participate in the review, it must give the other Trusts written or electronic notice of its decision within 30 business days after receipt of the other Trusts' notice:

(c) if the Trust for Ngati Tuwharetoa decides not to participate in the review, it must give the other Trusts written or electronic notice of its decision—

(i) as soon as practicable after the decision is made; and

(ii) within 30 business days after receipt of the other Trusts' notice.

(5) The Trusts that participate in a review under subclause (1) or (3) and the relevant departments, relevant local authorities, and appropriate agencies must apply clauses 1 to 3, modified as necessary, to the review.

(6) If the Trusts that participate in a review and the relevant departments, relevant local authorities, and appropriate agencies agree as a result of the review that the plan should be amended in a material way, the amendment must be approved under section 37(3).

(7) If the Trusts that prepared a plan and the relevant departments, relevant local authorities, and appropriate agencies agree that the plan should be amended in a way that is not material, they must apply clause 3(3) to (5), modified as necessary, to the proposed amendment and the amendment need not be approved under section 37(3).

# Notes

## *1 General*

This is a consolidation of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 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*

Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43): sections 111(2), 118–119

Fast-track Approvals Act 2024 (2024 No 56): section 121

Water Services Acts Repeal Act 2024 (2024 No 2): section 12(1)

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

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Trusts Act 2019 (2019 No 38): section 161

Resource Legislation Amendment Act 2017 (2017 No 15): section 123

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

Raukawa Claims Settlement Act 2014 (2014 No 7): section 138

Land Transport Management Amendment Act 2013 (2013 No 35): section 72

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

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act and Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act Commencement Order 2010 (SR 2010/379): clause 2(b)

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