Reprint
as at 30 January 2021

Ngāti Manuhiri Claims Settlement Act 2012

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Commencement	see section 2

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Note

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

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

This Act is administered by the Ministry of Justice.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Manuhiri Claims Settlement Act 2012.

2 Commencement

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

Part 1
Preliminary provisions and settlement of historical claims

3 Purpose of Act

The purpose of this Act is to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Manuhiri.

4 Provisions take effect on settlement date

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

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

(a) for the provision to have full effect on that date; or

(b) for a power to be exercised, or for a duty to be performed, under the provision on that date.

5 Act binds the Crown

This Act binds the Crown.

6 Outline

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

(2) This Part—

(a) states the purpose of this Act; and

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

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

(d) records the acknowledgements made and the apology given by the Crown in the deed of settlement; and

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

(f) provides that the settlement of the historical claims is final; and

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

(h) provides for consequential amendments to the Treaty of Waitangi Act 1975; and

(i) provides for the effect of the settlement on certain memorials recorded on computer registers; and

(j) provides for the exclusion of the limit on the duration of a trust; and

(k) provides for access to the deed of settlement.

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

(a) the requirement for the responsible Ministers of the Crown to issue to the trustees of the Ngāti Manuhiri Settlement Trust a conservation protocol, a Crown minerals protocol, and a taonga tūturu protocol; and

(b) a statutory acknowledgement by the Crown of the statements made by Ngāti Manuhiri of their cultural, spiritual, historical, and traditional associations with certain statutory areas; and

(c) the requirement for the Crown to issue a deed of recognition to the trustees; and

(d) the application of a whenua rāhui to certain whenua rāhui sites by the Crown's acknowledgement of the values of Ngāti Manuhiri in relation to the relevant sites; and

(e) the vesting of certain cultural redress properties in the trustees or, for Te Maraeroa, in Rahui Te Kiri with the trustees administering the property; and

(f) the assignment and alteration of geographic names for certain geographic features; and

(g) the vesting of the Te Hauturu-o-Toi / Little Barrier Island gift area in the trustees, before the gift area is vested back in the Crown as a gift back to the Crown by the trustees for the people of New Zealand; and

(h) the co-governance of the Te Hauturu-o-Toi / Little Barrier Island gift area by the trustees and the relevant Conservation Board; and

(i) provision for members of Ngāti Manuhiri to remove stones by hand from the Te Hauturu-o-Toi / Little Barrier Island gift area for cultural purposes.

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

(a) the transfer of commercial redress properties (including the licensed land) to the trustees to give effect to the deed of settlement; and

(b) provision for a right of access to certain protected sites on the licensed land; and

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

(5) There are 4 schedules, as follows:

(a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in one case, for which a deed of recognition is issued:

(b) Schedule 2 describes the whenua rāhui sites to which the whenua rāhui applies:

(c) Schedule 3 describes the cultural redress properties:

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

Section 6(2)(j): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Acknowledgements and apology of the Crown

7 Acknowledgements and apology

(1) Sections 8 and 9 record in te reo Māori and in English the text of the acknowledgements made and the apology given by the Crown to Ngāti Manuhiri in the deed of settlement.

(2) The acknowledgements and apology are to be read together with the historical account of the relations between Ngāti Manuhiri and the Crown set out in part 2 of the deed of settlement.

8 Text of acknowledgements

Whakaaetanga

(1) Ka whakaaetia e te Karauna i hē te whakatutuki i ngā aureretanga o Ngāti Manuhiri nō mai rā anō i runga i te tika me te pono ā, kua roa rawa te whakaaetanga me te whakatutukitanga o ēnei nawe.

(2) Ka whakaaetia e te Karauna, nā te hokonga o te rohe whānui rawa e kīia ana “ko Mahurangi me Ōmaha” i te tau 1841, i takahi ai te Tiriti o Waitangi me ōna mātāpono:

(a) nā te kore whakahaere uiuitanga i ngā mana tuku iho i te wā i hokona ai ēnei whenua;

(b) nā te hokonga o ēnei whenua me te kore aronga atu me te whakaaetanga kore o Ngāti Manuhiri; ā

(c) nā te kore tuku kamupeniheihana e tika ana me te kore whakarato whenua rāhui hei whakamahinga, hei oranga anō mō Ngāti Manuhiri ā muri ake, ka mārama ana ki ō rātou pānga ki te rohe i hokona ai.

(3) Ka whakaaetia anōtia e te Karauna:

(a) Kikī ana ngā whenua o “Mahurangi me Ōmaha” i ngā rawa rākau nui te uaratanga, tae atu ki ngā ngahere kauri me te āheinga ngāwari ki te takutai;

(b) Nā ngā tikanga whakahaere i tuku whenua atu ai te Karauna ki ngā kainoho whenua ki roto i te rohe hoko, tae atu ki ngā “kerēme whenua o mua” i nui ake ai te whakawā wawe i puta mai i te whakaritenga o 1841;

(c) Nōna te hapa mō te kore i āta rurihia, i āta tautihia rānei te hokonga o “Mahurangi me Ōmaha” ā, nā tēnei aronga kore me te tikanga raihana rākau a te Karauna i muri mai, ka pā te āwangawanga me te manawa pōuri ki a Ngāti Manuhiri;

(d) I te wā i whakaaetia ai e te Karauna ngā pānga o Ngāti Manuhiri ki ēnei whenua, kua nuku kē ngā kainoho whenua ki roto i te rohe ā, ko te mutunga kē, kāhore he huarahi e wātea ana ki a Ngāti Manuhiri i tua atu i te whakaaetanga ki te kamupeniheihana me ngā whenua rāhui itiiti nei; ā

(e) Ka whakaritea hokonga anō mai i te tau 1853 i inaki atu ai ki ngā whenua o "Mahurangi me Ōmaha" ā, he paku noa iho te moni i utua mō aua whenua.

(4) Ka whakaetia e te Karauna te whakaritenga i roto i te tohuōkawa o Mangawhai i te tau 1854 kia "whakapauhia te 10 ōrau o ngā moni mai i te hokonga o tēnei poraka ….hei oranga mō ngā Māori" ā, ka tukuna he utu moni ki ngā kaihoko i te tau 1874. Nō te Karauna anō te hapa mō tana kūaretanga ki te pupuri kōrero hāngai i muri i te tau 1874 ā, kāhore ngā kaihoko i whiwhi painga tūturu e ai ki te whakaritenga "10 ōrau" atu i tēnei tau.

(5) Ka whakaaetia e te Karauna nāna i whiu tētahi rangatira nō Ngāti Manuhiri mō tana muru i ngā kainoho whenua i Matakana nā te akiaki i a ia ki te tuku i ōna pānga ki ētahi whenua ki wāhi kē, ahakoa tōna hiahia kia puritia tonutia e ia ā, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

(6) Ka whakaaetia e te Karauna, nā te whakahaere me te papānga o ngā ture whenua Māori, tae atu ki te tuku taitara ki ngā tāngata takitahi nō Ngāti Manuhiri, tēnā ki te iwi, ki te hapū rānei, i mōrearea ai te tapahi, te whakawehewehe me te rironga atu o ēnei whenua ā, taro rawa ake ka kino anō te papānga ki a Ngāti Manuhiri. Nā tēnei mahi āna, ka waimehatia anōtia ngā tikanga ā-iwi tuku iho o Ngāti Manuhiri. Nō te Karauna anō te hapa mō te kore whakarato ōna i ngā kaupapa e noho haumaru ai ēnei tikanga ā, he takahi anō tērā i te Tiriti o Waitangi me ōna mātāpono.

(7) Ka whakaaetia anōtia e te Karauna ngā utu teitei o roto i te tikanga tautuhi taitara a te Kōti Whenua Māori, tae atu ki ngā utu ā-rūri, ā-whakawā hoki, i riro whenua atu anō ai nō Ngāti Manuhiri.

(8) Ka whakaaetia e te Karauna te ngaronga atu o ngā wāhi tapu, tae atu ki ērā i hiahiatia ai e ngā rangatira o Ngāti Manuhiri te pupuri tonu ā, he kino tēnei mō te oranga ā-tikanga, ā-wairua o Ngāti Manuhiri.

(9) Ka whakaaetia e te Karauna nā tana hokonga o Hauturu:

(a) Ka whakamahia ōna mana whakatopatopa ki te aukati atu i ngā kaihoko tūmataiti ā, tē taea e ngā tāngata whenua te whakatupu whiwhinga moni mai i ngā rawa rākau o te motu;

(b) Ka whiriwhiri kōrero ia me ngā kaipupuri hea takitahi tēnā me ngā tāngata whenua hei rōpū tōpū;

(c) Ka whakatairangatia he hanganga ā-ture, te Little Barrier Island Purchase Act 1894 ā, ka whakamahia e ia kia hokona heretia ngā hea o aua tāngata takitahi i whakahē ai ki te hoko; ā

(d) Ka tūkinotia te mana o ngā uri nō Ngāti Manuhiri i te motu e noho ana, tae atu ki ngā tāngata i whakahē atu ki te kamupeniheihana mō ō rātou hea i tangohia ai i raro i te Ture me tō rātou peitanga atu i te tau 1869.

Ka whakaaetia e te Karauna, kāhore i tika ngā āhuatanga i riro atu ai ki a ia te mana whakahaere o Hauturu ā, nā konā i takahi ai te Tiriti o Waitangi me ōna mātāpono.

(10) Ka whakaetia anōtia e te Karauna:

(a) Nā te tikanga uiuitanga mō Hauturu i kino ai ngā whanaungatanga ki roto tonu i a Ngāti Manuhiri, ki waenganui rānei i a rātou me ō rātou kiritata ā-iwi; ā

(b) Nā te rironga atu o te mana tangata whenua, me te āheinga atu, ki Hauturu, he nawe tonu, he mamae nui anō ki a Ngāti Manuhiri.

(11) Ka whakaaetia e te Karauna te ngākaunui o Ngāti Manuhiri ki te whakaaetanga o te Karauna kia whakawhitia anōtia a Hauturu, mā tēnei whakaritenga, ki a Ngāti Manuhiri me te takoha atu o Ngāti Manuhiri i te motu ki te Karauna kia whakapūmautia ai a Hauturu hei Rāhui Tāiao mō te painga o ngā iwi o Aotearoa.

(12) Ka whakaaetia e te Karauna i haere tonu tōna hokonga o ngā whenua i whakawākia i te Kōti Whenua Māori, ko ērā i pupuri pānga ai a Ngāti Manuhiri tae atu ki ngā hokonga mai i te tamariki. Ka whakaaetia anōtia e te Karauna tōna hapa ki te aroturuki i te papānga o ōna hokonga ki runga i ngā pānga whenua o Ngāti Manuhiri ā, hāunga anō ngā whakaritenga mārama o ngā whakakitenga o te Kōmihana Stout-Ngata i te tau 1907, ka haere tonu tōna hokohoko whenua tae atu ki te poraka whakamutunga e toe ana ki a rātou, arā, ko Pākiri Nama 1 tērā.

(13) Ka whakaaetia e te Karauna, neke atu i te 1900 ngā uri o Ngāti Manuhiri i mahue mai hei tangata whenua kore ā, nō te Karauna anō te hē ki te whakaū whenua e tika ana ki a Ngāti Manuhiri mō ō rātou hiahia o nāianei, ā ngā tau e heke mai ana ā, he takahi tērā i te Tiriti o Waitangi me ōna mātāpono. Nā konā i raru ai te whakawhanaketanga ā-hapori, ā-ōhanga, ā-tikanga anō hoki o Ngāti Manuhiri hei iwi, i waimeha ai te āheinga o Ngāti Manuhiri ki te whakamarumaru, ki te whakahaere hoki i ō rātou taonga tae atu ki te reo Māori, ki ō rātou wāhi tapu, ki te mau tonu i a rātou ō rātou hononga ki ō rātou whenua tuku iho. I tua atu, ka whakaaetia e te Karauna nā ēnei mahi āna ka kino rawa te papānga ki te oranga tonutanga o Ngāti Manuhiri i tēnei wā.

(14) Ka whakaaetia e te Karauna, nā runga i ngā kaupapa whakawhanake whenua, i ngaro atu ai ngā huarahi e taea ai te noho ki runga me te whakamahi i ō rātou whenua ā, nā te whakawehewehenga o aua whenua ka puta he āhuatanga ōhanga kore ā, ka tautokona anōtia te rironga whenua atu anō.

(15) Ka whakaaetia e te Karauna ngā taumahatanga haere tonu o Ngāti Manuhiri ki te whakahaere i ngā whenua ruarua e toe tonu ana, tae atu ki te tokomaha o ngā kaipupri pānga, ngā raruraru āheinga me ngā uaratanga teitei ki runga i ō rātou whenua i te takutai, hāunga anō ngā aukatinga mō te whakawhanaketanga.

Acknowledgement

(1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngāti Manuhiri in an appropriate way and that recognition, and provision of redress for these grievances is long overdue.

(2) The Crown acknowledges that in purchasing the extensive area called "Mahurangi and Ōmaha" in 1841 it breached the Treaty of Waitangi and its principles by—

(a) failing to conduct any investigation of customary rights when it purchased these lands; and

(b) acquiring these lands without the knowledge and consent of Ngāti Manuhiri; and

(c) failing to provide adequate compensation and reserves for the future use and benefit of Ngāti Manuhiri when it later learned of their interests in the purchase area.

(3) The Crown further acknowledges that—

(a) the "Mahurangi and Ōmaha" lands contained rich timber resources including kauri forests and easy coastal access; and

(b) the process whereby the Crown granted land to settlers within the purchase area, including "old land claims", compounded the prejudice arising from the 1841 transaction; and

(c) it failed to properly survey and define the "Mahurangi and Ōmaha" purchase and that this, together with the Crown's subsequent timber licensing regime, caused confusion and uncertainty for Ngāti Manuhiri; and

(d) by the time the Crown recognised Ngāti Manuhiri interests in these lands settlers had begun to move into the area and Ngāti Manuhiri were left with no option other than to accept compensation and inadequate reserves; and

(e) it carried out further purchases from 1853 that overlapped with the "Mahurangi and Ōmaha" lands, and paid generally low prices for those lands.

(4) The Crown acknowledges that the 1854 Mangawhai deed contained provision that "ten per cent of the proceeds of the sale of this block … is to be expended for the benefit of the Natives", and that a payment was made to the vendors in 1874. The Crown failed to keep adequate records after 1874 and the vendors received no identifiable benefit under the "ten per cent" provision from that date.

(5) The Crown acknowledges that it punished a Ngāti Manuhiri chief for his role in a muru (ritualised plunder for compensation) of settlers at Matakana by pressuring him to cede his ancestral interests in land elsewhere that he wished to retain, and this was in breach of the Treaty of Waitangi and its principles.

(6) The Crown acknowledges that the operation and impact of the native land laws, in particular the awarding of land title to individual Ngāti Manuhiri rather than to the iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation, and that this had a detrimental effect on Ngāti Manuhiri. This further contributed to the erosion of the traditional tribal structures of Ngāti Manuhiri. The Crown failed to take adequate steps to protect those structures and this was in breach of the Treaty of Waitangi and its principles.

(7) The Crown further acknowledges that the Native Land Court title determination process carried significant costs, including survey and hearing costs, which at times led to further alienations of Ngāti Manuhiri land.

(8) The Crown acknowledges the loss of Ngāti Manuhiri wāhi tapu, including those that Ngāti Manuhiri rangatira wished to retain, and that this loss was prejudicial to Ngāti Manuhiri cultural and spiritual well-being.

(9) The Crown acknowledges that in acquiring Te Hauturu-o-Toi / Little Barrier Island it—

(a) used monopoly powers to exclude private purchasers and prevent owners from generating revenue from the timber resources of the island; and

(b) negotiated with individual share-holders rather than with the owners as a whole; and

(c) promoted special legislation, the Little Barrier Island Purchase Act 1894, and used it to compulsorily acquire the shares of those individuals who refused to sell; and

(d) showed blatant disregard for those Ngāti Manuhiri resident on the island, including persons who had refused to accept compensation for their shares taken under the Act, by forcibly evicting them in 1896.

The Crown acknowledges that it acted in an unreasonable and unfair manner to secure the ownership of Te Hauturu-o-Toi / Little Barrier Island and this conduct was in breach of the Treaty of Waitangi and its principles.

(10) The Crown also acknowledges—

(a) the title investigation process for Te Hauturu-o-Toi / Little Barrier Island damaged relationships within Ngāti Manuhiri and between them and their tribal neighbours; and

(b) the loss of ownership of, and access to, Te Hauturu-o-Toi / Little Barrier Island has remained a source of ongoing grievance and sorrow for Ngāti Manuhiri.

(11) The Crown acknowledges the generosity of spirit shown by Ngāti Manuhiri in agreeing that the Crown transfer Te Hauturu-o-Toi / Little Barrier Island, through this settlement, to Ngāti Manuhiri and that Ngāti Manuhiri gift it back to the Crown to ensure that Te Hauturu-o-Toi / Little Barrier Island remains a nature reserve for the benefit of the people of New Zealand.

(12) The Crown acknowledges that it continued to purchase lands that had passed through the Native Land Court in which Ngāti Manuhiri held interests, including purchases from minors. The Crown also acknowledges that it failed to monitor the impact of its purchases on Ngāti Manuhiri landholdings and, despite the clear implications of the Stout–Ngata Royal Commission's findings in 1907, continued to acquire land including within their last remaining block, Pākiri No. 1.

(13) The Crown acknowledges that by around 1900 Ngāti Manuhiri were left virtually landless and that the Crown's failure to ensure that Ngāti Manuhiri retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. This hindered the social, economic, and cultural development of Ngāti Manuhiri as a tribe, undermined the ability of Ngāti Manuhiri to protect and manage their taonga, including te reo Māori, and their wāhi tapu, and to maintain spiritual connections to their ancestral lands. The Crown further acknowledges that this has severely impacted on the wellbeing of Ngāti Manuhiri today.

(14) The Crown acknowledges that, under land development schemes, many Ngāti Manuhiri owners effectively lost the opportunity to live on and use their land and that partitioning of these lands created uneconomic units and contributed to further land alienation.

(15) The Crown acknowledges the ongoing difficulties Ngāti Manuhiri have experienced managing their few residual lands, including high levels of multiple ownership, problems of access, and the high valuations placed on their coastal lands despite restrictions on their development.

9 Text of apology

Whakapāhatanga

(1) Ka whakaaetia e te Karauna te kaha me ngā pakanga o ngā tūpuna o Ngāti Manuhiri ki te whai i ō rātou kerēme mō te whakatikatika me te whakatau pono ā, ka tuku tēnei whakapāhatanga atu ki a Ngāti Manuhiri, ki ō rātou tūpuna me ō rātou uri.

(2) Ka nui te pōuritanga o te Karauna mō ōna takahitanga i te Tiriti o Waitangi me ōna mātāpono i ruarua ai ngā whenua o Ngāti Manuhiri tae rawa ake ki te tau 1865. Ka pōuri anō te Karauna mō tana whakamarumaru kore i ngā whenua e toe tonu ana ki a Ngāti Manuhiri, mō taua ngaronga i kino rawa ai ngā papānga mō te oranga tonutanga ā-tikanga, ā-ōhanga, ā-tinana o Ngāti Manuhiri e pā kaha ana i ēnei wā tonu.

(3) He herenga kore te whakapāhatanga a te Karauna mō tōna kore aronga ki ōna herenga ki a Ngāti Manuhiri i raro i te Tiriti o Waitangi. Mā tēnei whakataunga e hiahia ana te Karauna kia rīpenetā mō ōna hapa, kia tīmatahia hoki tētahi tikanga whakatikatika. Ko te kōingo o te Karauna, ki te hanga hononga hou ki a Ngāti Manuhiri e ai ki te Tiriti o Waitangi me ōna mātāpono, kia mahitahi ai

a Ngāti Manuhiri me te Karauna, ko te otinga iho, ko te whakaoranga anō o Ngāti Manuhiri.

Apology

(1) The Crown recognises the efforts and struggles of the ancestors of Ngāti Manuhiri in pursuit of their claims for redress and justice and makes this apology to Ngāti Manuhiri, to their ancestors, and to their descendants.

(2) The Crown profoundly regrets its breaches of the Treaty of Waitangi and its principles which left Ngāti Manuhiri with few landholdings by 1865. The Crown is deeply sorry for its failure to protect the remaining lands of Ngāti Manuhiri, the loss of which had devastating consequences for the cultural, spiritual, economic, and physical well-being of Ngāti Manuhiri that continue to be felt today.

(3) The Crown unreservedly apologises for not having honoured its obligations to Ngāti Manuhiri under the Treaty of Waitangi. Through this settlement the Crown seeks to atone for its wrongs and to begin the process of healing. It is the desire of the Crown to build a new relationship with Ngāti Manuhiri based on the Treaty of Waitangi and its principles, so that Ngāti Manuhiri and the Crown can work together to revitalise Ngāti Manuhiri.

Interpretation

10 Interpretation of Act generally

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

11 Interpretation

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

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

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

commercial redress property—

(a) means a property listed in part 3 of the property redress schedule; and

(b) to avoid doubt, includes the licensed land

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

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

Conservation Authority means the New Zealand Conservation Authority established by section 6A of the Conservation Act 1987

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

conservation legislation means—

(a) the Conservation Act 1987; and

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

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

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

conservation protocol—

(a) means the protocol issued by the Minister of Conservation under section 20(1)(a); and

(b) includes any amendments made to the protocol under section 20(1)(b)

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

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

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

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

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

  (i) the Crown:

  (ii) a Crown entity:

  (iii) a State enterprise:

  (iv) the New Zealand Railways Corporation; and

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

Crown forestry licence—

(a) means a licence granted under section 14 of the Crown Forest Assets Act 1989; and

(b) in relation to the licensed land, means the licence described in relation to that land in part 3 of the property redress schedule

Crown forestry rental trust means the trust established by the Crown forestry rental trust deed

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

Crown minerals protocol—

(a) means the protocol issued by the Minister of Energy and Resources under section 20(1)(a); and

(b) includes any amendments made to the protocol under section 20(1)(b)

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

cultural redress property has the meaning given by section 61

deed of recognition—

(a) means a deed of recognition issued under section 37 by the Minister of Conservation and the Director-General to the trustees; and

(b) includes any amendments to the deed made under section 37

deed of settlement—

(a) means the deed of settlement for Ngāti Manuhiri dated 21 May 2011, entered into by the Crown, Ngāti Manuhiri, and the Ngāti Manuhiri Settlement Trust; and

(b) includes any schedules of or attachments to the deed; and

(c) includes any amendments to the deed

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

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

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

historical claims has the meaning given by section 13

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

land holding agency means the agency specified for a commercial redress property in part 3 of the property redress schedule

licensed land—

(a) means the land described as licensed land in part 3 of the property redress schedule; but

(b) excludes—

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

(ii) all improvements acquired by a purchaser of the trees on the land; and

(iii) all improvements made by the purchaser or the licensee after the purchaser acquires the trees on the land

LINZ means Land Information New Zealand

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

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

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

Ngāti Manuhiri has the meaning given by section 12(1)

Ngāti Manuhiri Settlement Trust means the trust with that name established by a deed of trust dated 5 December 2011

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

protocol—

(a) means a protocol issued under section 20(1)(a); and

(b) includes any amendments made to the protocol under section 20(1)(b)

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

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

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

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

representative entity means—

(a) the trustees; and

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

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

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

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

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

responsible Minister means,—

(a) for the conservation protocol, the Minister of Conservation; or

(b) for the Crown minerals protocol, the Minister of Energy and Resources; or

(c) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage; or

(d) for any protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers, and perform functions and duties, in relation to the protocol

RFR land has the meaning given by section 112

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

statutory acknowledgement has the meaning given by section 26

statutory plan—

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

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

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

taonga tūturu—

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

(b) includes ngā taonga tūturu (as defined by section 2(1) of that Act)

taonga tūturu protocol—

(a) means the protocol issued by the Minister for Arts, Culture and Heritage under section 20(1)(a); and

(b) includes any amendments made to the protocol under section 20(1)(b)

Te Hauturu-o-Toi / Little Barrier Island gift area means the area shown as A on deed plan OTS–125–02, comprising 2 815.7630 hectares, more or less, being Section 2 SO 440008 (balance of the land in *Gazette* notice 631196.1)

tikanga means customary values and practices

transfer means the transfer of a property's beneficial ownership upon settlement for the property

trustees means the trustees of the Ngāti Manuhiri Settlement Trust in their capacity as trustees

whenua rāhui has the meaning given by section 42

working day means a day of the week other than—

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

(b) a day in the period starting on 25 December in a year and ending on 15 January in the following year; and

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

(c) the day observed as the anniversary of the province of Auckland or Wellington.

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

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

Section 11 **working day** paragraph (ba): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

12 Meaning of Ngāti Manuhiri

(1) In this Act, **Ngāti Manuhiri**—

(a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Manuhiri; and

(b) includes those individuals; and

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

(2) In this section,—

ancestor of Ngāti Manuhiri means an individual who—

(a) exercised customary rights by virtue of being descended from Manuhiri; and

(b) exercised the customary rights in the area of interest of Ngāti Manuhiri at any time after 6 February 1840

area of interest of Ngāti Manuhiri means the area of interest shown in the attachments to the deed of settlement

customary rights means rights according to tikanga Māori, including—

(a) rights to occupy land; and

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

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

(a) birth; or

(b) legal adoption; or

(c) whāngai (Māori customary adoption) in accordance with Ngāti Manuhiri tikanga.

13 Meaning of historical claims

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

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

(b) includes the claims described in subsection (3); but

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

(2) The historical claims are every claim that Ngāti Manuhiri or a representative entity had on or before the settlement date, or may have after the settlement date, (whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date) and that—

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

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

(ii) under legislation; or

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

(iv) from fiduciary duty; or

(v) otherwise; and

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

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

(ii) by or under legislation.

(3) The historical claims include—

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

(i) Wai 280—Little Barrier Island claim:

(ii) Wai 487—Hauturu (Little Barrier Island) claim:

(iii) Wai 532—Mangawhai Lands and Hauraki Gulf claim:

(iv) Wai 567—Hauturu (Little Barrier Island)—Wi Taiawa Family claim; and

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

(i) Wai 244—Ngāti Wai claim:

(ii) Wai 1811—Māori Representation in Government claim:

(iii) Wai 2181—Nga Uri o Maki lands and resources claims.

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

(a) a claim that a member of Ngāti Manuhiri, or a whānau, hapū, or group referred to in section 12(1)(c), had or may have that is, or is founded on, a right arising by virtue of being descended from a person other than an ancestor of Ngāti Manuhiri (as defined in section 12(2)); or

(b) a claim that a representative entity had or may have that is, or is founded on, a claim described in paragraph (a).

Settlement of historical claims

14 Settlement of historical claims final

(1) The historical claims are settled.

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

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

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

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

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

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

15 Amendment to Treaty of Waitangi Act 1975

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

(2) In Schedule 3, insert in its appropriate alphabetical order "Ngāti Manuhiri Claims Settlement Act 2012, section 14(4) and (5)."

Protections no longer apply

16 Certain enactments do not apply

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

(a) to a cultural redress property; or

(b) to a commercial redress property; or

(c) to RFR land; or

(d) for the benefit of Ngāti Manuhiri or a representative entity.

(2) The enactments are—

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

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

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

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

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

Section 16(2)(c): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

17 Removal of memorials

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

(a) that—

(i) is all or part of a cultural redress property; or

(ii) is all or part of a commercial redress property; or

(iii) is RFR land; and

(b) that is contained in a computer register that has a memorial recorded under any enactment listed in section 16(2).

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

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

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

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

(b) remove each memorial recorded under an enactment listed in section 16(2) from each computer register identified in the certificate, but only in respect of each allotment described in the certificate.

Other matters

18 Limit on duration of trusts does not apply

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

(a) prescribe or restrict the period during which—

(i) the Ngāti Manuhiri Settlement Trust may exist in law; or

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

(b) apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

(2) However, if the Ngāti Manuhiri Settlement Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 18 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 18(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 18(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

19 Access to deed of settlement

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

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

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

Part 2
Cultural redress

Subpart 1—Protocols

General provisions

20 Issue, amendment, and cancellation of protocols

(1) Each responsible Minister—

(a) must issue a protocol to the trustees in the form set out in part 4 of the documents schedule; and

(b) may amend or cancel that protocol.

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

(a) the trustees; or

(b) the responsible Minister.

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

21 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

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

(i) introduce legislation and change Government policy; and

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

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

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

22 Enforceability of protocols

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

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

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

(4) To avoid doubt,—

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

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

23 Limitation of rights

(1) The conservation protocol does not have the effect of granting, creating, or providing evidence of—

(a) rights relating to the common marine and coastal area (as defined by section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011); or

(b) an estate or interest in land held, managed, or administered under the conservation legislation; or

(c) an interest in, or rights relating to, flora or fauna managed or administered under the conservation legislation.

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

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

(4) In this section, **Crown mineral** means a mineral (as defined by section 2(1) of the Crown Minerals Act 1991)—

(a) that is the property of the Crown under section 10 or 11 of that Act; or

(b) over which the Crown has jurisdiction under the Continental Shelf Act 1964.

Noting of conservation and Crown minerals protocols

24 Noting of conservation protocol

(1) A summary of the terms of the conservation protocol must be noted in the conservation documents and any freshwater fisheries management plan affecting the conservation protocol area.

(2) The noting of the conservation protocol—

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

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

25 Noting of Crown minerals protocol

(1) A summary of the terms of the Crown minerals protocol must be noted in—

(a) a register of protocols maintained by the chief executive of the Ministry of Business, Innovation, and Employment; and

(b) the minerals programmes affecting the Crown minerals protocol area when those programmes are replaced.

(2) The noting of the Crown minerals protocol—

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

(b) is not an amendment to the minerals programmes for the purposes of the Crown Minerals Act 1991.

(3) In this section, **minerals programme** has the meaning given by section 2(1) of the Crown Minerals Act 1991.

Subpart 2—Statutory acknowledgement and deed of recognition

Statutory acknowledgement

26 Interpretation

In this subpart,—

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

statements of association means the statements—

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

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

statutory acknowledgement means the acknowledgement made by the Crown in section 27 in respect of each statutory area, on the terms set out in this subpart

statutory area means an area described in Schedule 1, with the general location (but not the precise boundaries) indicated on the deed plan referred to in relation to the area.

27 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

28 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 29 to 31; and

(b) to require relevant consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the trustees, as provided for in section 33; and

(c) to enable the trustees and members of Ngāti Manuhiri to cite the statutory acknowledgement as evidence of the association of Ngāti Manuhiri with a statutory area, as provided for in section 34.

Section 28(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

29 Relevant consent authorities to have regard to statutory acknowledgement

(1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.

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

30 Environment Court to have regard to statutory acknowledgement

(1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are per-

sons who have an interest in proceedings that is greater than the interest that the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

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

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

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

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

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

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

Section 31: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

32 Recording statutory acknowledgement on statutory plans

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

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

(a) the provisions of sections 26 to 31 and 33 to 36 in full; and

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

(c) any statements of association for the statutory areas.

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

(a) part of the statutory plan; or

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

33 Provision of summaries or notices of certain applications to trustees

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

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

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

(2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.

(3) A summary of an application must be provided under subsection (1)(a)—

(a) as soon as is reasonably practicable after the consent authority receives the application; but

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

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

(5) This section does not affect a relevant consent authority's obligation,—

(a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or

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

34 Use of statutory acknowledgement

(1) The trustees and any member of Ngāti Manuhiri may, as evidence of the association of Ngāti Manuhiri with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.

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

(a) relevant consent authorities:

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

(c) the Environment Court:

(d) Heritage New Zealand Pouhere Taonga:

(e) parties to proceedings before those bodies:

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

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

(4) To avoid doubt,—

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

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

Section 34(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 34(2)(d): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

35 Trustees may waive rights

(1) The trustees may waive the right to be forwarded summaries, and copies of notices, of resource consent applications under section 33 in relation to a statutory area.

(2) Rights must be waived by written notice to the relevant consent authority stating—

(a) the scope of the waiver; and

(b) the period for which it applies.

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

36 Application to river or stream

(1) If any part of the statutory acknowledgement applies to a harbour, that part of the acknowledgement also applies to the bed of the harbour and everything above the bed.

(2) If any part of the statutory acknowledgement applies to a river or stream, that part of the acknowledgement—

(a) applies only to—

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

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

(b) does not apply to—

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

(ii) an artificial watercourse; or

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

Deed of recognition

37 Issue and amendment of deed of recognition

(1) The Minister of Conservation and the Director-General must issue to the trustees a deed of recognition in respect of the first statutory area described in Schedule 1.

(2) The deed of recognition must be issued in the form set out in part 3 of the documents schedule.

(3) The Minister of Conservation and the Director-General may amend the deed of recognition, but only with the written consent of the trustees.

General provisions

38 Exercise of powers and performance of functions and duties

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

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

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

(4) This section is subject to—

(a) the other provisions of this subpart; and

(b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition.

39 Rights not affected

(1) The statutory acknowledgement and the deed of recognition do not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

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

40 Limitation of rights

(1) The statutory acknowledgement and the deed of recognition do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

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

41 Amendment to Resource Management Act 1991

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

(2) In Schedule 11, insert in its appropriate alphabetical order "Ngāti Manuhiri Claims Settlement Act 2012".

Subpart 3—Whenua rāhui

42 Interpretation

In this subpart,—

Conservation Board means a board established under section 6L of the Conservation Act 1987

New Zealand Conservation Authority means the authority established by section 6A of the Conservation Act 1987

Ngāti Manuhiri values, for each whenua rāhui site, means the values stated by Ngāti Manuhiri in their statement of Ngāti Manuhiri values

protection principles, for a whenua rāhui site, means the protection principles set out for the site in part 1 of the documents schedule, including any amendments made to the principles under section 46(3)

specified actions, for a whenua rāhui site, means the actions set out for the site in paragraph 3 of part 1 of the documents schedule

statement of Ngāti Manuhiri values, for each whenua rāhui site, means the statement—

(a) made by Ngāti Manuhiri of their values relating to their cultural, spiritual, historical, and traditional association with the whenua rāhui site; and

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

whenua rāhui means the application of this subpart to each whenua rāhui site

whenua rāhui site—

(a) means a site that is declared under section 43 to be subject to the whenua rāhui; but

(b) does not include an area that is declared under section 57(1) to no longer be subject to the whenua rāhui.

43 Declaration of whenua rāhui

Each site described in Schedule 2 is declared to be subject to the whenua rāhui.

44 Acknowledgement by the Crown of statement of Ngāti Manuhiri values

The Crown acknowledges the statements of Ngāti Manuhiri values in relation to the whenua rāhui sites.

45 Purposes of whenua rāhui

The only purposes of the whenua rāhui are—

(a) to require the New Zealand Conservation Authority and a Conservation Board to have particular regard to the statement of Ngāti Manuhiri values and the protection principles, as provided for in section 47; and

(b) to require the New Zealand Conservation Authority and a Conservation Board to consult the trustees and to have particular regard to their views, as provided for in section 48; and

(c) to require the New Zealand Conservation Authority to give the trustees an opportunity to make submissions, as provided for in section 49; and

(d) to enable the taking of action under sections 51 to 55.

46 Agreement on protection principles

(1) The trustees and the Minister of Conservation may agree on and publicise protection principles that are intended to prevent—

(a) harm to the Ngāti Manuhiri values in relation to a whenua rāhui site; or

(b) the diminishing of the Ngāti Manuhiri values in relation to a whenua rāhui site.

(2) The protection principles set out in the documents schedule are to be treated as having been agreed by the trustees and the Minister of Conservation.

(3) The trustees and the Minister of Conservation may agree in writing to any amendments to the protection principles.

47 New Zealand Conservation Authority and Conservation Boards to have particular regard to certain matters

When the New Zealand Conservation Authority or a Conservation Board considers a general policy or conservation document in relation to a whenua rāhui site, it must have particular regard to—

(a) the statement of Ngāti Manuhiri values for the site; and

(b) the protection principles for the site.

48 New Zealand Conservation Authority and Conservation Boards to consult trustees

Before approving a general policy or conservation document in relation to a whenua rāhui site, the New Zealand Conservation Authority or a Conservation Board must—

(a) consult the trustees; and

(b) have particular regard to the views of the trustees as to the effect of the policy or document on—

(i) the Ngāti Manuhiri values for the site; and

(ii) the protection principles for the site.

49 Conservation management strategy

If the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to a whenua rāhui site, the New Zealand Conservation Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns.

50 Noting of whenua rāhui

(1) The application of the whenua rāhui to a whenua rāhui site must be noted in any conservation document affecting the site.

(2) The noting of the whenua rāhui under subsection (1)—

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

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

51 Notification in *Gazette*

(1) The Minister of Conservation must notify the following in the *Gazette*:

(a) the application of the whenua rāhui to each whenua rāhui site, as soon as practicable after the settlement date; and

(b) the protection principles for each whenua rāhui site, as soon as practicable after the settlement date; and

(c) any amendment to the protection principles agreed under section 46(3), as soon as practicable after the amendment has been agreed in writing.

(2) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 52 or 53.

52 Actions by Director-General

(1) The Director-General must take action in relation to the protection principles that relate to a whenua rāhui site, including the specified actions.

(2) The Director-General retains complete discretion to determine the method and extent of the action to be taken under subsection (1).

(3) The Director-General must notify the trustees in writing of any intended action under subsection (1).

(4) If requested in writing by the trustees, the Director-General must not take action in respect of the protection principles to which the request relates.

53 Amendment to strategy or plan

(1) The Director-General may initiate an amendment to a conservation document to incorporate objectives relating to the protection principles that relate to a whenua rāhui site.

(2) The Director-General must consult any relevant Conservation Board before initiating an amendment under subsection (1).

(3) An amendment initiated under subsection (1) is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980, as the case may be.

54 Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:

(a) to provide for the implementation of objectives included in a strategy or plan under section 53(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to a whenua rāhui site:

(c) to create offences for breaching any regulations made under paragraph (b):

(d) to provide for the following fines to be imposed:

(i) for an offence referred to in paragraph (c), a fine not exceeding $5,000; and

(ii) for a continuing offence, an additional amount not exceeding $50 for every day during which the offence continues.

55 Bylaws

The Minister of Conservation may make bylaws for 1 or more of the following purposes:

(a) to provide for the implementation of objectives included in a strategy or plan under section 53(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to a whenua rāhui site:

(c) to create offences for breaching any bylaws made under paragraph (b):

(d) to provide for the following fines to be imposed:

(i) for an offence referred to in paragraph (c), a fine not exceeding $1,000; and

(ii) for a continuing offence, an additional amount not exceeding $50 for every day during which the offence continues.

56 Existing classification of whenua rāhui sites

(1) This section applies if the whenua rāhui applies to any land in—

(a) a national park under the National Parks Act 1980; or

(b) a conservation area under the Conservation Act 1987; or

(c) a reserve under the Reserves Act 1977.

(2) The whenua rāhui does not affect—

(a) the purpose of the national park, conservation area, or reserve; or

(b) the classification of the land as a national park, conservation area, or reserve.

57 Termination of whenua rāhui

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of a whenua rāhui site is no longer subject to the whenua rāhui.

(2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—

(a) the trustees and the Minister of Conservation have agreed in writing that the whenua rāhui is no longer appropriate for the relevant area; or

(b) the relevant area is to be, or has been, disposed of by the Crown; or

(c) the responsibility for managing the relevant area is to be, or has been, transferred to another Minister of the Crown or to the Commissioner of Crown Lands.

(3) Subsection (4) applies if—

(a) subsection (2)(c) applies; or

(b) there is a change in the statutory management regime that applies to all or part of the whenua rāhui site.

(4) The Crown must take reasonable steps to try to ensure that the trustees continue to have input into the management of the relevant area.

58 Exercise of powers and performance of functions and duties

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

(2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the Ngāti Manuhiri values that relate to a whenua rāhui site than that person would give if the site were not subject to the whenua rāhui.

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

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

59 Rights not affected

(1) The whenua rāhui does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

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

60 Limitation of rights

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

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

Subpart 4—Vesting of cultural redress properties

61 Interpretation

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

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

(a) the Mount Tamahunga summit site:

(b) the Leigh Recreation Reserve site:

(c) the Pākiri Domain Recreation Reserve site:

(d) the Pākiri Block conservation area:

(e) the Pākiri riverbed site:

(f) Te Maraeroa

reserve site means each of the sites in paragraphs (a) to (c) of the definition of cultural redress property.

62 Mount Tamahunga summit site

(1) The Mount Tamahunga summit site (being part of Omaha Ecological Area) ceases to be a conservation area or an ecological area under the Conservation Act 1987.

(2) The fee simple estate in the Mount Tamahunga summit site then vests in the trustees.

(3) The Mount Tamahunga summit site is then declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.

(4) The reserve is named Mount Tamahunga Scientific Reserve.

(5) The sign that refers to Te Araroa walkway does not vest in the trustees, despite the vesting of the site in the trustees.

(6) The Minister of Conservation may at any time make a written request to the trustees to provide the Minister with a registrable right of way easement in gross on the terms and conditions set out in part 6A of the documents schedule.

(7) The trustees must promptly comply with the request.

(8) The easement—

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

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

63 Leigh Recreation Reserve site

(1) The reservation of the Leigh Recreation Reserve site (being part of Leigh Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Leigh Recreation Reserve site then vests in the trustees.

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

(4) The reserve is named Wakatūwhenua Recreation Reserve.

(5) The signs that relate to compliance with conservation requirements do not vest in the trustees, despite the vesting of the site in the trustees.

64 Pākiri Domain Recreation Reserve site

(1) The reservation of the Pākiri Domain Recreation Reserve site as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Pākiri Domain Recreation Reserve site then vests in the trustees.

(3) The Pākiri Domain Recreation Reserve site is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve is named Pākiri Recreation Reserve.

65 Pākiri Block conservation area

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

(2) The fee simple estate in the Pākiri Block conservation area then vests in the trustees.

(3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable covenant in relation to the Pākiri Block conservation area on the terms and conditions set out in part 5 of the documents schedule.

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

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

(b) section 27 of the Conservation Act 1987.

66 Pākiri riverbed site

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

(2) Subsection (1) does not take effect until the trustees have provided the Crown with a registrable covenant in relation to the Pākiri riverbed site on the terms and conditions set out in part 5 of the documents schedule.

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

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

(b) section 27 of the Conservation Act 1987.

67 Te Maraeroa

(1) The reservation of Te Maraeroa (being part of Little Barrier Island Nature Reserve) as a nature reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Maraeroa then vests in the tupuna, Rahui Te Kiri.

(3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with the following in relation to Te Maraeroa:

(a) a registrable covenant on the terms and conditions set out in part 5 of the documents schedule:

(b) a registrable right of way easement on the terms and conditions set out in part 6 of the documents schedule:

(c) a registrable easement for a right to convey water, electricity, telecommunications, and computer media, and to drain sewage and waste water, on the terms and conditions set out in part 6 of the documents schedule:

(d) a registrable easement for a right to drain sewage and waste water on the terms and conditions set out in part 6 of the documents schedule.

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

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

(b) section 27 of the Conservation Act 1987.

(5) Subsections (6) and (7) apply despite—

(a) the vesting of Te Maraeroa in Rahui Te Kiri; or

(b) the registration of Rahui Te Kiri as the registered proprietor of Te Maraeroa.

(6) The trustees—

(a) have all the powers, rights, and duties of the registered proprietor of Te Maraeroa; and

(b) must exercise the powers and rights, and perform the duties, in the names of the trustees.

(7) The Registrar-General or any other person must have regard to subsection (6).

(8) Section 74 of the Land Transfer Act 1952 does not apply in relation to Te Maraeroa.

(9) Subpart 5 applies to Te Maraeroa as if the fee simple estate in Te Maraeroa were vested in the trustees under subsection (2).

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

General provisions

68 Properties vest subject to, or together with, interests

(1) Each cultural redress property vests in the trustees under subpart 4 subject to, or together with, any interests listed for the property in Schedule 3 (whether as an existing interest that continues to affect the property after the vesting or as a new interest that first affects the property immediately after the vesting).

(2) Subsection (3) applies if a cultural redress property vests subject to an interest that is not an interest in land, whether or not the interest also applies in respect of land outside the property.

(3) The interest applies in respect of the cultural redress property—

(a) until the interest expires or is terminated, whether or not the property is subsequently transferred; and

(b) if the interest has a grantor, as if the owner of the property were the grantor; and

(c) with any other necessary modifications; and

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

69 Registration of ownership

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

(2) To the extent that a cultural redress property is all of the land contained in a computer freehold register, the Registrar-General must, on written application by an authorised person,—

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

(b) record anything in the register, and do anything else, that is necessary to give effect to this Part and to the deed of settlement.

(3) To the extent that subsection (2) does not apply to a cultural redress property, the Registrar-General must, in accordance with a written application by an authorised person,—

(a) create 1 or more computer freehold registers for the fee simple estate in the property in the names of the trustees or, for Te Maraeroa, in the name of Rahui Te Kiri; and

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

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

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

(a) 24 months after the settlement date; or

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

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

(a) the Commissioner of Crown Lands, for the Pākiri riverbed site:

(b) the Director-General, for any other cultural redress property.

70 Application of Part 4A of Conservation Act 1987

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

(2) Despite subsection (1), the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site in the trustees under subpart 4.

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

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

(1) The Registrar-General must record on any computer freehold register for a reserve site—

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

(b) that the land is subject to sections 70(3) and 74 of this Act.

(2) The Registrar-General must record on any computer freehold register for any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.

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

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

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

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

(ii) the notifications that the site is subject to sections 70(3) and 74 of this Act; or

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

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

72 Application of other enactments

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

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

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

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

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

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

(b) affect other rights to subsurface minerals.

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

Provisions relating to reserve sites

73 Application of Reserves Act 1977 to reserve sites

(1) The trustees are the administering body of a reserve site for the purposes of the Reserves Act 1977.

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

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

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

74 Subsequent transfer of reserve site

(1) This section applies to a reserve site as long as the land, or any part of the land, in the site remains a reserve under the Reserves Act 1977 after the site vests in the trustees under subpart 4.

(2) In this section, **reserve land** means the land, or the part of the land, in the site that remains a reserve.

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

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

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

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

(5) The Registrar-General must, upon receiving the documents specified in subsection (6), register the new owners as the proprietors of the fee simple estate in the reserve land.

(6) The documents are—

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

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

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

(7) The new owners, from the time of registration under subsection (5),—

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

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

(8) Despite subsections (1) and (2), subsections (3) to (7) do not apply to the transfer of the fee simple estate in reserve land if—

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

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

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

75 No mortgage of reserve land

(1) This section applies to a reserve site as long as the land, or any part of the land, in the site remains a reserve under the Reserves Act 1977 after the site vests in the trustees under subpart 4.

(2) In this section, **reserve land** means the land, or the part of the land, in the site that remains a reserve.

(3) The registered proprietors of a reserve site must not mortgage, or give a security interest in, the reserve land or any part of the reserve land.

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

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

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

77 Names of Crown protected areas and reserve sites

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

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

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

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

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

Subpart 6—Geographic names

78 Interpretation

In this subpart,—

New Zealand Geographic Board has the meaning given to Board by section 4 of the NZGB Act

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

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

79 New names of features

(1) The name specified in the first column of the table in clause 5.29.1 of the deed of settlement is assigned to the feature described in the second and third columns of the table.

(2) A name specified in the first column of the table in clause 5.29.2 of the deed of settlement for the feature described in the third and fourth columns of the table is altered to the name specified in the second column of the table.

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

80 Publication of new names

(1) The New Zealand Geographic Board must, as soon as practicable after the settlement date, give public notice of each assignment or alteration of a name under section 79 in accordance with section 21(2) and (3) of the NZGB Act.

(2) However, the notices must state that the assignments and alterations took effect on the settlement date.

81 Alteration of new names

(1) The New Zealand Geographic Board need not comply with the requirements of sections 16, 17, 18, 19(1), and 20 of the NZGB Act in making a determination to alter the official geographic name of a feature named by this subpart.

(2) Instead, the Board may make the determination as long as it has the written consent of the trustees.

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

82 Name changes for Crown protected areas

(1) The name of Little Barrier Island Nature Reserve is changed to Te Hauturu-o-Toi / Little Barrier Island Nature Reserve.

(2) The name of Goat Island Scientific Reserve is changed to Te Hāwere-a-Maki / Goat Island Scientific Reserve.

Subpart 7—Vesting and gifting back of Te Hauturu-o-Toi / Little Barrier Island gift area

83 Vesting and gifting back of area

(1) The fee simple estate in the Te Hauturu-o-Toi / Little Barrier Island gift area vests in the trustees.

(2) On the seventh day after the settlement date, the fee simple estate in the Te Hauturu-o-Toi / Little Barrier Island gift area vests in the Crown as a gift back to the Crown by the trustees for the people of New Zealand.

(3) The gift under subsection (2) is made on behalf of Ngāti Manuhiri and in acknowledgement of the area's other former owners of Ngāti Rehua and Ngāti Wai descent.

(4) Despite the vestings under subsections (1) and (2),—

(a) the Te Hauturu-o-Toi / Little Barrier Island gift area remains a nature reserve subject to section 20 of the Reserves Act 1977, and that Act continues to apply to it, as if the vestings had not occurred; and

(b) any other enactment or any instrument that applied to the Te Hauturu-o-Toi / Little Barrier Island gift area immediately before the settlement date continues to apply to it as if the vestings had not occurred; and

(c) any interest that affected the Te Hauturu-o-Toi / Little Barrier Island gift area immediately before the settlement date continues to affect it as if the vestings had not occurred; and

(d) the Crown retains all liability for the Te Hauturu-o-Toi / Little Barrier Island gift area as if the vestings had not occurred; and

(e) the vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.

(5) The whenua rāhui applies to the Te Hauturu-o-Toi / Little Barrier Island gift area only after the area vests back in the Crown.

Subpart 8—Co-governance of Te Hauturu-o-Toi / Little Barrier Island gift area

84 Interpretation

In this subpart,—

Conservation Board means the board established under section 6L of the Conservation Act 1987 that has jurisdiction over the Te Hauturu-o-Toi / Little Barrier Island gift area

Hauturu plan has the meaning given by section 85(1)

summary of submissions means a summary prepared under section 89(5)(a) of the submissions received, and any public opinion obtained, on a draft Hauturu plan.

85 Process for preparation and approval of Hauturu plan

(1) A conservation management plan for the Te Hauturu-o-Toi / Little Barrier Island gift area (the **Hauturu plan**) must be prepared and approved in accordance with this subpart.

(2) The Reserves Act 1977 applies to the Hauturu plan as if the plan were a conservation management plan prepared and approved under section 40B of that Act.

(3) Sections 17E (except subsection (9)), 17F, 17G, 17H, 17I, and 49(2) and (3) of the Conservation Act 1987 do not apply to the preparation, approval, review, or amendment of the Hauturu plan, despite section 40B of the Reserves Act 1977.

(4) The Director-General must start preparing the first Hauturu plan no later than 12 months after the settlement date.

86 Preparation of draft plan

The Director-General must prepare a draft Hauturu plan in consultation with—

(a) the trustees; and

(b) the Conservation Board; and

(c) any other persons or organisations that the Director-General considers it is practicable and appropriate to consult.

87 Notification of draft plan

(1) The Director-General must give notice of the draft Hauturu plan as follows:

(a) by public notice under section 49(1) of the Conservation Act 1987 as if he or she were the Minister of Conservation; and

(b) by written notice to the relevant regional councils, territorial authorities, and iwi authorities.

(2) The notices must be given no later than 6 months after the start of the preparation of the draft plan.

(3) Each notice must—

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

(b) invite any person or organisation to make written submissions to the Director-General on the draft plan on or before the date specified in the notice, which must be no less than 2 months after the date the notice is given.

88 Submissions on draft plan

(1) Any person or organisation may make written submissions to the Director-General on the draft Hauturu plan at the place, and on or before the date, specified in a notice given for the draft plan under section 87.

(2) The Director-General may, after consulting the trustees and the Conservation Board, obtain public opinion of the draft plan from any person or organisation by any other means.

(3) The Director-General must make the draft plan available for public inspection between 9 am and 5 pm on any working day—

(a) on and from the date the notice was given under section 87(1)(a) until the last date for written submissions specified in the notice; and

(b) in places and quantities that are likely to encourage public participation in the development of the plan.

89 Hearing of submissions

(1) Submissions on the draft Hauturu plan must be heard by a meeting of representatives of the Director-General, the trustees, and the Conservation Board.

(2) A submitter who requested to be heard in support of the submission must be given a reasonable opportunity to be heard.

(3) Any other person or organisation that was consulted on the draft plan may be heard at the discretion of the members of the meeting.

(4) The hearing of submissions must end no later than 2 months after the last date for written submissions.

(5) The Director-General must—

(a) prepare a summary of the submissions received, and any public opinion obtained, on the draft plan; and

(b) provide the summary to the trustees and the Conservation Board no later than 1 month after the end of the hearing of submissions.

90 Revision of draft plan

(1) The Director-General must consider the submissions received, and any public opinion obtained, on the draft Hauturu plan.

(2) The Director-General then—

(a) may revise the draft plan in consultation with the trustees and the Conservation Board; and

(b) must provide the draft plan, including any revisions, to the trustees and the Conservation Board no later than 4 months after the end of the hearing of submissions.

(3) The trustees and the Conservation Board,—

(a) on receiving the draft plan, must together consider the draft plan and the summary of submissions; and

(b) no later than 4 months after receiving the draft plan and the summary, may request the Director-General to revise the draft plan.

(4) If the Director-General receives a request under subsection (3)(b), he or she must—

(a) revise the draft plan in accordance with the request; and

(b) provide the revised draft plan to the trustees and the Conservation Board no later than 2 months after receiving the request.

91 Referral of draft plan to Conservation Authority and Minister

(1) The trustees and the Conservation Board must provide the draft Hauturu plan and the summary of submissions to—

(a) the Conservation Authority for its comments on matters relating to the national public conservation interest in the Te Hauturu-o-Toi / Little Barrier Island gift area; and

(b) the Minister of Conservation for his or her comments.

(2) The draft plan must be provided in the form of, and on receipt of,—

(a) the draft plan provided by the Director-General under section 90(2)(b), if a request is not made under section 90(3)(b); or

(b) the revised draft plan provided by the Director-General under section 90(4)(b), if a request is made under section 90(3)(b).

(3) The Conservation Authority and the Minister of Conservation must provide their comments on the draft plan to the trustees and the Conservation Board no later than 4 months after receiving the draft plan.

92 Approval of draft plan

(1) The trustees and the Conservation Board must—

(a) consider the comments received from the Conservation Authority and the Minister of Conservation under section 91(3); and

(b) make any changes to the draft Hauturu plan that the trustees and the Conservation Board consider are necessary.

(2) The trustees and the Conservation Board must, no later than 2 months after receiving the comments,—

(a) approve the draft plan; or

(b) refer any disagreement about the draft plan to the Conservation Authority by providing a written statement of the matters of disagreement and the reasons for them.

93 Referral of disagreement to Conservation Authority

(1) If a disagreement is referred to the Conservation Authority under section 92(2)(b), the Conservation Authority must—

(a) make a recommendation on any matter of disagreement; and

(b) give written notice of the recommendation to the trustees and the Conservation Board.

(2) The notice of recommendation must be given no later than 3 months after the disagreement is referred to the Conservation Authority.

(3) The trustees and the Conservation Board must, after receiving and considering the notice of recommendation,—

(a) try to resolve any matters of disagreement; and

(b) make any changes to the draft Hauturu plan that they consider are necessary.

(4) If any matter of disagreement has not been resolved within 2 months after receiving the notice of recommendation,—

(a) the recommendations in the notice become binding; and

(b) the trustees and the Conservation Board must make any changes to the draft plan that are necessary to implement the recommendations.

(5) The trustees and the Conservation Board must approve the draft plan no later than 4 months after receiving the notice of recommendation.

94 Mediation of disagreement

(1) The trustees, the Conservation Board, and the Director-General—

(a) must all agree on a mediator no later than 3 months after the settlement date; and

(b) may all agree on a different mediator at any time.

(2) If a disagreement arises between the persons referred to in subsection (1) at any time during the process under sections 86 to 93, the parties to the disagreement (the **parties**) must first try to resolve the matter in a co-operative, open-minded, and timely manner.

(3) If a party considers that it is necessary to resort to mediation, the party must refer the matter to mediation by giving written notice to the 1 or more other parties.

(4) The mediation must be conducted by the mediator agreed on under subsection (1).

(5) The parties must participate in the mediation—

(a) in a co-operative, open-minded, and timely manner; and

(b) having particular regard to the purpose of—

(i) having a conservation management plan for the Te Hauturu-o-Toi / Little Barrier Island gift area; and

(ii) the reserve classification of the Te Hauturu-o-Toi / Little Barrier Island gift area.

(6) The parties must try their best to continue with the preparation and approval of the Hauturu plan while the disagreement is mediated.

(7) Each party must—

(a) pay its own costs of the mediation; and

(b) pay an equal share of the costs of the mediator and associated costs.

(8) The mediation must end no later than 3 months after the day on which the matter was referred to mediation.

(9) The period of time starting on the day on which the matter is referred to mediation and ending on the last day of the mediation must be excluded from any time limit specified in sections 86 to 93.

95 Review of Hauturu plan

(1) The Director-General may at any time initiate a review of all or part of the Hauturu plan, after first consulting the trustees and the Conservation Board.

(2) The trustees or the Conservation Board may at any time request the Director-General to initiate a review of all or part of the Hauturu plan. The Director-General must consider the request.

(3) Any review of the Hauturu plan must be carried out and approved in accordance with sections 86 to 93, which apply with any necessary modifications.

(4) The Director-General must review all of the Hauturu plan no later than 10 years after the date it was last approved.

(5) The Minister of Conservation may extend the time limit in subsection (4), but only after consulting the trustees and the Conservation Board.

96 Amendment of Hauturu plan

(1) The Director-General may at any time initiate the amendment of all or part of the Hauturu plan, after first consulting the trustees and the Conservation Board.

(2) Any amendment of the Hauturu plan must be carried out and approved in accordance with sections 86 to 93, which apply with any necessary modifications.

(3) However, an amendment may instead be made under subsections (4) to (6) if the Director-General, the trustees, and the Conservation Board all consider that the amendment will not materially affect—

(a) the objectives or policies expressed in the Hauturu plan; or

(b) the public interest in the relevant area.

(4) The Director-General must provide the proposed amendment to the trustees and the Conservation Board.

(5) The trustees and the Conservation Board—

(a) must consider the proposed amendment; and

(b) may amend the Hauturu plan as proposed and approve the amended plan.

(6) Any approval under subsection (5)(b) must be given no later than 2 months after receiving the proposed amendment.

97 Involvement of other iwi

This subpart does not exclude representatives of other iwi from being involved with the Hauturu plan, if other enactments provide for that.

Subpart 9—Removal of stones from Te Hauturu-o-Toi / Little Barrier Island gift area for cultural purposes

98 Interpretation

In this subpart, **Commissioner** means an officer designated for the Te Hauturu-o-Toi / Little Barrier Island gift area by the Director-General for the purposes of the Reserves Act 1977.

99 Stones may be removed with written authorisation

(1) A member of Ngāti Manuhiri may remove stones from the Te Hauturu-o-Toi / Little Barrier Island gift area if—

(a) the member holds a written authorisation issued under subsection (2); and

(b) the member complies with the conditions specified in the written authorisation.

(2) The Commissioner and the trustees may jointly issue a written authorisation to remove stones from the Te Hauturu-o-Toi / Little Barrier Island gift area.

(3) A written authorisation—

(a) must specify the cultural purposes for which the stones may be removed; and

(b) must specify the conditions in section 100; and

(c) may specify any other conditions of removing the stones.

(4) A member of Ngāti Manuhiri who removes stones under a written authorisation must comply with all other lawful requirements, including the requirements of the following:

(a) provisions restricting entry to a nature reserve under the Reserves Act 1977:

(b) the Biosecurity Act 1993:

(c) the Resource Management Act 1991:

(d) the Crown Minerals Act 1991 and any minerals programme under that Act.

(5) However, the member may remove the stones despite not having any authorisation for their removal required by the conservation legislation.

100 Conditions of removing stones

A member of Ngāti Manuhiri who removes stones under section 99 must comply with the following conditions:

(a) the stones may be used only for the cultural purposes specified in the written authorisation to remove the stones; and

(b) the stones must be loose and accessible and able to be removed without causing more than minor damage to vegetation or minor ground disturbance; and

(c) the member may, each day, remove only the stones that he or she can carry by hand in 1 load without assistance; and

(d) the stones must not be accessed or removed by using machinery or cutting equipment; and

(e) the removal of the stones must not affect an archaeological site or a wahi tapu area (as defined by section 6 of the Heritage New Zealand Pouhere Taonga Act 2014); and

(f) the removal of the stones must not affect the conservation values of the Te Hauturu-o-Toi / Little Barrier Island gift area.

Section 100(e): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

101 Disputes

Any dispute between the Commissioner and the trustees relating to the issuing, or conditions, of a written authorisation must be resolved in accordance with the dispute resolution procedure set out in the conservation protocol.

Part 3
Commercial redress

Subpart 1—Transfer of commercial redress properties

102 The Crown may transfer properties

The Crown (acting by and through the chief executive of the land holding agency) is authorised to do the following to give effect to the deed of settlement:

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

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

103 Registrar-General to create computer freehold register

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

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

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

(c) omit any statement of purpose from the computer freehold register.

(2) Subsection (1) is subject to the completion of any survey necessary to create a computer freehold register.

(3) The authorised person may grant a covenant to arrange for the later creation of a computer freehold register for any land that is to be transferred to the trustees.

(4) Despite the Land Transfer Act 1952,—

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

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

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

104 Application of other enactments

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

(a) the transfer of a commercial redress property to the trustees; or

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

(2) The transfer of a commercial redress property to the trustees does not—

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

(b) affect other rights to subsurface minerals.

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

(4) In exercising the powers conferred by section 102, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property.

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

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

Subpart 2—Licensed land

105 Licensed land ceases to be Crown forest land

(1) The licensed land ceases to be Crown forest land under the Crown Forest Assets Act 1989 upon the registration of the transfer of the fee simple estate in the land to the trustees.

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

(a) be permitted by the Crown Forest Assets Act 1989; but

(b) be inconsistent with the deed of settlement.

106 Trustees confirmed beneficiaries and licensors in relation to licensed land

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

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

(a) the trustees are entitled to the rental proceeds paid for the licensed land to the trustees of the Crown forestry rental trust under the Crown forestry licence since the commencement of the licence; and

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

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

(4) Notice given by the Crown under subsection (3) has effect as if—

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

(b) the recommendation had become final on the settlement date.

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

(a) on the settlement date; and

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

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

(7) This section applies whether or not the transfer of the fee simple estate in the licensed land has been registered.

Subpart 3—Right of access to protected sites

107 Interpretation

(1) In this subpart, **protected site** means any area of land situated in the licensed land that is, at any time,—

(a) a wāhi tapu or wāhi tapu area; and

(b) a place that is entered on the New Zealand Heritage List/Rārangi Kōrero.

(2) In subsection (1), **wāhi tapu** and **wāhi tapu area** have the meanings given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

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

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

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

108 Right of access to protected site

(1) The owner of land on which a protected site is situated and any person holding an interest in, or a right of occupancy to, the land must allow the people referred to in subsection (2) to have access across the land to each protected site.

(2) The people are Māori for whom the protected site is of special cultural, spiritual, or historical significance.

(3) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner, and is subject to the following conditions:

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

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

(c) a person exercising the right must observe any reasonable conditions imposed by the owner that—

(i) relate to the time, location, or manner of access; and

(ii) are reasonably required for the safety of people, for the protection of land, improvements, flora, fauna, plant, equipment, or livestock, or for operational reasons.

109 Right of access subject to Crown forestry licence

(1) The right of access under section 108 is subject to the terms of any Crown forestry licence.

(2) However, subsection (1) does not apply if the licensee has agreed to an exercise of the right.

(3) An amendment to a Crown forestry licence is of no effect to the extent that it would—

(a) delay the date from which a person may exercise a right of access under section 108; or

(b) adversely affect the right of access in any other way.

110 Notation on computer freehold register

(1) The Registrar-General must, in accordance with a written application by an authorised person, record on the computer freehold register for the licensed land that the land is subject to this subpart of this Act.

(2) An application must be made as soon as is reasonably practicable after—

(a) the settlement date; or

(b) a computer freehold register has been created for the land, if the computer freehold register has not been created by the settlement date.

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

Subpart 4—Right of first refusal in relation to RFR land

Interpretation

111 Interpretation

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

dispose of, for RFR land,—

(a) means to—

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

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

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

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

(ii) grant an easement over the land; or

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

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

expiry date, for an offer, means its expiry date under sections 115(a) and 116

notice means a notice under this subpart

offer means an offer by an RFR landowner to dispose of RFR land to the trustees

RFR landowner, for RFR land,—

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

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

(c) includes a local authority to which RFR land has been disposed of under section 121(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested on the settlement date or (under section 122(1)) after the settlement date

RFR period means the period of 169 years starting on the settlement date

specified RFR property means each property listed as a specified property in the appendix of the legislative matters schedule of the deed of settlement.

112 Meaning of RFR land

(1) In this Act, **RFR land**—

(a) means land within the area shown on the RFR plan in the attachments to the deed of settlement if, on the settlement date, the land—

(i) is vested in the Crown; or

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

(iii) is a reserve vested in an administering body that derived title to the reserve from the Crown; and

(b) includes land obtained in exchange for a disposal of RFR land under section 126(1)(c) or 127; but

(c) does not include a commercial redress property.

(2) However, land ceases to be RFR land if—

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

(i) the trustees or their nominee (for example, under a contract formed under section 119); or

(ii) any other person (including the Crown or a Crown body) under section 114(3); or

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

(i) any of sections 123 to 129; or

(ii) anything referred to in section 130(1); or

(c) the land's RFR period ends; or

(d) for a specified RFR property, notice is given for the property under section 113.

Section 112(1)(a)(ii): amended, on 26 March 2015, by section 4 of the Ngāti Manuhiri Claims Settlement Amendment Act 2015 (2015 No 28).

113 Specified RFR property may cease to be RFR land

(1) The Minister for Treaty of Waitangi Negotiations may, for a specified RFR property, give notice to both the RFR landowner and the trustees that the property ceases to be RFR land.

(2) The notice may be given at any time before a contract is formed under section 119 for the disposal of the property.

(3) The property ceases to be RFR land on the day on which the notice is given.

Restrictions on disposal of RFR land

114 Restrictions on disposal of RFR land

(1) An RFR landowner must not dispose of RFR land to any person other than the trustees or their nominee unless the land is disposed of under subsection (2) or (3).

(2) The RFR land may be disposed of under any of sections 120 to 129 or under anything referred to in section 130(1).

(3) The RFR land may be disposed of within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees, if the offer to the trustees was—

(a) made in accordance with section 115; and

(b) on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person referred to in subsection (1); and

(c) not withdrawn under section 117; and

(d) not accepted under section 118.

Trustees' right of first refusal

115 Requirements for offer

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

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

(b) a legal description of the land (including any interests affecting it) and the reference for any computer register that contains the land; and

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

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

116 Expiry date of offer

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

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

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

(b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and

(c) the earlier offer was not withdrawn.

117 Withdrawal of offer

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

118 Acceptance of offer

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

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

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

119 Formation of contract

(1) If the trustees accept, under section 118, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the landowner and the trustees on the terms in the offer, including the terms set out in subsections (3) to (6).

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

(3) Under the contract, the trustees may nominate any person other than the trustees who is lawfully able to hold the RFR land (the **nominee**) to receive the transfer of the land.

(4) The trustees may nominate a nominee only by giving notice to the landowner on or before the day that is 10 working days before the day on which the transfer is to settle.

(5) The notice must specify—

(a) the full name of the nominee; and

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

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

Disposals to others where land remains RFR land

120 Disposals to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

(2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 563 of the Education and Training Act 2020.

Section 120(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

121 Disposals of existing public works to local authorities

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

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

(a) the RFR landowner of the land; and

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

122 Disposals of reserves to administering bodies

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

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

(a) the RFR landowner of the land; or

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

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

(a) the RFR landowner of the land; and

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

Disposals to others where land may cease to be RFR land

123 Disposals in accordance with enactment or rule of law

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

124 Disposals in accordance with legal or equitable obligation

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

(a) a legal or equitable obligation that—

(i) was unconditional before the settlement date; or

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

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

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

125 Disposals by the Crown under certain legislation

The Crown may dispose of RFR land in accordance with—

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

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

(c) subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011.

126 Disposals of land held for public works

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

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

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993 after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

127 Disposals for reserve or conservation purposes

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

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

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

128 Disposals for charitable purposes

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

129 Disposals to tenants

The Crown may dispose of RFR land—

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

(b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land—

(i) granted before the settlement date; or

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

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

130 RFR landowner’s obligations subject to other things

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

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

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

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

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

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

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

(3) This subpart does not limit anything referred to in subsection (1).

Notices

131 Notice of RFR land with computer register after settlement date

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

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

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

(4) The notice must specify the legal description of the land and identify the computer register that contains the land.

132 Notice to trustees of disposals of RFR land to others

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

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

(3) The notice must—

(a) specify the legal description of the land (including any interests affecting it) and identify any computer register that contains the land; and

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

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

(d) explain how the disposal complies with section 114; and

(e) if the disposal is being made under section 114(3), include a copy of the written contract for the disposal.

133 Notice of land ceasing to be RFR land

(1) Subsections (2) and (3) apply if land contained in a computer register is to cease being RFR land because—

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

(i) the trustees or their nominee (for example, under a contract formed under section 119); or

(ii) any other person (including the Crown or a Crown body) under section 114(3); or

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

(i) any of sections 123 to 129; or

(ii) anything referred to in section 130(1).

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

(3) The notice must—

(a) specify the legal description of the land and identify the computer register that contains the land; and

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

(4) Subsections (5) and (6) apply if land contained in a computer register ceases to be RFR land because the land is all or part of a specified RFR property and notice is given for the property under section 113.

(5) The RFR landowner must, as soon as practicable after receiving the notice under section 113, give the chief executive of LINZ notice that the land has ceased to be RFR land.

(6) The notice must—

(a) specify the legal description of the land and identify the computer register that contains the land; and

(b) include a copy of the notice given under section 113.

134 Notice requirements

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

(a) an RFR landowner; or

(b) the trustees.

Memorials for RFR land

135 Recording memorials on computer registers for RFR land

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

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

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

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

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

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

(b) receiving a notice under section 131 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.

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

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

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register identified in the certificate that the land described in the certificate (and contained in the computer register) is—

(a) RFR land as defined by section 112 of this Act; and

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

136 Removal of memorials when land ceases to be RFR land

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 133(2), issue to the Registrar-General a certificate that—

(a) specifies the legal description of the land and identifies the computer register that contains the land; and

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

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

(2) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under section 133(5), issue to the Registrar-General a certificate that—

(a) specifies the legal description of the land, and identifies the computer register that contains the land, described in the notice; and

(b) includes a copy of the notice given under section 113; and

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

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

(4) If the Registrar-General receives a certificate issued under subsection (1), he or she must remove any memorial recorded under section 135 from the computer register identified in the certificate, immediately before registering the transfer or vesting described in the certificate.

(5) If the Registrar-General receives a certificate issued under subsection (2), he or she must remove any memorial recorded under section 135 from the computer register identified in the certificate, as soon as is reasonably practicable.

137 Removal of memorials when RFR period ends

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

(a) identifies each computer register for the RFR land for which the RFR period has ended that still has a memorial recorded on it under section 135; and

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

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

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove a memorial recorded under section 135 from any computer register identified in the certificate.

General provisions

138 Waiver and variation

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

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

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

139 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

140 Assignment of rights and obligations under this subpart

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

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

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

(2) Notices must be given to each RFR landowner—

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

(b) specifying the date of the assignment; and

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

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

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

(4) In this section, **RFR holder** means the 1 or more persons who have the rights and obligations of the trustees under this subpart, either because—

(a) they are the trustees; or

(b) they have previously been assigned those rights and obligations under this section.

Schedule 1
Statutory areas

ss 26, 37(1)

Statutory area	**Location**
Mount Tamahunga, comprising the remainder of Omaha Ecological Area after excluding the Mount Tamahunga summit site	As shown on OTS–125–11
Motu Hāwere, comprising— (a) the remainder of Leigh Recreation Reserve after excluding the Leigh Recreation Reserve site; and (b) Goat Island Scientific Reserve	As shown on OTS–125–12
Ngāroto Lakes, comprising— (a) Slipper Lake; and (b) Spectacle Lake; and (c) Tomarata Lake	As shown on OTS–125–19
Tohitohi o Reipae	As shown on OTS–125–20
Pohuehue Scenic Reserve	As shown on OTS–125–22
Kawau Island Historic Reserve	As shown on OTS–125–23
Coastal statutory acknowledgement area	As shown on OTS–125–06
Hōteo River	As shown on OTS–125–15
Pūhoi River	As shown on OTS–125–14
Pākiri River	As shown on OTS–125–16
Poutawa Stream	As shown on OTS–125–17
Matakana River	As shown on OTS–125–18
Waiwerawera	As shown on OTS–125–21

Schedule 2
Whenua rāhui sites

s 43

Whenua rāhui site	Location	Description
Te Hauturu-o-Toi / Little Barrier Island gift area	As shown on OTS–125–10	*North Auckland Land District—Auckland Council* 2 815.7630 hectares, more or less, being Section 2 SO 440008 (balance of the land in *Gazette* notice 631196.1).
Wakatūwhenua, comprising— (a) the remainder of Leigh Recreation Reserve after excluding the Leigh Recreation Reserve site; and (b) Goat Island Scientific Reserve; and (c) Cape Rodney–Okakari Marine Reserve	As shown on OTS–125–13	*North Auckland Land District—Auckland Council* 530.5877 hectares, more or less, being Lot 1 DP 117547, Lot 2 DP 101905, Section 3 SO 440975, Allotment 195 Parish of Omaha, and Part sea bed SO 58865 (marine reserve).

Schedule 3
Cultural redress properties

ss 61, 68(1)

Name of site	Description	Interests
Mount Tamahunga summit site	*North Auckland Land District—Auckland Council* 10.1590 hectares, more or less, being Section 1 SO 440010. Part *Gazette* 1982, p 4108.	Scientific reserve subject to section 21 of the Reserves Act 1977. Subject to a determination made under section 16(1) of the New Zealand Walkways Act 1990 (which is unregistrable).
Leigh Recreation Reserve site	*North Auckland Land District—Auckland Council* 5.4670 hectares, more or less, being Section 1 SO 440975. Part computer freehold register NA57B/517. Excluding an undivided one-half share in all shell, sand, and shingle lying on the land within, upon, or along the northern boundary, conveyed by deed 333272 (R431/603). 0.1354 hectares, more or less, being Section 2 SO 440975. All *Gazette* 1998, p 1049.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement created by deed 333272 (R431/603), which affects Section 1 SO 440975.
Pākiri Domain Recreation Reserve site	*North Auckland Land District—Auckland Council* 2.0148 hectares, more or less, being Section 1 SO 440006. All *Gazette* 1979, p 1393.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to an unregistered grazing licence to Pākiri Hall Advisory Committee.
Pākiri Block conservation area	*North Auckland Land District—Auckland Council* 47.3836 hectares, more or less, being Section 43 Block VI Pākiri Survey District.	Subject to the conservation covenant referred to in section 65(3).
Pākiri riverbed site	*North Auckland Land District—Auckland Council* 4.8700 hectares, more or less, being Sections 1, 2, and 3 SO 442817.	Subject to the conservation covenant referred to in section 66(2). Subject to a deed of lease to Ngati Wai Trust Board dated 1 August 1996 as renewed by an unregistered deed of renewal of lease dated 2006.
Te Maraeroa	*North Auckland Land District—Auckland Council* 1.2370 hectares, more or less, being Section 1 SO 440008. Part *Gazette* notice 631196.1.	Subject to the conservation covenant referred to in section 67(3)(a). Subject to the right of way easement referred to in section 67(3)(b). Subject to the easement for a right to convey water, electricity, telecommunications, and

Name of site	Description	Interests
		computer media, and to drain sewage and waste water, referred to in section 67(3)(c). Subject to the easement for a right to drain sewage and waste water referred to in section 67(3)(d). Subject to an unregistered guiding concession to the Manuhiri Omaha Kaitiakitanga Ora Charitable Trust with concession number AK–17145–GUI and dated 22 July 2009. Subject to an unregistered guiding concession to Tom McMurdo with concession number AK–27618–GUI and dated 2 August 2010.

Schedule 4
Notices in relation to RFR land

ss 134, 140(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under subpart 4 of Part 3 must be—

(a) in writing and signed by—

(i) the person giving it; or

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

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

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

(ii) specified by the RFR landowner in an offer made under section 115, specified in a later notice given to the trustees, or identified by the trustees as the current address or fax number of the RFR landowner, for a notice to an RFR landowner; or

(iii) of the national office of LINZ, for a notice to the chief executive of LINZ under section 131 or 133; and

(c) given by—

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

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

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

2 Time when notice received

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

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

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

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

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

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

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

Reprints notes

1 General

This is a reprint of the Ngāti Manuhiri Claims Settlement Act 2012 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

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

Trusts Act 2019 (2019 No 38): section 161

Ngāti Manuhiri Claims Settlement Amendment Act 2015 (2015 No 28)

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

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

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