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Ngati Porou Claims Settlement Act 2012

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Note

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

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

This Act is administered by the Office for Māori Crown Relations—Te Arawhiti.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngati Porou 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

Purpose of Act, acknowledgements and apology, interpretation provisions, settlement of historical claims, and miscellaneous matters

Subpart 1—Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to give effect to certain provisions of the deed of settlement, which is a deed to settle the historical claims of Ngati Porou, dated 22 December 2010 and signed by—

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

(ii) the following signatories:

(A) as the mandated negotiators, Rei Mokena Kohere, Apirana Tuahae Mahuika, Natana Maukau Ihaka, Linda Tuhiwai Smith, Selwyn Tanetoa Parata, Koroumatai Kody Pewhairangi, Jock Edward Walker, Robert McLeod, Whaimutu Kent Dewes, and Matanuku Mahuika; and

(B) as the directors of Te Runanganui o Ngati Porou Trustee Limited, Natana Maukau Ihaka, Rei Mokena Kohere, Apirana Tuahae Mahuika, Selwyn Tanetoa Parata, Koroumatai Kody Pewhairangi, Linda Tuhiwai Smith, and Jock Edward Walker; and

(C) Apirana Tuahae Mahuika, Monty Soutar, and Selwyn Tanetoa Parata, on behalf of Te Runanga o Ngati Porou, to indicate their support for the settlement; and

(b) to record in English and te reo Maori the acknowledgements and apology offered to Ngati Porou by the Crown in the deed of settlement.

4 Act binds the Crown

This Act binds the Crown.

5 Outline

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

(2) This Part—

(a) sets out the purpose of this Act, records the acknowledgements and apology given by the Crown to Ngati Porou in the deed of settlement, and specifies that the Act binds the Crown; and

(b) defines terms used in this Act, including key terms such as Ngati Porou and historical claims; and

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

(d) provides for—

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

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

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

(iv) the exclusion of the limit on the duration of a trust, the timing of actions or matters provided for in this Act, and access to the deed of settlement.

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

(a) in subparts 1 to 3, cultural redress for which vesting of land is not required; and

(b) in subparts 4 and 5, the properties that are vested as cultural redress properties and provisions relevant to the vesting of those properties.

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

(a) in subparts 1 to 4, provisions to facilitate the transfer of commercial redress properties and deferred selection properties, licensed land, and unlicensed land; and

(b) in subpart 5, provisions for the RFR redress.

(5) Part 4 sets out transitional and miscellaneous matters, including,—

(a) in subpart 1,—

(i) making provision for the reorganisation of the governance arrangements of Ngati Porou by the dissolution of Te Runanga and the Porou Ariki Trust; and

(ii) the transfer of the assets and liabilities of Te Runanga to the trustee, Te Runanganui o Ngati Porou Trustee Limited; and

(iii) provisions recognising the status of the trustee under the Maori Fisheries Act 2004 and other matters related to the recognition of the trustee as the mandated iwi organisation for Ngati Porou; and

(b) in subpart 2, transitional taxation arrangements relevant to the reorganisation referred to in paragraph (a)(i) and (ii); and

(c) in subpart 3, the repeal, revocations, and consequential amendments required.

(6) There are 4 schedules, which set out matters as follows:

(a) in Part 1 of Schedule 1, nga hapu o Ngati Porou and in Part 2 of that schedule, the claims to the Waitangi Tribunal that are within the meaning of Ngati Porou historical claims:

(b) in Schedule 2, the statutory areas to which statutory acknowledgements apply:

(c) in Schedule 3, the cultural redress properties that are vested in the trustee of Te Runanganui o Ngati Porou:

(d) in Schedule 4, the requirements for giving notice in relation to the RFR land.

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

6 Acknowledgements and apology

(1) Sections 7 and 8 record in English and in te reo Maori the acknowledgements of, and the apology offered to Ngati Porou by, the Crown in the deed of settlement.

(2) The acknowledgements and apology are to be read in conjunction with the account of the historical relations between Ngati Porou and the Crown, recorded in Part 3 of the deed of settlement.

7 Crown acknowledgements in English and te reo Maori

Ngati Porou has honoured its Treaty obligations

(1) The Crown acknowledges that, as a Treaty partner, Ngati Porou has fulfilled its obligations under the Treaty of Waitangi.

(2) The Crown also acknowledges the significant contribution that Ngati Porou, its rangatira, whanau and hapu have made to New Zealand including military service in many parts of the world, as well as to the economy, education, farming, politics, culture, arts, public service, and business.

(3) The Crown acknowledges that, despite Ngati Porou fulfilling its Treaty obligations, the Crown has breached the Treaty of Waitangi and its principles in a number of respects. The Crown also acknowledges that, despite Ngati Porou's significant contribution to New Zealand, it has failed to address the longstanding grievances of Ngati Porou in an appropriate manner, and that recognition of Ngati Porou grievances is long overdue.

Conflict in 1865 and its aftermath

(4) The Crown acknowledges that some Ngati Porou today are aggrieved at the role of the Crown in the fighting on the East Coast in 1865.

(5) The Crown acknowledges that the detention without trial of some Ngati Porou who suffered in harsh conditions on the Chatham Islands for more than 2 years between 1866 and 1868 was an injustice and a breach of the Treaty of Waitangi and its principles.

Native land laws and Native Land Court

(6) The Crown acknowledges that—

(a) it did not consult Ngati Porou about the introduction of the native land laws; and

(b) the resulting individualisation of land tenure was inconsistent with Ngati Porou tikanga; and

(c) some key Crown goals in introducing these laws were to make Ngati Porou land available for European settlement, and eventually to detribalise Ngati Porou and assimilate them to European culture; and

(d) the individualisation of land tenure made Ngati Porou land more susceptible to alienation, and quickly had a severe impact on Ngati Porou as nearly two thirds of their land had its title individualised between 1874 and 1886; and

(e) the individualisation of land tenure also made Ngati Porou land susceptible to fragmentation and partition, making it difficult for Ngati Porou to access the benefits of the modern economy; and

(f) it refused to provide a means for the collective administration of Ngati Porou land in the native land legislation until 1894 and this was a breach of the Treaty of Waitangi and its principles.

(7) The Crown acknowledges that it promoted legislation that had the effect of allowing the sale of several Ngati Porou blocks to be completed despite these transactions having failed to comply with all the requirements of the native land laws that governed the alienation of Maori land at the time the transactions were entered into.

(8) The Crown acknowledges that—

(a) it required Ngati Porou to engage with the Native Land Court if they wanted to participate in the modern economy; and

(b) the Court's processes could be expensive, disruptive, and were inconsistent with Ngati Porou tikanga; and that Ngati Porou had to sell some land to meet the costs of surveys that were part of this process.

Crown land purchasing

(9) The Crown acknowledges that its land purchase agents sometimes opened negotiations to purchase Ngati Porou land without adequately identifying and consulting with all the owners.

(10) The Crown acknowledges that—

(a) it failed to exercise its monopoly powers in a reasonable manner when it purchased blocks such as Tapatu and Waitangirua and caused Ngati Porou to lose opportunities to lease these blocks; and

(b) this misuse of its monopoly powers breached the Treaty of Waitangi and its principles.

Crown provisions for administration of Ngati Porou land

(11) The Crown acknowledges that it failed to provide for Ngati Porou beneficial owners to be involved in the development of policy for the administration of their land vested in the East Coast Trust once it became clear that this Trust would have a long term existence, and that this was a breach of the Treaty of Waitangi and its principles.

(12) The Crown acknowledges that it did not allow Ngati Porou to select any of the members of the Tairawhiti Maori Land Board. The Crown also acknowledges that the compulsory vesting of more than 35 000 acres of Ngati Porou land in this Board between 1906 and 1909 was a breach of the Treaty of Waitangi and its principles.

Native townships

(13) The Crown acknowledges that its failure to seek consent from the landowners before establishing a township at Te Puia under the Native Townships Act 1895 was a breach of the Treaty of Waitangi and its principles.

(14) The Crown acknowledges that the Native Townships Act 1895 allowed the Crown to take ownership of roads and public reserves in the townships without paying compensation to the owners.

(15) The Crown acknowledges that—

(a) it established Waipiro township closer to Te Puia than the 10 miles prescribed by the native townships legislation as the minimum distance required between townships; and

(b) it was slow to distribute rents collected on some native townships on the East Coast; and

(c) it did not fully comply with the valuation provisions of the native land laws when purchasing Te Puia township; and

(d) it converted a number of fixed-term leases at Tuatini, Waipiro and Te Araroa to perpetual leases despite Ngati Porou's strong opposition.

Public works takings

(16) The Crown acknowledges that—

(a) it compulsorily acquired Ngati Porou land for public purposes on more than 2 000 occasions; and

(b) some land was taken for roads without compensation; and

(c) Ngati Porou lost some land of great importance in public works takings; and

(d) the Crown's public works takings are a significant grievance for Ngati Porou.

Development schemes

(17) The Crown acknowledges that—

(a) its administration of development schemes deprived Ngati Porou of effective control of large areas of their land for many years; and

(b) the Crown charged the costs of development schemes against the land for which they were incurred; and

(c) the return of land to Ngati Porou control was frequently delayed by the need to reduce the large debts which had accumulated against development scheme land to manageable levels; and

(d) some of the land returned to Ngati Porou from development schemes was returned carrying debt; and

(e) the development schemes did not achieve the outcomes that Ngati Porou were led to expect, and it was difficult for Ngati Porou to farm profitably some of the land returned to them.

Consolidation schemes and amalgamation

(18) The Crown acknowledges that—

(a) the consolidation schemes carried out by the Crown of what were deemed to be "uneconomic interests" sometimes resulted in Ngati Porou losing their interests in land to which they had customary connections, and acquiring interests in land to which they had none; and

(b) the consolidation schemes did not stop the process of fragmentation that continued as each successive generation died; and

(c) owners in some blocks had their interests amalgamated into larger blocks for inclusion in development schemes against their wishes; and

(d) no provision was made at the time of amalgamation for the owners of contributing blocks subsequently to withdraw their land.

Compulsory acquisition of uneconomic interests

(19) The Crown acknowledges that the compulsory acquisition of uneconomic interests in Maori land between 1953 and 1974 by the Maori Trustee deprived many Ngati Porou of their turangawaewae.

Waiapu River and erosion

(20) The Crown acknowledges the special relationship Ngati Porou have with the Waiapu River and that, in attempting to provide for the effective administration of the East Coast's natural resources, it vested control of that river in the Poverty Bay Catchment Board without consulting Ngati Porou.

(21) The Crown acknowledges that deforestation in the late nineteenth and early twentieth centuries fuelled significant acceleration of erosion and flooding that has had a devastating impact on Ngati Porou rohe wide. It also acknowledges that the measures it adopted to address this problem failed effectively to resolve it.

Petroleum

(22) The Crown acknowledges that its nationalisation of petroleum resources in New Zealand in 1937 caused a great sense of grievance within Ngati Porou that is still held today.

Socio-economic issues

(23) The Crown acknowledges the significant harm Ngati Porou children suffered by being punished for speaking their own language in Crown-established schools for many decades. It also acknowledges that the education system historically had low expectations for Maori academic achievement, and that the educational achievements of students in East Coast schools have lagged well behind those of other New Zealand children.

(24) The Crown acknowledges that its policies contributed to most Ngati Porou now living outside their rohe, and Ngati Porou living on the East Coast have endured social deprivation for too long.

(25) The Crown acknowledges that the health of Ngati Porou living on the East Coast has been worse than that of many other New Zealanders, and they have not had the same opportunities in life that many other New Zealanders have enjoyed.

Te pukapuka whakaaetanga i waenganui i Te Karauna me Ngati Porou

Kua tau ke te taunaha whakahonore a Ngati Porou mo Te Tiriti o Waitangi

(1) Kua tau te whakaae a Te Karauna, ko a ia nei te "Treaty Partner" o Ngati Porou, kua tutuki ke i a Ngati Porou ana taunaha i raro i te Tiriti o Waitangi.

(2) Kua whakaae Te Karauna he tino tokomaha rawa atu nga painga kua tutuki i a Ngati Porou, me ona rangatira, whanau, hapu mo Niu Tireni. Ko tetahi atu painga kei nga roopu hoia kei nga topito o te ao. Ka kitea era atu painga kei nga take whakatipu rawa, kei nga kaupapa o te matauranga, kei nga mahi ahuwhenua, kei nga whakahaere torangapu, kei nga tikanga toi, kei nga tari kawana, me nga mahi pakihi hoki.

(3) E whakaae ana Te Karauna kua tutuki ke i a Ngati Porou ana taunaha i raro i te Tiriti o Waitangi, me nga kaupapa o Te Tiriti. E tautoko ana hoki Te Karauna, ahakoa te tini o nga painga kua puta i a Ngati Porou mo Niu Tireni, e noho hapa ana Te Karauna, ki te waihanga kaupapa tika ma reira nei e whakaora ake nga mamae, kua roa ke nei e pehi kino ana ki runga o Ngati Porou. Otiia, kare ke he kaupapa a Te Karauna mo enei ahuatanga, ahakoa noa, kua roa ke a ia e matatau ana ki nga mamaetanga nei.

Ko nga tauwhainga o te tau 1865, me nga hua i heipu i muri mai

(4) Kua mohio Te Karauna kei te noho pouri tonu etahi o Ngati Porou, mo te wahanga a Te Karauna i roto i nga pakanga i te Rawhiti i te tau 1865.

(5) Kua tautoko hoki Te Karauna mo ana he, i tana mauheretanga o etahi tangata no Ngati Porou, kare rawa i whakawatia, i mua i to ratau mauheretanga i Te Wharekauri, ki reira noho whakamamae mai ai ki tera whenua pakeke mai i te tau 1866 ki te tau 1868. Na enei mahi he a Te Karauna i takatakahi i Te Tiriti o Waitangi me nga kaupapa o Te Tiriti o Waitangi.

Nga Ture Whenua Maori me Te Kooti Whenua Maori

(6) Kua tautoko hoki Te Karauna—

(a) kare a ia i korerorero ki a Ngati Porou i te tuatahi, i mua i te whakamanatanga o nga Ture Whenua Maori:

(b) kare he mana o nga whakatapatahitanga o nga taitara whenua, i raro i nga tikanga whenua a Ngati Porou:

(c) ko etahi o nga hiahia a Te Karauna mo enei ture, hei whakawatea i nga whenua o Ngati Porou mo nga Pakeha e haere mai ana ki konei noho ai, a, ko tetahi tikanga ano mo enei ture he turaki i te tu a iwi a Ngati Porou, a, ma tenei ka ngawari te whakahanumi i a ratau i raro i te ia o nga tikanga a te Pakeha:

(d) ka whakatapatahitia te taitara whenua ka ngawari noa te muru i nga whenua o Ngati Porou. Tere rawa atu te panga mai o nga ture nei ki a Ngati Porou, a, mai i te tau 1874 ki te tau 1886, neke atu i te 66 paiheneti o nga whenua o Ngati Porou i taka ki raro i te ture whakatapatahi i nga taitara whenua:

(e) ka tapatahitia te taitara ki nga whenua, ka tokomaha ke atu nga tangata o ia whenua, a ka mama hoki nga kaupapa patihana i nga whenua. Na konei i uaua ai nga huarahi ki a Ngati Porou mo nga painga mai i o ratau whenua, tera ka puta i nga kaupapa whakatipu rawa:

(f) i takatakahia e Te Karauna te Tiriti o Waitangi me nga kaupapa o Te Tiriti, no te mea kare ke he ahuatanga i roto i nga Ture Whenua Maori a Te Karauna e ahei ai a Ngati Porou ki te whakahaere whakatoopu i o ratau whenua. No te tau 1894 katahi ano ka whakamanatia he ture e pa ana ki nga whakahaere whakatoopu nei.

(7) E whakaae ana Te Karauna, nana tonu i whakahau ki a waihangatia nga ture ma reira nei e whakamana te hoko o etahi o nga whenua o Ngati Porou, ahakoa noa kare he mana o enei whakahaere i raro i nga ture whenua Maori, ara te ture whakamana i nga take raupatu i whakahaeretia ana i taua wa.

(8) Kei te whakaae hoki Te Karauna nana i kii—

(a) mehemea e hiahia ana a Ngati ki te whakauru atu ki nga mahi whakatipu rawa i wenei ra, me mahi tahi ratau i raro i nga take whakahaere o Te Kooti Whenua Maori; a

(b) he tino nui hoki te utu mo nga whakahaere a nga Kooti a, he mahi tauwehewehe hoki aua kaupapa, a, kare ke he whanaungatanga o nga whakahaere nei, me nga kaupapa nei, ki nga tikanga ake a Ngati Porou. Na te tino nui o te utu mo enei whakahaere, me enei kaupapa i hoko ai a Ngati Porou i wetahi o o ratau whenua hei utu i nga mahi ruri whenua.

Te mahi hoko whenua a Te Karauna

(9) He wa na ka panui whanuitia e nga kaihoko a Te Karauna a ratau kaupapa mo te hoko i nga whenua o Ngati Porou. Ko te raruraru ke o enei o a ratau whakahaere, kare nga kaihoko a Te Karauna e marama ana ko wai nga mea tika hei korerotanga atu ma ratau mo a ratau kaupapa hoko whenua.

(10) Ka whakaae hoki Te Karauna—

(a) kei te tautoko hoki Te Karauna, i tino hapa ana whakamahi i ana mana huhua, no te mea kare, i tika tana whakamana i aua mana e pa ana ki te hokotanga mai o Tapatu me Waitangirua, a, na enei ahuatanga i aukati te tango riihi a Ngati Porou ki enei whenua:

(b) na te hapa, me te he o nga mahi a Te Karauna i takatakahi Te Tiriti o Waitangi me nga kaupapa hoki o Te Tiriti.

(11) I takatakahia e Te Karauna Te Tiriti o Waitangi me nga kaupapa o te Tiriti, no te mea i mahi he Te Karauna, ina hoki kare ke he wahanga i tukua atu ki te iwi kaenga hei whakarite i nga kaupapa whakahaere mo o ratau whenua i tukua atu ra ki nga whakahaere a te East Coast Trust, ahakoa noa e mohio ana Te Karauna, ka noho roa enei whakahaere ki nga ringa o te Trust.

(12) E tautoko ana Te Karauna i takatakahia e a ia Te Tiriti o Waitangi me nga kaupapa o Te Tiriti no te mea kare i whakaingoatia e a ia he tangata no Ngati Porou hei mema mo Te Tairawhiti Maori Land Board. E whakaae ana ano hoki Te Karauna neke atu i te 35000 eka nga whenua o Ngati Porou i taka ki raro o tenei Poari i waenganui o nga tau 1906 me 1909.

Nga "*township*" *Maori*

(13) E tautoko ana Te Karauna i takatakahia e a ia Te Tiriti o Waitangi me nga kaupapa o Te Tiriti no to mea kare a ia i kimi i te whakaaetanga a te hunga no ratau aua whenua i mua i te whakamanatanga o te "township" o Te Puia i raro i te Native Townships Act 1895.

(14) E kii ana Te Karauna ko tana mana ki nga rori, ki nga whenua i rahuitia mo nga tangata katoa mo te kore utu, a, me te kore tuku utu kopaheina ranei ki te iwi kaenga, kei raro i te mana o te Ture Native Townships Act 1895. Heoi, na enei mahi a Te Karauna, i takatakahi Te Tiriti o Waitangi me nga kaupapa o Te Tiriti.

(15) Kei te whakaae Te Karauna—

(a) nana i whakatu te Waipiro township kia tu tata ki te township o Te Puia, i runga ano o te mohio kare ke tenei whakahau i noho tika ana i raro i te ture o nga Maori townships no te mea, e noho marama ana te ture me te kau maero te tawhiti o ia township i tetahi atu:

(b) he tino poturi hoki te kaupapa tohatoha i nga moni reti i utua mai e nga township Maori o Te Rawhiti:

(c) kare Te Karauna i whai i nga wariu tika i whakaritea e te Ture Whenua Maori, i tana hokonga mai i te township o Te Puia:

(d) na Te Karauna i whakarereke nga riihi kua tau ke mo Tuatini me Te Araroa, hei riihi mo ake tonu atu, ahakoa noa te pakari o nga whakahe a Ngati Porou.

Nga muru whenua mo te katoa

(16) E whakaae ana Te Karauna—

(a) neke atu i te rua mano nga kaupapa muru a Te Karauna i nga whenua o Ngati Porou mo te katoa te take:

(b) ko wetahi o nga muru, hei mahi rori, engari kare ke te hunga no ratau nga whenua i utua mo o ratau whenua i murua ra e Te Karauna:

(c) ko wetahi tonu o nga tino whenua o Ngati Porou i murua mo te katoa te take:

(d) ko wetahi o nga tino nawe a Ngati Porou ki Te Karauna, kei nga mahi muru whenua a Te Karauna.

(17) E tautoko ana Te Karauna—

(a) na nga kaupapa whakahaere a Te Karauna i enei whenua, i aukati, te mana whakahaere o Ngati Porou, ki o ratau panga whenua tino kaita rawa atu mo nga tau tokomaha rawa atu:

(b) ko nga nama ahuwhenua i uhia atu e Te Karauna ki ia whenua kei raro i tenei whakahaere:

(c) i tomuri ai te whakahoki atu o nga whenua nei ki a Ngati Porou, na te hiahia o Te Karauna ki a heke iho te kaita o nga nama kei nga whenua nei, kia ngawari ai nga whakahaere o nga whenua nei, a:

(d) i whakahokia atu etahi o nga whenua nei ki a Ngati Porou me nga nama e mau tonu ana:

(e) na Te Karauna i whakapuaki nga hua ka puta i nga momo ahuwhenua nei, engari, kare i mana nga korero a Te Karauna, a, kare hoki i ea nga tumanako o Ngati Porou. Heoi he mahi tino uaua rawa atu ma Ngati Porou ki te whakatipu rawa i nga paamu kua whakahokia mai nei ki a ratau.

(18) Consolidation schemes and amalgamations (Whakatopu me te Whakamoana)—

(a) he kaupapa muru whenua nga whakahaere whakatopu a Te Karauna e pa ana, ki nga “uneconomic interests” no te mea, ka murua nga panga whenua tipu o te tangata, i heke mai ra i ona tipuna, a, katahi ka whakanohoa te tangata ki nga whenua, kare nei ona take tipuna ki aua whenua:

(b) kare e taea e nga take whakatopu nei te arai atu i te whakuruuru mai a nga uri tokomaha ki roto ki nga whenua nei, a, ka mau tonu tenei ahuatanga mai i tena whakatipuranga ki tetahi atu whakatipuranga:

(c) ahakoa te whakahe a te iwi no ratau nga panga whenua kaita pera me nga “development schemes” ra, ka haere tonu nga mahi whakamoana taitara a Te Karauna:

(d) kare he kaupapa i whakaritea i raro i nga take whakamoana nei, mo te hunga e hiahia ana ki te whakaputa mai i o ratau whenua i waho o nga whenua whakamoana.

Nga muru o nga "*uneconomic interests*"

(19) E whakaae ana Te Karauna na ana kaupapa muru i nga "uneconomic interests" i raro i te mana o Te Maori Trustee mai i te tau 1953 ki te tau 1973 i kore turangawaewae ai nga hunga tokomaha rawa atu o Ngati Porou.

Waiapu Awa me nga horohoro (The Waiapu River and erosion)

(20) E whakaae ana Te Karauna he tino nui rawa atu te piri pono o Ngati Porou ki te awa o Waiapu, engari i roto i nga whiringa a Te Karauna hei a wai nga mahi whakahaere i nga rawa o nga whenua o te Rawhiti, ka tukua atu e Te Karauna te mana ki te Poverty Bay Catchment Board, engari kore rawa tetahi kupu kotahi nei a Ngati Porou mo wenei whakaritenga.

(21) E whakaae ana ano hoki Te Karauna, na nga mahi turaki i nga ngahere i nga tau whakamutunga o te 20th Century i whakatere te horo haere o nga whenua, a, me nga waipuke hoki i pa ki roto o Ngati Porou. He tino kino rawa atu te panga o enei ahuatanga ki nga rohenga whanui o Ngati Porou. Ka whakaae ano hoki Te Karauna, kare he painga o nga whakahaere i whakaritea e ratau hei whakaora i nga horohoro e pa nei ki te whenua me nga waipuke e whakaruke nei i te rohe.

Petroleum (hinu)

(22) Kei te tautoko Te Karauna, na tana waihanga he ture i te tau 1937 ki te whakamana hei a ia tuturu te mana mo nga hinu kei Niu Tirena i tino mamae ai a Ngati Porou mo tenei mahi a Te Karauna a, e mau tonu ana te mamae i te ra nei.

Socio-economic issues

(23) E tautoko ana Te Karauna i te nui o nga kino kua heipu ki nga tamariki o Ngati Porou no te mea i whiua ratau mo nga tau tokomaha rawa atu ki te korero i to ratau ake reo ki roto ki nga kura o Te Karauna. Ko tetahi atu take, ko te iti o te whakapono tera ka taea e te Maori nga taumata o te matauranga, no te mea, kei muri rawa atu nga taumata o te matauranga o nga tamariki kei nga kura o te Rawhiti i era atu o nga tamariki o Niu Tireni.

(24) E tautoko ana ano hoki Te Karauna ko ana kaupapa tetahi o nga take i noho marara ai te nuinga o Ngati Porou ki waho ake i to ratau rohe a, na nga kaupapa ano nei hoki i noho whakamomori ai a Ngati Porou no te mea kare nga awhina-a-iwi i puta ngawari mai ki a ratau.

(25) E tautoko ana hoki Te Karauna he kino rawa atu nga oranga tinana o nga Ngati Porou e noho mai ra i te Rawhiti, i nga oranga tinana o te nuinga atu o nga tangata o Niu Tireni, a, kare hoki te orite nga painga i te puta ki a ratau, pera me nga painga e kaiponohia mai ra e era atu o nga tangata o Niu Tireni.

8 Crown apology in English and te reo Maori

(1) The Crown profoundly regrets that over the generations it has failed to respect Ngati Porou rangatiratanga, and has breached the Treaty of Waitangi in the manner described in the acknowledgements.

(2) The Crown unreservedly apologises for not having honoured its obligations to Ngati Porou under the Treaty of Waitangi.

(3) The Crown seeks to atone for its wrongs with this settlement. It hopes to build, improve, and strengthen its relationship with Ngati Porou based on respect for the Treaty of Waitangi and its principles.

Manawapa

(1) Kei te tu pouri Te Karauna mona kare i whakanui i te rangatiratanga o Ngati Porou. He ahuatanga tenei i heipu mai ia whakatipuranga, ki ia whakatipuranga. Heoi he tika nga whakapae kua korerotia ake nei i te pukapuka nei e kii ana, i takatakahia e Te Karauna Te Tiriti o Waitangi.

(2) Kei te manawapa rawa atu Te Karauna mona kare i whakahonore tika i ana kaupapa ki a Ngati Porou, i raro i nga kaupapa o Te Tiriti o Waitangi.

(3) Ko te hiahia o Te Karauna ko te whakatika i ona he, i raro i te whakaaetanga-a-pukapuka ki a Ngati Porou, a, i whakaritea tenei pukapapuka tenei i raro i Te Tiriti o Waitangi me nga kaupapa o Te Tiriti o Waitangi.

Subpart 2—Interpretation

9 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.

10 Interpretation

In this Act, unless the context otherwise requires,—

actual deferred selection settlement date, in relation to a deferred selection property, means the date on which settlement of the property takes place under Part 5 of the property redress schedule

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

area of interest means the area that Ngati Porou identifies as its area of interest, as set out in Part 1 of the attachments

attachments means the attachments to the deed of settlement

authorised person has the meaning given—

(a) in section 74(7), in respect of a cultural redress property; and

(b) in section 85(4), in respect of commercial redress and deferred selection properties; and

(c) in section 97(5), in respect of rights of access over licensed or unlicensed land

business day means a day of the week other than—

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

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

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

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

commercial redress property means—

(a) the licensed land; and

(b) each commercial redress property for no consideration

commercial redress property for no consideration means a property described in Part 1 of the property redress schedule under the heading "Commercial redress properties for no consideration"

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

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

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

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

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

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

conservation protocol means a protocol issued by the Minister of Conservation under section 38(1)(a), including any amendments made under section 38(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) in relation to a company, control of the composition of its board of directors; and

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

Crown has the meaning given in 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 of, or company related to, a company or body referred to in paragraph (d)

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

Crown forestry licence—

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

(b) in relation to the licensed land, means the licence described in the third column of the table in Part 1 of the property redress schedule

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

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

Crown mineral means, for the purposes of the Crown minerals protocol, a mineral as defined in 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

Crown minerals protocol means a protocol issued by the Minister of Energy and Resources under section 38(1)(a), including any amendments made under section 38(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 in section 57

customary rights means rights according to tikanga Maori, including—

(a) rights to occupy land; and

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

date of the deed of settlement means 22 December 2010

deed of settlement—

(a) means the deed of settlement referred to in section 3; and

(b) includes—

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

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

deferred selection property means a property described in Part 1 of the property redress schedule under the heading "Deferred selection properties"

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

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

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

historical claims has the meaning given in section 12

land holding agency means,—

(a) for a commercial redress property, the land holding agency specified for the property in Part 1 of the property redress schedule:

(b) for a deferred selection property, the land holding agency specified for the property in Part 1 of the property redress schedule

licensed land—

(a) means the land described in Part 1 of the property redress schedule under the heading "Commercial redress properties"; but

(b) excludes—

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

(ii) all improvements that have been—

(A) acquired by a purchaser of the trees on that land; or

(B) made, after the acquisition of the trees, by the purchaser or the licensee

licensee means the registered holder for the time being of the Crown forestry licence

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

LINZ means Land Information New Zealand

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

member of Ngati Porou means every individual referred to in section 11(1)(a)

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

nga Whakahaere Takirua mo nga Paanga Whenua o Ngati Porou and **nga Whakahaere Takirua** have the meaning given in section 21

Ngati Porou has the meaning given in section 11(1)

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

protected site has the meaning given in section 94

protocol means a protocol issued under section 38(1)(a), including any amendments made under section 38(1)(b)

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

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

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

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

representative entity means—

(a) the trustee; and

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

(i) the collective referred to in section 11(1)(a); or

(ii) 1 or more of the whanau, hapu, or groups that together form the collective group referred to in section 11(1)(a); or

(iii) 1 or more members of Ngati Porou

reserve land has the meaning given in section 79(1)

reserve site means a site described in any of Parts 2 and 3 of Schedule 3

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

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

(a) the Department of Conservation:

(b) the Ministry of Economic Development:

(c) the Ministry for Culture and Heritage:

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

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

(a) the Minister of Conservation:

(b) the Minister of Energy and Resources:

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

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

RFR land has the meaning given in section 99

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

rohe means the Ngati Porou area of interest

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

settlement property means—

(a) each cultural redress property; and

(b) each commercial redress property; and

(c) each deferred selection property; and

(d) all RFR land

statements of association means the statements—

(a) made by Ngati Porou of their particular cultural, spiritual, historical, and traditional association with each statutory area; and

(b) that are in the form set out in Part 1 of the documents schedule at the settlement date

statutory acknowledgement means the acknowledgement made by the Crown in section 44 in respect of each statutory area, on the terms set out in subpart 3 of Part 2

statutory area means an area specified in Schedule 2, the general location of which is indicated on the deed plan referred to in relation to that area in that

schedule (but which does not establish the precise boundaries of the statutory area)

statutory plan means—

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

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

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

taonga tuturu and **nga taonga tuturu** have the meanings given in section 2(1) of the Protected Objects Act 1975

taonga tuturu protocol means a protocol issued by the Minister for Arts, Culture and Heritage under section 38(1)(a), including any amendments made under section 38(1)(b)

Te Runanga o Ngati Porou and **Te Runanga**—

(a) mean the body corporate constituted by section 3 of the Te Runanga o Ngati Porou Act 1987; but

(b) do not include any entity wholly or partly owned or controlled by Te Runanga immediately before the commencement of this Act

Te Runanganui o Ngati Porou and **Te Runanganui** mean the trust established by Te Runanga o Ngati Porou as settlor under Te Runanganui o Ngati Porou trust deed

Te Runanganui o Ngati Porou trust deed and **trust deed**—

(a) mean the trust deed of Te Runanganui o Ngati Porou dated 14 December 2010; and

(b) include the schedules to the trust deed and any amendments to the trust deed or its schedules

Te Runanganui o Ngati Porou Trustee Limited means the company incorporated under the company number 3179347, in its capacity as the trustee of Te Runanganui o Ngati Porou

tikanga means customary values and practices

trustee means the governance entity for Ngati Porou for the purposes of this settlement, being at the commencement of this Act Te Runanganui o Ngati Porou Trustee Limited, the trustee of Te Runanganui o Ngati Porou

unlicensed land means the land described as Manutahi Forest in Part 1 of the property redress schedule under the heading "Commercial redress properties for no consideration".

Section 10 **business day**: replaced, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 10 **business day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 10 **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 10 **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

11 Meaning of Ngati Porou

(1) In this Act, **Ngati Porou** refers to nga uri o nga whanau hapu o Ngati Porou mai i Potikirua ki te Toka a Taiau, and—

(a) means—

(i) the collective composed of individuals who descend from 1 or more Ngati Porou tipuna; and

(ii) every whanau or hapu to the extent that it comprises individuals referred to in subparagraph (i); and

(b) includes the following groups:

(i) nga hapu o Ngati Porou; and

(ii) every individual referred to in paragraph (a)(i) and (ii).

(2) In this section, **nga hapu o Ngati Porou** means the hapu listed in Part 1 of Schedule 1.

(3) In this section and section 12, **Ngati Porou tipuna** means an individual who exercised customary rights within the Ngati Porou area of interest on or after 6 February 1840 by virtue of being descended from—

(a) Porourangi (also known as Porou Ariki te Mataratara-a-whare te Tuhi-mareikura-a-Rauru); or

(b) a recognised ancestor of any of nga hapu o Ngati Porou, including Hauiti, Hinekehu, Hinemaurea, Hinerupe, Hunaara, Irakaiputahi, Konohi, Mahaki-ewe-karoro, Materoa, Rakai-a-tane, Ruataupare, Ruawaipu, Taiau, Takimoana, Tawhipare, Te Aotaihi, Te Aotaki, Te Ataakura, Tuere, Tuwhakairiora, Uepohatu, and Umuariki.

(4) For the purposes of subsections (1)(a) and (3)(a), a person is **descended** from another person if the person descends from the other by—

(a) birth:

(b) legal adoption.

12 Meaning of historical claims

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

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

(i) is founded on, a right arising—

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

(B) under legislation; or

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

(D) from a fiduciary duty; or

(E) otherwise; and

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

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

(B) by or under legislation; and

(b) includes every claim to the Waitangi Tribunal to which paragraph (a) applies that relates exclusively to Ngati Porou or a representative entity, including every claim listed in clause 2(1) of Part 2 of Schedule 1; and

(c) includes every other claim to the Waitangi Tribunal to which paragraph (a) applies, to the extent that the claim relates to Ngati Porou or a representative entity, including the claims listed in clause 2(2) of Part 2 of Schedule 1.

(2) However, **historical claims** does not include any claim that—

(a) a member of Ngati Porou, or a whanau, hapu, or group referred to in section 11 may have that is founded on a right arising as a result of being descended from a Ngati Porou tipuna who is not referred to in section 11(3); or

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

(3) To avoid doubt, subsection (1) is not limited by subsection (2).

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

13 Settlement of historical claims final

(1) The historical claims are settled.

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

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

(4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including, without limitation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

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

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

Amendment to Treaty of Waitangi Act 1975

14 Amendment to Treaty of Waitangi Act 1975

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

(2) Schedule 3 is amended by inserting the following item in its appropriate alphabetical order: "Ngati Porou Claims Settlement Act 2012, section 13(4) and (5)".

Protections no longer apply

15 Certain enactments do not apply

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

(a) to a settlement property (other than a deferred selection property); or

(b) to a deferred selection property, but only on and from the actual deferred selection settlement date for that property; or

(c) for the benefit of Ngati Porou or a representative entity.

(2) The enactments are—

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

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

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

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

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

(3) To avoid doubt, those enactments continue to apply to a deferred selection property if—

(a) the trustee does not elect to acquire the property under the property redress schedule; or

(b) the agreement in Part 5 of the property redress schedule is cancelled.

Section 15(2)(c): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

16 Removal of memorials

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

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

(b) contained in a certificate of title or computer register that has a memorial entered under any enactment referred to in section 15(2).

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

(a) the settlement date, for a settlement property other than a deferred selection property; or

(b) the actual deferred selection settlement date, for a deferred selection property.

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

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

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

(b) cancel, in respect of each allotment identified in the certificate, each memorial that is entered (in accordance with any enactment referred to in section 15(2)) on a certificate of title or computer register identified in the certificate.

Subpart 4—Miscellaneous matters

17 Limit on duration of trusts does not apply

(1) A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—

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

(i) Te Runanganui o Ngati Porou may exist in law; or

(ii) the trustee in its capacity as trustee may hold or deal with property or income derived from property; and

(b) do not apply to a document entered into in order 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 Te Runanganui o Ngati Porou is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 17 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 17(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 17(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

18 Timing of actions or matters

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

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

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 business day; and

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

Part 2
Cultural redress

20 The Crown not prevented from providing other similar redress

(1) The provision of cultural redress under subparts 1, 2, and 3 does not prevent the Crown from doing anything that is consistent with that cultural redress, including—

(a) providing the same or similar redress to a person other than Ngati Porou or the trustee; or

(b) disposing of land.

(2) However, subsection (1) is not an acknowledgement by the Crown or Ngati Porou that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates.

Subpart 1—Strategic conservation partnership

Preliminary matters

21 Interpretation

In this subpart, unless the context otherwise requires,—

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

Conservation Board means the Conservation Board—

(a) established under section 6L of the Conservation Act 1987; and

(b) within whose jurisdiction the conservation lands are located

conservation lands—

(a) means the lands listed in Part 7 of the documents schedule, being land held in public ownership under the Conservation Act 1987; and

(b) unless there is good reason to do otherwise, includes—

(i) any conservation land that the Crown acquires in the area of interest after the settlement date; and

(ii) conservation land in the area of interest that reverts to Crown management

conservation management strategy means the conservation management strategy—

(a) prepared under section 17D of the Conservation Act 1987; and

(b) applying to the area within which the conservation lands are located

draft nga Whakahaere Takirua and **draft document** mean the draft of nga Whakahaere Takirua required by section 26

Minister means the Minister who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Conservation Act 1987

nga Paanga Whenua o Ngati Porou means the conservation lands

nga Whakahaere Takirua mo nga Paanga Whenua o Ngati Porou and **nga Whakahaere Takirua** mean the part of the conservation management strategy—

(a) that applies to the conservation lands; and

(b) whose preparation and approval are authorised and provided for by this subpart

parties means the Director-General and the trustee

relevant local authorities means all of the local authorities that have statutory functions in any part of the area of interest.

Acknowledgement of cultural significance of conservation lands

22 Crown acknowledgement

The Crown acknowledges the cultural significance to Ngati Porou of nga Paanga Whenua o Ngati Porou as the ancestral lands over which Ngati Porou exercises mana in accordance with Ngati Porou tikanga.

Requirement for and effect of nga Whakahaere Takirua

23 Preparation of nga Whakahaere Takirua

Nga Whakahaere Takirua must be prepared, as a separate part of the conservation management strategy,—

(a) in accordance with the process set out in this subpart; and

(b) for the conservation lands.

24 Effect of nga Whakahaere Takirua

(1) Nga Whakahaere Takirua is a conservation management strategy for the purposes of section 17D of the Conservation Act 1987 and has the same effect as if it were a conservation management strategy prepared and approved under that Act.

(2) Sections 17F, 17H, and 17I of that Act do not apply to the preparation, approval, review, or amendment of nga Whakahaere Takirua required by section 23, but in all other respects the provisions of the Conservation Act 1987 apply to nga Whakahaere Takirua.

Process for preparation of draft nga Whakahaere Takirua

25 Preliminary agreement

Before the parties commence preparation of a draft nga Whakahaere Takirua, they must seek to reach preliminary agreement on—

(a) the principal matters to be addressed in the draft document; and

(b) the manner in which those matters are to be addressed; and

(c) the practical steps that the parties will take in preparing and seeking approval of the draft document, as required by sections 30 and 31.

26 Draft nga Whakahaere Takirua

(1) Not later than 12 months after the settlement date, the parties must commence preparation of a draft nga Whakahaere Takirua in consultation with—

(a) the Conservation Board; and

(b) any other persons or organisations that the parties agree are appropriate.

(2) The parties may agree a later date to commence preparing the draft document.

27 Notification of draft nga Whakahaere Takirua

(1) Not later than 6 months after the date when preparation of the draft nga Whakahaere Takirua commences under section 26, the Director-General must—

(a) notify the draft document in accordance with section 49(1) of the Conservation Act 1987 as if the Director-General were the Minister for the purposes of that section; and

(b) give notice of the draft document to the relevant local authorities.

(2) The notices given under subsection (1) must—

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

(b) invite submissions from the public, to be lodged with the Director-General before the date specified in the notice, which must be at least 40 business days after the date of the notice.

(3) The draft document must continue to be available for public inspection after the date it is notified, at the places and times specified in the notice, with publicity to encourage public participation in the development of the draft document.

(4) The parties may, after consulting with the Conservation Board, seek views on the draft document from any person or organisation that they consider appropriate.

28 Submissions

(1) Submissions on the draft nga Whakahaere Takirua may be made to the Director-General, stating whether the submitters wish to be heard in support of their submissions.

(2) The Director-General must provide copies of any submissions to the trustee within 5 business days of receiving the submission.

(3) Persons wishing to be heard must be given a reasonable opportunity to appear before a meeting of representatives of—

(a) both parties; and

(b) the Conservation Board.

(4) The parties and the Conservation Board may hear any other person or organisation whose views on the draft document were sought under section 27(4).

(5) The hearing of submissions must be concluded not later than 2 months after the date specified in the notice given under section 27(1)(b).

(6) The parties must jointly prepare a summary of the submissions on the draft document and any other views on it made known to the parties under section 27(4).

Section 28(5): amended, on 12 December 2012, by section 4 of the Ngati Porou Claims Settlement Amendment Act 2012 (2012 No 111).

29 Revision of draft nga Whakahaere Takirua

The parties must, after considering the submissions heard and other views received under section 28(4),—

(a) revise the draft nga Whakahaere Takirua, as they consider appropriate; and

(b) not later than 4 months after the hearing of submissions is concluded, provide to the Conservation Board—

(i) the draft document as revised; and

(ii) the summary of submissions prepared under section 28(6).

Approval process

30 Submission of draft nga Whakahaere Takirua to Conservation Authority

(1) After considering the draft nga Whakahaere Takirua and the summary of submissions received under section 29, the Conservation Board—

(a) may request the parties to further revise the draft document; and

(b) must submit to the Conservation Authority, for its approval, the draft document, together with—

(i) a written statement on any matters that the parties and the Conservation Board are not able to agree; and

(ii) a copy of the summary of the submissions provided to the board under section 29.

(2) The Conservation Board must provide the draft document to the Conservation Authority not later than 5 months after the draft document was provided to the board, unless a later date is directed by the Minister.

31 Approval of nga Whakahaere Takirua

(1) The Conservation Authority—

(a) must consider the draft nga Whakahaere Takirua and any relevant information provided under section 30(1)(b); and

(b) may consult with any person or organisation that it considers appropriate, including—

(i) the parties; and

(ii) the Conservation Board.

(2) After considering the draft document and any relevant information provided under subsection (1)(a), the Conservation Authority must—

(a) make any amendments to the draft document that it considers necessary; and

(b) provide the draft document and other relevant information to the Minister and the trustee.

(3) The Minister and trustee jointly must—

(a) consider the draft document; and

(b) if either or both of them consider further revision is necessary, return the draft document to the Conservation Authority with written recommendations for change.

(4) The Conservation Authority, after having regard to any recommendations received under subsection (3), must either—

(a) approve the draft document; or

(b) return it to the Minister and trustee for further consideration in accordance with subsection (3)(b), with any new information that the Authority wishes them to consider, before the draft document is approved.

Review and amendment of nga Whakahaere Takirua

32 Review procedure

(1) At any time, the parties may, after consulting with the Conservation Board, initiate a review of nga Whakahaere Takirua as a whole or in part.

(2) A review must be carried out in accordance with the process set out in sections 25 to 31 as if those provisions related to the review procedure.

(3) The parties must commence a review of the whole of nga Whakahaere Takirua under this subpart not later than 10 years after the date of its approval, unless the Minister, after consulting with the Conservation Authority and the trustee, extends the period within which the review must be commenced.

33 Amendment procedure

(1) At any time the parties may, after consulting with the Conservation Board, initiate amendments to the whole or a part of nga Whakahaere Takirua.

(2) Unless subsection (3) or (4) applies, amendments must be made in accordance with the process set out in sections 25 to 31 as if those provisions related to the amendment procedure.

(3) If the parties consider that the proposed amendments would not materially affect the policies, objectives, or outcomes of nga Whakahaere Takirua or the public interest in respect of the relevant conservation land,—

(a) the parties must send the proposed amendments to the Conservation Board; and

(b) the Conservation Board must deal with them in accordance with sections 30 and 31, as if those provisions related to the amendment procedure.

(4) If the purpose of the proposed amendments is to ensure the accuracy of the information in nga Whakahaere Takirua required by section 17D(7) of the

Conservation Act 1987 (which requires the identification and description of all protected areas within the boundaries of the conservation management strategy managed by the Department of Conservation), the parties may amend nga Whakahaere Takirua without following the process prescribed under subsection (2).

(5) The Director-General must notify any amendments made under subsection (4) to the Conservation Board without delay.

Dispute resolution

34 Application of dispute resolution procedure

(1) Sections 35 and 36 apply to any dispute arising between the trustee and delegates of the Director-General at any stage in the process for preparing and approving nga Whakahaere Takirua.

(2) If, at any stage in that process, a party refers a dispute for resolution, the calculation of any prescribed period of time is stopped until the dispute is resolved and the parties resume the process at the point where it was interrupted.

35 Process for resolution of disputes

(1) If, at any stage in the process referred to in section 34, the parties are not able to resolve a dispute within a reasonable time, either party may—

(a) give written notice to the other of the issues in dispute; and

(b) require the process under this section and section 36 to be followed.

(2) Within 15 business days of the date of the notice given under subsection (1), a local representative of the Department of Conservation and a representative of Te Runanganui must meet in good faith to seek a means to resolve the dispute.

(3) If that meeting does not result in a resolution within 20 business days after the date of the notice, the Director-General and the chief executive of Te Runanganui must meet in good faith to seek a means to resolve the dispute.

(4) The Minister and the chairperson of the trustee must, if the parties agree, meet in good faith to seek to resolve the dispute if—

(a) the dispute has not been resolved within 30 business days after the date of the notice; and

(b) the dispute is a matter of significance to both parties.

(5) A resolution reached under this section is valid only to the extent that it is not inconsistent with the statutory obligations of the parties.

36 Mediation

(1) If resolution is not reached within a reasonable time under section 35(4) (or under section 35(3), if section 35(4) does not apply), either party may require the dispute to be referred to mediation by giving written notice to the other party.

(2) The parties must seek to agree on 1 or more persons to conduct a mediation or, if agreement is not reached within 15 business days of the notice given under subsection (1), the person who gave notice must notify the President of the New Zealand Law Society in writing, requesting the appointment of a mediator to assist the parties to reach a settlement of the dispute.

(3) A mediator appointed under this section—

(a) must be familiar with Ngati Porou tikanga; and

(b) must be familiar with dispute resolution that is tikanga-based; and

(c) must be independent of the dispute; and

(d) does not have the power to determine the dispute, but may give non-binding advice.

(4) The parties must participate in good faith in the mediation.

(5) The parties to the dispute must—

(a) share the costs of a mediator appointed under this section and related expenses equally; but

(b) in all other respects, meet their own costs and expenses in relation to the mediation.

Ngati Porou plan

37 Effect of any plan prepared by Ngati Porou

(1) Subsection (2) applies if Ngati Porou prepares, and the trustee approves, a plan that relates to conservation or natural resources within the Ngati Porou area of interest, including matters such as the vision, aspirations, objectives, and policies of Ngati Porou for the area of interest, or in relation to its spiritual, historical, and cultural beliefs.

(2) The New Zealand Conservation Authority, the Conservation Board, and the Director-General must have regard to the plan, to the extent that it is relevant, particularly when—

(a) considering nga Whakahaere Takirua for approval under this subpart; and

(b) carrying out functions under or relating to nga Whakahaere Takirua.

Subpart 2—Protocols

38 Authority to issue, amend, or cancel protocols

(1) Each responsible Minister may—

(a) issue a protocol to the trustee in the form set out in the documents schedule; and

(b) amend or cancel that protocol.

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

(a) the trustee; or

(b) the responsible Minister.

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

39 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

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

(i) introduce legislation and change government policy; and

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

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

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

40 Enforcement 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 trustee 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 trustee in enforcing the protocol under subsection (2).

41 Conservation protocol

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

(2) The noting of the summary of the conservation protocol is—

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

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

(3) 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 in 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 Act 1987 or an enactment listed in Schedule 1 of that Act; or

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

42 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 Economic Development; and

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

(2) The noting of the summary is—

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

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

(3) 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.

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

43 Taonga tuturu protocol

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

Subpart 3—Statutory acknowledgement

44 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association in relation to the statutory areas listed in Schedule 2.

45 Meaning of river

In this subpart, **river** (including any tributary)—

(a) means—

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

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

(b) does not include—

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

(ii) an artificial watercourse.

46 Purposes of statutory acknowledgement

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

(a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 47 to 49; and

(b) require relevant consent authorities to forward summaries of resource consent applications or, as the case requires, copies of notices of applications to the trustee, as provided for in section 51; and

(c) enable the trustee and any member of Ngati Porou to cite the statutory acknowledgement as evidence of the association of Ngati Porou with the relevant statutory areas, as provided for in section 52.

(2) This section does not limit sections 53 to 55.

Section 46(1)(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

47 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 trustee is an affected person in respect of an application for a resource consent for an activity within, adjacent to, or that directly affects the statutory area.

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

48 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 trustee is a person with an interest greater than that of the general public in respect of proceedings relating to an application for a resource consent for an activity within, adjacent to, or that directly affects a statutory area.

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

49 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 49: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

50 Recording statutory acknowledgement on statutory plans

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

(2) The information attached to a statutory plan must include the relevant provisions of sections 45 to 49 in full, the descriptions of the statutory areas, and any statements of association for the statutory area.

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

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

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

51 Provision of resource consent applications

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

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

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

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

(a) the same as would be given to an affected person under section 95B of the Resource Management Act 1991, or as may be agreed between the trustee and the relevant consent authority; and

(b) provided as soon as is reasonably practicable—

(i) after an application is received by the consent authority; and

(ii) before the relevant consent authority decides under section 95 of that Act whether to notify the application.

(3) A copy of the notice given under subsection (1)(b) must be provided not later than 10 business days after the day on which the consent authority receives the notice.

(4) The trustee may, by notice in writing to a relevant consent authority,—

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

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

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

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

(b) under section 95E of that Act, whether the trustee is an affected person in relation to an activity.

52 Use of statutory acknowledgement

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

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

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

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

(b) parties to proceedings before that court or any of those bodies; or

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

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

(4) To avoid doubt,—

(a) neither the trustee nor members of Ngati Porou are precluded from stating that Ngati Porou 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 52(1)(c): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

53 Exercise of powers and performance of duties and functions

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

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

(b) no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngati Porou with a statutory area (as described in a statement of association) than that person would give under the relevant legislation or bylaw if no statutory acknowledgement existed in respect of the statutory area.

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

54 Rights not affected

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

55 Limitation of rights

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

56 Amendment to Resource Management Act 1991

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

(2) Schedule 11 is amended by inserting the following item in its appropriate alphabetical order: “Ngati Porou Claims Settlement Act 2012”.

Subpart 4—Cultural redress properties

57 Interpretation

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

Sites vested in fee simple subject to conservation covenant

(a) Awanui:

(b) Whanokao:

(c) Raparaparíriki:

(d) Ruataupare:

(e) Waipare Redwoods:

Sites vested in fee simple to be administered as scenic reserves

(f) Anaura:

(g) Herenga:

(h) Aorangi:

(i) Pakaturi:

(j) Paraheka:

(k) Pukeamaru:

(l) Waimahuru:

Sites vested in fee simple to be administered as local purpose reserves

(m) Te Puia:

(n) Whangaokeno:

Site vested in fee simple

(o) Taitai.

Sites vested in fee simple subject to conservation covenants

58 Awanui

(1) The reservation of the part of Awanui that is Section 5 Awanui Suburban as land reserved as an endowment for primary education under *Gazette* 1890 page 1055 is revoked.

(2) Awanui ceases to be a conservation area under the Conservation Act 1987.

(3) The fee simple estate in Awanui vests in the trustee.

(4) Subsections (1) to (3) are subject to the trustee providing to the Crown a registrable covenant for Awanui, in the form of the covenant set out in the documents schedule.

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

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

(b) section 27 of the Conservation Act 1987.

59 Whanokao

(1) Whanokao that is part of the Raukumara Conservation Park ceases to be part of that park.

(2) The parts of Whanokao that are part of the Whanokao and Raukokore ecological areas cease to be part of those areas.

(3) Whanokao ceases to be a conservation area under the Conservation Act 1987.

(4) The fee simple estate in Whanokao vests in the trustee.

(5) Subsections (1) to (4) are subject to the trustee providing to the Crown a registrable covenant for Whanokao, in the form of the covenant set out in the documents schedule.

(6) 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.

60 Raparapaririki

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

(2) The fee simple estate in Raparapaririki vests in the trustee.

(3) Subsections (1) and (2) are subject to the trustee providing to the Crown the registrable covenant for Lot 6, and that for Lots 7 and 8, of Raparapaririki, in the form of the covenants set out in the documents schedule.

(4) The covenants are to be treated as conservation covenants for the purposes of—

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

(b) section 27 of the Conservation Act 1987.

61 Ruataupare

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

(2) The fee simple estate in Ruataupare vests in the trustee.

(3) Subsections (1) and (2) are subject to the trustee providing to the Crown a registrable covenant for Ruataupare, in the form of the covenant set out in 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.

62 Waipare Redwoods

(1) The reservation of the Waipare Redwoods scenic reserve subject to section 19 of the Reserves Act 1977 is revoked.

(2) The fee simple estate in Waipare Redwoods vests in the trustee.

(3) Subsections (1) and (2) are subject to the trustee providing to the Crown a registrable covenant for Waipare Redwoods, in the form of the covenant set out in 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.

Sites vested in fee simple to be administered as scenic reserves

63 Anaura

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

(2) The fee simple estate in Anaura vests in the trustee.

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

(4) Subsections (1) to (3) are subject to the trustee providing to the Crown a registrable easement in gross for a right to convey water in favour of the Minister of Conservation, as set out in the documents schedule.

(5) The easement is enforceable in accordance with its terms despite the provisions of the Reserves Act 1977 and is to be treated as having been granted in accordance with that Act.

(6) The reserve created by subsection (3) is named Anaura Scenic Reserve.

64 Herenga

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

(2) The fee simple estate in Herenga vests in the trustee.

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

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

65 Aorangi

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

(2) The fee simple estate in Aorangi vests in the trustee.

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

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

66 Pakaturi

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

(2) The fee simple estate in Pakaturi vests in the trustee.

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

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

67 Paraheka

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

(2) The fee simple estate in Paraheka vests in the trustee.

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

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

68 Pukeamaru

(1) The reservation of the part of Pukeamaru that is a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked.

(2) The parts of Pukeamaru that are conservation areas under the Conservation Act 1987 cease to be conservation areas.

(3) The fee simple estate in Pukeamaru vests in the trustee.

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

(5) Despite section 78(1), on the day of the vesting by subsection (3), the Director-General is to be the administering body of Pukeamaru—

(a) to control and manage the reserve under the Reserves Act 1977; and

(b) for a period of 5 years after the vesting.

(6) The reserve created by subsection (4) is named Pukeamaru Scenic Reserve.

69 Waimahuru

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

(2) The reservation of the part of Waimahuru that is a scenic reserve subject to section 19 of the Reserves Act 1977 is revoked.

(3) The fee simple estate in Waimahuru vests in the trustee.

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

(5) The reserve created by subsection (4) is named Waimahuru Scenic Reserve.

Sites vested in fee simple to be administered as local purpose reserves

70 Te Puia

(1) The reservation of Te Puia as a hot springs reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Puia vests in the trustee.

(3) Te Puia is declared a reserve and classified as a local purpose (geothermal and walking track) reserve subject to section 23 of the Reserves Act 1977.

(4) The trustee (or any subsequent administering body) may, in relation to the reserve, by public notice,—

(a) prohibit access to the reserve, other than to the walking track; and

(b) prohibit access to the walking track, but only with the prior approval of the Minister of Conservation.

(5) The reserve created by subsection (3) is named Te Puia Local Purpose (Geothermal and Walking Track) Reserve.

71 Whangaokeno

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

(2) The fee simple estate in Whangaokeno vests in the trustee.

(3) Whangaokeno is declared a reserve and classified as a local purpose (cultural and wildlife management) reserve subject to section 23 of the Reserves Act 1977.

(4) For the purpose of protecting and preserving the fauna and flora of the reserve in their natural state, no person may enter the reserve without first obtaining—

(a) from the trustee or any subsequent administering body—

(i) a licence under section 48A of the Reserves Act 1977; or

(ii) a permit under section 57(1) of that Act (as if the reserve were a nature reserve); or

(b) a declaration under section 57(2) of that Act (as if the reserve were a nature reserve).

(5) In subsection (4), **enter the reserve**—

(a) means having any physical contact with the island by a boat; and

(b) includes contact such as by attaching, by rope or otherwise, a boat to the island or to a wharf constructed on or partly on the island.

(6) The reserve created by subsection (3) is named Whangaokeno Local Purpose (Cultural and Wildlife Management) Reserve.

Site vested in fee simple

72 Taitai

The fee simple estate in Taitai vests in the trustee.

Subpart 5—Provisions applying to vesting of cultural redress properties

Provisions of general application

73 Properties vest subject to or together with encumbrances

Each cultural redress property vests under subpart 4 in the trustee, subject to, or together with, any encumbrances listed for the property in the third column of the tables in Schedule 3.

74 Registration of ownership

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

(2) The Registrar-General must, on written application by an authorised person, comply with subsections (3) to (6).

(3) To the extent that a cultural redress property is all of the land contained in a computer freehold register that is not limited as to parcels, the Registrar-General must—

(a) register the trustee as the proprietor of the fee simple estate in the land; and

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

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

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

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

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

(6) 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 trustee and the Crown.

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

(a) the chief executive of LINZ, in the case of the Taitai site; and

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

75 Application of Part 4A of Conservation Act 1987

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

(3) If the reservation under subpart 4 of a reserve site is revoked in relation to all or part of the site, the vesting of the reserve site in the trustee 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.

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

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

(a) a reserve site—

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

(ii) that the land is subject to sections 75(3) and 79 of this Act; and

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

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

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

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

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

(ii) the site is subject to sections 75(3) and 79 of this Act; or

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

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

77 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.

78 Application of Reserves Act 1977 to reserve sites

(1) The trustee is the administering body of each of the reserve sites for the purposes of the Reserves Act 1977.

(2) Despite sections 48A(6), 114(5), and 115(6) of the Reserves Act 1977, sections 48A, 114, and 115 of that Act apply to the reserve sites.

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

(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 of that Act, except subsection (2) of that provision, does not apply to the revocation.

79 Subsequent transfer of reserve land

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

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

(3) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to another person or persons (the **new**

owners) if, on written application, the registered proprietors of the reserve land satisfy the Minister of Conservation 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 the Reserves Act 1977.

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

(5) The documents are—

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

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

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

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

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

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

(7) Despite subsections (1) and (2), subsections (3) to (6) do not apply to the transfer of the fee simple estate in the reserve land if—

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

(b) the transferees are the trustees of the same trust, after—

(i) any new trustees have been appointed to the trust; or

(ii) 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.

80 Reserves not to be mortgaged

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

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

(1) This section applies to any bylaw, prohibition, or restriction on use or access that an administering body or the Minister made or granted under the Reserves

Act 1977 or the Conservation Act 1987 in relation to a reserve site before the site vested in the trustee under subpart 4.

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

82 Authority for alteration of Gazetteer in respect of certain sites

(1) If a site vested under subpart 4 comprised, immediately before the vesting, the whole of a reserve or conservation area and an official geographic name was assigned to the site under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008,—

(a) that official geographic name is discontinued; and

(b) the Board must ensure that, as soon as reasonably practicable after the settlement date, that official geographic name is removed from the Gazetteer.

(2) However, if a site vested under subpart 4 comprises only part of a reserve or conservation area to which an official geographic name had been assigned,—

(a) the official geographic name is discontinued only in respect of the part of the site that is vested under subpart 4; and

(b) the Board must amend the Gazetteer so that the official geographic name applies only to the part of the reserve or conservation area that is not vested under subpart 4.

(3) If a site is vested under subpart 4, and reserved and classified as a scenic reserve under that subpart, the scenic reserve does not become a Crown protected area.

(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 in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Part 3
Commercial redress

Subpart 1—Transfer of commercial redress and deferred selection properties

83 The Crown may transfer properties

(1) To give effect to Part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to do 1 or both of the following:

(a) transfer the fee simple estate in a commercial redress property or a deferred selection property to the trustee:

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

(2) As soon as is reasonably practicable after the actual deferred settlement date for a deferred selection property, the chief executive of the land holding agency must provide written notification of that date to the chief executive of LINZ for the purposes of section 16.

84 Minister of Conservation may grant easements

(1) The Minister of Conservation may grant a right of way easement over a conservation area, as required by clause 6.6.2(b) of the deed of settlement.

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

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

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

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

85 Registrar-General to create computer freehold register

(1) This section applies to a commercial redress property or deferred selection property (other than the licensed land) that is to be transferred to the trustee, to the extent that—

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

(b) there is no computer freehold register for all or part of the property.

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

(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 encumbrances that are registered, notified, or notifiable and that are described in the written application; but

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

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

(4) In this section and sections 86 and 87, **authorised person** means a person authorised by the chief executive of the land holding agency for the property.

86 Registrar-General to create computer freehold register for land subject to single Crown forestry licence

(1) This section applies to land subject to a single Crown forestry licence that is to be transferred to the trustee under Part 6 of the deed of settlement and Part 5 of the property redress schedule.

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

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

(b) without any statement of purpose.

87 Authorised person may grant covenant for later creation of computer freehold register

(1) For the purposes of sections 85 and 86, 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 trustee under section 83.

(2) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register a covenant (referred to in subsection (1)) 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).

88 Application of other enactments

(1) This section applies to the transfer to the trustee of a commercial redress property or a deferred selection property (a **relevant property**).

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

(a) the transfer of a relevant property; or

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

(3) The transfer of a relevant property—

(a) 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; and

(b) does not—

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

(ii) affect other rights to subsurface minerals; or

(iii) require the permission of a council under section 348 of the Local Government Act 1974 for laying out, forming, granting, or reserving a private road, private way, or right of way that may otherwise be required to fulfil the terms of the deed of settlement.

(4) In exercising the powers conferred by this subpart, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a relevant property to the trustee.

(5) Subsection (4) is subject to subsection (3)(a) and (b)(i) and (ii).

89 Application of Conservation Act 1987 if school sites transferred

(1) In this section, **school site** means one of the following deferred selection properties described in Part 1 of the property redress schedule under the heading "Deferred selection properties":

(a) Tolaga Bay Area School:

(b) Te Kura Kaupapa Maori o Mangatuna:

(c) Whangara School.

(2) If a school site is transferred to the trustee under section 83,—

(a) despite section 88(3)(a), the rest of section 24 of the Conservation Act 1987 does not apply to the transfer of the school site; and

(b) if a lease relating to all or part of a school site, or a renewal of that lease, terminates or expires without being renewed, then the transfer is no longer exempt from the rest of section 24 of that Act in relation to all or part of the school site.

(3) The Registrar-General must record on the computer freehold register for the school site that—

(a) the land is subject to Part 4A of the Conservation Act 1987; and

(b) section 24 of that Act does not apply; and that the land is subject to subsection (2)(b).

(4) Notification under subsection (3) 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.

(5) If a lease referred to in subsection (2)(b), or a renewal of that lease, terminates, or expires without being renewed, in relation to all or part of a school site, the Minister of Education must apply in writing to the Registrar-General,—

(a) if none of the school site remains subject to such a lease, to remove from the computer freehold register for the school site the notifications that—

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

(ii) the school site is subject to subsection (2)(b); or

(b) if only part of the school site remains subject to such a lease (the **leased part**), to amend the notifications on the computer freehold register for the school site to record that, in relation to only the leased part,—

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

(ii) that part is subject to subsection (2)(b).

(6) The Registrar-General must comply with an application received from the Minister of Education under subsection (5).

Subpart 2—Licensed land

90 Licensed land ceases to be Crown forest land

(1) The licensed land ceases to be Crown forest land on the registration of the transfer of the fee simple estate in the land to the trustee.

(2) However, although the licensed land does not cease to be Crown forest land until the transfer of the fee simple estate in the land to the trustee 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, be inconsistent with this Part, Part 6 of the deed of settlement, or Part 5 of the property redress schedule, although consistent with the Crown Forest Assets Act 1989.

91 Trustee is confirmed beneficiary and licensor

(1) The trustee is, in relation to the licensed land, the confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed.

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

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

(b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustee is the confirmed beneficiary.

(3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of each 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 trustee is the licensor under each Crown forestry licence as if the licensed land had been returned to Maori 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.

92 Effect of transfer of licensed land

Section 91 applies whether or not, on the settlement date, the transfer of the fee simple estate in the licensed land has been registered.

Subpart 3—Unlicensed land

93 Unlicensed land

(1) On the settlement date, the unlicensed land ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets.

(2) In this section, **Crown forestry assets** has the same meaning as in section 2(1) of the Crown Forest Assets Act 1989.

Subpart 4—Access to protected sites

94 Meaning of protected site

In this subpart, **protected site** means any area of land situated in the licensed land or the unlicensed land that—

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

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

Section 94(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 94(b): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

95 Right of access to protected site

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

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

(3) The right of access 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 of access must observe any reasonable conditions imposed by the owner relating to the time, location, or manner of access as are reasonably required—

(i) for the safety of people; or

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

(iii) for operational reasons.

96 Right of access subject to Crown forestry licence

(1) The right of access conferred by section 95 is subject to, and does not override, the terms of any Crown forestry licence, except where the licensee has agreed to an exercise of the right of access.

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

(a) delay the date from which a person who has a right of access under section 95 may exercise that right; or

(b) otherwise adversely affect the right of access.

97 Registrar-General must note right of access over land transferred on settlement date

(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 and the unlicensed land that the land is, or may at any future time be, subject to the right of access set out in section 95.

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

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

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

(a) a person authorised by the chief executive of LINZ, for the licensed land; and

(b) a person authorised by the Director-General of the Ministry of Agriculture and Forestry, for the unlicensed land.

Subpart 5—Right of first refusal in relation to RFR land

98 Interpretation

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

deferred selection RFR land means a property that—

(a) is listed in Part 1 of the property redress schedule under the heading "Deferred selection property"; and

(b) has not been transferred and is no longer subject to an obligation to be transferred, in accordance with Parts 4 and 5 of the property redress schedule

dispose of, in relation to RFR land,—

(a) means to—

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

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

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

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

(ii) grant an easement over the land; or

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

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

expiry date, in relation to an offer, means its expiry date under sections 101(a) and 102

general RFR land means the land described in the RFR land schedule if, on the settlement date, the land is—

(a) vested in the Crown or held in fee simple by the Crown; or

(b) held in fee simple by Housing New Zealand Corporation; or

(c) a reserve vested in an administering body that derived title from the Crown

notice means a notice required by section 118, 119, or 120

offer means an offer, made in accordance with section 101, by an RFR landowner to dispose of RFR land to the trustee

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

RFR landowner, in relation to RFR land,—

(a) means—

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

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

(b) includes a local authority to which RFR land has been disposed of under section 107(1); but

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

(i) on the settlement date; or

(ii) after the settlement date, under section 108(1)

RFR period means the period of 170 years from the settlement date.

99 Meaning of RFR land

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

(a) the general RFR land; and

(b) the deferred selection RFR land; and

(c) land obtained in exchange for a disposal of RFR land under section 112(1)(c) or 113.

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

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

(i) the trustee or its nominee (for example, under section 105); or

(ii) any other person (including the Crown or a Crown body) under section 100(c); or

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

(i) under any of sections 109 to 116 (which relate to permitted disposals of RFR land); or

(ii) under section 117(1) (which relates to matters that may override the obligations of an RFR landowner under this subpart); or

(c) the RFR period ends.

Restrictions on disposal of RFR land

100 Restrictions on disposal of RFR land

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

(a) under any of sections 106 to 116; or

(b) under section 117(1); or

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

(i) made in accordance with section 101; and

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

(iii) not withdrawn under section 103; and

(iv) not accepted under section 104.

Trustee's right of first refusal

101 Requirements for offer

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

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

(b) a legal description of the land, including any encumbrances affecting it, and 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 trustee to give notices to the RFR landowner in relation to the offer.

102 Expiry date of offer

(1) The expiry date of an offer must be on or after the day that is 40 business days after the date on which the trustee receives notice of the offer.

(2) However, the expiry date of an offer may be on or after the day that is 20 business days after the date on which the trustee receives notice of the offer if—

(a) the trustee 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.

103 Withdrawal of offer

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

104 Acceptance of offer

(1) The trustee 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 trustee must accept all the RFR land offered, unless the offer permits it to accept less.

105 Formation of contract

(1) If the trustee accepts an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustee 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 RFR landowner and the trustee.

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

(4) The trustee may nominate a nominee, but only—

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

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

(5) The notice must specify—

(a) the full name of the nominee; and

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

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

Disposals if land remains RFR land

106 Disposal to the Crown or Crown body

(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 106(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

107 Disposal of existing public works to local authority

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

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

(a) the RFR landowner of the land; and

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

108 Disposal of reserve to administering body

(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 that land; or

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

(3) However, if the 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 if land may cease to be RFR land

109 Disposal in accordance with enactment or rule of law

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

110 Disposal in accordance with legal or equitable obligation

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

(a) a legal or equitable obligation that—

(i) was unconditional before the settlement date; or

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

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

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

111 Disposal by the Crown under certain legislation

The Crown may dispose of RFR land in accordance with—

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

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

(c) section 34 of the Marine and Coastal Area (Takutai Moana) Act 2011.

Section 111(b): amended, on 12 December 2012, by section 5 of the Ngati Porou Claims Settlement Amendment Act 2012 (2012 No 111).

112 Disposal of land held for public works

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

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

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

113 Disposal for reserve or conservation purposes

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

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

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

114 Disposal for charitable purposes

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

115 Disposal to tenants

The Crown may dispose of RFR land—

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

(b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—

(i) before the settlement date; or

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

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

116 Disposal by Housing New Zealand Corporation

Housing New Zealand Corporation or any of its subsidiaries may dispose of RFR land to any person if the Corporation has given notice to the trustee that, in the Corporation's opinion, the disposal is to give effect to, or to assist in giving effect to, the Crown's social objectives in relation to housing or services relating to housing.

RFR landowner obligations

117 RFR landowner's obligations under this subpart

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

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

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

(i) that prevents or limits an RFR landowner's disposal of RFR land to the trustee; 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 subsection (1).

Notices

118 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.

119 Notice of disposals of RFR land to others

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

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

(3) The notice must—

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

(b) identify any computer register that contains the land; and

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

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

(e) explain how the disposal complies with section 100; and

(f) in the case of a disposal under section 100(c), include a copy of any written contract for the disposal.

120 Notice of land ceasing to be RFR land

(1) This section applies if land contained in a computer register is to cease being RFR land because—

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

(i) the trustee or its nominee (for example, under section 105); or

(ii) any other person (including the Crown or a Crown body) under section 100(c); or

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

(i) under any of sections 109 to 116; or

(ii) under section 117(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

(b) identify the computer register that contains the land; and

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

121 Notice requirements

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

(a) an RFR landowner; or

(b) the trustee.

Memorials for RFR land

122 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,—

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

(b) after receiving a notice under section 118 that a computer register has been created for the RFR land or that the land has become RFR land, in the case of any other land.

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

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

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on the computer register that the land described in the certificate (and contained in the computer register) is—

(a) RFR land as defined in section 99; and

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

123 Removal of memorials when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 120, issue to the Registrar-General a certificate that—

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

(b) identifies the computer register that contains the land; and

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

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

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

(3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove any memorial recorded under section 122 from the computer register identified in the certificate.

124 Removal of memorials when RFR period ends

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

(a) identifies each computer register that still has a memorial recorded on it under section 122; and

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

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

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any memorial recorded under section 122 from any computer register identified in the certificate.

General provisions

125 Waiver and variation

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

(2) The trustee 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.

126 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.

127 Assignment of RFR right

(1) Subsection (2) applies if, at any time, an RFR holder—

(a) assigns the holder's RFR rights to an assignee in accordance with the holder's constitutional documents; and

(b) has given the notices required by subsection (3).

(2) This subpart and Schedule 4 apply, with all necessary modifications, to an assignee as if the assignee were the trustee.

(3) An RFR holder must give a notice to each RFR landowner—

(a) stating that the RFR rights of the RFR holder are to be assigned under this section; and

(b) specifying the date of the assignment; and

(c) specifying the name of the assignee, and if assignees are the trustees of a trust, the name of the trust; and

(d) specifying the street or postal address or fax number for notices to the assignee.

(4) In this section and Schedule 4,—

assignee means 1 or more persons to whom an RFR holder assigns the holder's RFR rights

constitutional documents means, as the case requires, the trust deed of Te Runanganui or the constitutional documents of an assignee

RFR holder means, as the case requires,—

(a) the trustee; or

(b) an assignee

RFR rights means the rights and obligations provided for by or under this subpart.

Part 4
Transitional arrangements and miscellaneous matters

Subpart 1—Transitional arrangements for governance reorganisation

128 Interpretation

(1) In this subpart and subpart 2, unless the context otherwise requires,—

assets and liabilities—

(a) means the assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement of this Act, by Te Runanga (including as trustee of the Porou Ariki Trust) and the relevant subsidiaries; and

(b) includes—

(i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and

(ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere)

date of transfer means the day on which the assets and liabilities vest under section 131

exempt income has the meaning given in section YA 1 of the Income Tax Act 2007

final report means—

(a) a statement of the financial position of Te Runanga and other information required by section 137(1) and (2); and

(b) an audit report prepared by the Auditor-General on the statement and information referred to in paragraph (a)

Inland Revenue Acts has the meaning given in section 3(1) of the Tax Administration Act 1994

Maori Trust Board has the meaning given in section 2 of the Maori Trust Boards Act 1955

Ngati Porou Seafoods Limited means the company incorporated under company number 1778412, in its capacity as the asset-holding company of the mandated iwi organisation of Ngati Porou for the purposes of the Maori Fisheries Act 2004

Porou Ariki Trust means the charitable trust of that name established by the Porou Ariki Trust Deed dated 23 March 2006

relevant subsidiaries means—

(a) Pakihiroa Farms Limited; and

(b) Ngati Porou Seafoods Limited; and

(c) Ngati Porou Fisheries Limited and its subsidiary Real Fresh Limited

reorganisation means the changes provided for the governance arrangements of Ngati Porou in subpart 1

taxable income has the meaning given in section YA 1 of the Income Tax Act 2007.

(2) In this subpart and subpart 2, unless the context requires another meaning, terms and expressions used and not defined in this subpart, but defined in—

(a) the Maori Fisheries Act 2004, have the meanings given in that Act; and

(b) the Inland Revenue Acts, have the meanings given in those Acts.

Certain trusts dissolved

129 Dissolution of Te Runanga o Ngati Porou

(1) On the commencement of this Act,—

(a) Te Runanga o Ngati Porou (**Te Runanga**), the Maori Trust Board constituted for the purposes of the Maori Trust Boards Act 1955 by section 3 of Te Runanga o Ngati Porou Act 1987, is dissolved; and

(b) the term of office of the members of Te Runanga expires; and

(c) proceedings by or against Te Runanga may be continued, completed, and enforced by or against the trustee; and

(d) a reference to Te Runanga (express or implied) in any enactment (other than this Act), or in any instrument, register, agreement, deed (other than the deed of settlement), lease, application, notice, or other document in force immediately before the commencement of this Act must, unless the context otherwise requires, be read as a reference to the trustee.

(2) A person holding office as a member of Te Runanga immediately before the commencement of this Act is not entitled to compensation as a result of the expiry under this section of his or her term of office.

130 Porou Ariki Trust dissolved

On the commencement of this Act, the Porou Ariki Trust is dissolved.

131 Vesting of assets and liabilities

(1) On the commencement of this Act, the assets and liabilities—

(a) of Te Runanga (including as trustee of the Porou Ariki Trust) vest in the trustee and become the assets and liabilities of the trustee; but

(b) of the relevant subsidiaries continue to be the assets and liabilities of those subsidiaries.

(2) To the extent that any assets and liabilities of Te Runanga (including as trustee of the Porou Ariki Trust) are held subject to—

(a) any charitable trusts, those assets and liabilities are—

(i) freed of all charitable trusts; but

(ii) subject to the trusts expressed in the Te Runanganui o Ngati Porou trust deed; and

(b) any other trusts, covenants, or conditions affecting an asset or liability, those assets and liabilities vest in, and become the assets and liabilities of, the trustee, subject to those trusts, covenants, or conditions.

(3) To the extent that the assets and liabilities of the relevant subsidiaries are held subject to any charitable trusts, those assets and liabilities are—

(a) freed of all charitable trusts; but

(b) subject to any other trusts, covenants, or conditions affecting those assets and liabilities.

(4) If, on the commencement of this Act, a relevant subsidiary is a tax charity for the purposes of the Inland Revenue Acts, that subsidiary ceases to be a tax charity on that date.

(5) To avoid doubt, nothing in this section has the effect, of itself, of causing a relevant subsidiary to be a different person for the purposes of the Inland Revenue Acts.

Provisions relating to Maori Fisheries Act 2004 matters

132 Recognition of trustee and asset-holding company

On and from the commencement of this Act,—

(a) Te Runanganui is, and is recognised by Te Ohu Kai Moana Trustee Limited as, the mandated iwi organisation for Ngati Porou in place of Te Runanga; and

(b) Ngati Porou Seafoods Limited is the asset-holding company of Te Runanganui through the trustee.

133 Approval of constitutional document

(1) On the commencement of this Act, the trust deed of Te Runanganui is approved by Te Ohu Kai Moana Trustee Limited as the constitutional document of Te Runanganui, as if it were approved under section 17 of the Maori Fisheries Act 2004.

(2) Subsection (1) does not affect or limit the application to the constitutional document of Te Runanganui of section 17(1A) of the Māori Fisheries Act 2004 (as inserted by the Māori Fisheries Amendment Act 2024).

Section 133(2): inserted, on 26 July 2026, by section 101 of the Māori Fisheries Amendment Act 2024 (2024 No 27).

134 Effect of recognition of Te Runanganui as mandated iwi organisation

(1) On the commencement of this Act,—

(a) any registered coastline entitlement of Te Runanga is to be treated as the registered coastline entitlement of Te Runanganui through the trustee; and

(b) any coastline claim, agreement, or written statement made by Te Runanga under Part 1 of Schedule 6 of the Maori Fisheries Act 2004 is to be treated as that of Te Runanganui through the trustee.

(2) Except as expressly applied by the deed of settlement or this subpart, the Maori Fisheries Act 2004 does not apply to the governance reorganisation effected by this subpart.

135 Functions of Te Ohu Kai Moana Trustee Limited

(1) Without further authorisation than this section, Te Ohu Kai Moana Trustee Ltd is deemed to have taken, and must continue to take, all actions necessary, in accordance with the requirements of the Maori Fisheries Act 2004,—

(a) to provide administratively for the matters set out in section 132 as if those matters were done under the Maori Fisheries Act 2004; and

(b) to make the appropriate changes to the iwi register in accordance with that Act.

(2) Te Ohu Kai Moana Trustee Limited is not liable, and no action may be brought against it, for any act described in Part 7 of the deed of settlement that it does or omits to do, in so far as the act or omission is done or omitted in good faith and with reasonable cause.

136 Election of representatives of trustee

(1) Despite Kaupapa 1(1) of Schedule 7 of the Maori Fisheries Act 2004, all adult members of Ngati Porou must have the opportunity, at intervals not exceeding 4 years, to elect the directors, trustees, or office holders of Te Runanganui.

(2) For the purposes of subsection (1), the office holders of Te Runanganui may include the directors of the trustee.

Other transitional matters

137 Final report of Te Runanga

(1) As soon as is reasonably practicable after the commencement of this Act, the trustee must prepare a final report (as if the report were an annual report) to show fully the financial results of the operations of Te Runanga for the period beginning on the date of the previous annual report and ending with the close of the day immediately before the commencement of this Act.

(2) The final report must consist of a statement of the financial position of Te Runanga and other statements of accounts necessary to provide the information required by subsection (1).

(3) As soon as is reasonably practicable after the completion of the final report, the trustee must provide the final report to the Minister of Maori Affairs, who must present the final report to the House of Representatives as soon as is reasonably practicable after receiving it from the trustee.

138 Matters not affected by transfer

Nothing given effect to or authorised by this subpart—

(a) places Te Runanga or the trustee, the Crown, or any other person or body in breach of a contract or confidence, or makes them guilty of a civil wrong; or

(b) gives rise to a right for any person to terminate or cancel any contract or arrangement, to accelerate the performance of an obligation, to impose a penalty, or to increase a charge; or

(c) places Te Runanga, the trustee, the Crown, or any other person or body in breach of an enactment, rule of law, or contract that prohibits, restricts, or regulates the assignment or transfer of an asset or liability or the disclosure of information; or

(d) releases a surety wholly or in part from an obligation; or

(e) invalidates or discharges a contract.

139 Status of contracts and other instruments

(1) In subsection (2), **contracts and other instruments** means contracts, agreements, conveyances, deeds, leases, licences, other instruments, undertakings, notices entered into by, made with, given to or by, or addressed to, Te Runanga (whether alone or with another person) before the commencement of this Act and having effect immediately before that date.

(2) Contracts and other instruments are binding on, and enforceable by, against, or in favour of, the trustee as if the contracts or other instruments had been entered into by, made with, given to or by, or addressed to or by, the trustee and not Te Runanga.

140 Status of existing securities

(1) A security held by Te Runanga as security for a debt or other liability to the board of Te Runanga incurred before the commencement of this Act—

(a) is available to the trustee as security for the discharge of that debt or liability; and

(b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to the trustee incurred on or after the commencement of this Act.

(2) The trustee is entitled to the same rights and priorities, and is subject to the same liabilities, in relation to the security as Te Runanga would be if this Act had not been passed.

141 Continuation of proceedings

(1) An action, arbitration, proceeding, or cause of action that was pending or existing by, against, or in favour of Te Runanga before the commencement of this Act may be continued and enforced by, against, or in favour of the trustee.

(2) It is not necessary to amend a pleading, writ, or other document to continue the action, arbitration, proceeding, or cause of action.

142 Books and documents to remain evidence

(1) A document, matter, or thing that would have been admissible in evidence for or against Te Runanga is, on and after the commencement of this Act, admissible in evidence for or against the trustee.

(2) For the purpose of this section, **document** has the same meaning as in section 4(1) of the Evidence Act 2006.

143 Registers

(1) The Registrar-General or any other person charged with keeping books or registers is not required to change the name of Te Runanga to the names of the trustee in the books or registers or in a document, solely because of the provisions of this subpart.

(2) If the trustee presents an instrument referred to in subsection (3) to a registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in the trustee, as specified in the instrument.

(3) For the purposes of this section, the instrument need not be an instrument of transfer, but must—

(a) be executed or purport to be executed by the trustee; and

(b) relate to assets or liabilities held, managed, or controlled by Te Runanga or any entity wholly or partly owned or controlled by the board of Te Runanga immediately before the commencement of this Act; and

(c) be accompanied by a certificate given by the trustee or its solicitor that the property was vested in the trustee by or under this Act.

144 Interpretation

In sections 145 to 149, **transferred employee** means a person employed by Te Runanga immediately before the commencement of this Act who becomes an employee of the trustee on the commencement of this Act.

145 Liability of employees and agents

(1) A person who, at any time before the commencement of this Act, held office as a member of Te Runanga or who was an officer, employee, agent, or representative of that board, is not personally liable in respect of an act or thing done or omitted to be done by him or her before the commencement of this Act in the exercise or bona fide purported exercise of an authority conferred by or under the Maori Trust Boards Act 1955 or any other enactment.

(2) This section applies only—

(a) in the absence of actual fraud; and

(b) if the act or omission does not amount to an offence under any enactment or rule of law.

146 Transfer of employees

On and from the commencement of this Act, each employee of Te Runanga ceases to be an employee of the board and becomes an employee of the trustee.

147 Protection of terms and conditions of employment

(1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to the employee immediately before the commencement of this Act.

(2) Subsection (1)—

(a) continues to apply to the terms and conditions of employment of a transferred employee until they are varied by agreement between the transferred employee and the trustee; and

(b) does not apply to a transferred employee who receives any subsequent appointment with the trustee.

148 Continuity of employment

For the purposes of an enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee, the transfer of the employee from Te Runanga to the trustee does not, of itself, break the employment of that person, and the period of his or her employment by Te Runanga is to be regarded as having been a period of service with the trustee.

149 No compensation for technical redundancy

A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that—

(a) the position held by the employee with Te Runanga has ceased to exist; or

(b) the employee has ceased, as a result of his or her transfer to the trustee, to be an employee of Te Runanga.

Subpart 2—Transitional taxation provisions

150 Application

This subpart applies, by virtue of the reorganisation of the governance of Ngati Porou under subpart 1, for the purposes of the Inland Revenue Acts.

Te Runanga

151 Taxation in respect of transfer of assets and liabilities of Te Runanga

(1) This section applies provided that—

(a) the assets and liabilities of Te Runanga become the assets and liabilities of the trustee; and

(b) the asset-holding company of Te Runanga becomes the asset-holding company of the trustee.

(2) On and from the date on which the assets and liabilities vest in the trustee under section 131(1)(a),—

(a) the trustee is deemed to be the same person as Te Runanga; and

(b) everything done by Te Runanga before the assets and liabilities become those of the trustee is deemed to have been done by the trustee on the date that it was done by Te Runanga.

(3) Income derived or expenditure incurred by Te Runanga before the assets and liabilities become those of the trustee does not become income derived or expenditure incurred by the trustee just because the assets and liabilities become those of the trustee under section 131(1)(a).

(4) Subsection (5) applies if income of Te Runanga—

(a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and

(b) is exempt income of Te Runanga but is not exempt income of the trustee.

(5) The trustee must be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property on the day that it becomes the trustee's property for a consideration that is its market value on that day.

(6) The trustee must identify the undistributed charitable amounts, using the following formula:

$$x - y$$

where—

x is the total amounts derived by Te Runanga that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by Te Runanga before the commencement of this Act

y is the amounts described in x that have been distributed before the commencement of this Act.

(7) The undistributed charitable amounts described in subsection (6) are excluded from the corpus of the trustee for the purposes of the Income Tax Act 2007, to the extent to which they are otherwise included but for this subsection.

(8) If the trustee distributes an undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless subsection (9) applies.

(9) If the trustee distributes an undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient.

(10) In this section, **Te Runanga** means Te Runanga in its own capacity and in its capacity as a trustee of any trust.

152 Election by trustee to be Maori authority

(1) If the trustee makes an election under section HF 11 of the Income Tax Act 2007 to become a Maori authority, to the extent that the amount referred to in section 151(6) is distributed in an income year, that distribution will be—

(a) exempt income if the distribution is applied for a charitable purpose; or

(b) a taxable Maori authority distribution.

(2) If this section applies, the amount must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Section 152(1): amended, on 12 December 2012, by section 6 of the Ngati Porou Claims Settlement Amendment Act 2012 (2012 No 111).

Relevant subsidiaries

153 Taxation in respect of assets and liabilities of relevant subsidiaries

(1) This section applies provided—

(a) the assets and liabilities of the relevant subsidiaries remain the assets and liabilities of those subsidiaries; and

(b) income of a relevant subsidiary derived from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of that subsidiary before the commencement of this Act, and ceases to be exempt income as a result of the application of section 131(4).

(2) The subsidiary is to be treated as having acquired the financial arrangement, trading stock, revenue account, or depreciable property for a consideration that is its market value on the date of the commencement of this Act.

154 Election by relevant subsidiary to be Maori authority

(1) If a relevant subsidiary makes an election under section HF 11 of the Income Tax Act 2007 to become a Maori authority, income derived by the subsidiary before the commencement of this Act that was exempt income under sections CW 41 and CW 42 of that Act must be treated as a taxable Maori authority distribution if, after the commencement of this Act, it is distributed by the subsidiary in an income year.

(2) If this section applies, the distribution must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

Subpart 3—Consequential repeal, revocations, and amendments

155 Act repealed

Te Runanga o Ngati Porou Act 1987 (1987 No 182) is repealed.

156 Revocations

(1) Clause 5A of the Maori Trust Boards Regulations 1985 is revoked.

(2) Schedule 1 of the Maori Trust Boards Regulations 1985 is amended by omitting the item relating to Te Runanga o Ngati Porou.

(3) Schedule 2 of the Maori Trust Boards Regulations 1985 is amended by omitting the item relating to Te Runanga o Ngati Porou.

157 Amendment to Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2012

(1) This section amends the Electoral (Iwi Organisation and Other Māori Organisation) Regulations 2012.

(2) In the Schedule, delete the item relating to Te Rūnanga o Ngāti Porou.

(3) In the Schedule, insert, in its appropriate alphabetical order, "Te Rūnanganui o Ngāti Porou".

Schedule 1
Meaning of Ngati Porou and of historical claims

ss 11, 12

Part 1
Meaning of Ngati Porou

1 Nga hapu o Ngati Porou

For the purposes of section 11, the hapu of Ngati Porou are—

(1) Te Whanau a Tapaeururangi:

(2) Ngai Tane:

(3) Ngati Uepohatu:

(4) Ngati Ira:

(5) Te Whanau a Te Aotaki:

(6) Ngati Hokopu:

(7) Ngai Tangihaere:

(8) Ngati Patuwhare:

(9) Te Whanau a Tuwhakairiora:

(10) Te Whanau a Rakaimataura:

(11) Ngati Rangi:

(12) Te Aitanga a Hauiti:

(13) Te Whanau a Hinerupe:

(14) Te Whanau a Te Uruahi:

(15) Te Aitanga a Mate:

(16) Ngati Tutekohi:

(17) Te Whanau a Hunaara:

(18) Te Whanau a Tinatoka:

(19) Te Aowera:

(20) Ngati Konohi:

(21) Ngai Tuere:

(22) Ngati Horowai:

(23) Te Whanau a Hinekehu:

(24) Ngati Oneone:

(25) Ngai Tamakoro:

(26) Te Whanau a Pokai:

(27) Te Whanau a Iritekura:
(28) Te Whanau a Ruataupare:
(29) Ngati Kahu:
(30) Te Whanau a Rakaihoea:
(31) Te Whanau a Rakairoa:
(32) Te Whanau a Karuai:
(33) Te Whanau a Mahaki:
(34) Ngai Taharora:
(35) Te Whanau a Ruataupare:
(36) Te Whanau a Tapuhi:
(37) Te Whanau a Uruhonea:
(38) Ngati Kahukuranui:
(39) Te Whanau a Takimoana:
(40) Te Whanau a Hineauta:
(41) Ngati Hau:
(42) Te Whanau a Te Aotawarirangi:
(43) Te Whanau a Hinepare:
(44) Te Whanau a Umuariki:
(45) Ngati Wakarara:
(46) Te Whanau a Te Haemata:
(47) Te Whanau a Hinetapora:
(48) Ngati Nua:
(49) Te Whanau a Te Rangipureora:
(50) Ngati Putaanga:
(51) Te Whanau a Rerewa:
(52) Te Whanau a Tarahauiti:
(53) Te Whanau a Hinehou:
(54) Te Whanau a Rerekohu:
(55) Ngati Rakai:
(56) Te Whanau a Te Aopare:
(57) Ngati Puai.

Part 2
Historical claims

2 Historical claims

(1) For the purposes of section 12(1)(b), the claims are—

(1) Wai 39 (Ngati Porou Lands, Fisheries and SOE Act claim):

(2) Wai 63 (Tai Rawhiti Fisheries claim):

(3) Wai 98 (Oweka Wangaokeno Lands and Fisheries claim):

(4) Wai 129 (Ngati Porou Land claim):

(5) Wai 173 (Waiapu River claim):

(6) Wai 222 (Te Puia Springs claim):

(7) Wai 272 (Te Runanga o Ngati Porou claim):

(8) Wai 298 (Whangaokena Island claim):

(9) Wai 390 (Te Runanga o Paikea Land claim):

(10) Wai 526 (Wharekahika B10 Land claim):

(11) Wai 646 (Tolaga Bay Lands claim):

(12) Wai 679 (Papatarata A2 Native Trees claim):

(13) Wai 750 (Tapatu Waitangirua 2 Block; Te Araroa claim):

(14) Wai 858 (Makarika Station claim):

(15) Wai 901 (formal title unknown, but it concerns Te Papatipu o Uepohatu Lands and Resources):

(16) Wai 931 (Te Aorewa Operations of Native Land Court claim):

(17) Wai 934 (Tikitiki B12C Block claim):

(18) Wai 940 (Ngati Konohi Whangara Land Block claim):

(19) Wai 971 (Horimatua Evans-East Coast Lands and Resources claim):

(20) Wai 973 (Te Whanau o Erena Pera Manene Ripia claim):

(21) Wai 976 (Te Aitanga-a-Hauiti Iwi claim):

(22) Wai 1000 (Te Aitanga Hauiti and Ngati Oneone East Coast claim):

(23) Wai 1020 (Hapu Oneone Land Alienation claim):

(24) Wai 1074 (Ngati Rangipureora Native Land Court and Foreshore claim):

(25) Wai 1080 (Te Whanau a Ruataupare Lands and Resources claim):

(26) Wai 1082 (Te Tatarahake and Associated Blocks claim):

(27) Wai 1083 (Te Riu o Waiapu Lands and Resources claim):

(28) Wai 1087 (Waipiro No 6 (Te Puia) Block claim):

(29) Wai 1088 (Ngati Uepohatu Lands and Resources claim):

(30) Wai 1089 (Te Whanau a Te Aotawarirangi Lands and Resources claim):
(31) Wai 1093 (Ngati Uepohatu Foreshore and Seabed claim):
(32) Wai 1124 (Tolaga Bay Land Blocks claim):
(33) Wai 1171 (Manutahi A23 Land Block claim):
(34) Wai 1172 (Ahiateatua B Land Block claim):
(35) Wai 1179 (Puhunga A7C and Associated Blocks claim):
(36) Wai 1183 (Mangaharei A3 Block claim):
(37) Wai 1184 (Ngati Porou Hauora claim):
(38) Wai 1185 (Wharekahika A1 Block claim):
(39) Wai 1186 (Whareponga A8 Block claim):
(40) Wai 1187 (Ohinepouta B Block claim):
(41) Wai 1218 (Matakaoa Hapu Lands and Resources claim):
(42) Wai 1249 (Ngati Konohi Lands and Resources claim):
(43) Wai 1265 (Ruawaipu Crown Minerals Act claim):
(44) Wai 1266 (Pouawa Land Block claim):
(45) Wai 1267 (Ruawaipu Te Runanga o Ngati Porou Act 1987 claim):
(46) Wai 1268 (Ruawaipu Raupatu claim):
(47) Wai 1269 (Ruawaipu Resources claim):
(48) Wai 1270 (Ruawaipu Resource Management claim):
(49) Wai 1271 (Ruawaipu Economic Effects claim):
(50) Wai 1272 (Ruawaipu Active Protection claim):
(51) Wai 1273 (Ruawaipu Tokararangi A claim):
(52) Wai 1274 (Ruawaipu Pukeamaru Block claim):
(53) Wai 1275 (Te Whanau a Umuraki Lands claim):
(54) Wai 1276 (Raukumara Range Lands and Forests claim):
(55) Wai 1277 (Whakaangiangai Forest claim):
(56) Wai 1278 (Ruawaipu Succession Legislation claim):
(57) Wai 1279 (Te Papatipu o Te Ngaere claim):
(58) Wai 1280 (Long Term Perpetual Leases claim):
(59) Wai 1281 (Land Consolidations claim):
(60) Wai 1282 (Te Hapuoneone claim):
(61) Wai 1284 (Ruawaipu Incarceration claim):
(62) Wai 1285 (Ruawaipu Income Tax and Revenue claim):
(63) Wai 1286 (Ruawaipu Maori Development claim):
(64) Wai 1287 (Ruawaipu Maori Land claim):

(65) Wai 1288 (Ruawaipu Rangatiratanga claim):

(66) Wai 1289 (Ruawaipu Colonisation claim):

(67) Wai 1290 (Ruawaipu Mataranga claim):

(68) Wai 1291 (Ruawaipu Lands claim):

(69) Wai 1292 (Ruawaipu Native Land claim):

(70) Wai 1293 (Te Papatipu o Te Ngaere Lands claim):

(71) Wai 1300 (Te Whanau a Tapaeururangi o Ruawaipu claim):

(72) Wai 1301 (Nga Uri o Ruawaipu claim):

(73) Wai 1302 (Te Aitanga a Hauiti Land Alienation claim):

(74) Wai 1303 (Ngati Oneone Lands and Resources claim):

(75) Wai 1304 (Nga Uri a Nokorima te Pahu claim):

(76) Wai 1305 (Ngati Hau, Ngati Wakarara and Ngati Ira hapu claim):

(77) Wai 1316 (Ruawaipu Rangitukia Station Land claim):

(78) Wai 1317 (Wharekahika No 1 Land claim):

(79) Wai 1319 (Ruawaipu Te Whanau a Kahu claim):

(80) Wai 1321 (Ruawaipu Rivers claim):

(81) Wai 1322 (Ruawaipu Maori Affairs Act 1953 claim):

(82) Wai 1323 (Ruawaipu Forestry claim):

(83) Wai 1324 (Ruawaipu Conservation Act 1987 claim):

(84) Wai 1325 (Ruawaipu ki Te Araroa claim):

(85) Wai 1326 (Ruawaipu Public Works claim):

(86) Wai 1331 (Te Aitanga-a-Hauiti various legislation claim):

(87) Wai 1332 (Uepohatu Ethnic Suppression claim):

(88) Wai 1335 (Ruawaipu Constitution Act 1986 claim):

(89) Wai 1336 (Ruawaipu Letters Patent 1983 claim):

(90) Wai 1337 (Te Whanau a Kahu Queens Chain claim):

(91) Wai 1338 (Pakihi (Marangairoa Blocks) claim):

(92) Wai 1381 (McClutchie-Morrell Native Lands Act claim):

(93) Wai 1403 (Akuhata Whanau claim):

(94) Wai 1430 (Tokomaru H Block claim):

(95) Wai 1434 (Wai Maori claim):

(96) Wai 1446 (Kaiti Hill Gun Placement and Tuamotu Island claim):

(97) Wai 1459 (Kereama Matehe and descendants claim):

(98) Wai 1463 (Descendants of Pineaha Koia and the Neho Kopuka Estate Lands claim):

(99) Wai 1554 (Manutahi A27 Lands (Thompson) claim):

(100) Wai 1555 (Uepohatu and Ruawaipu Native Land Court (Thompson) claim):

(101) Wai 1556 (Waipu District Consolidation Scheme (Parker) claim):

(102) Wai 1558 (Northern Tokomaru Bay Lands claim):

(103) Wai 1560 (Uawa Lands (Ngarimu whanau) claim):

(104) Wai 1563 (Mangahaunui 7 Section 119 Block IV claim):

(105) Wai 1564 (Whangaokeno (Hikakino, Tuhorouta and Tinatoka) Lands claim):

(106) Wai 1565 (Maraingaroa 1D/Kautuku Block (Ngati Hokopu) claim):

(107) Wai 1566 (Soldier Settlement Scheme (Glover) claim):

(108) Wai 1647 (Ngati Oneone (formerly Ngati Rakai) claim):

(109) Wai 1648 (Te Whanau a Aotawarirangi claim):

(110) Wai 1700 (Te Aitanga a Hauiti (Whangara B5 Incorporation) Land claim):

(111) Wai 1859 (Ruawaipu Ancestral Land Trustee Governance System claim):

(112) Wai 1860 (Horeora/Maraingaroa 1B4 Land Block claim):

(113) Wai 1862 (Te Whanau a Koiauruterangi claim):

(114) Wai 1866 (Tamati Reid and the descendants of Takimoana II, Te Whanau a Takimoana claim):

(115) Wai 1921 (Mangawhariki Land Blocks claim):

(116) Wai 1922 (Whangara B5 Incorporation claim):

(117) Wai 1923 (Turanganui a Kiwa Water Pollution claim):

(118) Wai 1939 (Whangaokena/East Island Public Works Takings claim):

(119) Wai 1997 (Hapu of Ruawaipu (Hebberd) Lands claim):

(120) Wai 1998 (Tikapa (Kiwara) Lands claim):

(121) Wai 1999 (Uri o Ruawaipu (Evans) Lands claim):

(122) Wai 2001 (Awatere Whanau Lands claim):

(123) Wai 2011 (Anaura Bay Native School claim):

(124) Wai 2105 (Ngati Ira Lands (Martin) claim):

(125) Wai 2162 (Owners of the Tokararangi Forest claim):

(126) Wai 2184 (Te Hapuoneone (Rangihuna) claim):

(127) Wai 2198 (Tira Wahine claim):

(128) Wai 2210 (Descendants of Iharaira Houkamau Lands claim).

(2) For the purposes of section 12(1)(c), the claims are—

(a) Wai 703 (Tauwhareparae Lands claim):

(b) Wai 1421 (Traditional Harvesting of Beached Whales claim):

(c) Wai 1436 (East Cape to Wairoa-Heretaunga Oil, Gas, Gold, and Other Minerals claim):

(d) Wai 1559 (Ngai Tairawhiti hapu (Hodge/Morrell) claim):

(e) Wai 1562 (Kiriana Atkinson on behalf of herself and her father Hamilton Lewis and her whanau claim):

(f) Wai 1646 (East Coast Local Government and Rating claim):

(g) Wai 1649 (Descendants of Puketapu claim):

(h) Wai 1861 (Te Rito Whanau claim):

(i) Wai 2065 (Te Tai Rawhiti Mana Tane (Tangaere) claim):

(j) Wai 2229 (Descendants of Eru Monita and Others (Takitimu) Lands claim).

Schedule 2
Statutory areas

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Statutory area	Location
Waiapu River and its tributaries	OTS-526-19
Uawa River and its tributaries	OTS-526-20
Turanganui River and its tributaries within the Ngati Porou area of interest	OTS-526-17

Schedule 3
Cultural redress properties

ss 10, 57, 73

All cultural redress properties are in the Gisborne Land District, Gisborne District.

Part 1
Cultural redress properties to be vested in fee simple subject to conservation covenant

Name of site	Description	Encumbrances
Awanui	0.1012 hectares, more or less, being Section 9 Town of Awanui. All *Gazette* 1954 page 459. 0.8802 hectares, more or less, being Section 6 Awanui Suburban. All *Gazette* 1957 page 589. 0.8397 hectares, more or less, being Section 5 Awanui Suburban. All *Gazette* 1890 page 1055.	Subject to conservation covenant referred to in section 58(4).
Whanokao	248.3905 hectares, more or less, being section 1 SO 439212. Part Computer Freehold Register GS117/23.	Subject to conservation covenant referred to in section 59(5).
Raparapaririki	139.7400 hectares, more or less, being Lots 6, 7, and 8 DP 8200. Part *Gazette* Notice 220553.1.	Subject to conservation covenant affecting Lot 6 and conservation covenant affecting Lots 7 and 8, both referred to in section 60(3).
Ruataupare	1.2166 hectares, more or less, being Sections 6 and 7, Block I, Waipiro Survey District. All *Gazette* Notice 97022.	Subject to conservation covenant referred to in section 61(3).
Waipare Redwoods	3.5130 hectares, more or less, being Sections 3, 4, 5, and 6, Block XV, Tokomaru Survey District. All *Gazette* Notice 165653.1.	Subject to conservation covenant referred to in section 62(3).

Part 2
Cultural redress properties to be vested in fee simple to be administered as scenic reserves under section 19 of Reserves Act 1977

Name of site	Description	Encumbrances
Anaura	225.3401 hectares, more or less, being Sections 11, 12, 13, 15, and 16, Block XVI, Tokomaru Survey District. All *Gazette* Notice 113029.1.	Subject to water supply easement created by Transfer 81445 and grant of water easement created by transfer 104324.

Name of site	Description	Encumbrances
		Subject to easement in gross for right to convey water referred to in section 63(4).
		Subject to scenic reserve referred to in section 63(3).
Herenga	6.2726 hectares, more or less, being Section 4, Block X, Waiapu Survey District. All *Gazette* 1911 page 3692.	Subject to scenic reserve referred to in section 64(3).
Aorangi	751.0964 hectares, more or less, being Aorangiwai 1 and 1A. All *Gazette* 1979 page 1974.	Subject to scenic reserve referred to in section 65(3).
Pakaturi	328.0200 hectares, more or less, being Section 1 SO 8300, Sections 3, 4, 5, and 6, Block XIV, and Sections 10 and 11, Block XV, Tokomaru Survey District. Part transfer 81445.	Subject to scenic reserve referred to in section 66(3).
Paraheka	97.2400 hectares, more or less, being Sections 1 and 2, SO 8634. All *Gazette* Notice 191207.2.	Subject to scenic reserve referred to in section 67(3).
	142.0445 hectares, more or less, being Section 4, Block IV, and Sections 2, 3, 4, and 9, Block VIII, Waingaromia Survey District. All *Gazette* Notice 68269 and All *Gazette* 1974 page 946.	
Pukeamaru	3264.9756 hectares, more or less, being Sections 3, 4, 5, and 6, Block X, Section I Block XI, and Sections 2 and 4, Block XII, Matakaoa Survey District. Part *Gazette* 1979 page 2034.	Subject to scenic reserve referred to in section 68(4).
	250.4400 hectares, more or less, being Lots 2 and 5 DP 8030. Balance *Gazette* Notice 193663.1.	
Waimahuru	49.6752 hectares, more or less, being Section 2, Block XIII, Waipiro Survey District. Part *Gazette* 1924 page 2764.	Subject to scenic reserve referred to in section 69(4).
	215.0000 hectares, more or less, being Lot 1 DP 8481. All Computer Freehold Register GS5D/1341.	Subject to a right of way easement specified in easement certificate 199028.1.
		Subject to a right to store and take water specified in easement certificate 199028.2.
		Subject to a water right (in gross) in favour of the Waiapu Hospital Board created by Transfer 35124.
		Subject to section 206 of the Land Act 1924.

Name of site	Description	Encumbrances
		Subject to an unregistered concession licence (forestry right) with concession number BP-29314-OTH, dated 6 December 2010.

Schedule 3 Part 2: amended, on 12 December 2012, by section 7 of the Ngati Porou Claims Settlement Amendment Act 2012 (2012 No 111).

Part 3
Cultural redress properties to be vested in fee simple to be administered as local purpose reserves under section 23 of Reserves Act 1977

Name of site	Description	Encumbrances
Te Puia	0.3819 hectares, more or less, being Section 140R Te Puia Suburban. All *Gazette* 1930 page 3207. 5.1471 hectares, more or less, being Section 88 Te Puia Suburban. Part *Gazette* 1903 page 273. 0.9282 hectares, more or less, being section 146 Te Puia Suburban. Part *Gazette* 1929 page 2500. 7.3102 hectares, more or less, being Sections 1 and 2 SO 439210. All *Gazette* 1928 page 2759, Balance *Gazette* 1903 page 273 and Balance *Gazette* 1929 page 2500.	Subject to local purpose reserve referred to in section 70(3).
Whangaokeno	8.0937 hectares, more or less, being Whangaokeno Block. All *Gazette* Notice 143420.1.	Subject to local purpose reserve referred to in section 71(3).

Part 4
Cultural redress property to be vested in fee simple without encumbrance

Name of site	Description
Taitai	170.2222 hectares, more or less, being Parts Taitai 1A and Part Section 1, Block XVII, Mangaoparo Survey District. Balance Computer Freehold Register GS128/28.

Schedule 4
Notices in relation to RFR land

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1 Requirements for giving notice

A notice by or to an RFR landowner, or an RFR holder under subpart 5 of Part 3 must be—

(a) in writing and signed by—

(i) the person giving it; or

(ii) at least 2 of the directors, trustees, or office holders, in the case of a notice given by an RFR holder; and

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

(i) specified for the RFR holder in accordance with the deed of settlement, in the case of a notice to the RFR holder:

(ii) specified by the RFR landowner in an offer made under section 101, or specified in a later notice given to the RFR holder, in the case of a notice by the RFR holder to an RFR landowner:

(iii) of the national office of LINZ, in the case of a notice given to the chief executive of LINZ under section 118 or 120; and

(c) given by—

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

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

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

2 Time when notice received

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

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

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

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

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

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

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

Notes

1 General

This is a consolidation of the Ngati Porou Claims Settlement Act 2012 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

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

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

3 Editorial and format changes

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

4 Amendments incorporated in this consolidation

Māori Fisheries Amendment Act 2024 (2024 No 27): section 101

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

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

Trusts Act 2019 (2019 No 38): section 161

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

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

Ngati Porou Claims Settlement Amendment Act 2012 (2012 No 111)

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