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Te Kawerau ā Maki Claims Settlement Act 2015

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Note

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

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

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

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Te Kawerau ā Maki Claims Settlement Act 2015.

2 Commencement

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

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

Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Te Kawerau ā Maki in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Te Kawerau ā Maki.

4 Provisions to take effect on settlement date

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

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

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

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

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

5 Act binds the Crown

This Act binds the Crown.

6 Outline

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

(2) This Part—

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

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

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

(d) records the text of the acknowledgements and apology given by the Crown to Te Kawerau ā Maki, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Te Kawerau ā Maki and historical claims; and

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

(g) provides for—

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

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

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

(iv) the exclusion of the limit on the duration of a trust; and

(v) access to the deed of settlement.

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

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

(i) protocols for Crown minerals and taonga tūturu on the terms set out in the documents schedule; and

(ii) a statutory acknowledgement by the Crown of the statements made by Te Kawerau ā Maki of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for the specified area; and

(iii) the whenua rāhui applying to a certain area of land; and

(iv) the provision of official geographic names; and

(b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties, including the vesting of the Kopironui property pursuant to a determination of the Māori Land Court made under the jurisdiction conferred on the court by subpart 5 of Part 2.

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

(a) in subpart 1, the transfer of the commercial redress property, deferred selection properties, and the Housing Block; and

(b) in subpart 2, the licensed land redress; and

(c) in subpart 3, the provision of access to protected sites; and

(d) in subpart 4, the right of first refusal (RFR) redress.

(5) There are 4 schedules, as follows:

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

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

(c) Schedule 3 describes the cultural redress properties:

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

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

Acknowledgements and apology of the Crown

7 Acknowledgements and apology

(1) Sections 8 and 9 record in English and te reo Māori the text of the acknowledgements and apology given by the Crown to Te Kawerau ā Maki in the deed of settlement.

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

8 Acknowledgements

(1) The Crown acknowledges that until now it has failed to deal with the long-standing grievances of Te Kawerau ā Maki in an appropriate way and that recognition of these grievances is long overdue.

(2) The Crown acknowledges that Te Kawerau ā Maki has honoured its obligations under the Treaty of Waitangi since 1840.

(3) The Crown acknowledges that in considering pre-Treaty land transactions and pre-emption waiver purchases for lands in which Te Kawerau ā Maki had interests, it breached the Treaty of Waitangi and its principles when it—

(a) failed to consider the interests of Te Kawerau ā Maki before approving these transactions; and

(b) applied a policy of taking surplus lands from these transactions without assessing the adequacy of lands that Te Kawerau ā Maki held.

(4) The Crown acknowledges that it did not properly apply certain regulations for pre-emption waiver transactions, including for lands in the West Auckland and upper Waitemata Harbour regions. The Crown also acknowledges that it did not always protect Māori interests during investigation into these transactions.

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

(a) failed to conduct an adequate investigation of customary rights when it purchased the land; and

(b) acquired the land without the knowledge and consent of Te Kawerau ā Maki; and

(c) failed to provide adequate compensation and reserves for the future use and benefit of Te Kawerau ā Maki when it later learned of their interests in the purchase area.

(6) The Crown further acknowledges that—

(a) it failed to adequately survey and define the Mahurangi and Ōmaha purchase and this caused confusion and uncertainty for Te Kawerau ā Maki; and

(b) the process whereby the Crown granted land to settlers within the Mahurangi and Ōmaha purchase area compounded the prejudice arising from the 1841 transaction.

(7) The Crown acknowledges that in purchasing the extensive area called Hikurangi in 1853–1854 it breached the Treaty of Waitangi and its principles when it—

(a) failed to conduct an adequate investigation of customary rights when it purchased this land; and

(b) acquired the land without the knowledge or consent of Te Kawerau ā Maki; and

(c) failed to provide adequate compensation or reserves for the future use and benefit of Te Kawerau ā Maki when it later learned of their interests in the land.

(8) The Crown acknowledges that the 1853 and 1854 purchase deeds for Hikurangi, Paeōterangi, and Puatainga contained provisions that 10% of the proceeds of sale were to be expended for the benefit of Māori and for specific payments to be made to the vendors. The Crown failed to keep adequate records after 1874 and the vendors, including Te Kawerau ā Maki, received no further identifiable benefit under the 10% provision.

(9) The Crown acknowledges that when it purchased a large amount of land in the Waitākere region between 1853 and 1856 it failed to actively protect Te Kawerau ā Maki by ensuring adequate lands were reserved from the purchase

and thereafter protected from alienation and this was in breach of the Treaty of Waitangi and its principles.

(10) The Crown acknowledges that—

(a) it introduced the native land laws without consulting Te Kawerau ā Maki and the individualisation of title imposed by these laws was inconsistent with Te Kawerau ā Maki tikanga; and

(b) Te Kawerau ā Maki had no choice but to participate in the Native Land Court system to protect their interests in their lands and to integrate into the modern economy; and

(c) the Native Land Court title determination process carried significant costs, including survey and hearing costs, which at times contributed to the alienation of Te Kawerau ā Maki land; and

(d) the operation and impact of the native land laws made the lands of Te Kawerau ā Maki more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of tribal structures of Te Kawerau ā Maki, which were based on collective ownership of land. The Crown failed to take adequate steps to actively protect those structures. This had a prejudicial effect on Te Kawerau ā Maki and was a breach of the Treaty of Waitangi and its principles.

(11) The Crown acknowledges that it did not promote any means in the native land law legislation for a form of collective title enabling Te Kawerau ā Maki to administer and utilise their lands until 1894, by which time title to much Te Kawerau ā Maki land had been awarded to individuals. The failure to promote a legal means for collective administration of Te Kawerau ā Maki land was a breach of the Treaty of Waitangi and its principles.

(12) The Crown acknowledges that lands of significance to Te Kawerau ā Maki at Kopironui and elsewhere were acquired by the Crown for sand-dune reclamation purposes between 1920 and 1951, including through compulsory taking. The Crown acknowledges that it did not work with Te Kawerau ā Maki to find an alternative to compulsory acquisition and that the loss of these lands has hindered Te Kawerau ā Maki access to urupā, kaimoana, and other resources and that this acquisition has been a major grievance for Te Kawerau ā Maki.

(13) The Crown acknowledges the loss of Te Kawerau ā Maki wāhi tapu through Crown and private purchases and public works takings and that this loss was prejudicial to Te Kawerau ā Maki cultural and spiritual well-being.

(14) The Crown acknowledges that Te Kawerau ā Maki have experienced ongoing difficulties in accessing and managing their few remaining lands.

(15) The Crown acknowledges that the cumulative effect of the Crown purchasing, public works takings, and private purchasing has left Te Kawerau ā Maki virtually landless. The Crown's failure to ensure that Te Kawerau ā Maki were left with sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. This hindered the social, economic, and

cultural development of Te Kawerau ā Maki as a tribe, and undermined the ability of Te Kawerau ā Maki to protect and manage their taonga and their wāhi tapu and to maintain spiritual connections to their lands. The Crown further acknowledges that this has severely impacted on the well-being of Te Kawerau ā Maki today.

Whakaaetanga ki te Whakataunga a Te Kawerau ā Maki

(1) E whakaae ana te Karauna, mohoa noa nei, nōna i hē ai ki te whakatikatika i ngā aureretanga nō mai rā anō o Te Kawerau ā Maki i runga i te tika me te pono ā, kua roa rawa te wā e noho tārewa tonu ana ēnei nawe.

(2) E whakaae ana te Karauna, e te mau tonu a Te Kawerau ā Maki ki ōna here ki raro i Te Tiriti o Waitangi mai i te tau 1840.

(3) E whakaae ana te Karauna, nā te whakatau i ngā whakawhitinga whenua nō mua i te Tiriti me ngā hokonga ā-unu mana hoko mō ngā whenua i whai pānga atu ai a Te Kawerau ā Maki, he takahitanga tērā i te Tiriti o Waitangi me ōna mātāpono inā—

(a) kāore i āta whakaarohia ngā pānga tuku iho o Te Kaweau ā Maki i mua i te whakaaetanga atu o ēnei whakawhitinga; ā

(b) ka whakahaeretia he kaupapahere e hāngai ana ki te tango i ngā whenua e toe ana i ēnei whakawhitinga me te kore aro atu ki te hāngaitanga o ngā whenua i pupurutia tonutia ai e Te Kawerau ā Maki.

(4) E whakaae ana te Karauna, kāore ia i āta whakarite here e pā ana ki ngā whakawhitinga ā-unu mana hoko, tae atu ki ngā whenua i Tāmaki Makaurau ki te Uru me ngā rohe o te Whanga o Waitematā ki runga. E whakaae hoki ana te Karauna, kāore i āta tiakina e ia ngā pānga Māori i ngā wā katoa i te wā o ngā uiuitanga i ēnei whakawhitinga.

(5) E whakaae ana te Karauna, nā tana hokonga i te whenua rarahi nei e kīia ana, ko "Mahurangi me Ōmaha" i te tau 1841, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono inā—

(a) kāore i whakahaeretia he āta uiuitanga e pā ana ki ngā mana tuku iho i te wā tonu o taua hokonga whenua; ā

(b) ka riro whenua atu ki a ia me te kore mōhiotanga me te kore whakaaetanga o Te Kāwerau ā Maki; ā

(c) kāore i tukuna he kamupeniheihana e tika ana, tae atu ki ngā whenua rāhui hei whakamahinga, hei painga anō hoki mō Te Kawerau ā Maki i te whakamōhiotanga atu i muri mai, he pānga nō rātou ki te rohe whenua i hokona ai.

(6) E whakaae ana hoki te Karauna—

(a) kāore i āta rūrihia, kāore hoki i āta tūtohua e ia te hokonga o "Mahurangi me Ōmaha" ā, nā konā i tau ai te pōnānātanga me te kaha āwangawanga ki a Te Kawerau ā Maki; ā

(b) nā te tikanga whakahaere i taea ai e te Karauna te whakaae whenua atu ki a Tauiwi ki roto i te rohe hoko o "Mahurangi me Ōmaha", ka muramura te kiriwetitanga i tupu ake ai i te whakawhitinga i te tau 1841.

(7) E whakaae ana te Karauna, ko te hokonga o te whenua rarahi tonu e kīia ana ko "Hikurangi" i te tau 1853 ki te tau 1854, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono inā—

(a) kāore i whakahaeretia he āta uiuitanga e pā ana ki ngā mana tuku iho i te wā tonu o te hokonga o tēnei whenua; ā

(b) ka riro atu ki a ia te whenua me te kore mōhiotanga atu me te kore whakaaetanga atu o Te Kawerau ā Maki; ā

(c) kāore i tukuna he kamupeniheihana e tika ana, he whenua rāhui rānei hei whakamahinga, hei painga mō Te Kawerau ā Maki i te whakamōhiotanga atu i muri mai, he pānga ō rātou ki te whenua.

(8) E whakaae ana te Karauna, kei roto i ngā whakaaetanga hoko o te tau 1853 me te tau 1854 mō Hikurangi, mō Paeōterangi me Puatainga, ētahi whakaritenga kia whakapaungia te tekau ōrau o ngā pūtea moni hei oranga mō te Māori ā, kia utua tōtika atu hoki he moni ki ngā kaihoko o te whenua. Kāore te Karauna i tiaki pūrongo e tika ana i muri i te tau 1874 ā, kāore ngā kaihoko, tae atu ki a Te Kawerau ā Maki, i whiwhi painga ake i muri mai i raro i te whakaritenga o "te tekau ōrau".

(9) E whakaae ana te Karauna, i te wā o tana hokonga i te whānui o ngā whenua i te rohe o Waitākere i waenganui i te tau 1853 me te tau 1856, kāore i āta whakamarumarutia e ia a Te Kawerau ā Maki, mā te whakarato whenua rāhui e tika ana mai i te hokonga, he whenua e kore rawa e whakawehea ai ā, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono.

(10) E whakaae ana te Karauna—

(a) ka whakaturea e ia ngā ture whenua Māori me te kore whiriwhiri kōrero atu ki a Te Kawerau ā Maki ā, ko te whakatakitahitanga ā-taitara i whakaritea e ēnei ture, he taupatupatu tērā i ngā tikanga o Te Kawerau ā Maki; ā

(b) kāore he putanga atu ki a Te Kawerau ā Maki ā, ka mate ki te whaiwāhi ki ngā tikanga whakahaere o Te Kooti Whenua Māori hei whakamarumaru i ō rātou ake pānga ki ō rātou ake whenua ā, mā reira e uru pai ai rātou ki roto i te ōhanga o nāianei; ā

(c) he taumaha hoki ngā utunga i puta mai i te tikanga whakahaere mō te whakatau taitara a Te Kooti Whenua Māori, tae atu ki ngā utu rūri, ngā utu whakawā hoki ā, i ētahi wā, ko te whakawehewehe whenua o Te Kawerau ā Maki te papa; ā

(d) nā te whakahaeretanga me te papānga o ngā ture whenua Māori ka noho mōrearea ngā whenua o Te Kawerau ā Maki kei wāwāhia, kei whakarohea, kei whakawehea tonu. Ka whai anō, ko te turakitanga o ngā

hanganga ā-iwi o Te Kawerau ā Maki, he mea i takea mai i tō rātou rangatiratanga ā-ohu ki te whenua. Kāore i āta tiakina e te Karauna ēnei hanganga ā-iwi. Ka pā te kiriweti ki a Te Kawerau ā Maki ā, i tua atu, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono.

(11) E whakaae ana te Karauna, kāore ia i whakawātea mai he huarahi i roto i ngā hanganga ture whenua mō tētahi momo taitara ā-ohu e taea ai e Te Kawerau ā Maki te whakahaere, te whakamahi hoki ō rātou whenua kia tae rā anō ki te tau 1894. Ā, ko te mate kē, kua tukuna kētia te taitara o te nuinga o ngā whenua o Te Kawerau ā Maki ki ngā tāngata takitahi. Ko te kore whakatū huarahi ā-ture e taea ai te whakahaeretanga ā-ohu mō ngā whenua o Te Kawerau ā Maki, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono.

(12) E whakaae ana te Karauna, ka riro atu ki a ia ngā whenua nui whakaharahara ki a Te Kawerau ā Maki i Kōpironui me ētahi atu wāhi hei mahinga tāmata whenua oneone i waenganui i te tau 1920 me te tau 1951 ā, i ētahi wā, nā te here o te ture. E whakaae ana te Karauna, kāore ia i mahi ngātahi ai me Te Kawerau ā Maki ki te kimi huarahi kē i tua atu i te rironga noa ā, nā te whakangaronga atu o ēnei whenua ka aukatingia te āta āheinga atu ki ngā urupā, ki ngā wāhi kaimoana me ērā atu rawa tūpuna ā, ko te otinga o tēnei hokonga, e ngau kino tonu nei i te manawa o Te Kawerau ā Maki.

(13) E whakaae ana te Karauna, nā te whakangarotanga atu o ngā wāhi tapu o Te Kawerau ā Maki nā ngā hokonga a te Karauna, a te tangata takitahi rānei, me ngā tangohanga hei mahinga tūmatanui, ko te pānga kino mai ki te oranga ā-tikanga, ā-wairua anō hoki o Te Kawerau ā Maki te otinga.

(14) E whakaae ana te Karuna, he riterite tonu ngā taumahatanga e pā ana ki a Te Kawerau ā Maki mō te whakaāheinga atu me te whakahaeretanga o ō rātou whenua e toe tonu ana.

(15) E whakaae ana te Karauna, ko te otinga atu o ngā hokonga a te Karauna, ngā rirotanga atu mō ngā mahinga tūmatanui tae atu ki ngā hokonga ā-tangata tūmataiti, kua tata noho whenua kore a Te Kawerau ā Maki. Nā te kore whakaū a te Karauna kia whakarāhuitia ngā whenua e tika ana hei whakatutukitanga i ō rātou wawata mō nāianei, mō ngā rā kei mua hoki, he takahitanga tērā i Te Tiriti o Waitangi me ōna mātāpono. Nā ēnei mahi ka whakapōreareatia te whakawhanaketanga ā-papori, ā-ōhanga, ā-tikanga anō hoki o Te Kawerau ā Maki hei iwi tonu ā, kua whakamemehatia te kaha o Te Kawerau ā Maki ki te whakamarumaru, ki te whakahaere i ō rātou taonga me ō rātou wāhi tapu ā, ki te mau tonu ki ngā hononga ā-wairua ki ō rātou whenua. E whakaae anō ana te Karauna, kua pā kino mai ēnei āhuatanga ki te oranga o Te Kawerau ā Maki i ēnei rā.

9 Apology

(1) The Crown recognises the grievances of Te Kawerau ā Maki are long-held and acutely felt. For too long the Crown has failed to appropriately respond to

your claims for redress and justice. The Crown now makes this apology to Te Kawerau ā Maki, to your ancestors and descendants.

(2) The Crown profoundly regrets its breaches of the Treaty of Waitangi and its principles, which resulted in the alienation of much Te Kawerau ā Maki land by 1856. The Crown is deeply sorry for its subsequent failure to protect those lands that were reserved for Te Kawerau ā Maki. The loss of the entirety of these reserve lands, and of other traditional lands, has had devastating consequences for the spiritual, cultural, social, economic, and physical well-being of Te Kawerau ā Maki. These consequences continue to be felt to this day.

(3) The Crown unreservedly apologises for not having honoured its obligations to Te Kawerau ā Maki under the Treaty of Waitangi. Through this apology and this settlement the Crown seeks to atone for its wrongs and lift the burden of grievance so that the process of healing can begin. By the same means the Crown hopes to form a new relationship with the people of Te Kawerau ā Maki based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

Whakapāhatanga a te Karauna mō Te Kawerau ā Maki

(1) E whakaae ana te Karauna, e ngau kino tonu ana ngā mamaetanga o Te Kawerau ā Maki mai rā anō. E Te Kawerau ā Maki, kua roa rawa te Karauna e kōroiroi ana kia tika te urupare atu ki a koutou, e Te Kawerau ā Maki, hei whakatika hē, hei whakatau tikanga. Ko tēnei te whakapāhatanga atu a Te Karauna ki a Te Kawerau ā Maki, ki ō koutou tūpuna, ki ō koutou uri anō hoki.

(2) E kaha pōuri ana te Karauna mō ōna takahitanga i Te Tiriti o Waitangi me ōna mātāpono i whakangarongaro atu ai te nui o ngā whenua o Te Kawerau ā Maki tae noa mai ki te tau 1856. E ngākau pōuri ana te Karauna ki tōna kore e aro atu, i muri mai, ki te whakamarumaru i ērā whenua i whakarāhuitia ai mō Te Kawerau ā Maki. Nō te whakawehewehetanga atu o te katoa o ēnei whenua rāhui, me ō koutou whenua taketake anō hoki, ka patua te oranga ā-wairua, ā-tikanga, ā-ōhanga, ā-tinana hoki o Te Kawerau ā Maki. Ka ngaua tonutia ēnei āhuatanga i ēnei rā tonu.

(3) E whakapāha ana te Karauna me te kore here, mō te kore whakatutuki i ōna here ki a Te Kawerau ā Maki i raro i Te Tiriti o Waitangi. Mā tēnei whakapāhatanga me tēnei whakataunga e rīpenetā ana ia mō ōna mahi hē ā, mā konā e hiki ai te kawenga o te mamae kia tīmata ai he wā hei whakaoratanga anō. Mā reira hoki e hanga hononga hou me ngā tāngata o Te Kawerau ā Maki nā runga i te pono tahitanga, te mahi tahitanga me te aronui mō Te Tiriti o Waitangi me ōna mātāpono.

Interpretation provisions

10 Interpretation of Act generally

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

11 Interpretation

In this Act, unless the context otherwise requires,—

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

attachments means the attachments to the deed of settlement

Auckland Prison has the meaning given in section 109

Auckland Prison Housing Block and **Housing Block** have the meaning given in section 95

commercial redress property has the meaning given in section 95

computer register—

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

(b) includes, where relevant, a certificate of title issued under the Land Transfer Act 1952

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

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

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

cultural redress property has the meaning given in section 60

deed of recognition—

(a) means the deed of recognition issued under section 36 by the Minister of Conservation and the Director-General; and

(b) includes any amendments made under section 36(3)

deed of settlement—

(a) means the deed of settlement dated 22 February 2014 and signed by—

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

(ii) George Hori Winikeri Taua, Hamuera Taua, Miriama Tamaariki, and Ngarama Walker, for and on behalf of Te Kawerau ā Maki; and

(iii) Te Warena Taua, George Hori Winikeri Taua, Hamuera Taua, Miriama Tamaariki, and Ngarama Walker, being the trustees of the Te Kawerau Iwi Settlement Trust; and

(b) includes—

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

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

deferred selection property has the meaning given in section 95

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

exclusive RFR land has the meaning given in section 111

historical claims has the meaning given in section 13

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

Kopironui property has the meaning given in the definition of cultural redress property in section 60

Kopironui vesting date has the meaning given in section 71

LINZ means Land Information New Zealand

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

member of Te Kawerau ā Maki means an individual referred to in section 12(1)(a)

Ngā Maunga Whakahii o Kaipara Development Trust has the meaning given in section 11 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013

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

Registrar-General means the Registrar-General of Land appointed in accordance with section 4 of the Land Transfer Act 1952

representative entity means—

(a) the trustees; and

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

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

  (ii) 1 or more members of Te Kawerau ā Maki; or

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

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

reserve property has the meaning given in section 60

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

RFR means the right of first refusal provided for by subpart 4 of Part 3

RFR area has the meaning given in section 109

RFR land has the meaning given in section 110

settlement date means the date that is 40 working days after the date on which this Act comes into force

statutory acknowledgement has the meaning given in section 27

Te Kawerau Iwi Settlement Trust means the trust of that name established by a trust deed dated 21 February 2014

tikanga means customary values and practices

trustees of Te Kawerau Iwi Settlement Trust and **trustees** mean the trustees, acting in their capacity as trustees, of Te Kawerau Iwi Settlement Trust

whenua rāhui has the meaning given in section 41

working day means a day 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:

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

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

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

Section 11 **working 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).

12 Meaning of Te Kawerau ā Maki

(1) In this Act, **Te Kawerau ā Maki**—

(a) means the collective group composed of individuals who are descended from an ancestor of Te Kawerau ā Maki; and

(b) includes those individuals; and

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

(2) In this section and section 13,—

ancestor of Te Kawerau ā Maki means an individual who—

(a) exercised customary rights by virtue of being descended from 2 or more of the following ancestors:

(i) Tawhiakiterangi (also known as Te Kawerau ā Maki):

(ii) Mana:

(iii) Te Au o Te Whenua:

(iv) Kowhatu ki te Uru:

(v) Te Tuiau:

(vi) any other recognised ancestor of a group referred to in part 8 of the deed of settlement; and

(b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840

area of interest means the area shown as the Te Kawerau ā Maki area of interest in part 1 of the attachments

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

(a) rights to occupy land; and

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

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

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Te Kawerau ā Maki tikanga.

13 Meaning of historical claims

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

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

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

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

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

(a) is founded on a right arising—

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

(ii) under legislation; or

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

(iv) from a fiduciary duty; or

(v) otherwise; and

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

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

(ii) by or under legislation.

(3) The historical claims include every claim to the Waitangi Tribunal to which subsection (2) applies, including Wai 470, the Te Kawerau ā Maki claim.

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

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

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

(5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

Historical claims settled and jurisdiction of courts, etc, removed

14 Settlement of historical claims final

(1) The historical claims are settled.

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

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

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

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

(d) the collective Act; or

(e) the collective deed; or

(f) the redress provided under the deed of settlement, the collective deed, this Act, or the collective Act.

(5) Subsection (4)—

(a) 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, the collective deed, this Act, or the collective Act; and

(b) does not limit the jurisdiction of the Māori Land Court, for the purposes of sections 74 to 79.

(6) In this section,—

collective Act means the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

collective deed has the meaning given in section 8(1) of the collective Act.

Amendment to Treaty of Waitangi Act 1975

15 Amendment to Treaty of Waitangi Act 1975

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

(2) In Schedule 3, insert in its appropriate alphabetical order "Te Kawerau ā Maki Claims Settlement Act 2015 section 14(4) and (5)".

Resumptive memorials no longer to apply

16 Certain enactments do not apply

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

(a) to Auckland Prison; or

(b) to a cultural redress property (other than the Kopironui property during the period before it is vested under section 72); or

(c) to the Kopironui property on and from the date of its vesting under section 72; or

(d) to the commercial redress property; or

(e) to a deferred selection property on and from the date of its transfer to the trustees; or

(f) to the exclusive RFR land; or

(g) to the Housing Block on and from the date of its transfer under section 96; or

(h) to non-exclusive RFR land on and from the date of its disposal under a contract formed under section 119; or

(i) for the benefit of Te Kawerau ā Maki or a representative entity.

(2) The enactments are—

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

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

(c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:

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

(e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

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

17 Resumptive memorials to be cancelled

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

(a) is all or part of—

(i) Auckland Prison:

(ii) a cultural redress property:

(iii) the commercial redress property:

(iv) a deferred selection property:

(v) the exclusive RFR land:

(vi) the Housing Block:

(vii) non-exclusive RFR land disposed of under a contract formed under section 119; and

(b) is subject to a resumptive memorial recorded under any enactment listed in section 16(2).

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

(a) the settlement date, for a cultural redress property (other than the Kopironui property), the commercial redress property, or the exclusive RFR land; or

(b) the date of transfer of the property to the trustees, for a deferred selection property; or

(c) the date of the transfer of the Housing Block under section 96; or

(d) the date of the vesting of the Kopironui property under section 72; or

(e) the date of disposal of the land, for non-exclusive RFR land disposed of under a contract formed under section 119.

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

(4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—

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

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

Miscellaneous matters

18 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 Kawerau Iwi Settlement Trust may exist in law; or

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

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

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

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

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

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

19 Access to deed of settlement

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

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

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

20 Provisions that have same effect

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

Part 2
Cultural redress

Subpart 1—Protocols

21 Interpretation

In this subpart,—

protocol—

(a) means each of the following protocols issued under section 22(1)(a):

(i) the Crown minerals protocol:

(ii) the taonga tūturu protocol; and

(b) includes any amendments made under section 22(1)(b)

responsible Minister means,—

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

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

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

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

(1) Each responsible Minister—

(a) must issue a protocol to the trustees on the terms set out in part 6 of the documents schedule; and

(b) may amend or cancel that protocol.

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

(a) the trustees; or

(b) the responsible Minister.

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

23 Protocols subject to rights, functions, and duties

Protocols do not restrict—

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

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

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

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

(c) the legal rights of Te Kawerau ā Maki or a representative entity.

24 Enforcement of protocols

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

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

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

(4) To avoid doubt,—

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

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

Crown minerals

25 Crown minerals protocol

(1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—

(a) a register of protocols maintained by the chief executive; and

(b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed.

(2) The noting of the summary is—

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

(b) not a change 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,—

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

minerals programme has the meaning given in section 2(1) of the Crown Minerals Act 1991.

Taonga tūturu

26 Taonga tūturu protocol

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

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

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

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

Subpart 2—Statutory acknowledgement and deed of recognition

27 Interpretation

In this subpart,—

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

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

(a) made by Te Kawerau ā Maki of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

(b) set out in part 4 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 28 in respect of the statutory areas, on the terms set out in this subpart

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

statutory plan—

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

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

Statutory acknowledgement

28 Statutory acknowledgement by the Crown

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

29 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 30 to 32; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 33 and 34; and

(c) to enable the trustees and any member of Te Kawerau ā Maki to cite the statutory acknowledgement as evidence of the association of Te Kawerau ā Maki with a statutory area, in accordance with section 35.

30 Relevant consent authorities to have regard to statutory acknowledgement

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

(2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.

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

31 Environment Court to have regard to statutory acknowledgement

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

(2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.

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

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

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

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

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

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

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

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

33 Recording statutory acknowledgement on statutory plans

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

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

(a) a copy of sections 28 to 32, 34, and 35; and

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

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

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

(a) part of the statutory plan; or

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

34 Provision of summary or notice to trustees

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

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

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

(2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.

(3) The summary must be provided—

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

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

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

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

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

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

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

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

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

35 Use of statutory acknowledgement

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

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

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

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

(b) parties to proceedings before those bodies; or

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

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

(4) To avoid doubt,—

(a) neither the trustees nor members of Te Kawerau ā Maki are precluded from stating that Te Kawerau ā Maki 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.

Deed of recognition

36 Issuing and amending deed of recognition

(1) This section applies in respect of the statutory area described in Part 2 of Schedule 1.

(2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 5 of the documents schedule for the statutory area administered by the Department of Conservation.

(3) The persons who issue the deed of recognition may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deed of recognition

37 Application of statutory acknowledgement to river or stream

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

(a) applies only to—

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

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

(b) does not apply to—

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

(ii) an artificial watercourse.

38 Exercise of powers and performance of functions and duties

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

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

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

(4) This section is subject to—

(a) the other provisions of this subpart; and

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

39 Rights not affected

(1) The statutory acknowledgement and the deed of recognition do not—

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

(b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

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

Consequential amendment to Resource Management Act 1991

40 Amendment to Resource Management Act 1991

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

(2) In Schedule 11, insert in its appropriate alphabetical order "Te Kawerau ā Maki Claims Settlement Act 2015".

Subpart 3—Whenua rāhui

41 Interpretation

In this subpart,—

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

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

national park management plan has the meaning given to **management plan** in section 2 of the National Parks Act 1980

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

protection principles, for the whenua rāhui area,—

(a) means the principles agreed by the trustees and the Minister of Conservation, as set out for the area in part 2 of the documents schedule; and

(b) includes any principles amended by the written agreement of the trustees and the Minister of Conservation

specified actions, for the whenua rāhui area, means the actions set out for the area in part 3 of the documents schedule

statement of values, for the whenua rāhui area, means the statement—

(a) made by Te Kawerau ā Maki of their values relating to their cultural, historical, spiritual, and traditional association with the whenua rāhui area; and

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

whenua rāhui means the application of this subpart to the whenua rāhui area

whenua rāhui area—

(a) means the area that is declared under section 42(1) to be subject to the whenua rāhui; but

(b) does not include an area that is declared under section 53(1) to be no longer subject to the whenua rāhui.

42 Declaration of whenua rāhui and the Crown's acknowledgement

(1) The area described in Schedule 2 is declared to be subject to the whenua rāhui.

(2) The Crown acknowledges the statement of values for the whenua rāhui area.

43 Purposes of whenua rāhui

The only purposes of the whenua rāhui are—

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 45; and

(b) to enable the taking of action under sections 46 to 51.

44 Effect of protection principles

The protection principles are intended to prevent the values stated in the statement of values for the whenua rāhui area from being harmed or diminished.

45 Obligations on New Zealand Conservation Authority and Conservation Boards

(1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to the whenua rāhui area, the Authority or Board must have particular regard to—

(a) the statement of values for the area; and

(b) the protection principles for the area.

(2) Before approving a strategy or plan that relates to the whenua rāhui area, the New Zealand Conservation Authority or a Conservation Board must—

(a) consult the trustees; and

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

(i) any matters in the statement of values for the area; and

(ii) the implementation of the protection principles for the area.

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

46 Noting of whenua rāhui in strategies and plans

(1) The application of the whenua rāhui to the whenua rāhui area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.

(2) The noting of the whenua rāhui is—

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

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

47 Notification in *Gazette*

(1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—

(a) the declaration made by section 42 that the whenua rāhui applies to the whenua rāhui area; and

(b) the protection principles for the whenua rāhui area.

(2) Any amendment to the protection principles, as agreed by the trustees and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.

(3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 48 or 49.

48 Actions by Director-General

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

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

(3) The Director-General must notify the trustees in writing of any action intended to be taken.

49 Amendment to strategies or plans

(1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to the whenua rāhui area.

(2) The Director-General must consult relevant Conservation Boards before initiating the amendment.

(3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

50 Regulations

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

(a) to provide for the implementation of objectives included in a strategy or plan under section 49(1):

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

(c) to create offences for breaches of regulations made under paragraph (b):

(d) to prescribe the following fines:

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

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

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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

This note is not part of the Act.

Section 50(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

51 Bylaws

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

(a) to provide for the implementation of objectives included in a strategy or plan under section 49(1):

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

(c) to create offences for breaches of bylaws made under paragraph (b):

(d) to prescribe the following fines:

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

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

(2) Bylaws under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 51(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

52 Existing classification of whenua rāhui area

(1) This section applies to the extent that the whenua rāhui applies to land in a reserve under the Reserves Act 1977.

(2) The whenua rāhui does not affect—

(a) the purpose of the reserve; or

(b) the classification of the land as a reserve.

53 Termination of whenua rāhui

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

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

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

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

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

(3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—

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

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

(4) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.

Section 53(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

54 Exercise of powers and performance of functions and duties

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

(2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the values stated in the statement of values for the whenua rāhui area than that person would give if the area were not subject to the whenua rāhui.

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

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

55 Rights not affected

(1) The whenua rāhui does not—

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

(b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the whenua rāhui area.

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

Subpart 4—Official geographic names

56 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

57 Official geographic names

(1) A name specified in the second column of the table in clause 5.14 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.

(2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.

58 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under section 57.

(2) The notice must state that each official geographic name became an official geographic name on the settlement date.

59 Subsequent alteration of official geographic names

(1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—

(a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but

(b) must have the written consent of the trustees.

(2) To avoid doubt, the Board must give public notice of a determination made under subsection (1) in accordance with section 21(2) and (3) of the Act.

Subpart 5—Vesting of cultural redress properties

60 Interpretation

In this subpart,—

Crown forest land has the meaning given in section 95

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 Kopironui property, means the licence applying to that land on the Kopironui vesting date

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

Properties vested in fee simple

(a) Te Henga site A:

(b) Wai Whauwhaupaku:

Property vested in fee simple to be held as Māori reservation

(c) Te Onekiritea Point property:

Properties vested in fee simple to be administered as reserves

(d) Parihoa site B:

(e) Te Henga site B:

(f) Te Kawerau Pā:

Properties vested in fee simple subject to conservation covenant

(g) Muriwai:

(h) Opareira:

(i) Parihoa site A:

Kopironui property vested in fee simple

(j) Kopironui property

licensor has the meaning given in section 95

reserve property means each of the properties named in paragraphs (d) to (f) of the definition of cultural redress property

Te Kawerau Pā vesting date means the later of the following dates:

(a) the date that is 20 working days after the date the Tiritiri Matangi Island Scientific Reserve vests back in the Crown under section 69(2) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; and

(b) the settlement date.

Properties vested in fee simple

61 Te Henga site A

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

(2) The fee simple estate in Te Henga site A vests in the trustees.

62 Wai Whauwhaupaku

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

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

Property vested in fee simple to be held as Māori reservation

63 Te Onekiritea Point property

(1) The fee simple estate in the Te Onekiritea Point property vests in the trustees.

(2) The Te Onekiritea Point property is set apart as a Māori reservation as if set apart under section 338(1) of Te Ture Whenua Maori Act 1993—

(a) for the purposes of a marae; and

(b) to be held for the benefit of Te Kawerau ā Maki.

(3) The Te Onekiritea Point property is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.

Properties vested in fee simple to be administered as reserves

64 Parihoa site B

(1) Parihoa site B ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Parihoa site B vests in the trustees.

(3) Parihoa site B is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(4) The reserve is named Parihoa Historic Reserve.

65 Te Henga site B

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

(2) The fee simple estate in Te Henga site B vests in the trustees.

(3) Te Henga site B is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(4) The reserve is named Te Henga Historic Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have provided—

(a) the Crown with a registrable easement in gross for a right of way on the terms and conditions set out in part 7.5 of the documents schedule; and

(b) the registered proprietors of the land contained in computer freehold registers NA651/232, NA885/206, and NA885/207 with a registrable right of way easement on the terms and conditions set out in part 7.6 of the documents schedule.

(6) Despite the provisions of the Reserves Act 1977, the easements—

(a) are enforceable in accordance with their terms; and

(b) are to be treated as having been granted in accordance with the Reserves Act 1977.

66 Te Kawerau Pā

(1) This section takes effect on the Te Kawerau Pā vesting date.

(2) The reservation of Te Kawerau Pā (being part of Tiritiri Matangi Island Scientific Reserve) as a scientific reserve subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in Te Kawerau Pā vests in the trustees, subject to section 67.

(4) Te Kawerau Pā is declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.

(5) Despite the vesting under subsection (3), the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Crown.

(6) To avoid doubt, as a result of subsection (5),—

(a) the reserve is not vested in, or managed and controlled by, an administering body; and

(b) the Crown continues to administer, control, and manage the reserve; and

(c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve; and

(d) the reserve continues to form part of the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000; and

(e) the reserve continues to be land to which clause 11 of Schedule 4 of the Crown Minerals Act 1991 applies.

(7) However, the Minister of Conservation must not—

(a) authorise the exchange of Te Kawerau Pā under the Reserves Act 1977; or

(b) revoke the reserve status of Te Kawerau Pā (but may reclassify it) under that Act.

(8) For the purposes of the Forest and Rural Fires Act 1977, Te Kawerau Pā must be treated as if it were a State area within the meaning of section 2(1) of that Act.

67 Te Kawerau Pā vests subject to, or together with, interests

(1) Te Kawerau Pā vests in the trustees under section 66, subject to, or with the benefit of,—

(a) the interests listed for the property in the third column of the table in Schedule 3; and

(b) any other interests affecting the property on the Te Kawerau Pā vesting date.

(2) If, on the Te Kawerau Pā vesting date, Te Kawerau Pā is affected by an interest in land, the interest applies as if the Crown were the grantor, or the grantee, as the case may be, of the interest in respect of Te Kawerau Pā.

(3) Any interest in land that affects Te Kawerau Pā must be dealt with for the purposes of registration as if the Crown were the registered proprietor of the land.

(4) Subsections (2) and (3) continue to apply despite any subsequent transfer of the reserve land under section 90.

(5) Subsections (6) and (7) apply if Te Kawerau Pā vests subject to an interest (other than an interest in land), whether or not the interest also applies to land outside the property.

(6) The Crown remains the grantor of the interest.

(7) The interest applies—

(a) until the interest expires or is terminated, but any subsequent transfer of the property must be ignored in determining whether the interest expires or is or may be terminated; and

(b) with any necessary modifications; and

(c) despite any change in status of the land in Te Kawerau Pā.

Properties vested in fee simple subject to conservation covenant

68 Muriwai

(1) The reservation of Muriwai (being part of Motutara Settlement Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

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

(3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Muriwai on the terms and conditions set out in part 7.1 of the documents schedule.

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

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

(b) section 27 of the Conservation Act 1987.

69 Opareira

(1) The reservation of Opareira (being part of Henderson Valley Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

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

(3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Opareira on the terms and conditions set out in part 7.2 of the documents schedule.

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

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

(b) section 27 of the Conservation Act 1987.

70 Parihoa site A

(1) Parihoa site A ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Parihoa site A vests in the trustees.

(3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with—

(a) a registrable covenant in relation to Parihoa site A on the terms and conditions set out in part 7.3 of the documents schedule; and

(b) a registrable easement in gross for a right of way on the terms and conditions set out in part 7.4 of the documents schedule.

(4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

Kopironui property vested in fee simple

71 Interpretation

In sections 72 to 79 and 84,—

Kopironui vesting date, in relation to the Kopironui property, means—

(a) the later of the following:

(i) 20 working days after the order of the Māori Land Court is notified in the *Gazette* under section 79; and

(ii) 20 working days after the registration of the Woodhill Crown forestry licences resulting from the processes referred to in section 90(1)(b) of the Ngāti Whātua o Kaipara Claims Settlement Act 2013; or

(b) if section 72(2) applies, the date by which all conditions imposed by the Māori Land Court have been satisfied

Ministers means the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development, acting jointly

Ngāti Whātua o Kaipara has the meaning given in section 12 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013

relevant trustees means the trustees of either or both—

(a) the Te Kawerau Iwi Settlement Trust:

(b) the Ngā Maunga Whakahii o Kaipara Development Trust

specified iwi means either or both—

(a) Te Kawerau ā Maki:

(b) Ngāti Whātua o Kaipara.

72 Fee simple estate in Kopironui property vested

(1) On and from the Kopironui vesting date,—

(a) the Kopironui property ceases to be Crown forest land; and

(b) the fee simple estate in the Kopironui property vests in the relevant trustees specified by order of the Māori Land Court in accordance with section 77.

(2) However, if the order of the Māori Land Court given in accordance with section 77 includes a requirement that the Kopironui property be subdivided and that a registrable right of way easement be granted over a part of the Kopironui property to another part of the Kopironui property, subsection (1)(b) does not take effect until the relevant trustees have granted the easement in accordance with the order of the court.

73 Licensor or joint licensors

(1) On the Kopironui vesting date, the Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the Crown forestry licence, even if 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 Kopironui property.

(2) Notice given by the Crown under subsection (1) 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 Kopironui property; and

(b) the recommendation had become final on the Kopironui vesting date.

(3) The relevant trustees specified by the Māori Land Court in accordance with section 77(2) as being entitled to receive the fee simple estate in the Kopironui property are the licensors or joint licensors, as the case may be, under the Crown forestry licence as if the Kopironui property had been returned to Māori ownership—

(a) on the Kopironui vesting date; and

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

(4) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the Kopironui property.

Jurisdiction of Māori Land Court in relation to Kopironui property

74 Proceedings to determine ownership of Kopironui property

(1) The Ministers must, as soon as practicable after the settlement date, apply to the Māori Land Court under this section for an order of the kind described in section 75.

(2) An application under this section must be—

(a) made in form 1 of the Schedule of the Māori Land Court Rules 2011; and

(b) filed in the office of the Chief Registrar of the Māori Land Court.

(3) The provisions of sections 78 and 79 apply to the procedures of the Māori Land Court.

(4) The Māori Land Court has jurisdiction to make an order in accordance with section 77.

75 Determination by Māori Land Court

(1) As soon as practicable after the application is filed under section 74, the Chief Judge of the Māori Land Court must allocate the application to himself or herself or to another Judge of that court to hear and determine.

(2) The Chief Judge or the Judge to whom the application is allocated must inquire into and determine—

(a) which of the specified iwi is entitled to receive the beneficial interest in the Kopironui property; or

(b) if both specified iwi are entitled to receive a share in the beneficial interest in the Kopironui property,—

(i) how the beneficial interest in the property is to be shared between the 2 specified iwi; and

(ii) what proportion of the beneficial interest in the property each of the specified iwi is entitled to receive; and

(iii) whether the property should be subdivided.

(3) The Māori Land Court—

(a) must make an order accordingly; but

(b) must not make an order in respect of any iwi or person other than the specified iwi.

(4) If the Māori Land Court determines that the property be subdivided, the court must determine—

(a) how the land is to be subdivided; and

(b) whether any right of way easements are necessary to provide access to any part of the Kopironui property, including any terms that the court thinks appropriate (but subject to any Crown forestry licence that applies to the whole of the Kopironui property).

(5) In making a determination under this section, the Māori Land Court—

(a) must consider evidence as to the identity of persons or groups of persons who were owners of the Kopironui property at the time that the property was alienated from Māori ownership and evidence as to the identity of the successors of those owners:

(b) may consider evidence as to—

(i) the identity of persons or groups of persons to whom title in the Kopironui Block was awarded—

(A) in 1871; and

(B) when the Block was later partitioned:

(ii) the owners of the Kopironui Block, excluding the Kopironui property, on the settlement date:

(iii) any other matters relevant to the required determination.

(6) In subsection (5), **Kopironui Block** means the former Māori land block of that name, comprising 937 acres, the title to which was determined by the Native Land Court in 1871.

76 Agreement by consent order

(1) This section applies if, at any time before the Māori Land Court makes an order under section 75, the relevant trustees agree—

(a) which of the relevant trustees is entitled to receive the fee simple estate in the whole or a part of the Kopironui property; or

(b) that both relevant trustees are entitled to share the fee simple estate in the whole or a part of the Kopironui property, and the proportion for each.

(2) The relevant trustees must advise the Chief Registrar of the Māori Land Court in writing of the agreement they have entered into, giving sufficient proof of the agreement and in sufficient detail to enable the Māori Land Court to make an order in accordance with section 77.

(3) The Māori Land Court must issue a consent order to give effect to the agreement if the court is satisfied that the agreement—

(a) meets the requirements of subsection (2); and

(b) makes provision for all of the land comprising the Kopironui property.

77 Order of Court

(1) An order of the Māori Land Court must record the court's determination made under section 75 or consent order made under section 76 as to which of the specified iwi is entitled to receive the beneficial interest in the Kopironui property, or, if both specified iwi are entitled to receive a beneficial interest, the proportion of the beneficial interest in the property that each should receive.

(2) The order must also specify, in accordance with the determination made under section 75 or the agreement for which a consent order is made under section 76,—

(a) the relevant trustees in whom the fee simple estate in the Kopironui property, or any part of it, is to vest under section 72:

(b) if the Kopironui property is to be subdivided, how the property is to be subdivided and any access arrangements required over the Kopironui property:

(c) if the fee simple estate in the Kopironui property or any part of it is to be vested in undivided shares in the relevant trustees as tenants in common, the specified shareholding for the relevant trustees.

Procedural matters

78 Powers and procedures of Māori Land Court

Notification and service of application

(1) As soon as practicable after the Ministers have lodged the application required by section 74, the Chief Registrar of the Māori Land Court must publish a

notice of the application in the Panui, as required by rule 5.3 of the Māori Land Court Rules 2011.

(2) The notices given in accordance with subsection (4) must contain—

(a) a brief description of the application and of the orders sought; and

(b) the date by which the persons with a right to be heard (*see* subsection (3)) must lodge any submissions in the office of the Chief Registrar and the matters that any submission must include; and

(c) any other matter that the court directs must be included in a notice.

(3) The only persons with a right to be heard are—

(a) the relevant trustees; and

(b) the Ministers.

Setting down for hearing and conduct of hearing

(4) The provisions of Parts 5 and 6 of the Māori Land Court Rules 2011 apply, as far as they are relevant, to setting down and conducting a hearing of the application lodged under this section.

Appointment of additional members for purposes of inquiry

(5) For any purpose relevant to the jurisdiction of the Māori Land Court under this subpart, the Chief Judge of the Māori Land Court may appoint 1 or more additional members of the court.

(6) An additional member—

(a) must have the knowledge and experience relevant to the matter to which the application relates; but

(b) is not a Judge of the Māori Land Court.

(7) The Chief Judge of the Māori Land Court, before appointing a person under subsection (5), must consult the relevant trustees and the Ministers about the knowledge and experience any such person should have.

(8) The following provisions of Te Ture Whenua Maori Act 1993 apply, with any necessary modification, if an additional member is appointed under subsection (5):

(a) section 34 (which requires an oath to be taken by additional members):

(b) section 35 (which makes provision for the payment of fees and allowances to additional members):

(c) section 36 (which sets out matters relating to the quorum for a hearing and the making of decisions).

79 Service and notification of order

(1) As soon as is reasonably practicable after an order made in accordance with section 77 has been pronounced by the Māori Land Court in accordance with

section 41 of Te Ture Whenua Maori Act 1993, the Chief Registrar of the Māori Land Court must serve a copy of the order on the Ministers.

(2) The Ministers must notify the order in the *Gazette*.

General provisions applying to vesting of cultural redress properties

80 Vesting of share of fee simple estate in property

In this subpart, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property.

81 Properties vest subject to or together with interests

(1) Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in Schedule 3.

(2) Subsection (1) does not apply to Te Kawerau Pā vested under section 66 or to the Kopironui property vested under section 72.

(3) In the case of the Kopironui property, subsection (4) applies if, in accordance with an order of the Māori Land Court made in accordance with section 77,—

(a) the Kopironui property is vested as a whole; or

(b) the Kopironui property is subdivided.

(4) The Kopironui property or each parcel of land into which the property is subdivided is subject to, or has the benefit of,—

(a) any interest listed for the Kopironui property in the third column of the table in Schedule 3 or that applies to the relevant parcel of the Kopironui property, if the interest is current on the Kopironui vesting date; and

(b) any other interests that are granted in relation to the Kopironui property, or in relation to the relevant parcel of the Kopironui property, whether before that vesting date or as a condition of the vesting.

82 Interests that are not interests in land

(1) This section applies to each of the following cultural redress properties that are subject to an interest (other than an interest in land) listed for the property in Schedule 3, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property:

(a) Te Henga site B:

(b) Parihoa site A.

(2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property.

(3) The interest applies—

(a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and

(b) with any other necessary modifications; and

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

83 Registration of ownership

(1) This section applies to a cultural redress property, other than the Kopironui property (*see* section 84), vested in the trustees under this subpart.

(2) Subsection (3) applies to a cultural redress property, but only to the extent that the property is all of the land contained in a computer freehold register.

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

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

(b) record any entry on the computer freehold register and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.

(4) Subsection (5) applies to a cultural redress property, but only to the extent that subsection (2) does not apply to the property.

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

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

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

(6) Subsection (5) is subject to the completion of any survey necessary to create a computer freehold register.

(7) A computer freehold register must be created under this section as soon as is reasonably practicable after the date on which the property vests, but not later than—

(a) 24 months after that date; or

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

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

(a) the chief executive of the Ministry of Justice, for Te Onekiritea Point property; and

(b) the Director-General, for all other properties.

84 Registration of ownership of Kopironui property

(1) This section applies to the Kopironui property vested under section 72 in accordance with an order of the Māori Land Court made in accordance with section 77.

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

(a) create a computer freehold register for the fee simple estate in the property in the name of the relevant trustees declared by order of the Māori Land Court to be the owners of the fee simple estate in the property; and

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

(3) However, if by order of the Māori Land Court the Kopironui property is subdivided or vested in the relevant trustees as tenants in common, the Registrar-General must, in accordance with a written application by the authorised person,—

(a) create computer freehold registers, as the case may require,—

(i) for the fee simple estate in the parcels of the Kopironui property in the names of the relevant trustees identified by the court in respect of the parcels; or

(ii) if the Kopironui property or part of it is vested in the relevant trustees as tenants in common, for specified undivided shares of the fee simple estate in the property or the relevant part of the property in the names of the relevant trustees; and

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

(4) Subsections (2) and (3) are subject to the completion of any survey necessary to create a computer freehold register.

(5) A computer freehold register must be created under this section as soon as is reasonably practicable after the Kopironui vesting date, but not later than—

(a) 24 months after that vesting date; or

(b) any later date that may be agreed in writing by the Crown and the relevant trustees identified by the Māori Land Court as provided for in section 77.

(6) In this section, **authorised person** means a person authorised by the chief executive of LINZ.

85 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the

Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

(2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.

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

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

(5) Subsection (3) does not apply to Te Kawerau Pā.

86 Matters to be recorded on computer freehold register

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

(a) for a reserve property (other than Te Kawerau Pā),—

(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 85(3) and 90; and

(b) for Te Kawerau Pā,—

(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 66(5) to (7), 67(3), and 90; and

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

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

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

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

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

(ii) the property is subject to sections 85(3) and 90; or

(b) part of the property, 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 property that remains a reserve.

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

(5) Subsection (3) does not apply to Te Kawerau Pā.

87 Application of other enactments

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

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

(b) affect other rights to subsurface minerals.

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

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

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

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

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

88 Names of Crown protected areas discontinued

(1) Subsection (2) applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area, but does not apply to Te Kawerau Pā.

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

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

Further provisions applying to reserve properties

89 Application of other enactments to reserve properties

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

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

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

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

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

(6) Subsections (1) to (4) do not apply to Te Kawerau Pā.

90 Subsequent transfer of reserve land

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

(2) The fee simple estate in the reserve land in Te Kawerau Pā may only be transferred in accordance with section 92.

(3) The fee simple estate in the reserve land in any other property may only be transferred in accordance with section 91 or 92.

(4) In this section and sections 91 to 93, **reserve land** means the land that remains a reserve as described in subsection (1).

91 Transfer of reserve land to new administering body

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

(2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able—

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

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

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

(4) The required documents are—

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

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

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

(5) The new owners, from the time of their registration under this section,—

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

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

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

92 Transfer of reserve land to trustees of existing administering body if trustees change

The registered proprietors of the reserve land may transfer the fee simple estate in the reserve land if—

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

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

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

93 Reserve land not to be mortgaged

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

94 Saving of bylaws, etc, in relation to reserve properties

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

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

Part 3
Commercial redress

95 Interpretation

In subparts 1 to 3,—

Auckland Prison Housing Block and **Housing Block** mean the Auckland (Paremoremo) on-site housing village, described as the Paremoremo Housing Block in part 5 of the property redress schedule, for which—

(a) an effective Housing Block purchase notice has been given; and

(b) the requirements for transfer under the Ngāti Whātua o Kaipara deed of settlement have been satisfied

commercial redress property means the licensed land described in part 3 of the property redress schedule

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 second column of the table in part 3 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

deferred selection property means a property described in part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

effective Housing Block purchase notice has the meaning given in section 82 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013

Housing Block nominee means a person nominated by 1 or more governance entities that give the effective Housing Block purchase notice to the Department of Corrections

land holding agency means—

(a) the land holding agency specified, for the commercial redress property, in part 3 of the property redress schedule:

(b) the land holding agency specified, for a deferred selection property, in part 4 of the property redress schedule:

(c) for the Housing Block, the Department of Corrections

licensed land—

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

(b) excludes—

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

(ii) improvements that have been—

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

(B) made by the purchaser or the licensee after the purchaser has acquired the trees on the land

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

Ngāti Whātua o Kaipara deed of settlement has the meaning given in the definition of deed of settlement in section 11 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013

protected site means any area of land situated in the licensed land that—

(a) is wāhi tapu or a wāhi 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

right of access means the right conferred by section 106.

Subpart 1—Transfer of commercial redress property and deferred selection properties

96 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—

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

(b) to transfer the fee simple estate in the Housing Block to 1 or more governance entities that give an effective Housing Block purchase notice or to a Housing Block nominee; and

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

(2) Subsection (3) applies if the Housing Block or a deferred selection property is subject to a resumptive memorial recorded under an enactment listed in section 16(2).

(3) As soon as is reasonably practicable after the date on which the Housing Block or a deferred selection property is transferred under subsection (1), the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of section 17 (which relates to the cancellation of resumptive memorials).

(4) In this section, **governance entity** means either or both—

(a) the trustees:

(b) the trustees of the Ngā Maunga Whakahii o Kaipara Development Trust.

97 Transfer of share of fee simple estate in Housing Block

In this Part, a reference to the transfer of the Housing Block, or the transfer of the fee simple estate in that property, includes the transfer of an undivided share of the fee simple estate in the property.

98 Minister of Conservation may grant easements

(1) The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to the commercial redress property or a deferred selection property.

(2) Any such easement 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.

99 Computer freehold registers for deferred selection properties and Housing Block

(1) This section applies to each of the following properties that is to be transferred under section 96:

(a) a deferred selection property:

(b) the Housing Block.

(2) However, this section applies only 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.

(3) 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) in the case of the Housing Block, if so required by the written application, create 2 computer freehold registers for the fee simple estate in the property in the name of the Crown, each for an undivided specified share of the fee simple estate in the Housing Block; and

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

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

(4) Subsection (2) does not apply to the Housing Block if an undivided share of the fee simple estate in the property is transferred under section 96.

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

(6) In this section and sections 100 and 101, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

100 Computer freehold register for licensed land

(1) This section applies to the licensed land that is to be transferred to the trustees under section 96.

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

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

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

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

(1) For the purposes of sections 99 and 100, the authorised person may grant a covenant for the later creation of a computer freehold register for any commercial redress property or deferred selection property.

(2) Despite the Land Transfer Act 1952,—

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

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

102 Application of other enactments

(1) This section applies to the transfer of the fee simple estate in the commercial redress property, a deferred selection property, or the Housing Block under section 96.

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

(3) The transfer does not—

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

(b) affect other rights to subsurface minerals.

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

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

(6) In exercising the powers conferred by section 96, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.

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

Subpart 2—Licensed land

103 Licensed land ceases to be Crown forest land

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

(2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 6 of the deed of settlement, or part 8 of the property redress schedule.

104 Trustees are confirmed beneficiaries and licensors of licensed land

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

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

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

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

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

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

(a) the Waitangi Tribunal 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 became final on the settlement date.

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

(a) on the settlement date; and

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

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

105 Effect of transfer of licensed land

(1) Section 104 applies whether or not—

(a) the transfer of the fee simple estate in the licensed land has been registered; or

(b) the processes referred to in section 90(1)(b) of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 have been completed.

(2) For the period (if any) starting on the settlement date and ending with the completion of the processes referred to in subsection (1), the licence fee payable under the Crown forestry licence in respect of the licensed land is the amount calculated in the manner described in paragraphs 8.22 and 8.23 of the property redress schedule.

(3) However, the calculation of the licence fee under subsection (2) is overridden by any agreement made by the trustees as licensor, the licensee, and the Crown.

Subpart 3—Access to protected sites

106 Right of access to protected sites

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

(2) The right of access may be exercised by vehicle 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 conditions imposed by the owner relating to the time, location, or manner of access that 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.

107 Right of access over licensed land

(1) A right of access over licensed land is subject to the terms of any Crown forestry licence.

(2) However, subsection (1) does not apply if the licensee has agreed to the right of access being exercised.

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

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

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

108 Right of access to be recorded on computer freehold registers

(1) This section applies to the transfer to the trustees of the licensed land.

(2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land.

(3) The Registrar-General must, upon the registration of the transfer of the land, record on any computer freehold register for the land that the land is subject to a right of access to protected sites on the land.

Subpart 4—Right of first refusal over RFR land

Interpretation

109 Interpretation

In this subpart and Schedule 4,—

approving Marutūāhu Iwi collective legislation means the legislation that approves as redress for Marutūāhu Iwi the rights to non-exclusive RFR land provided by or under this subpart to the Marutūāhu Iwi governance entity

approving Ngāti Whātua settlement legislation means settlement legislation that approves as redress for Ngāti Whātua the rights to non-exclusive RFR land provided by or under this subpart to the Ngāti Whātua governance entity

Auckland Council means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

Auckland Prison—

(a) means the land described as Paremoremo Prison in the second table in part 3A of the attachments if, on the settlement date,—

(i) the land is vested in the Crown; or

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

(b) includes any land obtained in exchange for a disposal of Auckland Prison under section 126(1)(c) or 127

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

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

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(a) means—

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

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

(b) to avoid doubt, does not include—

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

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

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

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

exclusive RFR land has the meaning given in section 111

expiry date, in relation to an offer, means its expiry date under sections 115(2)(a) and 116

governance entity means,—

(a) in relation to Auckland Prison,—

(i) the trustees:

(ii) the trustees of the Ngā Maunga Whakahii o Kaipara Development Trust:

(b) in relation to exclusive RFR land, the trustees:

(c) in relation to non-exclusive RFR land,—

(i) the trustees:

(ii) the Marutūāhu Iwi governance entity:

(iii) the Ngāti Whātua governance entity

Marutūāhu Iwi means the collective group comprising Ngāti Maru, Ngāti Pāoa, Ngāti Tamaterā, Ngaati Whanaunga, and Te Patukirikiri

Marutūāhu Iwi collective redress deed means a deed between the Crown and Marutūāhu Iwi that provides redress to Marutūāhu Iwi

Marutūāhu Iwi governance entity means the entity that any Marutūāhu Iwi collective redress deed specifies as having the rights of a Marutūāhu Iwi governance entity under this subpart

Ngāti Whātua means the descendants of Haumoewarangi, a tupuna of Ngāti Whātua as provided for in section 4(2) of the Te Runanga o Ngati Whatua Act 1988

Ngāti Whātua deed of settlement means a deed between the Crown and Ngāti Whātua that settles the outstanding historical claims of Ngāti Whātua

Ngāti Whātua governance entity means an entity that any Ngāti Whātua deed of settlement specifies as having the rights of the Ngāti Whātua governance entity under this subpart

non-exclusive RFR land—

(a) means the land that is within the RFR area that, on the RFR date for that land,—

(i) is vested in the Crown; or

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

(iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on application of section 25 or 27 of the Reserves Act 1977, revest in the Crown; and

(b) includes any land obtained in exchange for a disposal of non-exclusive RFR land under section 126(1)(c) or 127

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 115, to dispose of RFR land to a governance entity

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

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

relevant approving legislation means the approving Marutūāhu Iwi collective legislation or the approving Ngāti Whātua settlement legislation, as the case requires

RFR area means the area shown on SO 459993 in part 3 of the attachments

RFR date means the date on which this subpart comes into effect under section 113 in relation to—

(a) Auckland Prison; and

(b) the exclusive RFR land; and

(c) the non-exclusive RFR land

RFR landowner, in relation to RFR land,—

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

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

(c) means the Auckland Council, if the Council holds the fee simple estate in the Te Onekiritea Point land (*see* section 124(2)); and

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

(e) to avoid doubt, does not include an administering body in which RFR land, except the Te Onekiritea Point land, is vested—

(i) on the settlement date; or

(ii) after the settlement date, under section 122(1)

RFR period means,—

(a) for Auckland Prison, the period of 170 years on and from the earlier of—

(i) the settlement date; and

(ii) the date that is 36 months after the date defined as the settlement date in section 11 of the Ngāti Whātua o Kaipara Claims Settlement Act 2013:

(b) for the exclusive RFR land, the period of 172 years on and from the settlement date:

(c) for the non-exclusive RFR land, the period of 173 years on and from the earlier of—

(i) the date that is 36 months after the settlement date under this Act; and

(ii) the later of the settlement dates under the relevant approving legislation

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

Te Onekiritea Point land means the land described by that name in part 3A of the attachments.

110 Meaning of RFR land

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

(a) Auckland Prison; and

(b) the exclusive RFR land; and

(c) the non-exclusive RFR land.

(2) Land ceases to be RFR land if—

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

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

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

(b) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under section 142; or

(c) the RFR period for the land ends; or

(d) for RFR land required for another Treaty settlement, notice is given in relation to the land under section 112.

(3) Except as provided for the Te Onekiritea Point land in section 124(2), land also ceases to be RFR land if the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—

(a) under any of sections 123 to 130 (which relate to permitted disposals of RFR land); or

(b) under any matter referred to in section 131(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart).

111 Meaning of exclusive RFR land

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

(a) means the land described as Clark House in part 3A of the attachments; and

(b) means the Te Onekiritea Point land; and

(c) includes any land that has ceased to be a deferred selection property under clause 6.6B of the deed of settlement on or before the settlement date; and

(d) includes any land obtained in exchange for a disposal of exclusive RFR land under section 126(1)(c) or 127.

(2) Subsection (1)(a) to (c) applies only if, on the settlement date,—

(a) the land is vested in the Crown or is held in fee simple by the Crown or the Auckland Council; and

(b) in respect of the land referred to in subsection (1)(c), the land is not subject to a contract formed under section 127 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 for the disposal of the land.

(3) If, after the settlement date, land ceases to be a deferred selection property under clause 6.6B of the deed of settlement, that land becomes exclusive RFR land.

(4) In subsections (1)(c) and (3), **deferred selection property** has the meaning given in the general matters schedule of the deed of settlement.

112 RFR land required for another Treaty of Waitangi settlement

(1) The Minister for Treaty of Waitangi Negotiations must, for non-exclusive RFR land required for the settlement of other historical Treaty claims, give notice to the following persons that the land is to cease being RFR land:

(a) the RFR landowner; and

(b) each of the following governance entities:

(i) the trustees:

(ii) the Marutūāhu Iwi governance entity:

(iii) the Ngāti Whātua governance entity.

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

(3) In this section, **historical Treaty claim** has the meaning given in section 2 of the Treaty of Waitangi Act 1975.

Application of this subpart

113 When this subpart comes into effect

The provisions of this subpart come into effect as follows:

(a) for Auckland Prison, on the settlement date; and

(b) for the exclusive RFR land, on the settlement date; and

(c) for the non-exclusive RFR land, on the earlier of—

(i) the date that is 36 months after the settlement date under this Act; and

(ii) the later of the settlement dates under the relevant approving legislation.

Restrictions on disposal of RFR land

114 Restrictions on disposal of RFR land

(1) An RFR landowner must not dispose of RFR land other than to the trustees or a governance entity referred to in subsection (3)(a)(ii) or (4)(b) who have or that has accepted an offer to dispose of RFR land under section 118, or to their nominees.

(2) However, subsection (1) does not apply if the land is disposed of—

(a) under any of sections 120 to 130; or

(b) under any matter referred to in section 131(1); or

(c) in accordance with a waiver or variation given under section 142; or

(d) in accordance with subsection (3).

(3) An RFR landowner may dispose of RFR land to any person within 2 years after the expiry date of an offer made by the RFR landowner if the offer was,—

(a) in the case of Auckland Prison, made by notice to—

(i) the trustees; and

(ii) the trustees of the Ngā Maunga Whakahii o Kaipara Development Trust:

(b) in the case of exclusive RFR land, made by notice to the trustees:

(c) in the case of non-exclusive RFR land, made by notice in accordance with subsection (4).

(4) In the case of non-exclusive RFR land, a notice of offer must be given,—

(a) if the settlement dates under both the approving Marutūāhu Iwi collective legislation and the approving Ngāti Whātua settlement legislation have not occurred at the date of offer, to the trustees; or

(b) if the settlement date under the relevant approving legislation has occurred at the date of offer,—

(i) to the trustees; and

(ii) to the relevant approving governance entity.

(5) In every case where notice has been given under subsection (3)(a) or (b) or (4), the offer must—

(a) have been made in accordance with section 115; and

(b) have been made on terms that are the same as, or more favourable to, the relevant governance entity than, the terms of the disposal to the other person; and

(c) not have been withdrawn under section 117; and

(d) not have been accepted under section 118.

(6) In subsection (4)(b), **relevant approving governance entity** means—

(a) the Marutūāhu Iwi governance entity if the settlement date under any approving Marutūāhu Iwi collective legislation has occurred:

(b) the Ngāti Whātua governance entity if the settlement date under any approving Ngāti Whātua settlement legislation has occurred.

Governance entities' right of first refusal

115 Requirements for offer

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

(2) The notice must include—

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

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

(c) a statement that identifies the RFR land as exclusive RFR land or non-exclusive RFR land; and

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

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

116 Expiry date of offer

(1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the governance entity receives notice of the offer.

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

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

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

(c) the earlier offer was not withdrawn.

(3) For an offer of non-exclusive RFR land or the Auckland Prison, if the RFR landowner receives notices of acceptance from 2 or more governance entities to which the offer was made at the expiry date specified in the notice given

under section 115, the expiry date is extended for those governance entities to the date that is 20 working days after the date on which they receive the RFR landowner's notice given under section 118(4).

117 Withdrawal of offer

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

118 Acceptance of offer

(1) A governance entity 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) A governance entity must accept all the RFR land offered, unless the offer permits it to accept less.

(3) In the case of an offer of non-exclusive RFR land or the Auckland Prison, the offer is accepted if, at the expiry date, the RFR landowner has received notice of acceptance from only 1 of the governance entities to which the offer was made.

(4) In the case of an offer of non-exclusive RFR land or the Auckland Prison, if the RFR landowner has received, at the end of the expiry date specified in the notice of offer given under section 115, notices of acceptance from 2 or more governance entities to which the offer was made, the RFR landowner has 10 working days in which to give notice to those 2 or more governance entities,—

(a) specifying the governance entities from which acceptance notices have been received; and

(b) stating that the offer may be accepted by only 1 of those governance entities before the end of the 20th working day after the day on which the RFR landowner's notice is received under this subsection.

(5) However, in the case of non-exclusive RFR land, if the 2 or more governance entities are unable to agree which of them is to provide a notice of acceptance, subsections (6) to (8) apply.

(6) Not later than the 20th working day referred to in subsection (4)(b),—

(a) the 2 or more governance entities must jointly appoint and authorise a solicitor (as defined in section 6 of the Lawyers and Conveyancers Act 2006) or a Justice of the Peace to conduct a ballot; and

(b) the RFR landowner must receive written notice confirming which one of the 2 or more governance entities may provide a notice of acceptance.

(7) In subsection (6), **ballot** means a ballot to determine which one of the 2 or more governance entities may provide a notice of acceptance.

(8) A notice given under subsection (6) must—

(a) confirm that the solicitor or Justice of the Peace was authorised by the 2 or more governance entities to conduct a ballot under that subsection; and

(b) state the result of that ballot; and

(c) attach the notice of acceptance duly signed by the relevant governance entity; and

(d) be signed and dated by the solicitor or Justice of the Peace.

(9) If subsections (6) and (8) apply, only the notice given under subsection (8)(c) is valid.

119 Formation of contract

(1) If a governance entity accepts, under section 118, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the governance entity on the terms in the offer.

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

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

(4) The governance entity may nominate a nominee only if—

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

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

(5) The notice must specify—

(a) the full name of the nominee; and

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

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

Disposals to others but land remains RFR land

120 Disposal to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

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

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

121 Disposal of existing public works to local authorities

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

(2) To avoid doubt,—

(a) in the case of the Te Onekiritea Point land, the RFR landowner may dispose of that land to the Auckland Council for the purposes of a reserve; and

(b) if RFR land is disposed of to a local authority, the local authority becomes—

(i) the RFR landowner of the land; and

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

122 Disposal of reserves to administering bodies

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

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

(a) the RFR landowner of the land; or

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

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

(a) the RFR landowner of the land; and

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

Disposals to others where land may cease to be RFR land

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

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

124 Disposal in accordance with legal or equitable obligations

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the RFR date for that land; or

(ii) was conditional before the RFR date for that land but became unconditional on or after that date; or

(iii) arose after the exercise (whether before, on, or after the RFR date for that land) of an option existing before the RFR date for that land; or

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

(2) If the RFR landowner disposes of the Te Onekiritea Point land to the Auckland Council in accordance with subsection (1) for the purposes of a reserve,—

(a) the land does not cease to be RFR land; and

(b) the Auckland Council becomes—

(i) the RFR landowner of the land; and

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

125 Disposal under certain legislation

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

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

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

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

(d) an Act that—

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

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

126 Disposal of land held for public works

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

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

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

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

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

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

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

127 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.

128 Disposal for charitable purposes

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

129 Disposal to tenants

The Crown may dispose of RFR land—

(a) that was held on the RFR date for that land 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 RFR date for that land; or

(ii) on or after the RFR date for that land under a right of renewal in a lease granted before the RFR date for that land; or

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

130 Disposal by Housing New Zealand Corporation

(1) The Crown, Housing New Zealand Corporation, or any of that corporation's subsidiaries may dispose of the Te Onekiritea Point land if—

(a) that land is Crown-owned land held for State housing purposes; and

(b) the disposal is for State housing purposes under the Housing Act 1955.

(2) It is sufficient proof, for the purposes of subsection (1), that the disposal is for State housing purposes if the notice given under section 133 in respect of the disposal—

(a) is signed by—

(i) the chief executive of the department of State responsible for the administration of the Housing Act 1955; or

(ii) the chief executive of Housing New Zealand Corporation; and

(b) states that the disposal is in accordance with this section.

RFR landowner obligations

131 RFR landowner's obligations subject to other matters

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

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

(b) any interest or legal or equitable obligation—

(i) that prevents or limits an RFR landowner's disposal of RFR land to a governance entity; and

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

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

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

Notices about RFR land

132 Notice to LINZ of RFR land with computer register after RFR date

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

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

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

133 Notice to governance entities of disposal of RFR land to others

(1) An RFR landowner must give notice of the disposal of RFR land by the landowner,—

(a) in the case of Auckland Prison, to the trustees and the trustees of the Ngā Maunga Whakahii o Kaipara Development Trust, if the disposal is to a person other than those trustees or their nominees; and

(b) in the case of exclusive RFR land, to the trustees, if the disposal is to a person other than the trustees or their nominee; and

(c) in the case of non-exclusive RFR land, to the trustees, the Marutūāhu Iwi governance entity, and the Ngāti Whātua governance entity, if the disposal is to a person other than the trustees or those governance entities or their nominees.

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

(3) The notice must include—

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

(b) the reference for any computer register for the land; and

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

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

(e) an explanation of how the disposal complies with section 114; and

(f) if the disposal is to be made under section 114(3), a copy of any written contract for the disposal.

(4) The requirement under subsection (1)(c) to notify—

(a) the Marutūāhu Iwi governance entity applies only if, before the date of the notice, approving Marutūāhu Iwi collective legislation has been enacted; and

(b) the Ngāti Whātua governance entity applies only if, before the date of the notice, approving Ngāti Whātua settlement legislation has been enacted.

134 Notice to LINZ 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 fee simple estate in the land is to transfer from the RFR landowner to—

(i) a governance entity or its nominee (for example, under a contract formed under section 119); or

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

(b) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under section 142; or

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

(i) under any of sections 123 to 130; or

(ii) under any matter referred to in section 131(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 include—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

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

(4) Subsections (5) and (6) apply if land contained in a computer register ceases to be RFR land because a notice has been given under section 112 in relation to the land.

(5) The RFR landowner must, as soon as practicable after receiving the notice under section 112, give the chief executive of LINZ notice that the land has ceased to be RFR land.

(6) The notice must include—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) a copy of the notice given under section 112.

135 Notice to governance entities if disposal of non-exclusive RFR land being considered

(1) This section applies if an RFR landowner is considering whether to dispose of non-exclusive RFR land in a way that may require an offer under this subpart.

(2) The RFR landowner must give notice to each governance entity that, if the landowner decides to dispose of the land, the landowner may be required to offer the land to that governance entity under this subpart.

(3) The notice must be given immediately before the RFR landowner commences the processes under any of the following provisions, as relevant:

(a) section 52 of the Land Act 1948:

(b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990:

(c) section 40 of the Public Works Act 1981 (providing that the tests in section 40(1) of that Act are met):

(d) any other enactment that regulates or applies to the disposal of the land.

(4) The notice must—

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

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

(c) specify the street address for the land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate it.

(5) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—

(a) section 564(3) of the Education and Training Act 2020 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education and Training Act 2020); or

(b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or

(c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment.

(6) In this section, **dispose of** means to transfer the fee simple estate in the land.

Section 135(5)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

136 Notice to governance entities if disposal of Auckland Prison being considered

(1) This section applies if an RFR landowner is considering whether to dispose of Auckland Prison in a way that may require an offer under this subpart.

(2) The RFR landowner must give notice to any governance entity to which the offer would be made under this subpart if the land were to be disposed of.

(3) The notice must—

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

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

(c) specify the street address for the land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate it.

(4) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—

(a) section 564(3) of the Education and Training Act 2020 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education and Training Act 2020); or

(b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or

(c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment.

Section 136(4)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

137 Notice requirements

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

(a) an RFR landowner; or

(b) a governance entity.

Right of first refusal recorded on computer registers

138 Right of first refusal to be recorded 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 for,—

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

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

(c) land for which there is a computer register and 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 RFR date for the land, for RFR land for which there is a computer register on that date; or

(b) after receiving a notice under section 132 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.

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

(4) The chief executive must provide a copy of each certificate, as soon as is reasonably practicable after issuing the certificate, if the certificate—

(a) is for Auckland Prison, to—

(i) the trustees; and

(ii) the trustees of the Ngā Maunga Whakahii o Kaipara Development Trust:

(b) is for exclusive RFR land, to the trustees:

(c) is for non-exclusive RFR land,—

(i) to the trustees; and

(ii) if approving Marutūāhu Iwi collective legislation has been enacted, to the Marutūāhu governance entity; and

(iii) if approving Ngāti Whātua settlement legislation has been enacted, to the Ngāti Whātua governance entity.

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

(a) RFR land, as defined in section 110; and

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

139 Removal of notifications when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 134(2), issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

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

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

(2) The chief executive must provide a copy of each certificate as soon as is reasonably practicable after issuing the certificate, in accordance with the requirements of section 138(4).

(3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under section 138 for the land described in the certificate.

140 Removal of notifications when notice given under section 112

(1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under section 134(5), issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) a copy of the notice given under section 112; and

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

(2) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove from the computer register identified in the certificate any notification recorded under section 138 for the land described in the certificate.

141 Removal of notifications when RFR period ends

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

(a) the reference for each computer register for that RFR land that still has a notification recorded under section 138; and

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

(2) The chief executive must provide a copy of each certificate, as soon as is reasonably practicable after issuing the certificate, in accordance with the requirements of section 138(4).

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under section 138 from any computer register identified in the certificate.

General provisions applying to right of first refusal

142 Waiver and variation

(1) A governance entity may, by notice to an RFR landowner, waive any or all of the rights the governance entity has in relation to the landowner under this subpart.

(2) A governance entity 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) The trustees, the Marutūāhu Iwi governance entity, and the Ngāti Whātua governance entity, or any 2 of those bodies, may agree in writing that 1 of them may exercise, on behalf of those who agree, any right provided for by this subpart that would otherwise be exercised by each of them separately.

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

143 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.

144 Assignment of rights and obligations under this subpart

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

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

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

(2) The RFR holder must give a notice to each RFR landowner—

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

(b) specifying the date of the assignment; and

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

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

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

(4) In this section,—

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

RFR holder means the 1 or more persons who have the rights and obligations of the trustees under this subpart, because—

(a) they are the trustees; or

(b) they have previously been assigned those rights and obligations under this section.

Schedule 1
Statutory areas

ss 27, 36

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Taumaihi (being part of Te Henga Recreation Reserve)	As shown on OTS-106-04
Motutara Settlement Scenic Reserve and Goldie Bush Scenic Reserve	As shown on OTS-106-10
Swanson Conservation Area	As shown on OTS-106-08
Henderson Valley Scenic Reserve	As shown on OTS-106-09
Coastal statutory acknowledgement	As shown on OTS-106-14
Waitakere River and tributaries	As shown on OTS-106-13
Kumeu River and tributaries	As shown on OTS-106-11
Rangitopuni Stream and tributaries	As shown on OTS-106-12
Te Wai-o-Pareira / Henderson Creek and tributaries	As shown on OTS-106-18
Motutara Domain (being part of Muriwai Beach Domain Recreation Reserve)	As shown on OTS-106-20
Whatipu Scientific Reserve	As shown on OTS-106-21

Part 2
Area also subject to deed of recognition

Statutory area	Location
Motutara Settlement Scenic Reserve and Goldie Bush Scenic Reserve	As shown on OTS-106-10

Schedule 2
Whenua rāhui area

s 42

Whenua rāhui area	Location	Description
Taumaihi (being part of Te Henga Recreation Reserve)	As shown on OTS-106-04	*North Auckland Land District—Auckland Council* 71.7795 hectares, more or less, being Lot 1 DP 116242 and Section 5 SO 477158.

Schedule 3
Cultural redress properties

ss 60, 67, 81

Properties vested in fee simple

Name of property	Description	Interests
Te Henga site A	*North Auckland Land District—Auckland Council* 0.9930 hectares, more or less, being Section 4 SO 477158. Part computer freehold register NA57A/1128.	
Wai Whauwhaupaku	*North Auckland Land District—Auckland Council* 0.9975 hectares, more or less, being Section 1 SO 477436. Part computer freehold register 48133.	Subject to a pipeline easement created by grant of easement B369908.1. Subject to a gas pipeline easement in gross in favour of the Natural Gas Corporation of New Zealand Limited (now Vector Gas Limited) created by grant of easement B369908.1.

Property vested in fee simple to be held as Māori reservation

Name of property	Description	Interest
Te Onekiritea Point property	*North Auckland Land District—Auckland Council* 0.2975 hectares, more or less, being Section 1 SO 476963. Part computer freehold register 612355.	Subject to being a Māori reservation, as referred to in section 63(2).

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Parihoa site B	*North Auckland Land District—Auckland Council* 0.9665 hectares, more or less, being Section 2 SO 477158.	Subject to being a historic reserve, as referred to in section 64(3).
Te Henga site B	*North Auckland Land District—Auckland Council* 11.0065 hectares, more or less, being Section 3 SO 477158. Part computer freehold register NA57A/1128.	Subject to being a historic reserve, as referred to in section 65(3). Subject to the right of way easement in gross referred to in section 65(5)(a). Subject to the right of way easement referred to in section 65(5)(b). Subject to the right of access as provided for in clause 1 of the unregistered licence to occupy to A R and R G Bellamy (dated 7 June 1995). Subject to a registered easement for rights to convey water and convey electricity in favour of the

Name of property	Description	Interests
		land contained in computer freehold register NA651/232. Subject to a registered easement for a right to convey water in favour of the land contained in computer freehold register NA885/207. Subject to a registered easement for a right to convey water in favour of the land contained in computer freehold register NA885/206. Subject to a registered easement in gross for a right to convey telecommunications and computer media in favour of Chorus New Zealand Limited. Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited. Subject to an unregistered permit with concession number 34621-SSE and a variation dated 5 June 2015 to Total Sport Limited. Subject to an unregistered permit with concession number 40571-SSE and a variation dated 25 June 2015 to Lactic Turkey Events Limited.
Te Kawerau Pā	*North Auckland Land District—Auckland Council* 1.4490 hectares, more or less, being Section 1 SO 477390. Part *Gazette* 1980, p 2343.	Subject to being a scientific reserve, as referred to in section 66(4). Subject to an unregistered guiding permit with concession number AK-25495-GUI to the Supporters of Tiritiri Matangi Incorporated.

Properties vested in fee simple subject to conservation covenant

Name of property	Description	Interests
Muriwai	*North Auckland Land District—Auckland Council* 1.0129 hectares, more or less, being Section 1 SO 477271. Part *Gazette* 1941, p 747.	Subject to the conservation covenant referred to in section 68(3).
Opareira	*North Auckland Land District—Auckland Council* 1.0305 hectares, more or less, being Section 1 SO 477559. Part *Gazette* notice 587951.1.	Subject to the conservation covenant referred to in section 69(3).
Parihoa site A	*North Auckland Land District—Auckland Council* 2.2230 hectares, more or less, being Section 1 SO 477158.	Subject to the conservation covenant referred to in section 70(3)(a). Subject to the right of way easement in gross referred to in section 70(3)(b).

Name of property	Description	Interests
		Subject to an unregistered permit with concession number 34621-SSE and a variation dated 5 June 2015 to Total Sport Limited. Subject to an unregistered permit with concession number 40571-SSE and a variation dated 25 June 2015 to Lactic Turkey Events Limited.

Kopironui property vested in fee simple

Name of property	Description	Interests
Kopironui property	*North Auckland Land District—Auckland Council* 39.7 hectares, approximately, being Parts Lot 1 DP 138527. Part *Gazette* notice 15421. Subject to survey. As shown on OTS-106-15.	Subject to a Crown forestry licence issued in replacement for the Crown forestry licence created by C509747.1 and held in computer interest register NA100/7 and subject to a sub-licence held in computer interest register 365586. Subject to protective covenants created by C509747.6.

Schedule 4
Notices in relation to RFR land

ss 109, 137, 144(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or a governance entity under subpart 4 of Part 3 must be—

(a) in writing and signed by—

(i) the person giving it; or

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

(iii) in the case of the Marutūāhu Iwi governance entity, the persons specified in approving Marutūāhu Iwi collective legislation; or

(iv) in the case of the Ngāti Whātua governance entity, the persons specified in approving Ngāti Whātua settlement legislation; and

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

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

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 115, or in a later notice given to a governance entity, or identified by the governance entity as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under section 132 or 134, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) given by—

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

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

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

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

2 Use of electronic transmission

Despite clause 1, a notice given in accordance with clause 1(a) may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

Schedule 4 clause 2: amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

3 Time when notice received

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

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

(b) for Auckland Prison, on the second day after posting, if posted:

(c) for all other RFR land, on the fourth day after posting, if posted:

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

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

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

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

Notes

1 General

This is a consolidation of the Te Kawerau ā Maki Claims Settlement Act 2015 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

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

Secondary Legislation Act 2021 (2021 No 7): section 3

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

Trusts Act 2019 (2019 No 38): section 161

Contract and Commercial Law Act 2017 (2017 No 5): section 347

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