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as at 1 August 2020



## Taranaki Iwi Claims Settlement Act 2016

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Commencement      see section 2

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
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**This Act is administered by the Ministry of Justice.**

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**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Taranaki Iwi Claims Settlement Act 2016.

**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 the acknowledgements and apology given by the Crown to Taranaki Iwi in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Taranaki Iwi.

**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) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Taranaki Iwi, as recorded in the deed of settlement; and
  - (e) defines terms used in this Act, including key terms such as Taranaki Iwi 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 law against perpetuities; 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 conservation, fisheries, 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 Taranaki Iwi of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for the specified areas; and
    - (iii) 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.
- (4) Part 3 provides for commercial redress, setting out provisions required to facilitate the transfer of deferred selection properties and for the right of first refusal over specified RFR land.
- (5) Part 4 makes provision for matters relating to the reorganisation of the governance structures of Taranaki Iwi, including taxation matters.
- (6) There are 3 schedules, as follows:
- (a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and those for which deeds of recognition are issued:

- (b) Schedule 2 describes the cultural redress properties:
- (c) Schedule 3 sets out provisions that apply to notices given in relation to RFR land.

*Summary of historical account, acknowledgements, and apology of the Crown*

**7 Summary of historical account, acknowledgements, and apology**

- (1) Section 8 summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.
- (2) Sections 9 and 10 record the text of the acknowledgements and apology given by the Crown to Taranaki Iwi in the deed of settlement.

**8 Summary of historical account**

- (1) Prior to 1860, Taranaki Iwi were participating successfully in the trading economy and retained control over much of their customary land. In 1860, the Crown's purchase of land at Waitara, despite strong opposition from the significant rangatira Wiremu Kingi te Rangitaake, led to war between Taranaki Māori and the Crown. During the war, Crown forces shelled coastal Taranaki Iwi settlements and employed "scorched earth" tactics which destroyed Taranaki Iwi kainga, cultivations, and food-stores. When peace was negotiated in 1861, Crown forces remained in occupation of the disputed block, while Taranaki Iwi occupied the Ōmata and Tataraimaka blocks, sold by members of Taranaki Iwi in 1847.
- (2) In early 1863, Crown troops reoccupied Tataraimaka and Ōmata. In May 1863, some Taranaki Māori attacked soldiers moving between the blocks, killing 9. War resumed, and in the following 3 years Crown forces again destroyed Taranaki Iwi settlements and cultivations. Taranaki Iwi people suffered severe distress and hardship, and many lost their lives.
- (3) In 1865, the Crown proclaimed 1.2 million acres of Taranaki land confiscated, including all of the Taranaki Iwi rohe not already purchased. The confiscations were indiscriminate, depriving both "loyal" and "rebel" Māori of their lands. A process to compensate "loyal" Māori for the confiscation of their land was established, but when the Compensation Court began its hearings in June 1866, the Crown had already allocated large tracts of Taranaki Iwi lands to military settlers. The Crown then failed to implement most of the Court's recommendations and out-of-court agreements for more than 15 years. Almost all the land eventually returned was granted under individualised title, extinguishing customary tenure.
- (4) In 1866, Te Whiti o Rongomai and Tohu Kākahi established a settlement at Parihaka in the heart of the Taranaki Iwi rohe, where they began to develop a community which adopted and employed non-violent measures to resist further land loss and promote Māori independence. The Crown came to view this community and its approach as a challenge to its authority. In 1878, tensions

increased after Hiroki, a fugitive from the law who was later hanged in New Plymouth gaol, took refuge at Parihaka, and after surveyors failed to mark out reserves promised to Māori in southern Taranaki. In March 1879, Te Whiti ordered the surveyors to be peacefully evicted.

- (5) In May 1879, followers of Te Whiti and Tohu began to plough land across Taranaki, as an assertion of their rights to the land. By the end of July, 182 ploughmen had been arrested. Only 46 received a trial, but all were detained in harsh conditions in South Island prisons for at least 14 months, and some for 2 years. In June 1880, Crown forces began to construct a road through cultivations near Parihaka. Between July and September 1880, 223 more Māori were arrested for placing fences across the road in an attempt to protect the cultivations. Only 59 fencers received a trial, but again all were sent to South Island prisons. Over this period, Parliament passed legislation to enable the continuing detention of those prisoners who had not been tried.
- (6) In July 1881, people from Parihaka and surrounding Taranaki Iwi settlements erected fences around traditional cultivation sites that the Crown had sold to settlers. On 5 November 1881, more than 1 500 Crown troops, led by the Native Minister, invaded Parihaka and then dismantled the settlement and forcibly removed many of its inhabitants. Te Whiti and Tohu were arrested and held without trial for 16 months.
- (7) In 1881, the West Coast Commission found that the Crown had failed to fulfil promises about Māori reserves, and recommended that some reserves be granted. However, reserves were not returned to Māori outright, but were placed under the administration of the Public Trustee, who then sold or leased in perpetuity large areas to European farmers. Through the 20th century, a number of legislative acts further undermined the ability of Taranaki Iwi people to retain or control their remaining lands. Today, less than 5 percent of the reserved lands are in Māori freehold ownership, and approximately 50 000 acres remain leased in perpetuity. The massive loss of land has limited the ability of Taranaki Iwi to participate in society on equal terms with many other New Zealanders.

## **9 Acknowledgements**

- (1) The Crown acknowledges that recognition of the historical grievances of Taranaki Iwi is long overdue. The Crown hereby recognises the legitimacy of the historical grievances of Taranaki Iwi and makes the following acknowledgements.
- (2) The Crown acknowledges that prior to 1860, Taranaki Iwi were participating successfully in the trading economy and retained control over the majority of their customary lands and resources while engaging with te ao hou (the new world).
- (3) The Crown acknowledges that—

- (a) the cumulative effect of the Crown's actions in purchasing land in Taranaki created tensions that led to the outbreak of war between the Crown and Māori in 1860; and
  - (b) Taranaki Iwi suffered the destruction of their homes, property, and cultivations as a result of Crown actions during the wars, which included the shelling of a number of coastal Taranaki Iwi kainga and the use of "scorched earth" tactics in the Taranaki Iwi rohe during the second Taranaki War; and
  - (c) the Crown built military fortifications on Taranaki Iwi land; and
  - (d) Taranaki Iwi suffered loss of life and severe hardship during the Taranaki wars; and
  - (e) the Taranaki wars constituted an injustice and were in breach of the Treaty of Waitangi and its principles.
- (4) The Crown acknowledges that in 1866 it forced Taranaki Iwi rangatira including Wiremu Kingi Matakatea and Te Ua Haumene to swear oaths of allegiance to the Crown, and then detained Te Ua for 4 months in an attempt to undermine his mana and reduce the influence of the Paimārire movement.
- (5) The Crown acknowledges that—
- (a) Taranaki Iwi as a whole were not in rebellion, and the Crown unfairly treated them as being in rebellion when it proclaimed all of their land confiscated in 1865; and
  - (b) the confiscations had a devastating effect on the mana, welfare, economy, culture, and social development of Taranaki Iwi; and
  - (c) as a result of the confiscations, many Taranaki Iwi were displaced and deprived of access to their wāhi tapu and sites of ancestral significance, traditional sources of food, and other resources on that land; and
  - (d) the confiscations were indiscriminate in extent and application, wrongful and unjust, and were in breach of the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that the prejudicial effects of the war and confiscations were compounded by the inadequacies in the compensation process, including—
- (a) the allocation of confiscated land to military settlers in the Taranaki Iwi rohe before the Compensation Court began its hearings; and
  - (b) the Compensation Court making its awards to Taranaki Iwi individuals rather than to iwi or hapū, which was not consistent with customary land tenure. This system was imposed on Taranaki Iwi and their views were not sought; and
  - (c) the failure to fulfil promises to return land to Taranaki Iwi for over 15 years.

- (7) The Crown acknowledges that—
- (a) its failure to return lands in a timely manner caused uncertainty and distress for Taranaki Iwi about where they were to live; and
  - (b) it compounded this confusion by making takoha payments to Taranaki Māori which involved no proper investigation of Māori customary rights, and no clear definition of the land supposedly being secured.
- (8) The Crown acknowledges that—
- (a) the residents and leaders of Parihaka sought to establish and maintain an autonomous community on their own land, while promoting peaceful engagement between Taranaki Māori and Pākehā; and
  - (b) it came to view the influence of Parihaka and its leaders as a challenge to the authority of the Crown, and its ability to extend European settlement in Taranaki.
- (9) The Crown acknowledges that—
- (a) it imprisoned members of Taranaki Iwi and other Māori of Taranaki for their participation in the peaceful resistance campaign initiated at Parihaka in 1879 and 1880; and
  - (b) legislation was enacted which “suspended the ordinary course of law”, and as a result most prisoners, including many Taranaki Iwi people, were detained without trial; and
  - (c) the detention of those prisoners without trial for an unreasonably lengthy period assumed the character of indefinite detention; and
  - (d) the imprisonment of 405 men of Taranaki Iwi and other iwi in South Island gaols for political reasons inflicted unwarranted hardships on them and on members of their whānau and hapū, including the women who sustained Parihaka in their absence; and
  - (e) the treatment of these political prisoners—
    - (i) was wrongful, a breach of natural justice, and deprived them of basic human rights; and
    - (ii) was a breach of the Treaty of Waitangi and its principles.
- (10) The Crown acknowledges that—
- (a) it inflicted serious damage on Parihaka and assaulted the human rights of the people residing there during its invasion and subsequent occupation of the settlement; and
  - (b) it forcibly removed many inhabitants, destroyed and desecrated their homes and sacred buildings, stole heirlooms, and systematically destroyed large cultivations and livestock; and
  - (c) it arrested and detained Te Whiti o Rongomai and Tohu Kākahi without trial for 16 months in the South Island; and

- (d) it imposed a system of passes to regulate entry into Parihaka; and
  - (e) its actions were a complete denial of the Māori right to develop and sustain autonomous communities in a peaceful manner, and had a devastating and enduring effect on the mana, social structure, and well-being of Taranaki Iwi; and
  - (f) its treatment of Taranaki Iwi people at Parihaka was unconscionable and unjust, and that these actions constituted a breach of the Treaty of Waitangi and its principles.
- (11) The Crown acknowledges that—
- (a) the West Coast Commissions were inadequate in their scope and therefore did not fully address the injustices perpetrated by the confiscations; and
  - (b) the reserves created for Taranaki Iwi by the second West Coast Commission in the 1880s were—
    - (i) virtually all returned under non-customary individualised title; and
    - (ii) in some cases smaller than those areas promised by the Crown to Taranaki Iwi in the 1860s; and
  - (c) the Crown's actions with respect to the West Coast Settlement Reserves, considered cumulatively, (including the imposition of a regime of perpetually renewable leases and the sale of large quantities of Taranaki Iwi land by the Public and Māori Trustee)—
    - (i) ultimately deprived Taranaki Iwi of the control and ownership of the lands reserved for them in Taranaki; and
    - (ii) contributed to the impoverishment of Taranaki Iwi; and
    - (iii) were in breach of the Treaty of Waitangi and its principles.
- (12) The Crown recognises the efforts and struggles of Taranaki Iwi in pursuit of their claims for redress and compensation against the Crown for 140 years. The Crown further acknowledges that,—
- (a) despite numerous petitions and protests about the confiscations, it was not until 1926 that a commission (the Sim Commission) was established to investigate the confiscations; and
  - (b) the Sim Commission could not consider the lawfulness of the confiscations or assess them in terms of the Treaty of Waitangi; and
  - (c) the payments made under the Taranaki Maori Claims Settlement Act 1944 did not sufficiently address the grievances of Taranaki Iwi.
- (13) The Crown acknowledges that its efforts to deal with the grievances of Taranaki Iwi in the twentieth century failed to do so in an appropriate way.

- (14) The Crown acknowledges that the lands and other resources confiscated from Taranaki Iwi have made a significant contribution to the wealth and development of New Zealand.
- (15) The Crown acknowledges that its breaches of the Treaty of Waitangi and its principles during the nineteenth and twentieth centuries have together significantly undermined the traditional systems of authority and economic capacity of Taranaki Iwi, and the physical, cultural, and spiritual well-being of its people. The Crown acknowledges that it has failed to protect the rangatiratanga of Taranaki Iwi, in breach of its obligations under Article 2 of the Treaty of Waitangi.

## 10 Apology

The text of the apology offered by the Crown to the tūpuna, to ngā uri o Taranaki Iwi, to the hapū and the whānau of Taranaki Iwi, as set out in the deed of settlement, is as follows:

- “(a) The Crown unreservedly apologises for its failure to honour its obligations to Taranaki Iwi under Te Tiriti o Waitangi/the Treaty of Waitangi, and for failing to give appropriate respect to the mana and rangatiratanga of Taranaki Iwi.
- (b) The Crown deeply regrets its actions that led to the outbreak of war in Taranaki, and the lasting impact those wars have had on its relationship with Taranaki Iwi. The Crown unreservedly apologises for the many injustices carried out against Taranaki Iwi during those wars, including the shelling of settlements and the use of scorched earth tactics, and for the severe distress, hardship and death that those actions caused.
- (c) The Crown is deeply sorry for the immense prejudice it caused by confiscating the land that had supported Taranaki Iwi for centuries. The raupatu was indiscriminate, unjust, and unconscionable. The Crown deeply regrets the serious damage that the raupatu and its subsequent actions with respect to your remaining lands has caused to the social structure, economy, welfare, and development of Taranaki Iwi. The Crown deeply regrets the actions it took to suspend the ordinary course of law and imprison Taranaki Iwi people without trial for participating in campaigns of non-violent resistance. The Crown sincerely apologises to those tūpuna who it imprisoned far from their homes for political reasons, to the whānau who grieved and struggled to survive in the absence of their loved ones, to their uri, and to Taranaki Iwi.
- (d) The Crown unreservedly apologises to Taranaki Iwi, and to the Taranaki Iwi people of Parihaka past and present, for its unconscionable actions at Parihaka; for invading their settlement, for systematically dismantling their community, for destroying their ability to sustain themselves, and for assaulting their human rights. The Crown deeply regrets the immense and enduring harm that these actions caused to Parihaka and its people.

Over several generations, the Crown's breaches of Te Tiriti o Waitangi/the Treaty of Waitangi have undermined your leadership and your communities, your ability to exercise long-held rights and responsibilities, and your ability to maintain your cultural and spiritual heritage, your language, and your Taranakitanga.

- (e) Through this settlement and this apology, the Crown hopes to ease the heavy burden of grievance and sorrow that Taranaki Iwi has carried for so many years, and to assist Taranaki Iwi in its pursuit of a better future. To this end, the Crown looks forward to building a relationship with Taranaki Iwi based on mutual trust, co-operation, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.”

### *Interpretation provisions*

#### **11 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.

#### **12 Interpretation**

In this Act, unless the context otherwise requires,—

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

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

**attachments** means the attachments to the deed of settlement

**Commissioner of Crown Lands** means the Commissioner of Crown Lands appointed in accordance with section 24AA of the Land Act 1948

**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

**conservation legislation** means—

- (a) the Conservation Act 1987; and
- (b) the enactments listed in Schedule 1 of that Act

**conservation management plan** has the meaning given 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

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

**cultural redress property** has the meaning given in section 46

**deed of recognition**—

- (a) means a deed of recognition issued under section 38 by—
  - (i) the Minister of Conservation and the Director-General; or
  - (ii) the Commissioner of Crown Lands; and
- (b) includes any amendments made under section 38(4)

**deed of settlement**—

- (a) means the deed of settlement dated 5 September 2015 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) Tokatumoana Kevin Walden, David Allan Tamatea, Leanne Kuraroa Horo, John Niwa, Rawinia Donna Maree Leatherby, Daniel Peter Harrison, Te Aroaro o Paritutu Fiona Patricia Tamati, being the trustees of Te Kāhui o Taranaki, for and on behalf of Taranaki Iwi; 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 108

**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 area** has the meaning given in section 118

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

**historical claims** has the meaning given in section 14

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

**LINZ** means Land Information New Zealand

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

**member of Taranaki Iwi** means an individual referred to in section 13(1)(a)

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

**non-exclusive RFR area** has the meaning given in section 118

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

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

**Registrar-General** means the Registrar-General of Land appointed 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 13(1)(a); or
  - (ii) 1 or more members of Taranaki Iwi; or
  - (iii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(c) or (d)

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

**reserve property** has the meaning given in section 46

**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 2 of Part 3

**RFR land** has the meaning given in section 119(1)

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

**shared RFR area** has the meaning given in section 118

**statutory acknowledgement** has the meaning given in section 29

**Te Kāhui o Taranaki** means the trust of that name established by a trust deed dated 24 June 2013

**Te Korowai o Ngāruahine** means the trust of that name established by a trust deed dated 20 June 2013

**Te Kotahitanga o Te Atiawa Trust** means the trust of that name established by a trust deed dated 31 March 2014

**tikanga** means customary values and practices

**trustees of Te Kāhui o Taranaki** and **trustees** mean the trustees, acting in their capacity as trustees, of Te Kāhui o Taranaki

**working day** means a day other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, 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 Taranaki and Wellington.

### 13 Meaning of Taranaki Iwi

(1) In this Act, **Taranaki Iwi**—

- (a) means the collective group composed of individuals who are descended from an ancestor of Taranaki Iwi; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including the following hapū:
  - (i) Ngāti Haumia; and
  - (ii) Ngāti Haupoto; and
  - (iii) Ngāti Kahumate; and
  - (iv) Ngā Mahanga a Tairi (including Ngā Mahanga and Ngāti Tairi); and
  - (v) Ngāti Moeahu; and
  - (vi) Ngāti Tamarongo; and
  - (vii) Ngāti Tara; and
  - (viii) Ngāti Tūhekerangi; and
- (d) includes hapū, to the extent that they are composed of those individuals, that no longer form distinct communities within Taranaki Iwi, including the following hapū:
  - (i) Ngai Wetenga; and
  - (ii) Ngāti Atua; and
  - (iii) Ngāti Mana; and
  - (iv) Ngāti Rangikōtuku; and
  - (v) Ngāti Rongo; and
  - (vi) Ngāti Tamakumu; and
  - (vii) Ngāti Wharetapui; and
  - (viii) Ngāti Rangitūmamao; and

- (ix) Patukai; and
- (x) Pōtikitaua; and
- (xi) Pukekohatu; and
- (xii) Puketoretore; and
- (xiii) Upokomutu; and
- (xiv) Waiotama.

(2) In this section and section 14,—

**ancestor of Taranaki Iwi** means an individual who—

- (a) exercised customary rights by virtue of being descended from 1 or more of the following:
  - (i) Haumia:
  - (ii) Haupoto:
  - (iii) Kahumate:
  - (iv) Manaahurangi:
  - (v) Moeahu:
  - (vi) Pōtikiroa:
  - (vii) Rangikōtuku:
  - (viii) Rongotuhiata:
  - (ix) Tairi:
  - (x) Tamaahuroa:
  - (xi) Tamakumu:
  - (xii) Tamarongo:
  - (xiii) Taratūterangi:
  - (xiv) Wetengapito:
  - (xv) Wharetapui:
  - (xvi) any other recognised ancestor of a group referred to in clause 8.6 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 Taranaki Iwi 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 Taranaki Iwi tikanga.

#### **14 Meaning of historical claims**

- (1) In this Act, **historical claims**—
  - (a) means the claims described in subsection (2); and
  - (b) includes the claims described in subsection (3); but
  - (c) does not include the claims described in subsection (4).
- (2) The historical claims are every claim that Taranaki Iwi 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—
  - (a) a claim to the Waitangi Tribunal that relates exclusively to Taranaki Iwi or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:
    - (i) Wai 152 (Taranaki Land claim); and
    - (ii) Wai 456 (Ngāti Haumia Lands claim); and
    - (iii) Wai 891 (Ngā Mahanga and Ngāti Tairi claim); and
    - (iv) Wai 1740 (Taranaki Nui Tonu claim); and
    - (v) Wai 1745 (Descendants of Wiremu Kingi Te Matakatea claim); and
    - (vi) Wai 1919 (Descendants of Moke claim); and
  - (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that subsection (2) applies to the claim and the claim relates to Taranaki Iwi or a representative entity:
    - (i) Wai 54 (Ngā Iwi o Taranaki claim); and

- (ii) Wai 126 (Motunui Plant and Petrocorp claim); and
  - (iii) Wai 131 (Taranaki Māori Trust Board claim); and
  - (iv) Wai 143 (Taranaki Claims (Taranaki Consolidated claims)); and
  - (v) Wai 889 (Kaitiaki Tangata o Te Whenua Tapu claim); and
  - (vi) Wai 1766 (Descendants of Te Wera and Edna Coffey claim); and
  - (vii) Wai 2044 (Ngāti Haupoto claim).
- (4) However, the historical claims do not include—
- (a) a claim that a member of Taranaki Iwi, or a whānau, hapū, or group referred to in section 13(1)(c) or (d), 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 Taranaki Iwi; 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*

**15 Settlement of historical claims final**

- (1) The historical claims are settled.
- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) Subsections (1) and (2) do not limit the deed of settlement.
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—
  - (a) the historical claims; or
  - (b) the deed of settlement; or
  - (c) this Act; or
  - (d) the redress provided under the deed of settlement or this Act.
- (5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.

*Amendment to Treaty of Waitangi Act 1975*

**16 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 “Taranaki Iwi Claims Settlement Act 2016, section 15(4) and (5)”.

*Resumptive memorials no longer to apply*

**17 Certain enactments do not apply**

- (1) The enactments listed in subsection (2) do not apply—
  - (a) to the land in the exclusive RFR area or the non-exclusive RFR area or the shared RFR area; or
  - (b) for the benefit of Taranaki Iwi 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 17(2)(b): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

**18 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 subject to a resumptive memorial recorded under any enactment listed in section 17(2); and
  - (b) is wholly within—
    - (i) the exclusive RFR area or the non-exclusive RFR area or the shared RFR area; or
    - (ii) both the exclusive RFR area and the non-exclusive RFR area (but no part of the allotment is outside those areas); or
    - (iii) both the exclusive RFR area and the shared RFR area (but no part of the allotment is outside those areas).
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after the settlement date.
- (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 17(2) on a computer register identified in the certificate, but only in respect of each allotment described in the certificate.

*Miscellaneous matters*

**19 Rule against perpetuities does not apply**

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—
- (a) do not prescribe or restrict the period during which—
    - (i) Te Kāhui o Taranaki 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 Kāhui o Taranaki is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

**20 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.

**21 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

#### 22 Interpretation

In this subpart,—

**protocol**—

- (a) means each of the following protocols issued under section 23(1)(a):
  - (i) the conservation protocol;
  - (ii) the fisheries protocol;
  - (iii) the taonga tūturu protocol; and
- (b) includes any amendments made under section 23(1)(b)

**responsible Minister** means,—

- (a) for the conservation protocol, the Minister of Conservation;
- (b) for the fisheries protocol, the Minister for Primary Industries;
- (c) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage;
- (d) for any protocol, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol.

#### *General provisions applying to protocols*

#### 23 Issuing, amending, and cancelling protocols

- (1) Each responsible Minister—
  - (a) must issue a protocol to the trustees on the terms set out in part 3 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.

#### 24 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 Taranaki Iwi or a representative entity.

## **25 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).

### *Conservation*

## **26 Conservation protocol**

- (1) The Director-General must note a summary of the terms of the conservation protocol in any conservation management strategy, conservation management plan, freshwater fisheries management plan, or national park management plan that affects the conservation protocol area.
- (2) The noting of the summary is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to a strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—
  - (a) rights relating to the common marine and coastal area; or
  - (b) an estate or interest in land held, managed, or administered under the conservation legislation; or
  - (c) an interest in, or rights relating to, flora or fauna managed or administered under the conservation legislation.

- (4) In this section,—
- common marine and coastal area** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011
- conservation protocol area** means the area shown on the map attached to the conservation protocol.

### *Fisheries*

#### **27 Fisheries protocol**

- (1) The chief executive of the department of State responsible for the administration of the Fisheries Act 1996 must note a summary of the terms of the fisheries protocol in any fisheries plan that affects the fisheries protocol area.
- (2) The noting of the summary is—
- for the purpose of public notice only; and
  - not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.
- (3) The fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, or seaweed) that are held, managed, or administered under any of the following enactments:
- the Fisheries Act 1996;
  - the Maori Commercial Aquaculture Claims Settlement Act 2004;
  - the Maori Fisheries Act 2004;
  - the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- (4) In this section,—
- fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996
- fisheries protocol area** means the area shown on the map attached to the fisheries protocol, together with the adjacent waters.

### *Taonga tūturu*

#### **28 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**—
- has the meaning given in section 2(1) of the Protected Objects Act 1975; and
  - includes ngā taonga tūturu, as defined in section 2(1) of that Act.

## Subpart 2—Statutory acknowledgement and deeds of recognition

### 29 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 Taranaki Iwi of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 1 of the documents schedule

**statutory acknowledgement** means the acknowledgement made by the Crown in section 30 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*

### 30 Statutory acknowledgement by the Crown

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

### 31 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 32 to 34; 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 35 and 36; and
- (c) to enable the trustees and any member of Taranaki Iwi to cite the statutory acknowledgement as evidence of the association of Taranaki Iwi with a statutory area, in accordance with section 37.

**32 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.

**33 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.

**34 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.

**35 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 30 to 34, 36, and 37; 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.

**36 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.

### **37 Use of statutory acknowledgement**

- (1) The trustees and any member of Taranaki Iwi may, as evidence of the association of Taranaki Iwi 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 Taranaki Iwi are precluded from stating that Taranaki Iwi 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.

### *Deeds of recognition*

### **38 Issuing and amending deeds of recognition**

- (1) This section applies in respect of the statutory areas listed 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 2 of the documents schedule for the statutory areas administered by the Department of Conservation.

- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 2 of the documents schedule for the statutory areas administered by the Commissioner.
- (4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees.

*General provisions relating to statutory acknowledgement and deeds of recognition*

**39 Application of statutory acknowledgement and deed of recognition to river or stream**

- (1) 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; and
  - (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.
- (2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—
  - (a) applies only to 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; and
  - (b) does not apply to—
    - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
    - (ii) the bed of an artificial watercourse.

**40 Exercise of powers and performance of functions and duties**

- (1) The statutory acknowledgement and a 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 Taranaki Iwi 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, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

#### **41 Rights not affected**

- (1) The statutory acknowledgement and a deed of recognition—
  - (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and
  - (b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

#### *Consequential amendment to Resource Management Act 1991*

#### **42 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 “Taranaki Iwi Claims Settlement Act 2016”.

### Subpart 3—Official geographic names

#### **43 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

**Crown protected area** has the meaning given in section 4 of the Act

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

**part of the Tataraimaka Pa Historic Reserve** means the land comprising 0.0792 hectares, more or less, being Lot 1 DP 7646. All *Gazette* notice W8802.

#### **44 Name changes for Crown protected areas**

- (1) The name of the St George’s Redoubt Historic Reserve is changed to Tataraimaka / St George’s Redoubt Historic Reserve.
- (2) The name of part of the Tataraimaka Pa Historic Reserve is changed to Tataraimaka Urupā Historic Reserve.

- (3) The name of the Patua Scenic Reserve is changed to Patuhā Scenic Reserve.
- (4) The name of the Sugar Loaf Islands Sanctuary is changed to—
  - (a) Ngā Motu / Sugar Loaf Islands Sanctuary, in respect of the part defined by section 7(2) of the Sugar Loaf Islands Marine Protected Area Act 1991; and
  - (b) Ngā Motu / Sugar Loaf Islands Conservation Park, in respect of the part defined by section 7(3) of the Sugar Loaf Islands Marine Protected Area Act 1991.
- (5) The new names given to the Crown protected areas under subsections (1) to (4) are to be treated as if—
  - (a) they were official geographic names that take effect on the settlement date; and
  - (b) they had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.

#### **45 Obligations relating to names changed under section 44**

- (1) The Board must, as soon as practicable after the settlement date,—
  - (a) give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified in section 44; and
  - (b) state in the notice that the new name became an official geographic name on the settlement date.
- (2) The official geographic name of a Crown protected area named under section 44 must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.

#### Subpart 4—Vesting of cultural redress properties

#### **46 Interpretation**

In this subpart,—

**cultural redress property** means each of the following properties, and each property means the land of that name described in Schedule 2:

*Properties vested in fee simple*

- (1) Arawhata property:
- (2) Cape Egmont Lighthouse property:
- (3) Cape Egmont site A:
- (4) Kahui site A:
- (5) Kahui site B:
- (6) Opunake site A:

- (7) Ōrimupiko / Headlands site A:
- (8) Pungarehu property:
- (9) Puniho property:
- (10) Rahotu site A:
- (11) Rahotu site B:
- (12) Rahotu site C:
- (13) Warea site A:
- (14) Warea site B:

*Properties vested in fee simple to be administered as reserves*

- (15) Cape Egmont site B:
- (16) Maitahi property:
- (17) Manihi Road property:
- (18) Ōākura Coast property:
- (19) Ōāonui property:
- (20) Okahu Stream property:
- (21) Ōkato Coast property:
- (22) Ōmata Stockade:
- (23) Opunake site B:
- (24) Ōrimupiko / Headlands site B:
- (25) Sutton Road site A:
- (26) Sutton Road site B:
- (27) Tapuinīkau Pā:
- (28) Tataraimaka Pā:
- (29) Te Koru Pā:

*Ngā Motu: properties jointly held in fee simple*

- (30) Ngā Motu, which comprise,—
  - (a) as 1 property, Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock):
  - (b) as 1 property, Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock):
  - (c) as 1 property, Koruanga / Motukuku and Tokatapu

**reserve property** means each of the properties named in paragraphs (15) to (29) of the definition of cultural redress property.

*Properties vested in fee simple***47 Arawhata property**

- (1) The reservation of the Arawhata property as a local purpose reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Arawhata property vests in the trustees.

**48 Cape Egmont Lighthouse property**

- (1) The fee simple estate in the Cape Egmont Lighthouse property vests in the Crown as Crown land subject to the Land Act 1948.
- (2) The fee simple estate in the Cape Egmont Lighthouse property vests in the trustees.
- (3) Subsections (1) and (2) do not take effect until the trustees have provided Maritime New Zealand with a registrable lease on the terms and conditions set out in part 6.1 of the documents schedule.
- (4) To avoid doubt, the vesting of the Cape Egmont Lighthouse property by subsection (2) does not include the improvements on or in the Cape Egmont Lighthouse property.

**49 Cape Egmont site A**

- (1) Cape Egmont site A ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Cape Egmont site A vests in the trustees.

**50 Kahui site A**

- (1) The reservation of Kahui site A as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Kahui site A vests in the trustees.

**51 Kahui site B**

- (1) The reservation of Kahui site B as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Kahui site B vests in the trustees.

**52 Opunake site A**

- (1) The reservation of Opunake site A as a reserve for an endowment for primary education subject to the Reserves Act 1977 is revoked.
- (2) Opunake site A ceases to be a conservation area subject to the Conservation Act 1987.
- (3) The fee simple estate in Opunake site A vests in the trustees.

- (4) Subsections (1) to (3) do not take effect until the trustees have provided the South Taranaki District Council with a registrable easement in gross for a right to drain and convey stormwater on the terms and conditions set out in part 5.1 of the documents schedule.

**53 Ōrimupiko / Headlands site A**

- (1) The reservation of Ōrimupiko / Headlands site A as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ōrimupiko / Headlands site A vests in the trustees.
- (3) Subsections (1) and (2) do not take effect until the trustees have provided the South Taranaki District Council with a registrable easement in gross for a right of way on the terms and conditions set out in part 5.5 of the documents schedule.

**54 Pungarehu property**

- (1) The reservation of the Pungarehu property as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Pungarehu property vests in the trustees.

**55 Puniho property**

- (1) The reservation of the Puniho property as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Puniho property vests in the trustees.

**56 Rahotu site A**

- (1) The reservation of Rahotu site A as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Rahotu site A vests in the trustees.
- (3) The culvert with concrete pad shown on the occupation diagram on the cadastral survey dataset of SO 495021 does not vest in the trustees, despite the vesting under subsection (2).

**57 Rahotu site B**

- (1) The reservation of Rahotu site B as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Rahotu site B vests in the trustees.

**58 Rahotu site C**

- (1) The reservation of Rahotu site C as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Rahotu site C vests in the trustees.

**59 Warea site A**

- (1) The reservation of Warea site A as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Warea site A vests in the trustees.

**60 Warea site B**

- (1) The reservation of Warea site B as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Warea site B vests in the trustees.

*Properties vested in fee simple to be administered as reserves*

**61 Cape Egmont site B**

- (1) Cape Egmont site B ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Cape Egmont site B vests in the trustees.
- (3) Cape Egmont 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 Pungarehu Coast Historic Reserve.

**62 Maitahi property**

- (1) The reservation of the Maitahi property as a scientific reserve (being Maitahi Scientific Reserve) subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Maitahi property vests in the trustees.
- (3) The Maitahi property is declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.
- (4) The reserve is named Maitahi Scientific Reserve.

**63 Manihi Road property**

- (1) The reservation of the Manihi Road property as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Manihi Road property vests in the trustees.
- (3) The Manihi Road property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Manihi Historic Reserve.

**64 Ōākura Coast property**

- (1) The part of the Ōākura Coast property that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.
- (2) The Ōākura Coast property (other than the part referred to in subsection (1)) vests in the Crown as Crown land subject to the Land Act 1948.

- (3) The fee simple estate in the Ōākura Coast property vests in the trustees.
- (4) The Ōākura Coast property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (5) The reserve is named Ōākura Coast Historic Reserve.

**65 Ōāonui property**

- (1) The reservation of the Ōāonui property (being Oaonui Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Ōāonui property vests in the trustees.
- (3) The Ōāonui property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Ōāonui Historic Reserve.

**66 Okahu Stream property**

- (1) The reservation of the Okahu Stream property as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Okahu Stream property vests in the trustees.
- (3) The Okahu Stream property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Ōkahu Historic Reserve.

**67 Ōkato Coast property**

- (1) The Ōkato Coast property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Ōkato Coast property vests in the trustees.
- (3) The Ōkato Coast property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Ōkato Coast Historic Reserve.

**68 Ōmata Stockade**

- (1) The reservation of the Ōmata Stockade (being Omata Stockade Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Ōmata Stockade vests in the trustees.
- (3) The Ōmata Stockade is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Ngāturi Pā / Ōmata Stockade Historic Reserve.

**69 Opunake site B**

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

- (2) The fee simple estate in Opunake site B vests in the trustees.
- (3) Opunake 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 Opunake Coast Historic Reserve.
- (5) Subsections (1) to (4) do not take effect until the trustees have provided the South Taranaki District Council with—
  - (a) a registrable easement in gross for a right to drain and convey storm-water on the terms and conditions set out in part 5.2 of the documents schedule; and
  - (b) a registrable easement in gross for a right to drain sewage on the terms and conditions set out in part 5.3 of the documents schedule; and
  - (c) a registrable easement in gross for a right of way on the terms and conditions set out in part 5.4 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.

#### **70 Ōrimupiko / Headlands site B**

- (1) The reservation of Ōrimupiko / Headlands site B as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Ōrimupiko / Headlands site B vests in the trustees.
- (3) Ōrimupiko / Headlands 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 Ōrimupiko Historic Reserve.
- (5) Subsections (1) to (4) do not take effect until the trustees have provided the South Taranaki District Council with a registrable easement in gross for a right of way on the terms and conditions set out in part 5.5 of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement—
  - (a) is enforceable in accordance with its terms and conditions; and
  - (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

#### **71 Sutton Road site A**

- (1) Sutton Road site A ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Sutton Road site A vests in the trustees.



- (3) Sutton Road site A is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Waireka Historic Reserve.

**72 Sutton Road site B**

- (1) The reservation of Sutton Road site B as a reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Sutton Road site B vests in the trustees.
- (3) Sutton Road site B is declared a reserve and classified as a local purpose reserve, for the purpose of foreshore, subject to section 23 of the Reserves Act 1977.
- (4) The reserve is named Waireka Local Purpose (Foreshore) Reserve.

**73 Tapuinīkau Pā**

- (1) The reservation of Tapuinīkau Pā (being Tapuinīkau Pa Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tapuinīkau Pā vests in the trustees.
- (3) Tapuinīkau Pā is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Tapuinīkau Pā Historic Reserve.

**74 Tataraimaka Pā**

- (1) The reservation of Tataraimaka Pā (being part of Tataraimaka Pa Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tataraimaka Pā vests in the trustees.
- (3) Tataraimaka Pā is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (4) The reserve is named Tataraimaka Pā Historic Reserve.

**75 Te Koru Pā**

- (1) The reservation of Te Koru Pā (being Te Koru Pa Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Koru Pā vests in the trustees.
- (3) Te Koru Pā 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 Koru Pā Historic Reserve.

*Ngā Motu: properties held jointly in fee simple***76 Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock)**

Despite section 74 of the Te Atiawa Claims Settlement Act 2016, the undivided half share of the fee simple estate in Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock) held in trust by the trustees of Te Kotahitanga o Te Atiawa Trust under section 65(5)(b) of that Act is deemed to be transferred to the trustees of Te Kāhui o Taranaki, on the conditions set out in section 65(6) and (7) of that Act.

**77 Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock)**

Despite section 74 of the Te Atiawa Claims Settlement Act 2016, the undivided half share of the fee simple estate in Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock) held in trust by the trustees of Te Kotahitanga o Te Atiawa Trust under section 66(3)(b) of that Act is deemed to be transferred to the trustees of Te Kāhui o Taranaki, on the conditions set out in section 66(4) and (5) of that Act.

**78 Koruanga / Motukuku and Tokatapu**

Despite section 74 of the Te Atiawa Claims Settlement Act 2016, the undivided half share of the fee simple estate in Koruanga / Motukuku and Tokatapu held in trust by the trustees of Te Kotahitanga o Te Atiawa Trust under section 67(3)(b) of that Act is deemed to be transferred to the trustees of Te Kāhui o Taranaki, on the conditions set out in section 67(4) and (5) of that Act.

**79 Shares in Ngā Motu properties transfer only after vesting in trustees of Te Kotahitanga o Te Atiawa Trust**

Sections 76 to 78, 93, and 94 take effect only if sections 65 to 73 of the Te Atiawa Claims Settlement Act 2016 have already taken effect.

*General provisions applying to cultural redress properties (other than Ngā Motu)***80 Properties vest subject to or together with interests**

Each cultural redress property (other than Ngā Motu) is subject to, or has the benefit of, any interests listed for the property in the third column of Schedule 2.

**81 Interests that are not interests in land**

- (1) This section applies if a cultural redress property (other than Ngā Motu) is subject to an interest (other than an interest in land) that is listed for the property in

Schedule 2, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.

- (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.

## **82 Registration of ownership**

- (1) This section applies to a cultural redress property vested in the trustees under this subpart.
- (2) Subsection (3) applies to a cultural redress property (other than Ōrimupiko / Headlands site A, the Pungarehu property, Rahoitu site A, Warea site B, and Ngā Motu), 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 (other than Ngā Motu), 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 settlement date, but not later than—
  - (a) 24 months after the settlement date; or
  - (b) any later date that may be agreed in writing by the Crown and the trustees.

- (8) In this section, **authorised person** means,—
- (a) for a cultural redress property named in paragraphs (2), (3), (7) to (15), and (24) of the definition of cultural redress property in section 46, the chief executive of the Ministry of Justice:
  - (b) for all the other cultural redress properties other than the Ngā Motu properties listed in paragraph (30) of that definition, a person authorised by the Director-General.

### **83 Application of Part 4A of Conservation Act 1987**

- (1) The vesting of the fee simple estate in a cultural redress property (other than Ngā Motu) 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).

### **84 Matters to be recorded on computer freehold register**

- (1) The Registrar-General must record on the computer freehold register—
  - (a) for a reserve property—
    - (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 83(3) and 88; and
  - (b) for any other cultural redress property (other than Ngā Motu), 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 83(3) and 88; 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).

### **85 Application of other enactments**

- (1) The vesting of the fee simple estate in a cultural redress property (other than Ngā Motu) 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 (other than Ngā Motu) under this subpart; or
  - (b) any matter incidental to, or required for the purpose of, the vesting.

### **86 Names of Crown protected areas discontinued**

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

### **87 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.

### **88 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 may be transferred only in accordance with section 89 or 90.
- (3) In this section and sections 89 to 91, **reserve land** means the land that remains a reserve as described in subsection (1).

### **89 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.

**90 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.

**91 Reserve land not to be mortgaged**

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

**92 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.

*General provisions applying to transfer of Ngā Motu*

**93 Registration of ownership of Ngā Motu**

- (1) The Registrar-General must, on written application by the chief executive of the Ministry of Justice,—
  - (a) register the trustees as the proprietors of the undivided half share of the fee simple estate in each Ngā Motu property vested by sections 65(5)(b), 66(3)(b), and 67(3)(b) of the Te Atiawa Claims Settlement Act 2016; and
  - (b) record any entry on the computer freehold register for the undivided half share of the fee simple estate in each Ngā Motu property referred to in

- paragraph (a) and do anything else necessary to give effect to this sub-part and part 5 of the deed of settlement.
- (2) The Registrar-General must remove the following notifications from the computer freehold register for each Ngā Motu property:
- (a) the notification placed on the register under section 71(2)(b) of the Te Atiawa Claims Settlement Act 2016 that the land is subject to section 74 of that Act; and
  - (b) the notification placed on the register under section 71(3)(d) of the Te Atiawa Claims Settlement Act 2016 that the property is vested in the trustees of Te Kotahitanga o Te Atiawa Trust to be held in trust for the trustees of Te Kāhui o Taranaki.
- (3) The Registrar-General must record on each computer freehold register for the Ngā Motu properties that the land is subject to section 94.

#### **94 Transfer of Ngā Motu if trustees change**

The registered proprietors of a Ngā Motu property (or the registered proprietor if a Ngā Motu property is registered in the name of Rua Taranaki) may transfer the fee simple estate in the Ngā Motu property, but only if—

- (a) the transferors of the Ngā Motu property 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 Ngā Motu property is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that paragraphs (a) and (b) apply.

#### *Rua Taranaki title*

#### **95 Change of name of registered proprietor**

- (1) This section and section 96 apply to any property that is registered or registrable under the Land Transfer Act 1952 in the names of the trustees of Te Kāhui o Taranaki (an **eligible property**).
- (2) Despite the Land Transfer Act 1952 or any other enactment or rule of law, the trustees of Te Kāhui o Taranaki may give written notice to the Registrar-General requesting that the fee simple estate in an eligible property—
- (a) be registered in the name of Rua Taranaki instead of in the names of the trustees of Te Kāhui o Taranaki; or
  - (b) be no longer registered in the name of Rua Taranaki, and instead be registered in the names of the trustees of Te Kāhui o Taranaki.



- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a notice under subsection (2)(a),—
- (a) register the fee simple estate in the eligible property in the name of Rua Taranaki instead of in the names of the trustees; and
  - (b) record on the computer freehold register for the land that the land is subject to this section and section 96.
- (4) If the Registrar-General receives a notice under subsection (2)(b), the Registrar-General must—
- (a) register the fee simple estate in the eligible property in the names of the trustees of Te Kāhui o Taranaki; and
  - (b) remove from the computer freehold register for the land the notification recorded under subsection (3)(b).

#### **96 Consequence of change of name of registered proprietor**

If the fee simple estate in an eligible property is registered under the Land Transfer Act 1952 in the name of Rua Taranaki,—

- (a) the trustees of Te Kāhui o Taranaki will continue to have all the rights, duties, and powers of the registered proprietor of that land; and
- (b) the trustees must exercise and perform those rights, duties, and powers in their own names and not in the name of Rua Taranaki; and
- (c) the Registrar-General must have regard to paragraphs (a) and (b).

### Subpart 5—Regional council representation

#### **97 Interpretation**

In this subpart,—

**arrangements** means the framework set out in this subpart, and as developed by Ngāruahine, Te Atiawa, Taranaki Iwi, and the Crown to provide for the iwi of Taranaki to participate in the decision-making processes of the Council

**committee** means either or both of the following committees of the Council:

- (a) the committee responsible for policy and planning functions;
- (b) the committee responsible for regulatory functions

**Council** means Taranaki Regional Council

**criteria and process for iwi appointments** means the criteria and process for iwi appointments developed in accordance with clauses 5.59 to 5.63 of the deed of settlement

**iwi of Taranaki** means—

- (a) Ngāti Tama; and
- (b) Ngāti Mutunga; and

- (c) Ngāti Ruanui; and
- (d) Ngā Rauru Kītahi; and
- (e) Taranaki Iwi; and
- (f) Ngāti Maru; and
- (g) Ngāruahine; and
- (h) Te Atiawa.

### **98 Purpose and objectives**

- (1) The purpose of this subpart is to provide an effective mechanism for the iwi of Taranaki to contribute to the decision-making processes of the Council.
- (2) The objectives of this subpart are to encourage and enable the iwi of Taranaki—
  - (a) to participate directly in the decision-making processes of the Council; and
  - (b) to contribute directly to a wide range of the Council’s policy, regulatory, and advocacy functions; and
  - (c) to have an effective and workable representation that is cost-effective for the Council and of benefit to both the Council and the iwi of Taranaki.

### **99 Iwi representation on Council committee**

- (1) The iwi of Taranaki may nominate—
  - (a) 3 iwi members for appointment to the committee of the Council that is responsible for policy and planning functions; and
  - (b) 3 iwi members for appointment to the committee of the Council that is responsible for regulatory functions.
- (2) The nominations must be made in accordance with the criteria and process for iwi appointments.
- (3) The Council must appoint the members nominated under subsection (1) to the appropriate committee.
- (4) The members appointed under subsection (3)—
  - (a) have the same status as members appointed by the Council under clause 31 of Schedule 7 of the Local Government Act 2002; and
  - (b) are entitled to the same remuneration and expenses as are payable to the other members of the committee to which they are appointed.

### **100 Members to act in interests of committee**

Committee members who are appointed under section 99(3) must act in the interests of the committee to which they are appointed while also presenting the perspectives of the iwi of Taranaki to the committee.

### 101 Change in committee structure

- (1) This subpart does not prevent the Council from adopting a different structure for a committee, including a structure that may result in a committee being discontinued, or some or all of the functions of a committee being removed, modified, or carried out by a new or an existing committee.
- (2) However,—
  - (a) before making any change to the structure of a committee, the Council must consult the iwi of Taranaki; and
  - (b) the Council must ensure that any changes to the structure of a committee do not diminish the nature of the representation of the iwi of Taranaki that is set out in the deed of settlement.
- (3) Any dispute about the effect of a change to the structure of a committee on the representation of the iwi of Taranaki must be referred to—
  - (a) the chief executive of Te Kāhui o Taranaki; and
  - (b) the chief executive of the governance entity for any of the other iwi of Taranaki that are participating in the arrangements; and
  - (c) the chief executive of the Council.
- (4) The chief executives must work towards the resolution of the dispute in a manner that reflects the purpose and objectives set out in section 98.

### Subpart 6—Post-settlement redress properties

### 102 Interpretation

In this subpart,—

**agreement for sale and purchase** and **agreement** mean an unconditional agreement for the sale and purchase of 1 or more post-settlement redress properties, as contemplated by clause 5.37 of the deed of settlement

**Headlands South** means the property of that name described in part 6 of the attachments

**post-settlement redress property** and **property** mean each of the properties described in part 6 of the attachments.

### 103 Basis for transfer of post-settlement redress properties

- (1) This subpart takes effect if the trustees and the South Taranaki District Council are or become, within 5 years after the settlement date, parties to an agreement for the sale and purchase of any post-settlement redress property.
- (2) A property to which subsection (1) applies must be transferred on the terms provided by the agreement.
- (3) Immediately before the transfer of a property to the trustees,—

- (a) the reservation (if any) of the property as a reserve subject to the Reserves Act 1977 is revoked; and
  - (b) if the property is Headlands South, the property vests in the South Taranaki District Council.
- (4) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of the reserve status of a property transferred under this subpart.

#### **104 Conditions of transfer of reserve properties**

- (1) If an agreement for sale and purchase specifies that a property is to transfer subject to the property being a reserve under the Reserves Act 1977, the transfer instrument for the property must state—
- (a) the classification of the property and, if relevant, the purpose for which the property is classified under the Reserves Act 1977, as specified in the agreement; and
  - (b) that the property is to be subject to section 88.
- (2) Upon the transfer of a property to which subsection (1) applies, the property—
- (a) has the classification and, if relevant, the purpose specified in the transfer instrument; and
  - (b) must be administered in accordance with its classification under the Reserves Act 1977; and
  - (c) has the name (if any) specified in the *Gazette* notice given under subsection (3).
- (3) As soon as is reasonably practicable after the transfer of a property to which subsection (1) applies, a person authorised by the chief executive of the South Taranaki District Council must publish a notice in the *Gazette*, stating—
- (a) the legal description of the property; and
  - (b) the date on which the property was transferred and became a reserve; and
  - (c) the classification of the reserve and, if relevant, the purpose of the reserve; and
  - (d) the name (if any) of the reserve.
- (4) The trustees are the administering body of a reserve transferred under this section, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the trustees under section 26 of that Act.
- (5) Sections 87(2), (4), and (5), and 88 to 92 (with any necessary modifications) apply to a reserve transferred under this subpart as if the reserve were vested under subpart 4.

**105 Computer freehold registers for post-settlement redress properties**

- (1) This section applies to each property that is to be transferred to the trustees under this subpart, but 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.
- (2) The Registrar-General must, in accordance with a written application by a person authorised by the chief executive of the South Taranaki District Council,—
  - (a) create a computer freehold register for the fee simple estate in the property in the name of the South Taranaki District Council; 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.

**106 Matter to be recorded on certain computer freehold registers**

- (1) The Registrar-General must, upon registration of the transfer of a post-settlement redress property that is transferred as a reserve, record on the computer freehold register that the land is subject to section 88.
- (2) If at any time the reserve status is revoked in respect of—
  - (a) the whole of a property transferred under this subpart, the Registrar-General must, on the written application of the Director-General, remove from the computer freehold register for that property the notification recorded under subsection (1); or
  - (b) part of the property, the Registrar-General must ensure that the notification recorded under subsection (1) remains only on the computer freehold register for the part of the property that remains a reserve.

**107 Application of other enactments**

- (1) 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 an agreement for the sale and purchase of a post-settlement redress property.
- (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
  - (a) the transfer of the fee simple estate in a property in accordance with this subpart; or
  - (b) any matter incidental to, or required for the purpose of, the transfer.

## Part 3 Commercial redress

### 108 Interpretation

In this Part,—

**deferred selection property** means a property described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

**land holding agency** means the land holding agency specified for a deferred selection property in part 3 of the property redress schedule.

### Subpart 1—Transfer of deferred selection properties

### 109 The Crown may transfer properties

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 a deferred selection property to the trustees; and
- (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.

### 110 Cape Egmont Conservation Area

- (1) This section takes effect only if the Cape Egmont Conservation Area becomes a deferred selection property.
- (2) The Cape Egmont Conservation Area ceases to be a conservation area under the Conservation Act 1987 immediately before the transfer of the fee simple estate in the area under section 109.

### 111 Cape Recreation Reserve

- (1) This section takes effect only if the Cape Recreation Reserve becomes a deferred selection property.
- (2) The reservation of the Cape Recreation Reserve as a recreation reserve subject to the Reserves Act 1977 is revoked immediately before the transfer of the fee simple estate in the area under section 109.

### 112 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 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.

### **113 Computer freehold registers for deferred selection properties**

- (1) This section applies to each deferred selection property that is to be transferred to the trustees (but to no other person or entity) under section 109.
- (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) 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.
- (4) Subsection (3) is subject to the completion of any survey necessary to create a computer freehold register.
- (5) In this section and section 114, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

### **114 Authorised person may grant covenant for later creation of computer freehold register**

- (1) For the purposes of section 113, the authorised person may grant a covenant for the later creation of a computer freehold register for any 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.

### **115 Application of other enactments**

- (1) This section applies to the transfer to the trustees of the fee simple estate in a deferred selection property.
- (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 109, 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).

#### **116 Transfer of properties subject to lease**

- (1) This section applies to a deferred selection property—
  - (a) for which the land holding agency is the Ministry of Education; and
  - (b) the ownership of which is to be transferred to the trustees; and
  - (c) that, after the transfer, is to be subject to a lease back to the Crown.
- (2) Section 24 of the Conservation Act 1987 does not apply to the transfer of the property.
- (3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to section 117 upon the registration of the transfer.
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any computer freehold register for the property that—
  - (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) the land is subject to section 117.
- (5) A notification made under subsection (4) 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.

#### **117 Requirements if lease terminates or expires**

- (1) This section applies if the lease referred to in section 116(1)(c) (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.



- (2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.
- (3) The registered proprietors of the property must apply in writing to the Registrar-General,—
  - (a) if no part of the property remains subject to such a lease, 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 this section; or
  - (b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notifications on the computer freehold register for the property to record that, in relation to the leased part only,—
    - (i) section 24 of the Conservation Act 1987 does not apply to that part; and
    - (ii) that part is subject to this section.
- (4) The Registrar-General must comply with an application received in accordance with subsection (3) free of charge to the applicant.

## Subpart 2—Right of first refusal over RFR land

### *Interpretation*

#### **118 Interpretation**

In this subpart and Schedule 3,—

**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 (other than in section 140),—

- (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 area** means the area shown on SO 477760

**exclusive RFR land** has the meaning given in section 119(2)

**expiry date**, in relation to an offer, means its expiry date under sections 121(2)(a) and 122

**non-exclusive RFR area** means the area shown on SO 477762

**non-exclusive RFR land** has the meaning given in section 119(3)

**notice** means a notice given under this subpart

**offer** means an offer by an RFR landowner, made in accordance with section 121, to dispose of RFR land to the trustees of any offer trust

**offer trust** means the trust or trusts specified for each of the following types of RFR land:

- (a) for exclusive RFR land, Te Kāhui o Taranaki:
- (b) for non-exclusive RFR land,—
  - (i) before the settlement date under this Act, Te Kotahitanga o Te Atiawa Trust, if an offer has been made under the Te Atiawa Claims Settlement Act 2016;
  - (ii) on and from the settlement date under this Act, Te Kāhui o Taranaki and Te Kotahitanga o Te Atiawa Trust:
- (c) for shared RFR land,—

- (i) before the settlement date under this Act, Te Korowai o Ngāruahine, if an offer has been made under the Ngāruahine Claims Settlement Act 2016:
- (ii) on and from the settlement date under this Act, Te Kāhui o Taranaki and Te Korowai o Ngāruahine

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

**recipient trust** means the trust specified for each of the following types of RFR land:

- (a) for exclusive RFR land, Te Kāhui o Taranaki:
- (b) for non-exclusive RFR land and shared RFR land, the offer trust whose trustees accept an offer to dispose of the land under section 124

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

**RFR landowner**, in relation to RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
- (b) means a Crown body, if the body holds the fee simple estate in the land; and
- (c) includes a local authority to which RFR land has been disposed of under section 127(1); but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested—
  - (i) on the settlement date; or
  - (ii) after the settlement date, under section 128(1)

**RFR period** means,—

- (a) for exclusive RFR land, the period of 172 years on and from the settlement date:
- (b) for non-exclusive RFR land, the period of 172 years on and from the date defined as the settlement date in the Te Atiawa Claims Settlement Act 2016:
- (c) for shared RFR land, the period of 172 years on and from the date defined as the settlement date in the Ngāruahine Claims Settlement Act 2016

**shared RFR area** means the area shown on SO 477763

**shared RFR land** has the meaning given in section 119(4)

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

**119 Meaning of RFR land, exclusive RFR land, non-exclusive RFR land, and shared RFR land**

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

- (a) exclusive RFR land; and
- (b) non-exclusive RFR land; and
- (c) shared RFR land.

*Meaning of exclusive RFR land, non-exclusive RFR land, and shared RFR land*

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

- (a) means the land that is within the exclusive RFR area that, on the settlement date,—
  - (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 the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and
- (b) includes any land obtained in exchange for a disposal of exclusive RFR land under section 132(1)(c) or 133.

(3) In this subpart, **non-exclusive RFR land**—

- (a) means land that is within the non-exclusive RFR area that, on the date defined as the settlement date in section 12 of the Te Atiawa Claims Settlement Act 2016,—
  - (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 the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and
- (b) includes any land obtained in exchange for a disposal of non-exclusive RFR land under section 132(1)(c) or 133; and
- (c) includes any land that, prior to the settlement date under this Act, was obtained in exchange for a disposal of non-exclusive RFR land under section 101(1)(c) or 102 of the Te Atiawa Claims Settlement Act 2016; but
- (d) does not include any land within the meaning of paragraph (a) if, on the settlement date under this Act, the land—
  - (i) has ceased to be RFR land in any of the circumstances described in section 87(2)(a) to (c) of the Te Atiawa Claims Settlement Act 2016; or

- (ii) is subject to a contract formed under section 94 of that Act.
- (4) In this subpart, **shared RFR land**—
- (a) means land that is within the shared RFR area that, on the date defined as the settlement date in section 12 of the Ngāruahine Claims Settlement Act 2016,—
    - (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 the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and
  - (b) includes any land obtained in exchange for a disposal of shared RFR land under section 132(1)(c) or 133; and
  - (c) includes any land that, prior to the settlement date under this Act, was obtained in exchange for a disposal of shared RFR land under section 112(1)(c) or 113 of the Ngāruahine Claims Settlement Act 2016; but
  - (d) does not include any land within the meaning of paragraph (a) if, on the settlement date under this Act, the land—
    - (i) has ceased to be RFR land in any of the circumstances described in section 98(2)(a) to (c) of the Ngāruahine Claims Settlement Act 2016; or
    - (ii) is subject to a contract formed under section 105 of that Act.

*When land ceases to be RFR land*

- (5) Land ceases to be RFR land if—
- (a) the fee simple estate in the land transfers from the RFR landowner to—
    - (i) the trustees of a recipient trust or their nominee (for example, under section 109 in the case of a deferred selection property or under a contract formed under section 125); or
    - (ii) any other person (including the Crown or a Crown body) under section 120(d); or
  - (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
    - (i) under any of sections 129 to 135 (which relate to permitted disposals of RFR land); or
    - (ii) under any matter referred to in section 136(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

- (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under section 145; or
- (d) the RFR period for the land ends.

*Restrictions on disposal of RFR land*

**120 Restrictions on disposal of RFR land**

An RFR landowner must not dispose of RFR land to a person other than the trustees of a recipient trust or their nominee unless the land is disposed of—

- (a) under any of sections 126 to 135; or
- (b) under any matter referred to in section 136(1); or
- (c) in accordance with a waiver or variation given under section 145; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust if the offer to those trustees was—
  - (i) made in accordance with section 121; and
  - (ii) made on terms that were the same as, or more favourable to those trustees than, the terms of the disposal to the person; and
  - (iii) not withdrawn under section 123; and
  - (iv) not accepted under section 124.

*Trustees of offer trusts' right of first refusal*

**121 Requirements for offer**

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of the 1 or both offer trusts, as the case requires.
- (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, shared 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 trustees of an offer trust to give notices to the RFR landowner in relation to the offer.

## **122 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 trustees of the 1 or both offer trusts receive 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 trustees of the 1 or both offer trusts receive notice of the offer if—
  - (a) those trustees received an earlier offer to dispose of the land; and
  - (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and
  - (c) the earlier offer was not withdrawn.
- (3) For an offer of shared RFR land or non-exclusive RFR land, if the RFR landowner has received notices of acceptance from the trustees of both offer trusts at the expiry date specified in the notice given under section 121(1), the expiry date is extended for the trustees of both offer trusts to the date that is the 20th working day after the date on which the trustees receive the RFR landowner's notice given under section 124(4).

## **123 Withdrawal of offer**

The RFR landowner may, by notice to the trustees of the 1 or both offer trusts, withdraw an offer at any time before it is accepted.

## **124 Acceptance of offer**

- (1) The trustees of an offer trust may, by notice to the RFR landowner who made an offer, accept the offer if—
  - (a) it has not been withdrawn; and
  - (b) its expiry date has not passed.
- (2) The trustees of an offer trust must accept all the RFR land offered, unless the offer permits them to accept less.
- (3) In the case of an offer of shared RFR land or non-exclusive RFR land, the offer is accepted if, at the end of the expiry date, the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust.
- (4) In the case of an offer of shared RFR land or non-exclusive RFR land, if the RFR landowner has received, at the expiry date specified in the notice of offer given under section 121, notices of acceptance from the trustees of both offer trusts, the RFR landowner has 10 working days in which to give notice to the trustees of those 2 offer trusts—
  - (a) specifying the offer trusts from whose trustees acceptance notices have been received; and

- (b) stating that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th working day after the day on which the RFR landowner's notice is received under this subsection.

### **125 Formation of contract**

- (1) If the trustees of an offer trust accept 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 those trustees on the terms in the offer.
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees of the recipient trust.
- (3) Under the contract, the trustees of the recipient trust may nominate any person other than those trustees (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees of the recipient trust may nominate a nominee only if—
  - (a) the nominee is lawfully able to hold the RFR land; and
  - (b) the trustees of the recipient trust give notice 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 trustees of the recipient trust nominate a nominee, the trustees of the recipient trust remain liable for the obligations of the transferee under the contract.

#### *Disposals to others but land remains RFR land*

### **126 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 126(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### **127 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, if RFR land is disposed of to a local authority under subsection (1), the local authority becomes—
- (a) the RFR landowner of the land; and
  - (b) subject to the obligations of an RFR landowner under this subpart.

**128 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*

**129 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.

**130 Disposal in accordance with legal or equitable obligations**

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

- (a) a legal or an equitable obligation that—
  - (i) was unconditional before the settlement date; or
  - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or
  - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
- (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.

**131 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.

### **132 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(e) of the Public Works Act 1981.

### **133 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.

### **134 Disposal for charitable purposes**

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

### **135 Disposal to tenants**

The Crown may dispose of RFR land—

- (a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—
  - (i) before the settlement date; or

- (ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or
- (c) under section 93(4) of the Land Act 1948.

*RFR landowner obligations*

**136 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 the trustees of an offer trust; 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*

**137 Notice to LINZ of RFR land with computer register after settlement date**

- (1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.
- (2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the legal description of the land and the reference for the computer register.

**138 Notice to trustees of offer trusts of disposal of RFR land to others**

- (1) An RFR landowner must give the trustees of the 1 or both offer trusts, as the case requires, notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust or their nominee.
- (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 120; and
  - (f) if the disposal is to be made under section 120(d), a copy of any written contract for the disposal.

### **139 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) the trustees of a recipient trust or their nominee (for example, under section 109 in the case of a deferred selection property, or under a contract formed under section 125); or
    - (ii) any other person (including the Crown or a Crown body) under section 120(d); or
  - (b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—
    - (i) under any of sections 129 to 135; or
    - (ii) under any matter referred to in section 136(1); or
  - (c) 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 145.
- (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.

### **140 Notice to be given if disposal of non-exclusive or shared RFR land being considered**

- (1) This section applies if an RFR landowner is considering whether to dispose of non-exclusive or shared RFR land in a way that may require an offer under this subpart.
- (2) The RFR landowner must give notice,—

- (a) in the case of non-exclusive RFR land, to the trustees of Te Kotahitanga o Te Atiawa Trust and to the trustees of Te Kāhui o Taranaki; and
  - (b) in the case of shared RFR land, to the trustees of Te Korowai o Ngāruahine and to the trustees of Te Kāhui o Taranaki; and
  - (c) that states that, if the RFR landowner decides to dispose of the land, the landowner may be required to offer the land to the trustees referred to in paragraph (a) or (b), as the case requires.
- (3) The notice must be given immediately before the RFR landowner commences the processes under one of the following, as relevant:
- (a) section 52 of the Land Act 1948; or
  - (b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990; or
  - (c) section 40 of the Public Works Act 1981 (providing the tests in section 40(1) of that Act are met); or
  - (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 relevant land; and
  - (b) identify any computer register that contains that land; and
  - (c) specify the street address for that 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; and
  - (d) state that the RFR is a non-exclusive RFR or shared RFR, as the case may be.
- (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 140(5)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

#### 141 Notice requirements

Schedule 3 applies to notices given under this subpart by or to—

- (a) an RFR landowner; or
- (b) the trustees of an offer trust or a recipient trust.

*Right of first refusal recorded on computer registers*

**142 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 settlement date; and
  - (b) the RFR land for which a computer register is first created after the settlement date; and
  - (c) land for which there is a computer register that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable—
  - (a) after the settlement date, for RFR land for which there is a computer register on the settlement date; or
  - (b) after receiving a notice under section 137 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees of the 1 or both offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register for the RFR land identified in the certificate that the land is—
  - (a) RFR land, as defined in section 119(1); and
  - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

**143 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 139, 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 to the trustees of the 1 or both offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under section 142 for the land described in the certificate.

#### **144 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 142; and
  - (b) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees of the 1 or both offer trusts, as the case requires, as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under section 142 from any computer register identified in the certificate.

#### *General provisions applying to right of first refusal*

#### **145 Waiver and variation**

- (1) The trustees of an offer trust may, by notice to an RFR landowner, waive any or all of the rights they have in relation to the landowner under this subpart.
- (2) The trustees of an offer trust and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

#### **146 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.

#### **147 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 notices to each RFR landowner that—
- (a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and
  - (b) specify the date of the assignment; and
  - (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
  - (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and Schedule 3 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, 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 of an offer trust under this subpart, because—
- (a) they are the trustees of that offer trust; or
  - (b) they have previously been assigned those rights and obligations under this section.

## Part 4

### Governance reorganisation and taxation provisions

#### 148 Interpretation

- (1) In this Part, unless the context otherwise requires,—
- assets and liabilities**—
- (a) means the assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement of this Act, by the trustees of the Taranaki Iwi Trust or by the relevant subsidiary, as the case requires; and
  - (b) includes—
    - (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and



- (ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere)

**exempt income** has the meaning given in section YA 1 of the Income Tax Act 2007

**Inland Revenue Acts** has the meaning given in section 3(1) of the Tax Administration Act 1994

**relevant subsidiary** means Taranaki Iwi Fisheries Limited

**Taranaki Iwi Fisheries Limited** means the registered charity of that name with the registration number CC39751

**Taranaki Iwi Trust** means the registered charity of that name established by a trust deed dated 3 September 2006 with the registration number CC39750

**tax charity** has the meaning given in section YA 1 of the Income Tax Act 2007

**taxable income** has the meaning given in section YA 1 of the Income Tax Act 2007

**transferred employee** means an employee to whom section 162 applies.

- (2) In sections 152 to 154, unless the context otherwise requires, terms used and not defined in those sections, but defined in the Maori Fisheries Act 2004, have the meanings given in that Act.

## Subpart 1—Governance reorganisation

### *Taranaki Iwi Trust*

#### **149 Dissolution of Taranaki Iwi Trust**

- (1) On the commencement of this Act,—
  - (a) the Taranaki Iwi Trust is dissolved; and
  - (b) the term of office of the trustees of that trust expires; and
  - (c) proceedings by or against that trust may be continued, completed, and enforced by or against the trustees of Te Kāhui o Taranaki; and
  - (d) a reference to the Taranaki Iwi Trust (express or implied) in any enactment (other than this Act), or in any instrument, register, agreement, deed (other than the deed of settlement), lease, application, notice, or other document in force immediately before the commencement of this Act must, unless the context otherwise requires, be read as a reference to the trustees of Te Kāhui o Taranaki.
- (2) A person holding office as a trustee of the Taranaki Iwi Trust immediately before the commencement of this Act is not entitled to compensation as a result of the expiry under this section of his or her term of office.

**150 Vesting of assets and liabilities of Taranaki Iwi Trust**

- (1) On the commencement of this Act, the assets and liabilities of the trustees of the Taranaki Iwi Trust—
  - (a) vest in the trustees of Te Kāhui o Taranaki and become the assets and liabilities of the trustees of Te Kāhui o Taranaki; and
  - (b) to the extent that those assets and liabilities are owned or held subject to any charitable trusts, are freed of all charitable trusts.
- (2) However, those assets and liabilities—
  - (a) remain subject to any other trusts, covenants, or conditions affecting them; and
  - (b) are subject to any trusts expressed in the trust deed of Te Kāhui o Taranaki.

*Taranaki Iwi Fisheries Limited***151 Assets and liabilities of relevant subsidiary**

- (1) On and from the commencement of this Act, the relevant subsidiary ceases to be a tax charity for the purposes of the Inland Revenue Acts.
- (2) To the extent that the assets and liabilities of the relevant subsidiary are held subject to any charitable trusts, on and from the commencement of this Act,—
  - (a) those assets and liabilities are freed of all charitable trusts but subject to any other trusts, covenants, or conditions affecting those assets and liabilities; and
  - (b) the constitution of the relevant subsidiary is deemed to have been amended to the extent necessary to give effect to paragraph (a).
- (3) To avoid doubt,—
  - (a) nothing in this subpart has the effect, of itself, of causing the relevant subsidiary to be a different person for the purposes of the Inland Revenue Acts; and
  - (b) the assets and liabilities of the relevant subsidiary continue to be the assets and liabilities of that subsidiary; and
  - (c) the income of the relevant subsidiary derived from revenue account property is exempt income until immediately before that subsidiary ceases to be a registered charitable entity.
- (4) In this section, **revenue account property** includes financial arrangements, trading stock, and depreciable property.

*Te Kāhui o Taranaki becomes mandated iwi organisation***152 Recognition of new mandated iwi organisation**

- (1) On and from the commencement of this Act,—

- (a) Te Kāhui o Taranaki is the mandated iwi organisation for Taranaki Iwi (listed as Taranaki in Schedule 3 of the Maori Fisheries Act 2004), in place of the Taranaki Iwi Trust, as if Te Kāhui o Taranaki were recognised as the mandated iwi organisation under section 13(1) of that Act; and
  - (b) the relevant subsidiary is the asset-holding company of Te Kāhui o Taranaki.
- (2) However, any reference in the Maori Fisheries Act 2004 to the date on which the mandated iwi organisation is recognised must be treated as a reference to the date on which the iwi's first mandated iwi organisation was recognised.
- (3) To avoid doubt, on and from the commencement of this Act, Te Kāhui o Taranaki must—
- (a) meet the criteria in section 14 of the Maori Fisheries Act 2004 for continuing recognition as a mandated iwi organisation; and
  - (b) satisfy section 12(1)(d) of the Maori Fisheries Act 2004.

### **153 Certain effects of recognition of new mandated iwi organisation**

On and from the commencement of this Act,—

- (a) any registered coastline entitlement held by the Taranaki Iwi Trust immediately before the commencement of this Act is to be treated as a registered coastline entitlement held by Te Kāhui o Taranaki; and
- (b) any coastline claim, agreement, or written statement of the Taranaki Iwi Trust made under Part 1 of Schedule 6 of the Maori Fisheries Act 2004 before the commencement of this Act is to be treated as a coastline claim, agreement, or written statement of Te Kāhui o Taranaki.

### **154 Functions of Te Ohu Kai Moana Trustee Limited**

Te Ohu Kai Moana Trustee Limited must, in accordance with the Maori Fisheries Act 2004 (with any necessary modifications), take all actions required to provide administratively for the matters set out in sections 152(1) and 153, including making the appropriate changes to the iwi register.

#### *General matters relating to reorganisation*

### **155 Matters not affected by transfer**

Nothing given effect to or authorised by this subpart—

- (a) places any person in breach of a contract or confidence, or involves the person in the commission of a civil wrong; or
- (b) creates a right for any person to terminate or cancel any contract or arrangement, to accelerate the performance of an obligation, to impose a penalty, or to increase a charge; or

- (c) places any person in breach of an enactment, a rule of law, or a contract that prohibits, restricts, or regulates the assignment or transfer of an asset or a liability or the disclosure of information; or
- (d) releases a surety, wholly or in part, from an obligation; or
- (e) invalidates or discharges a contract.

### **156 Status of existing instruments**

- (1) The trustees of Te Kāhui o Taranaki are to be treated as if they were the trustees of the Taranaki Iwi Trust under any existing instrument—
  - (a) to which the trustees of the Taranaki Iwi Trust were a party; or
  - (b) that the trustees of the Taranaki Iwi Trust gave, received, or were to give or receive.
- (2) An express or implied reference to the trustees of the Taranaki Iwi Trust in an existing instrument or in a register must be read as a reference to the trustees of Te Kāhui o Taranaki, unless the context otherwise requires.
- (3) In this section, **existing instrument** means any agreement, deed, undertaking, application, notice, instrument recording an interest in land, or other document in effect immediately before the commencement of this Act.

### **157 Status of existing securities**

- (1) A security held by the trustees of the Taranaki Iwi Trust as security for a debt or other liability to that trust incurred before the commencement of this Act—
  - (a) is available to the trustees of Te Kāhui o Taranaki as security for the discharge of that debt or liability; and
  - (b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to those trustees incurred on or after the commencement of this Act.
- (2) The trustees of Te Kāhui o Taranaki are entitled to the same rights and priorities, and subject to the same liabilities, in relation to the security as the trustees of the Taranaki Iwi Trust would be if this Act had not been passed.

### **158 Continuation of proceedings**

- (1) An action, arbitration, proceeding, or cause of action that was pending or existing by, against, or in favour of the trustees of the Taranaki Iwi Trust before the commencement of this Act may be continued and enforced by, against, or in favour of the trustees of Te Kāhui o Taranaki.
- (2) It is not necessary to amend a pleading, writ, or other document to continue the action, arbitration, proceeding, or cause of action.

### **159 Books and documents to remain evidence**

- (1) A document, matter, or thing that would have been admissible in evidence for or against the trustees of the Taranaki Iwi Trust is, on and after the commence-

ment of this Act, admissible in evidence for or against the trustees of Te Kāhui o Taranaki.

- (2) In this section, **document** has the meaning given in section 4(1) of the Evidence Act 2006.

### **160 Removal from register of charitable entities**

- (1) The Taranaki Iwi Trust and Taranaki Iwi Fisheries Limited must be removed, under section 31 of the Charities Act 2005, from the register of charitable entities with effect on and from the commencement of this Act.
- (2) This section applies despite anything else in the Charities Act 2005.

### **161 Other registers**

- (1) The Registrar-General or any other person charged with keeping documents or registers is not required, solely because of the other provisions of this subpart, to change, in the documents or registers, the names of the trustees of the Taranaki Iwi Trust to the names of the trustees of Te Kāhui o Taranaki.
- (2) If the trustees of Te Kāhui o Taranaki present an instrument to a registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in those trustees, as specified in the instrument.
- (3) For the purposes of subsection (2), the instrument need not be an instrument of transfer, but must—
- (a) be executed or purport to be executed by the trustees of Te Kāhui o Taranaki; and
  - (b) relate to assets or liabilities owned, controlled, or held, wholly or in part, by the trustees of the Taranaki Iwi Trust immediately before the commencement of this Act; and
  - (c) be accompanied by a certificate given by the trustees of Te Kāhui o Taranaki or their solicitor stating that the property was vested in those trustees by or under this Act.

## *Employees*

### **162 Transfer of employees**

On the commencement of this Act, each employee of the trustees of the Taranaki Iwi Trust ceases to be an employee of that trust and becomes an employee of the trustees of Te Kāhui o Taranaki.

### **163 Protection of terms and conditions of employment**

- (1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to him or her immediately before the commencement of this Act.

- (2) Subsection (1)—
- (a) continues to apply to the terms and conditions of employment of a transferred employee until the terms and conditions are varied by agreement between the transferred employee and the trustees of Te Kāhui o Taranaki; and
  - (b) does not apply to a transferred employee who accepts any subsequent appointment with those trustees.

#### **164 Continuity of employment**

For the purposes of any enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee, the transfer of the person's employment from the trustees of the Taranaki Iwi Trust to the trustees of Te Kāhui o Taranaki does not, of itself, break the employment of that person, and the period of his or her employment by the trustees of the Taranaki Iwi Trust is to be regarded as having been a period of service with the trustees of Te Kāhui o Taranaki.

#### **165 No compensation for technical redundancy**

A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that—

- (a) the position held by the employee with the trustees of the Taranaki Iwi Trust has ceased to exist; or
- (b) the employee has ceased, as a result of his or her transfer to the trustees of Te Kāhui o Taranaki, to be an employee of the trustees of the Taranaki Iwi Trust.

#### **166 Liability of employees and agents**

- (1) A trustee, an officer, or a representative of the Taranaki Iwi Trust who held office at any time before the commencement of this Act is not personally liable for any act or thing done or omitted to be done by that person before the commencement of this Act in the exercise or bona fide exercise of a duty under any enactment or the relevant deed of trust.
- (2) This section applies only—
  - (a) in the absence of actual fraud; and
  - (b) if the act or omission does not amount to an offence under any enactment or rule of law.

### *Final report*

#### **167 Final report of Taranaki Iwi Trust**

- (1) As soon as practicable after the commencement of this Act, the trustees of Te Kāhui o Taranaki must prepare the final report of the Taranaki Iwi Trust.

- (2) The report must show the financial results of the operation for the period—
  - (a) starting on the day after the last day covered by the previous annual report; and
  - (b) ending on the day before the commencement of this Act.
- (3) At the first general meeting of the trustees of Te Kāhui o Taranaki after the final report has been completed, those trustees must present the final report of the Taranaki Iwi Trust.

## Subpart 2—Taxation provisions

### 168 Application and interpretation

- (1) This subpart applies, by virtue of the reorganisation of the governance of Taranaki Iwi under subpart 1, for the purposes of the Inland Revenue Acts.
- (2) In this subpart,—

**taxable Māori authority distribution** has the meaning given in section HF 7 of the Income Tax Act 2007

**undistributed charitable amount** means the amount identified in accordance with section 169(5), applied as the context may require.

### *Taranaki Iwi Trust*

### 169 Taxation in respect of transfer of assets and liabilities of Taranaki Iwi Trust

- (1) On and from the date on which the assets and liabilities of the trustees of the Taranaki Iwi Trust vest in the trustees of Te Kāhui o Taranaki under section 150(1),—
  - (a) those trustees are deemed to be the same person as the trustees of the Taranaki Iwi Trust; and
  - (b) everything done by the trustees of the Taranaki Iwi Trust before that date is deemed to have been done by the trustees of Te Kāhui o Taranaki on the date that it was done by the trustees of the Taranaki Iwi Trust.
- (2) Income derived or expenditure incurred by the trustees of the Taranaki Iwi Trust before the assets and liabilities vest in the trustees of Te Kāhui o Taranaki does not become income derived or expenditure incurred by those trustees just because the assets and liabilities vest in those trustees under section 150(1).
- (3) Subsection (4) applies if income of the trustees of the Taranaki Iwi Trust—
  - (a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and
  - (b) is exempt income of the trustees of the Taranaki Iwi Trust but is not exempt income of the trustees of Te Kāhui o Taranaki.

- (4) The trustees of Te Kāhui o Taranaki must be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property—
- (a) on the day that it becomes the property of those trustees; and
  - (b) for a consideration that is its market value.
- (5) The trustees of Te Kāhui o Taranaki must identify the undistributed charitable amount, using the following formula:

$$x - y$$

where—

- x is the total of the amounts derived by the trustees of the Taranaki Iwi Trust that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by those trustees before the commencement of this Act
- y is the total of the amounts described in variable x that have been distributed before the commencement of this Act.
- (6) The undistributed charitable amount is excluded from the corpus of the trustees of Te Kāhui o Taranaki for the purposes of the Income Tax Act 2007, to the extent to which it is otherwise included but for this subsection.
- (7) If the trustees of Te Kāhui o Taranaki distribute any of the undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless subsection (8) applies.
- (8) If the trustees of Te Kāhui o Taranaki distribute any of the undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient.

#### **170 Election of trustees of Te Kāhui o Taranaki to become Māori authority**

- (1) If the trustees of Te Kāhui o Taranaki make an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, to the extent that the undistributed charitable amount is distributed in an income year, that distribution will be—
- (a) exempt income if the distribution is applied for a charitable purpose; or
  - (b) a taxable Māori authority distribution.
- (2) If this section applies, the amount must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

#### *Relevant subsidiary*

#### **171 Taxation in respect of assets and liabilities of relevant subsidiary**

- (1) This section applies if—
- (a) the assets and liabilities of the relevant subsidiary remain the assets and liabilities of that subsidiary; and



- (b) income of the relevant subsidiary derived from a financial arrangement, trading stock, revenue account property, or depreciable property is exempt income of that subsidiary before the commencement of this Act, and ceases to be exempt income as a result of the application of section 151(1).
- (2) The relevant subsidiary is to be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property for a consideration that is its market value on the date of the commencement of this Act.

**172 Election by relevant subsidiary to become Māori authority**

- (1) This section applies if the relevant subsidiary—
  - (a) makes an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority; and
  - (b) at the time when the election is made, has an undistributed charitable amount arising from income that was exempt income under sections CW 41 and CW 42 of the Income Tax Act 2007 at the time when the income was derived.
- (2) The undistributed charitable amount must be calculated on the date when the relevant subsidiary ceases to be a tax charity under section 151(1).
- (3) A distribution of the undistributed charitable amount by the relevant subsidiary after its election to become a Māori authority is—
  - (a) a distribution from exempt income of the subsidiary if the distribution is for a charitable purpose; or
  - (b) if paragraph (a) does not apply, a taxable Māori authority distribution.
- (4) A distribution that is a taxable Māori authority distribution under subsection (3)(b) must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

## Schedule 1 Statutory areas

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### Part 1

#### Areas subject only to statutory acknowledgement

<b>Statutory area</b>	<b>Location</b>
Heimama Stream Gravel Local Purpose Reserve	As shown on OTS-053-46
Kapoaiaia Stream and its tributaries	As shown on OTS-053-32
Mangahume Stream and its tributaries	As shown on OTS-053-33
Mangahume Stream Conservation Area	As shown on OTS-053-47
Mangawarawara Stream Marginal Strip	As shown on OTS-053-48
Ngatoronui Stream and its tributaries	As shown on OTS-053-34
Oakura River and its tributaries	As shown on OTS-053-35
Oeo Stream and its tributaries	As shown on OTS-053-36
Otahi Stream and its tributaries	As shown on OTS-053-37
Otahi Stream No. 1 Marginal Strip	As shown on OTS-053-49
Otahi Stream No. 2 Marginal Strip	As shown on OTS-053-50
Ouri Stream and its tributaries	As shown on OTS-053-38
Ouri Stream Marginal Strip	As shown on OTS-053-51
Punehu Stream and its tributaries	As shown on OTS-053-39
Pungaereere Stream and its tributaries	As shown on OTS-053-40
Pungarehu Marginal Strip	As shown on OTS-053-52
Ratapihipihi Scenic Reserve	As shown on OTS-053-53
Tapuae Stream Marginal Strip	As shown on OTS-053-54
Taranaki Iwi Coastal Marine Area	As shown on OTS-053-55
Taungatara Stream and its tributaries	As shown on OTS-053-41
Waiaua River and its tributaries	As shown on OTS-053-42
Waiongana Stream and its tributaries	As shown on OTS-053-43
Waiteika Stream and its tributaries	As shown on OTS-053-44
Waiweranui Stream Marginal Strip	As shown on OTS-053-56
Warea River (Teikaparua) and its tributaries	As shown on OTS-053-45

### Part 2

#### Areas also subject to deed of recognition

<b>Statutory area</b>	<b>Location</b>
Kapoaiaia Stream and its tributaries	As shown on OTS-053-32
Mangahume Stream and its tributaries	As shown on OTS-053-33
Ngatoronui Stream and its tributaries	As shown on OTS-053-34
Oakura River and its tributaries	As shown on OTS-053-35
Oeo Stream and its tributaries	As shown on OTS-053-36
Otahi Stream and its tributaries	As shown on OTS-053-37
Ouri Stream and its tributaries	As shown on OTS-053-38

**Statutory area**

Punehu Stream and its tributaries  
Pungaereere Stream and its tributaries  
Taungatara Stream and its tributaries  
Waiaua River and its tributaries  
Waiongana Stream and its tributaries  
Waiteika Stream and its tributaries  
Warea River (Teikaparua) and its tributaries

**Location**

As shown on OTS-053-39  
As shown on OTS-053-40  
As shown on OTS-053-41  
As shown on OTS-053-42  
As shown on OTS-053-43  
As shown on OTS-053-44  
As shown on OTS-053-45

## Schedule 2

### Cultural redress properties

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#### *Properties vested in fee simple*

Name of property	Description	Interests
Arawhata property	<p><i>Taranaki Land District—South Taranaki District</i></p> <p>0.7879 hectares, more or less, being Sections 26 and 27 Block III Opunake Survey District. All <i>Gazette</i> 1983, page 1732.</p>	<p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p>

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Cape Egmont Lighthouse property	<i>Taranaki Land District—South Taranaki District</i> 0.4518 hectares, more or less, being Lot 1 DP 20742. All computer freehold register TNL2/613.	Subject to a lease to Maritime New Zealand referred to in section 48(3).
Cape Egmont site A	<i>Taranaki Land District—South Taranaki District</i> 0.4020 hectares, more or less, being Section 1 SO 495006.	
Kahui site A	<i>Taranaki Land District—South Taranaki District</i> 0.8439 hectares, more or less, being Section 2 SO 497086. Part <i>Gazette</i> 1898, p 1948.	<p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p>

Name of property	Description	Interests
Kahui site B	<p data-bbox="574 387 911 445"><i>Taranaki Land District—South Taranaki District</i></p> <p data-bbox="574 454 911 539">1.0577 hectares, more or less, being Lot 1 DP 6423 and DP 1993. All <i>Gazette</i> 1951, p 1185.</p>	<p data-bbox="963 387 1305 445">Subject to section 59 of the Land Act 1948.</p> <p data-bbox="963 454 1305 510">Subject to section 8 of the Coal Mines Amendment Act 1950.</p>
Opunake site A	<p data-bbox="574 546 911 604"><i>Taranaki Land District—South Taranaki District</i></p> <p data-bbox="574 613 911 723">0.1066 hectares, more or less, being Section 1 SO 489951. All computer freehold register TN118/221.</p>	<p data-bbox="963 546 1332 656">Subject to the easement in gross for a right to drain and convey stormwater referred to in section 52(4).</p> <p data-bbox="963 665 1332 808">Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p data-bbox="963 817 1332 927">Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p data-bbox="963 936 1332 1046">Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p data-bbox="963 1055 1332 1164">Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p data-bbox="963 1173 1332 1317">Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p data-bbox="963 1326 1332 1435">Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p data-bbox="963 1444 1332 1588">Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p data-bbox="963 1597 1332 1762">Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p data-bbox="963 1771 1332 1924">Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p>

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Ōrimupiko / Headlands site A	<i>Taranaki Land District—South Taranaki District</i>	Subject to the easement in gross for a right of way referred to in section 53(3).
	1.1458 hectares, more or less, being Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 Block III Town of Opunake. All computer freehold register TN156/68.	Subject to an unregistered licence to occupy to Puketapu Partners (dated 8 June 2015).
	1.2141 hectares, more or less, being Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 Block VII Town of Opunake. Part <i>Gazette</i> notice 292873.4.	
	3.6219 hectares, more or less, being Sections 1, 2, and 3 Block I, Sections 1, 2, 3, 4, 5, and 6 Block II, Sections 1, 2, 3, 4, 5, 6, 7, and 8 Block IV, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 Block V, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Block VI Town of Opunake. Part <i>Gazette</i> notice 292810.1.	
	1.5 hectares, approximately, being Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 Block VIII Town of Opunake and Part Section 1 Block IX Opunake Survey District. Part <i>Gazette</i> notice 292873.3. Subject to survey.	
	6.9 hectares, approximately, being Part Block XLIX Town of Opunake. Part <i>Gazette</i> notice 292646. Subject to survey.	
Pungarehu property	As shown on OTS-053-22.	
	<i>Taranaki Land District—South Taranaki District</i>	
Puniho property	1.0168 hectares, more or less, being Section 125 Block VIII Cape Survey District. All computer freehold register TN136/247.	
	0.2770 hectares, more or less, being Section 139 Block VIII Cape Survey District. All <i>Gazette</i> notice W8859.	
	<i>Taranaki Land District—South Taranaki District</i>	
	0.3177 hectares, more or less, being Parts Section 10 Block V Cape Survey District. Balance computer freehold register TN133/236.	

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Rahotu site A	<i>Taranaki Land District—South Taranaki District</i> 0.2052 hectares, more or less, being Section 1 SO 495021. Balance computer freehold register TN133/238 and part Proclamation 2272.	
Rahotu site B	<i>Taranaki Land District—South Taranaki District</i> 0.1639 hectares, more or less, being Part Section 62 Block XII Cape Survey District. Balance computer freehold register TN133/239.	
Rahotu site C	<i>Taranaki Land District—South Taranaki District</i> 0.8094 hectares, more or less, being Section 14 Block V Opunake Survey District. All computer freehold register TN133/240.	State Highway 45 adjoining the property is a Limited Access Road by Certificate 220774.
Warea site A	<i>Taranaki Land District—South Taranaki District</i> 0.5236 hectares, more or less, being Section 23 Block IV Cape Survey District. All computer freehold register TN133/235.	
Warea site B	<i>Taranaki Land District—South Taranaki District</i> 0.5659 hectares, more or less, being Section 1 SO 494413. Balance computer freehold register TN133/237 and part Proclamation 2272.	

*Properties vested in fee simple to be administered as reserves*

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Cape Egmont site B	<i>Taranaki Land District—South Taranaki District</i> 13.7701 hectares, more or less, being Sections 2, 3, 4, 6, 7, 8, 10, 11, 13, 16, 19, 21, 23, 24, 26, and 28 SO 495006.	Subject to being a historic reserve, as referred to in section 61(3).
Maitahi property	<i>Taranaki Land District—New Plymouth District</i> 0.7874 hectares, more or less, being Section 10 SO 495008. All computer freehold register TNE1/746.	Subject to being a scientific reserve, as referred to in section 62(3). Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.



Name of property	Description	Interests
Manihi Road property	<p><i>Taranaki Land District—South Taranaki District</i></p> <p>0.0143 hectares, more or less, being Section 2 SO 500023. Part <i>Gazette</i> 1884, p 1224.</p>	<p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p> <p>Subject to being a historic reserve, as referred to in section 63(3).</p> <p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p>

Name of property	Description	Interests
Ōākura Coast property	<p data-bbox="587 1256 895 1317"><i>Taranaki Land District—New Plymouth District</i></p> <p data-bbox="587 1328 895 1384">5.7200 hectares, more or less, being Section 1 SO 495009.</p>	<p data-bbox="963 389 1332 501">Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p data-bbox="963 512 1332 651">Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p data-bbox="963 663 1332 775">Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p data-bbox="963 786 1332 925">Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p data-bbox="963 936 1332 1104">Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p data-bbox="963 1115 1332 1249">Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p> <p data-bbox="963 1261 1332 1317">Subject to being a historic reserve, as referred to in section 64(4).</p> <p data-bbox="963 1328 1332 1462">Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p data-bbox="963 1473 1332 1585">Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p data-bbox="963 1597 1332 1709">Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p data-bbox="963 1720 1332 1832">Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p data-bbox="963 1843 1332 1980">Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p>

Name of property	Description	Interests
Ōāonui property	<p><i>Taranaki Land District—South Taranaki District</i></p> <p>16.5554 hectares, more or less, being Lot 3 DP 12925. All computer freehold register TNF2/126.</p>	<p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p> <p>Subject to being a historic reserve, as referred to in section 65(3).</p> <p>Subject to an easement in gross in favour of Shell Todd Oil Services Limited for a right to convey petroleum and natural gas products, water, other liquids and gases, and mixtures of any of those substances, created by Transfer 275100.6 (Area D DP 11806).</p> <p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p>

Name of property	Description	Interests
Okahu Stream property	<p data-bbox="587 987 906 1046"><i>Taranaki Land District—South Taranaki District</i></p> <p data-bbox="587 1055 927 1137">0.3533 hectares, more or less, being Section 1 SO 500023. Part <i>Gazette</i> 1884, p 1224.</p>	<p data-bbox="963 392 1334 506">Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p data-bbox="963 515 1334 651">Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p data-bbox="963 660 1334 831">Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p data-bbox="963 840 1334 976">Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p> <p data-bbox="963 985 1334 1043">Subject to being a historic reserve, as referred to in section 66(3).</p> <p data-bbox="963 1052 1334 1189">Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p data-bbox="963 1198 1334 1335">Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p data-bbox="963 1321 1334 1435">Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p data-bbox="963 1444 1334 1581">Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p data-bbox="963 1590 1334 1704">Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p data-bbox="963 1713 1334 1827">Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p data-bbox="963 1836 1334 1973">Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p>

Name of property	Description	Interests
Ōkato Coast property	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>10.1272 hectares, more or less, being Sections 1, 2, 3, 4, 5, 6, 7, and 9 SO 495008.</p>	<p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p> <p>Subject to being a historic reserve, as referred to in section 67(3).</p> <p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection</p>

Name of property	Description	Interests
Ōmata Stockade	<p data-bbox="576 472 895 533"><i>Taranaki Land District—New Plymouth District</i></p> <p data-bbox="576 539 895 651">0.4799 hectares, more or less, being Lot 1 DP 13274. All computer freehold register TNF2/798.</p>	<p data-bbox="963 383 1329 465">permit with national permit number NM-25129-RES to Chris Simon and others.</p> <p data-bbox="963 472 1329 533">Subject to being a historic reserve, as referred to in section 68(3).</p> <p data-bbox="963 539 1329 622">Together with a right of way easement created by Transfer 279715.5.</p> <p data-bbox="963 629 1329 712">State Highway 45 adjoining the property is a Limited Access Road by Certificate 289428.</p> <p data-bbox="963 719 1329 869">Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p data-bbox="963 875 1329 987">Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p data-bbox="963 994 1329 1106">Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p data-bbox="963 1113 1329 1225">Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p data-bbox="963 1232 1329 1382">Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p data-bbox="963 1388 1329 1500">Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p data-bbox="963 1507 1329 1635">Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p data-bbox="963 1641 1329 1814">Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p data-bbox="963 1821 1329 1991">Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p>

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Opunake site B	<p><i>Taranaki Land District—South Taranaki District</i></p> <p>2.0 hectares, approximately, being Parts Section 1 Opunake Suburban. Part <i>Gazette</i> 1871, p 208. Subject to survey.</p> <p>As shown on OTS-053-11.</p>	<p>Subject to being a historic reserve, as referred to in section 69(3).</p> <p>Subject to the easement in gross for a right to drain and convey stormwater referred to in section 69(5)(a).</p> <p>Subject to the easement in gross for a right to drain sewage referred to in section 69(5)(b).</p> <p>Subject to the easement in gross for a right of way referred to in section 69(5)(c).</p> <p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit</p>

Name of property	Description	Interests
Ōrimupiko / Headlands site B	<p><i>Taranaki Land District—South Taranaki District</i></p> <p>2.4 hectares, approximately, being Part Block XLIX Town of Opunake. Part <i>Gazette</i> notice 292646. Subject to survey.</p> <p>0.3 hectares, approximately, being Part Section 1 Block IX Opunake Survey District. Part <i>Gazette</i> notice 292873.3. Subject to survey.</p> <p>As shown on OTS-053-12.</p>	<p>number NM-25129-RES to Chris Simon and others.</p> <p>Subject to being a historic reserve, as referred to in section 70(3).</p> <p>Subject to the easement in gross for a right of way referred to in section 70(5).</p> <p>Subject to an unregistered licence to occupy to Puketapu Partners (dated 8 June 2015).</p>
Sutton Road site A	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>1.7600 hectares, more or less, being Section 2 SO 495010.</p>	<p>Subject to being a historic reserve, as referred to in section 71(3).</p> <p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p>



Name of property	Description	Interests
Sutton Road site B	<p><i>Taranaki Land District—New Plymouth District</i> 0.6330 hectares, more or less, being Section 1 SO 495010. Part <i>Gazette</i> notice 106016.</p>	<p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p> <p>Subject to being a local purpose (foreshore) reserve, as referred to in section 72(3).</p> <p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p>

Name of property	Description	Interests
Tapuinikau Pā	<p data-bbox="576 383 927 443"><i>Taranaki Land District—South Taranaki District</i></p> <p data-bbox="576 450 927 566">2.4300 hectares, more or less, being Lot 1 DP 12237. All computer freehold register TNE2/1163.</p> <p data-bbox="576 573 927 667">1.0749 hectares, more or less, being Tapuinikau A. All <i>Gazette</i> 1929, p 2640.</p>	<p data-bbox="963 383 1329 443">Subject to being a historic reserve, as referred to in section 73(3).</p> <p data-bbox="963 450 1329 595">Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p data-bbox="963 602 1329 719">Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p data-bbox="963 725 1329 842">Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p data-bbox="963 848 1329 965">Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p data-bbox="963 972 1329 1111">Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p data-bbox="963 1117 1329 1234">Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p data-bbox="963 1240 1329 1379">Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p data-bbox="963 1386 1329 1563">Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p data-bbox="963 1570 1329 1711">Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p>

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Tataraimaka Pā	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>0.7397 hectares, more or less, being Section 1 SO 495012. Part <i>Gazette</i> 1906, p 3105.</p>	<p>Subject to being a historic reserve, as referred to in section 74(3).</p> <p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p>
Te Koru Pā	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>1.7371 hectares, more or less, being Section 1 SO 494368. Part Proclamation W1713, part Proclamation 1310, and part <i>Gazette</i> notice 239433.</p>	<p>Subject to being a historic reserve, as referred to in section 75(3).</p> <p>Subject to an unregistered low-impact research and collection permit with national permit number TT-25380-FLO to Graeme Jane.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national</p>

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
	0.9670 hectares, more or less, being Section 2 SO 494368. Part <i>Gazette</i> notice 239433.	<p>permit number 35130-FAU to Wildland Consultants Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number TW-34308-FAU to Barbara Watkins and Ngaire Jury.</p> <p>Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink.</p> <p>Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU to Animal Health Board Incorporated.</p> <p>Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.</p> <p>Subject to an unregistered concession (permit) with concession numbers WC-27582-LAN and PAC-11-06-442 to Bus and Coach Association (New Zealand) Incorporated.</p> <p>Subject to an unregistered high-impact research and collection permit with national permit number NM-25129-RES to Chris Simon and others.</p>

*Ngā Motu: properties jointly held in fee simple*

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Koruanga / Motukuku and Tokatapu	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>0.1220 hectares, more or less, being Sections 10, 11, and 12 SO 488325. Part computer freehold register TN144/101.</p>	
Mataora (Round Rock), Motuotamatea (Snapper Rock), and Pararaki (Seagull Rock)	<p><i>Taranaki Land District—New Plymouth District</i></p> <p>2.8150 hectares, more or less, being Sections 13, 14, 15, and 16 SO 488325. Part computer freehold register TNB3/32.</p>	

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<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Motumahanga (Saddleback), Moturoa, Waikaranga (Seal Rocks), and Whareumu (Lion Rock)	<i>Taranaki Land District—New Plymouth District</i> 2.6300 hectares, more or less, being Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 SO 488325. Part computer freehold register TN144/101.  1.8150 hectares, more or less, being Sections 18, 19, 20, and 21 SO 488325. Part computer freehold register TN102/148.  0.3550 hectares, more or less, being Section 17 SO 488325.	

## Schedule 3

### Notices in relation to RFR land

ss 118, 141, 147(3)

#### 1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under subpart 2 of Part 3 must be—

- (a) in writing and signed by—
  - (i) the person giving it; or
  - (ii) at least 2 of the trustees, for a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—
  - (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or
  - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 121, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and
- (c) for a notice given under section 137 or 139, 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 3 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; or
  - (b) on the fourth day after posting, if posted; or
  - (c) 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.

## Reprints notes

### **1** *General*

This is a reprint of the Taranaki Iwi Claims Settlement Act 2016 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

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

Contract and Commercial Law Act 2017 (2017 No 5): section 347