Version
as at 12 April 2022

Ngāti Hinerangi Claims Settlement Act 2021

Public Act	2021 No 11
Date of assent	12 April 2021
Commencement	see section 2

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Note

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

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

This Act is administered by the Ministry of Justice.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Hinerangi Claims Settlement Act 2021.

2 Commencement

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

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

Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Ngāti Hinerangi in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Hinerangi.

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 Ngāti Hinerangi, as recorded in the deed of settlement; and

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

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

(g) provides for—

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

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

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

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

(v) access to the deed of settlement.

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

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

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

(ii) a statutory acknowledgement by the Crown of the statements made by Ngāti Hinerangi 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) an overlay classification applying to a certain area of land; 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, including provisions for—

(a) the transfer of commercial redress properties; and

(b) the transfer of licensed land; and

(c) access to protected sites; and

(d) rights of first refusal over RFR land.

(5) There are 4 schedules, as follows:

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

(b) Schedule 2 describes the overlay area to which the overlay classification applies:

(c) Schedule 3 describes the cultural redress properties:

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

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

7 Summary of historical account, acknowledgements, and apology

(1) Section 8 summarises in English and te reo Māori the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.

(2) Sections 9 and 10 record in English and te reo Māori the text of the acknowledgements and apology given by the Crown to Ngāti Hinerangi in the deed of settlement.

(3) The acknowledgements and apology are to be read together with the historical account recorded in part 3 of the deed of settlement.

8 Summary of historical account

Summary of historical background to claims by Ngāti Hinerangi

(1) In 1840, 1 rangatira affiliated with Ngāti Hinerangi signed the Treaty of Waitangi when it was taken to Tauranga. The Treaty was not taken to Ngāti Hinerangi's inland settlements across the Kaimai Range.

(2) In the early 1860s, Ngāti Hinerangi became adherents of the Kīngitanga movement, which was founded to create a Māori political authority and slow the sale of Māori land. When war broke out in Taranaki in 1860, Ngāti Hinerangi warriors joined Kīngitanga forces opposing the Crown. Ngāti Hinerangi warriors also opposed the Crown during the Waikato War.

(3) In January 1864, the Crown sent troops into Tauranga in order to disrupt the movement of men and supplies to the Waikato. As a result many Tauranga Māori who had fought in the Waikato War returned home to aid in the defence of Tauranga.

(4) In April 1864, Ngāti Hinerangi were among the force of Tauranga Māori who defeated Crown troops at the battle of Pukehinahina (Gate Pā). In June 1864, Crown troops defeated Māori forces at the battle of Te Ranga.

(5) Following the battle of Te Ranga, between 1865 and 1868, the Crown confiscated approximately 290,000 acres of land in Tauranga under the New Zealand Settlements Act 1863. That Act authorised the Crown to confiscate the lands of Māori deemed to have been in rebellion against the Crown. Governor Grey promised Tauranga Māori that the Crown would only retain one-quarter of the district and return the rest to Māori. The Crown applied the legislation across the entire Tauranga district, including the lands of loyal Māori.

(6) The Crown retained 50,000 acres of land in Tauranga outright. The remaining lands were returned to Māori through a Compensation Court process, which

was not completed until 1886. Land was returned to individuals rather than hapū, making it more susceptible to partition and alienation.

(7) Ngāti Hinerangi and other Tauranga Māori opposed the Crown's confiscation of land in Tauranga and obstructed Crown surveys of the land. In early 1867, the situation escalated and a Crown military force was sent to capture those responsible for interfering with surveys. No arrests were made, but between January and March 1867, several Māori villages were attacked by the Crown using scorched earth tactics, destroying crops and homes.

(8) In 1864, the Crown entered into an agreement to purchase the 90,000-acre Te Puna-Katikati block, an area in which Ngāti Hinerangi had interests. The Crown did not investigate the ownership of the block before entering into this transaction and Ngāti Hinerangi were not party to the original sale. In 1871, after years of opposition to the purchase, a small group of chiefs from Ngāti Hinerangi signed a deed in respect of the Te Puna-Katikati block. By this time the Te Puna-Katikati block was already in Crown possession and Ngāti Hinerangi had no opportunity to retain the land.

(9) In 1865, the Native Land Court was established to determine the ownership of Māori land. The Court converted customary title into title derived from the Crown. Ngāti Hinerangi land to the west of the Tauranga confiscation district passed through the Native Land Court. The Court's awards were made to individuals and did not reflect Ngāti Hinerangi tikanga.

(10) Over the course of the 20th century, Ngāti Hinerangi land continued to be alienated, leaving Ngāti Hinerangi virtually landless in both the Tauranga Moana and Waikato areas of their tribal rohe. This loss of land was the major factor that resulted in the social, cultural, and economic marginalisation of Ngāti Hinerangi.

He Whakarāpopototanga I Ngā Kōrero Hītori E Pā Ana Ki Ngā Kerēme A Ngāti Hinerangi

(1) I te tau 1840, i hainatia te Tiriti o Waitangi e tētehi rangatira i whai pānga ki a Ngāti Hinerangi i te haringa atu o tērā ki Tauranga. Kīhai te Tiriti i kawea ki ngā kāinga tuawhenua o Ngāti Hinerangi, whakawhiti atu i te pae maunga o Kaimai.

(2) I ngā tau tōmua o ngā tau 1860 ka tīmata a Ngāti Hinerangi ki te whai i te Kīngitanga, he mea whakatū hei hanga i te tōrangapū mana Māori me te whakapōturi i te hokonga atu o ngā whenua Māori. I te tīmatanga o te pakanga i Taranaki i te tau 1860 ka tūhono ētehi toa o Ngāti Hinerangi ki ngā ope taua o te Kīngitanga e whawhai ana ki te Karauna. I ātete hoki ētehi toa o Ngāti Hinerangi ki te Karauna i te wā o te pakanga i Waikato.

(3) I te Hānuere o te tau 1864 ka tukuna e te Karauna ngā hōia ki roto o Tauranga ki te haukoti i te nekehanga o ngā tāne me ngā rawa ki Waikato. I te mutunga iho ka hoki te tokomaha o ngā toa o Tauranga i whawhai i te pakanga o Waikato ki te kāinga, ki te āwhina i te wawaotanga o Tauranga.

(4) I te Āperira o te tau 1864 ka whai wāhi atu ētehi o Ngāti Hinerangi ki te ope taua o ngā Māori o Tauranga i haukerekere i ngā hōia o te Karauna i te pakanga o Pukehinahina. I te Hune o te tau 1864 ka haukerekerehia ngā ope taua Māori e ngā hōia Karauna i te pakanga o Te Ranga.

(5) I muri i te pakanga o Te Ranga i waenga i te tau 1865 me te 1868, ko tōna 290,000 eka ngā whenua i Tauranga i raupatuhia e te Karauna i raro i te New Zealand Settlements Act 1863. Nā te Ture nei i whakamana te Karauna ki te raupatu i ngā whenua o ngā Māori i kīia rā, i whai wāhi atu ki te whakatumatanga ki te Karauna. I kī taurangi a Kāwana Kerei ki ngā Māori o Tauranga ka purutia e te Karauna tētehi hauwhā anahe o te takiwā, ā, ka whakahokia te toenga ki te Māori. Ka whakatinana te Karauna i te ture ki te takiwā katoa o Tauranga, tae atu ki ngā whenua o ngā Māori piripono.

(6) I mau tūturu ki te Karauna ngā eka e 50,000 o ngā whenua i Tauranga. Ko ngā whenua e toe ana i whakahokia ki te Māori mā tētehi tukanga Kōti Paremata, ā, kīhai tēnei i oti tae noa ki te tau 1886. I whakahokia te whenua ki ngā tāngata takitahi, tē whakahokia ai ki ngā hapū, nā konā i wātea ake ai te whenua kia wāwāhingia, kia hokona hoki.

(7) I ātete a Ngāti Hinerangi me ētehi atu Māori o Tauranga i tā te Karauna raupatu whenua i Tauranga, ā, ka āraitia ngā rūritanga o ngā whenua e te Karauna. I te tōmuatanga o te tau 1867 ka kaha ake te raruraru, ā, ka tukuna he ope hōia nō te Karauna ki te hopu i te hunga i whakararuraru i ngā mahi rūri. Kāore tētehi i mauheretia, engari i waenga i te Hānuere me te Māehe o te tau 1867 i huakina ētehi kāinga Māori e te ope taua a te Karauna me te whakamahi i ngā rautaki muru whenua, hei urupatu i ngā māra kai me ngā whare.

(8) I te tau 1864 ka whakarite te Karauna i tētehi whakaaetanga ki te hoko i te poraka e 90,000 eka nei te rahi, o Te Puna-Katikati, o te wāhi i whai pānga ai a Ngāti Hinerangi. Kīhai te Karauna i whakatewhatewha nō wai taua poraka i mua i tēnei whakaritenga, ā, kīhai a Ngāti Hinerangi i whai wāhi ki te hokonga tuatahi. I te tau 1871, i muri i ngā tau maha o te ātete i te hokonga, ka hainatia e tētehi rōpū iti o ngā rangatira o Ngāti Hinerangi tētehi tīti mō te poraka o Te Puna-Katikati. Tae mai nei ki tēnei wā kua mau ki te Karauna te poraka o Te Puna-Katikati, ā, kāore a Ngāti Hinerangi i whai wāhi ki te pupuru tonu i te whenua.

(9) I te tau 1865 i whakatūria te Kōti Whenua Taketake hei whakatau i te rangatiratanga o ngā whenua Māori. I panonihia e te kōti te mana tuku iho hei taitara i ahu kē mai i te Karauna. I whakawāngia ngā whenua o Ngāti Hinerangi ki te uru o te takiwā raupatu o Tauranga e te Kōti Whenua Taketake. I tukuna ngā whakawhiwhinga a te Kōti ki ngā tāngata takitahi, ā, kīhai i hāngai ki ngā tikanga a Ngāti Hinerangi.

(10) I te roanga atu o te rautau rua tekau, ka haere tonu te hokonga o ngā whenua o Ngāti Hinerangi, me te aha, tata whenua kore ana te noho a Ngāti Hinerangi i roto i ngā rohe e rua i Tauranga Moana me Waikato i ō rātou rohe ā-iwi. Koia

ko tēnei rironga whenua te take matua i tino heke ai te oranga ā-pāpori, ā-ahurea, ā-ohaoha hoki o Ngāti Hinerangi.

9 Acknowledgements

Acknowledgements of the Crown

(1) The Crown acknowledges that—

(a) members of Ngāti Hinerangi fought in the war in Tauranga in 1864, during which many Māori of Tauranga and surrounding areas lost their lives; and

(b) it was ultimately responsible for the outbreak of that war, and that its actions breached the Treaty of Waitangi and its principles.

(2) The Crown acknowledges that—

(a) the 1865 Tauranga confiscation/raupatu and the subsequent Tauranga District Lands Acts 1867 and 1868 compulsorily extinguished the customary interests of Ngāti Hinerangi that lay within the Tauranga confiscation district; and

(b) the land it returned to Ngāti Hinerangi was returned in individualised title rather than Māori customary title; and

(c) this made Ngāti Hinerangi land more susceptible to alienation and resulted in the loss of access to wāhi tapu and traditional mahinga kai, and caused significant suffering and distress to Ngāti Hinerangi; and

(d) the confiscation/raupatu of land at Tauranga and subsequent Tauranga District Lands Acts 1867 and 1868 were unjust and a breach of the Treaty of Waitangi and its principles.

(3) The Crown acknowledges that—

(a) it inflicted a scorched earth policy in its assaults on Ngāti Hinerangi during the 1867 bush campaign; and

(b) the destruction of Ngāti Hinerangi's cultivations and settlements during the bush campaign had a devastating impact on the welfare of Ngāti Hinerangi.

(4) The Crown acknowledges that its conduct during the bush campaign was unreasonable and unnecessary and was a breach of the Treaty of Waitangi and its principles.

(5) The Crown acknowledges that it failed to actively protect Ngāti Hinerangi interests in lands they wished to retain when it initiated the purchase of Te Puna and Katikati blocks in 1864 without investigating the rights of Ngāti Hinerangi to these lands and this failure was in breach of the Treaty of Waitangi and its principles.

(6) The Crown acknowledges that—

(a) it did not consult with Ngāti Hinerangi before introducing native land laws that provided for the individualisation of Māori land previously held in collective tenure; and

(b) the Native Land Court title determination process carried significant costs, including survey and court costs, which at times contributed to the sale of Ngāti Hinerangi land; and

(c) the workings of the native land laws, in particular the awarding of land to individuals rather than iwi or hapū, made the lands of Ngāti Hinerangi more susceptible to alienation, fragmentation, and partition; and

(d) the native land laws eroded Ngāti Hinerangi traditional social structures and rangatiratanga. The Crown acknowledges it failed to take adequate steps to protect these structures, and this was a breach of the Treaty of Waitangi and its principles.

(7) The Crown acknowledges that it made a sham of provisions in the native land laws that provided for collective decision making about land alienations to be made by meetings of the assembled owners when it purchased individual interests in the Matamata North block after a meeting of assembled owners had rejected the Crown offer, and this was a breach of the Treaty of Waitangi and its principles.

(8) The Crown acknowledges that, when purchasing land from Ngāti Hinerangi in the 1920s, in some instances it failed to account fairly for the value of timber on the land, which was a breach of the Treaty of Waitangi and its principles.

(9) The Crown acknowledges that between 1953 and 1974, it empowered the Māori Trustee to compulsorily acquire shares in Ngāti Hinerangi lands which the Crown considered uneconomic and this was in breach of the Treaty of Waitangi and its principles and deprived some Ngāti Hinerangi of a direct link to their tūrangawaewae.

(10) The Crown acknowledges that the cumulative effect of its acts and omissions left Ngāti Hinerangi virtually landless, and had a devastating impact on their economic, social, and cultural well-being and development. The Crown's failure to ensure that Ngāti Hinerangi retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles.

(11) The Crown acknowledges that the construction of the Kaimai Tunnel through Ngāti Hinerangi's sacred maunga has been a significant source of grievance for Ngāti Hinerangi. The Crown further acknowledges that the Kaimai Tunnel contributed to the economic prosperity of the Tauranga region, and that Crown policies limited the ability of Ngāti Hinerangi to share in that prosperity.

Te Whakaaetanga

(1) E whakaae ana te Karauna—

(a) i whai wāhi ētehi mema o Ngāti Hinerangi ki te pakanga i Tauranga i te tau 1864, i reira ka mate te tokomaha o ngā Māori o Tauranga me ngā takiwā huri noa; ā

(b) i te mutunga iho, ko ia tonu te take i tīmata ai taua pakanga, ā, nā āna mahi i takahia ai te Tiriti o Waitangi me ōna mātāpono.

(2) E whakaae ana te Karauna—

(a) i raro i te ture, i whakakorea e te raupatu o Tauranga i te tau 1865 me ngā ture, me te Tauranga District Lands Acts o te tau 1867 me tō te tau 1868 ngā pānga tuku iho o Ngāti Hinerangi i roto i te takiwā raupatu o Tauranga; ā

(b) ko te whenua i whakahokia ki a Ngāti Hinerangi i whakahokia hei taitara tangata takitahi, kaua hei taitara whenua Māori, papatupu nei; ā

(c) nā tēnei i wātea ake ai ngā whenua kia hokona, me te aha, haukotia ana te haere ki ngā wāhi tapu me ngā mahinga kai papatupu, ā, i kaha ake ai te mamae me te ngākau pōuri o Ngāti Hinerangi; ā

(d) kāore te raupatu o ngā whenua i Tauranga me ngā ture, me te Tauranga District Lands Acts o te tau 1867 me tō te tau 1868 i whai ake, i tōkeke, ā, i takahi hoki aua āhuatanga i te Tiriti o Waitangi me ōna mātāpono.

(3) E whakaae ana te Karauna—

(a) i kōkiri ia i tana rautaki muru whenua i āna huakitanga ki a Ngāti Hinerangi i te kōkiritanga i te ngahere o te tau 1867; ā

(b) nā te urupatutanga o ngā māra kai me ngā kāinga noho o Ngāti Hinerangi i te wā o te kōkiritanga i te ngahere, i kaha pēhia rawatia ai te oranga o Ngāti Hinerangi.

(4) E whakaae ana te Karauna i hē āna mahi, he inati, kāore hoki i whai tikanga, i te wā o te kōkiritanga i te ngahere, ā, i takahi aua mahi i te Tiriti o Waitangi me ōna mātāpono.

(5) E whakaae ana anō te Karauna kīhai rawa ia i ngana ki te tiaki i ngā pānga whenua o Ngāti Hinerangi, i hiahiatia kia pupurutia e rātou, nōna i tīmata ki te hoko mai i ngā poraka o Te Puna me Katikati i te tau 1864, me te kore i whakatewhatewha i te mana o Ngāti Hinerangi ki aua whenua, ā, nā tēnei hapa i takahia ai te Tiriti o Waitangi me ōna mātāpono.

(6) E whakaae ana te Karauna—

(a) kīhai ia i whakawhitiwhiti kōrero ki a Ngāti Hinerangi i mua i te whakaurunga o ngā ture whenua Māori, i whakaturehia ai te tangata takitahitanga o ngā whenua Māori i tōpū kē te purutia i mua; ā

(b) i nui ngā utu i puta i te tukanga whakatau taitara o te Kōti Whenua Taketake, tae atu ki ngā utu rūri, utu kōti anō hoki, ā, i ētehi wā i whai wāhi ēnei ki te hokonga atu o ngā whenua o Ngāti Hinerangi; ā

(c) nā ngā whakaritenga ka heke i ngā ture whenua Māori, ina koa te whakawhiwhi i ngā poraka ki ngā tāngata takitahi, tē whakawhiwhi kē ai ki te iwi, ki ngā hapū rānei, nā reira i wātea ake ai ngā whenua o Ngāti Hinerangi kia hokona, kia whakawehengia, kia wāwāhitia hoki; ā

(d) i ngāhorohorotia ngā tikanga pāpori tuku iho me te rangatiratanga o Ngāti Hinerangi e ngā ture whenua Māori. E whakaae ana te Karauna i hē āna mahi tiaki i aua tikanga, ā, nā konei i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

(7) E whakaae ana te Karauna i kūnakunaku ngā whakaritenga i roto i ngā ture whenua Māori i hangaia ai kia whai wāhi te whakatau ā-rōpū mō ngā hokonga whenua ka tau i ngā hui tōpū o ngā kaipupuru, nō te Karauna e hoko mai ana i ngā pānga o ngā kaipupuru takitahi i roto i te poraka o Matamata ki te Raki i muri i te ākiritanga o te tuku a te Karauna i tētehi huinga tōpū o ngā kaipupuru, ā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

(8) E whakaae ana te Karauna nōna ka hoko whenua i a Ngāti Hinerangi i ngā tau 1920, kīhai i tika i ētehi wā tana whakatau i te uara o ngā rākau i aua whenua, ā, i takahi aua mahi i te Tiriti o Waitangi me ōna mātāpono.

(9) E whakaae ana te Karauna i waenga i te tau 1953 ki te tau 1974 i whakamanatia te Kaitiaki Māori kia riro mai i a ia ngā hea o ngā whenua o Ngāti Hinerangi, i raro i te ture, i kīia rā e te Karauna he whenua tōtōā, ā, i takahi tēnei i te Tiriti o Waitangi me ōna mātāpono, ka mutu nā konā i motu ai te here o ētehi o Ngāti Hinerangi ki tō rātou tūrangawaewae.

(10) E whakaae ana te Karauna nā te tāpirihanga o ngā pānga i hua i āna mahi me ōna hapa ka tata whenua kore te noho a Ngāti Hinerangi, ā, i kino rawa atu ngā pānga ki tō rātou oranga ā-ōhanga, ā-iwi, ā-ahurea, me te whakawhanaketanga hoki. Nā te korenga o te Karauna i whakarite kia mau tonu ki a Ngāti Hinerangi tētehi wāhanga nui o te whenua e tika ai tā rātou tiaki i a rātou anō i tērā wā, ā haere ake nei hoki, he takahitanga tēnei i te Tiriti o Waitangi me ōna mātāpono.

(11) E whakaae ana te Karauna kua noho te hanganga o te Anaroa o Kaimai mā te maunga tapu o Ngāti Hinerangi hei nawe nunui, hei take i pāmamae nui ai a Ngāti Hinerangi. E whakaae ana hoki te Karauna he wāhi nui tō te Anaroa o Kaimai ki te tōnuitanga ā-ōhanga o te rohe o Tauranga, ā, nā ngā kaupapa here a te Karauna i whāiti ai te whai wāhitanga o Ngāti Hinerangi ki taua tōnuitanga.

10 Apology

Crown apology

The text of the apology offered by the Crown to Ngāti Hinerangi, as set out in the deed of settlement, is as follows:

“(a) The Crown makes the following apology to the hapū and whānau of Ngāti Hinerangi, to your tūpuna and your mokopuna.

(b) The Crown is profoundly sorry for having failed to uphold its obligations to Ngāti Hinerangi under te Tiriti o Waitangi/the Treaty of Waitangi. The relationship between Ngāti Hinerangi and the Crown should have been one based upon the principles of mutual respect and partnership, as envisioned in te Tiriti o Waitangi/the Treaty of Waitangi, however for too many years Crown actions tarnished this relationship.

(c) The Crown unreservedly apologises for bringing war to your people and for the raupatu of land that followed. The Crown deeply regrets the scorched earth tactics it employed against Ngāti Hinerangi during the bush campaign and acknowledges the profound distress war and raupatu caused your tūpuna.

(d) The Crown apologises for its promotion of many laws and policies that facilitated the loss of Ngāti Hinerangi's remaining lands, which contributed to the economic and social marginalisation of Ngāti Hinerangi within your own rohe. The Crown deeply regrets that its actions deprived Ngāti Hinerangi of access to the maunga, awa, waiariki, wāhi tapu and mahinga kai that had sustained your people for many generations.

(e) The Crown regrets that it did not respond adequately to the past generations of Ngāti Hinerangi who sought to obtain justice for their people.

(f) The Crown hopes that through this settlement it can restore its honour and alleviate the justifiable sense of grievance felt by generations of Ngāti Hinerangi. The Crown looks forward to building a meaningful relationship with Ngāti Hinerangi based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles."

Te Whakapāha

"(a) E whakatakoto ana te Karauna i tēnei whakapāha ki ngā hapū me ngā whānau o Ngāti Hinerangi, ki ō koutou tūpuna me ā koutou mokopuna.

(b) E tino pōuri ana te Karauna i tana korenga i whakatinana i ōna herenga ki a Ngāti Hinerangi i raro i te Tiriti o Waitangi. Ko tōna tikanga kua ahu mai te whanaungatanga i waenga i a Ngāti Hinerangi me te Karauna i ngā mātāpono o te whakawhirinaki taupuhipuhi me te mahi ngātahi, i matakitea ai i te Tiriti, heoi i mōnenehutia kētia taua whanaungatanga i ngā tau tini e ngā mahi a te Karauna.

(c) Anei te Karauna e kaha whakapāha atu nei i tana kawe i te pakanga ki tō koutou iwi me te raupatutanga o te whenua i muri mai. Inā te nui o te whakapāha a te Karauna i āna rautaki muru whenua i kōkiritia ki a Ngāti Hinerangi i te wā o te kōkiritanga i te ngahere, me te mōhio ki te tino mamae i pā ki ō koutou tūpuna i te pakanga me te raupatu.

(d) E whakapāha atu ana te Karauna i tana whakatairanga i te huhua o ngā ture me ngā kaupapa here, nā reira i riro ai ngā whenua o Ngāti Hiner-

angi e toe ana, me te kauneke hoki i te hekenga o ngā āhuatanga o te ōhanga me te pāpori o Ngāti Hinerangi i roto i tō koutou ake rohe. Arā noa te kaha o te pōuri o te Karauna, nā āna mahi i whakakore te āheinga o Ngāti Hinerangi ki te uru ki ngā maunga, ki ngā awa, ki ngā waiariki, ki ngā wāhi tapu me ngā mahinga kai i whai oranga ai tō koutou iwi mō ngā whakatupuranga e whia nei.

(e) E pōuri ana te Karauna kāore i tika tana urupare ki ngā whakatupuranga o mua atu, o Ngāti Hinerangi, i ngana ki te whai i te tika mō tō rātou anō iwi.

(f) E tūmanako ana te Karauna mā tēnei whakataunga e ū anō ai tōna mana, e hiki anō te wairua whakamau e tika ana kia rangona e ngā whakatupuranga o Ngāti Hinerangi. E anga whakamua ana te Karauna ki te whakapakari i tētehi hononga whaitake ki a Ngāti Hinerangi ka ahu mai i ngā mātāpono o te mahi ngātahi, o te whakawhirinaki taupuhipuhitanga, me te whakaute i te Tiriti o Waitangi me ōna mātāpono."

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

commercial redress property has the meaning given in section 97

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

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

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

conservation 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 64

deed of recognition—

(a) means a deed of recognition issued under section 43 by the Minister of Conservation and the Director-General; and

(b) includes any amendments made under section 43(3)

deed of settlement—

(a) means the deed of settlement dated 4 May 2019 and signed by—

(i) the Honourable Andrew Little, Minister for Treaty of Waitangi Negotiations, for and on behalf of the Crown; and

(ii) Phillip Ian Smith, Barbara Mary Nganehu Kinzett, Hine Dianna Vaimoso, Waimatao Phyllis Smith, David Rawiri Thompson, Phillip John Samuels, Whanaupani Smith, and Christopher Wilson, for and on behalf of Ngāti Hinerangi; and

(iii) Phillip Ian Smith, Barbara Mary Nganehu Kinzett, Hine Dianna Vaimoso, Waimatao Phyllis Smith, David Rawiri Thompson, Phillip John Samuels, and Christopher Wilson, being the trustees of Te Puāwaitanga o Ngāti Hinerangi Iwi Trust; and

(b) includes—

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

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

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

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 Ngāti Hinerangi means an individual referred to in section 13(1)(a)

overlay classification has the meaning given in section 48

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

record of title has the meaning given in section 5 of the Land Transfer Act 2017

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

Registrar-General has the meaning given to Registrar in section 5 of the Land Transfer Act 2017

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 Ngāti Hinerangi; or

(iii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(c)

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

reserve property has the meaning given in section 64

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

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

RFR land has the meaning given in section 113

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

statutory acknowledgement has the meaning given in section 27

Te Puāwaitanga o Ngāti Hinerangi Iwi Trust means the trust of that name established by a trust deed dated 13 April 2019

tikanga means customary values and practices

trustees of Te Puāwaitanga o Ngāti Hinerangi Iwi Trust and **trustees** mean the trustees, acting in their capacity as trustees, of Te Puāwaitanga o Ngāti Hinerangi Iwi Trust

working day means a day other than—

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

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

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

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

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

13 Meaning of Ngāti Hinerangi

(1) In this Act, **Ngāti Hinerangi**—

(a) means the collective group composed of individuals who are descended from 1 or more Ngāti Hinerangi tūpuna; 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:

(i) Ngāti Tamapango:

(ii) Ngāti Tokotoko:

(iii) Ngāti Te Riha:

(iv) Ngāti Kura:

(v) Ngāti Whakamaungarangi:

(vi) Ngāti Tawhaki:

(vii) Ngāti Rangi:

(viii) Ngāti Tangata, but does not mean the hapū of Ngāti Tamaterā.

(2) In this section and section 14,—

ancestor of Ngāti Hinerangi means an individual who—

(a) exercised customary rights by virtue of being descended from—

(i) Kōperu; or

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

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

area of interest means the area shown as the Ngāti Hinerangi 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 Ngāti Hinerangi 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 Ngāti Hinerangi 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 Ngāti Hinerangi or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:

(i) Wai 1226 (Ngāti Hinerangi claim):

(ii) Wai 2110 (Ngāti Hinerangi Lands claim):

(iii) Wai 2112 (Ngāti Hinerangi Trust claim); and

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

(i) Wai 2106 (Heeni Rawiri Whanau and Others Lands claim):

(ii) Wai 1379 (Maurihoro B Trust claim):

(iii) Wai 2111 (Ngāti Tamapango, Ngāti Tokotoko and Others Lands claim):

(iv) Wai 2113 (Ngāti Tamapango and Ngāti Tokotoko Lands claim):

(v) Wai 2114 (Ngāti Tamapango and Ngāti Hinerangi Lands claim).

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

(a) a claim that a member of Ngāti Hinerangi, or a whānau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right

arising by virtue of being descended from an ancestor who is not an ancestor of Ngāti Hinerangi; or

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

(c) any claim based on descent from a recognised ancestor of Ngāti Rangi, Ngāti Tawhaki, or Ngāti Tamapango to the extent that a claim is, or is founded on, a right arising from being descended from an ancestor other than Kōperu.

(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:

Ngāti Hinerangi Claims Settlement Act 2021, 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 a cultural redress property; or

(b) to a commercial redress property; or

(c) to the RFR land; or

(d) for the benefit of Ngāti Hinerangi 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.

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 record of title for, each allotment that—

(a) is all or part of—

(i) a cultural redress property:

(ii) a commercial redress property:

(iii) the RFR land; and

(b) is subject to a resumptive memorial recorded under an enactment listed in section 17(2).

(2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after the settlement date, for a cultural redress property, a commercial redress property, or the RFR land.

(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 record of title identified in the certificate; and

(b) cancel each memorial recorded under an enactment listed in section 17(2) on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.

Miscellaneous matters

19 Limit on duration of trusts does not apply

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

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

(i) Te Puāwaitanga o Ngāti Hinerangi Iwi Trust may exist in law; or

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

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

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

20 Access to deed of settlement

The chief executive of the Office for Māori Crown Relations—Te Arawhiti 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 Office for Māori Crown Relations—Te Arawhiti 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 Office for Māori Crown Relations—Te Arawhiti.

Part 2
Cultural redress

Subpart 1—Protocols

21 Interpretation

In this subpart,—

protocol—

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

(i) the Crown minerals protocol:

(ii) the taonga tūturu protocol; and

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

responsible Minister means the 1 or more Ministers who have responsibility under a protocol.

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

(1) A responsible Minister—

(a) must issue a protocol to the trustees on the terms set out in part 5 of the documents schedule; and

(b) may amend or cancel that protocol.

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

(a) the trustees; or

(b) the responsible Minister.

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

23 Protocols subject to rights, functions, and duties

Protocols do not restrict—

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

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

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

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

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

24 Enforcement of protocols

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

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

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

(4) To avoid doubt,—

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

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

Crown minerals

25 Crown minerals protocol

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

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

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

(2) The noting of the summary is—

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

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

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

(4) In this section,—

Crown mineral means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991,—

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

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

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

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

Taonga tūturu

26 Taonga tūturu protocol

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

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

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

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

Subpart 2—Statutory acknowledgement, geothermal statutory acknowledgement, and deeds of recognition

27 Interpretation

In this subpart,—

geothermal energy has the meaning given in section 2(1) of the Resource Management Act 1991

geothermal resource—

(a) means the geothermal energy and the geothermal water within each of the geothermal fields described in Part 3 of Schedule 1, the general location of which is indicated on the deed plan for each field; but

(b) does not include any geothermal energy or geothermal water above the ground on land that is not owned by the Crown

geothermal statutory acknowledgement means the acknowledgement made by the Crown in section 36 in respect of the geothermal resource, on the terms set out in this subpart

geothermal water has the meaning given in section 2(1) of the Resource Management Act 1991

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,—

(a) for a statutory area, means the statement—

  (i) made by Ngāti Hinerangi of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

  (ii) set out in part 2 of the documents schedule; and

(b) for the geothermal resource, means the statement—

  (i) made by Ngāti Hinerangi of their particular cultural, historical, spiritual, and traditional association with the geothermal resource; and

  (ii) set out in part 2 of the documents schedule

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

statutory area means an area described in Part 1 or Part 2 of Schedule 1, the general location of which is indicated on the deed plan for that area

statutory plan—

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

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

Statutory acknowledgement

28 Statutory acknowledgement by the Crown

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

29 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

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

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

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

30 Relevant consent authorities to have regard to statutory acknowledgement

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

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

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

31 Environment Court to have regard to statutory acknowledgement

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

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

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

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

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

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

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

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

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

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

33 Recording statutory acknowledgement on statutory plans

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

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

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

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

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

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

(a) part of the statutory plan; or

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

34 Provision of summary or notice to trustees

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

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

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

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

(3) The summary must be provided—

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

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

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

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

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

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

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

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

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

35 Use of statutory acknowledgement

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

Geothermal statutory acknowledgement

36 Geothermal statutory acknowledgement by the Crown

The Crown acknowledges the statement of association for the geothermal resource.

37 Purposes of geothermal statutory acknowledgement

The only purposes of the geothermal statutory acknowledgement are—

(a) to require relevant consent authorities and the Environment Court to have regard to the geothermal statutory acknowledgement, in accordance with sections 38 and 39; and

(b) to require relevant consent authorities to record the geothermal statutory acknowledgement on statutory plans that relate to the geothermal resource and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 40 and 41; and

(c) to enable the trustees and any member of Ngāti Hinerangi to cite the geothermal statutory acknowledgement as evidence of the association of Ngāti Hinerangi with the geothermal resource, in accordance with section 42.

38 Relevant consent authorities to have regard to geothermal statutory acknowledgement

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

(2) On and from the effective date, a relevant consent authority must have regard to the geothermal statutory acknowledgement 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.

39 Environment Court to have regard to geothermal 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 the geothermal resource.

(2) On and from the effective date, the Environment Court must have regard to the geothermal statutory acknowledgement 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.

40 Recording geothermal statutory acknowledgement on statutory plans

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

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

(a) a copy of sections 36 to 39, 41, and 42; and

(b) a description of the geothermal resource wholly or partly covered by the plan; and

(c) the statement of association for the geothermal resource.

(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.

41 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 the geothermal resource:

(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.

42 Use of geothermal statutory acknowledgement

(1) The trustees and any member of Ngāti Hinerangi may, as evidence of the association of Ngāti Hinerangi with the geothermal resource, cite the geothermal statutory acknowledgement in submissions concerning the taking, use, damming, or diverting of any geothermal water or geothermal energy from the geothermal resource that are made to or before—

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) 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 geothermal 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 geothermal statutory acknowledgement into account.

(4) To avoid doubt,—

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

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

Deeds of recognition

43 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 deeds of recognition in the form set out in part 4 of the documents schedule for the statutory areas administered by the Department of Conservation.

(3) 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, geothermal statutory acknowledgement, and deeds of recognition

44 Application of statutory acknowledgement to river or stream

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

(a) applies only to—

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

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

(b) does not apply to—

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

(ii) an artificial watercourse.

45 Exercise of powers and performance of functions and duties

(1) The statutory acknowledgement, the geothermal statutory acknowledgement, and deeds 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 Ngāti Hinerangi with a statutory area than that person would give if there were no statutory acknowledgement, geothermal statutory acknowledgement, or deed of recognition for the statutory area.

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

(4) This section is subject to—

(a) the other provisions of this subpart; and

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

46 Rights not affected

(1) The statutory acknowledgement, the geothermal statutory acknowledgement, and deeds 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

47 Amendment to Resource Management Act 1991

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

(2) In Schedule 11, insert in its appropriate alphabetical order:
Ngāti Hinerangi Claims Settlement Act 2021

Subpart 3—Overlay classification

48 Interpretation

In this subpart,—

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

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

overlay area—

(a) means the area that is declared under section 49(1) to be subject to the overlay classification; but

(b) does not include any part of the area that is declared under section 60(1) to be no longer subject to the overlay classification

overlay classification means the application of this subpart to the overlay area

protection principles, for the overlay area,—

(a) means the principles agreed by the trustees and the Minister of Conservation, as set out for the area in part 1 of the documents schedule; and

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

specified actions, for the overlay area, means the actions set out for the area in part 1 of the documents schedule

statement of values, for the overlay area, means the statement—

(a) made by Ngāti Hinerangi of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and

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

49 Declaration of overlay classification and the Crown's acknowledgement

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

(2) The Crown acknowledges the statements of values for the overlay area.

50 Purposes of overlay classification

The only purposes of the overlay classification are—

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 52; and

(b) to enable the taking of action under sections 53 to 58.

51 Effect of protection principles

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

52 Obligations on New Zealand Conservation Authority and Conservation Boards

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

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

(b) the protection principles for the area.

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

(a) consult the trustees; and

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

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

(ii) any matters in the implementation of the protection principles for the area.

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

53 Noting of overlay classification in strategies and plans

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

(2) The noting of the overlay classification is—

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

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

54 Notification in *Gazette*

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

(a) the declaration made by section 49 that the overlay classification applies to the overlay areas; and

(b) the protection principles for each overlay area.

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

(3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 55 or 56.

55 Actions by Director-General

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

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

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

56 Amendment to strategies or plans

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

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

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

57 Regulations

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

(a) to provide for the implementation of objectives included in a strategy or plan under section 56(1):

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

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

(d) to prescribe the following fines for an offence referred to in paragraph (c):

(i) a fine not exceeding $5,000; and

(ii) if the offence is a continuing one, an additional amount not exceeding $500 for every day on which the offence continues.

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

Legislation Act 2019 requirements for secondary legislation made under this section

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

This note is not part of the Act.

58 Bylaws

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

(a) to provide for the implementation of objectives included in a strategy or plan under section 56(1):

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

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

(d) to prescribe the following fines for an offence referred to in paragraph (c):

(i) a fine not exceeding $5,000; and

(ii) if the offence is a continuing one, an additional amount not exceeding $500 for every day on which the offence continues.

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

Legislation Act 2019 requirements for secondary legislation made under this section

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

This note is not part of the Act.

59 Effect of overlay classification on overlay area

(1) This section applies if, at any time, the overlay classification applies to any land in—

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

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

(c) a reserve under the Reserves Act 1977.

(2) The overlay classification does not affect—

(a) the status of the land as a national park, conservation area, or reserve; or

(b) the classification or purpose of a reserve.

60 Termination of overlay classification

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

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

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

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

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

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

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

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

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

61 Exercise of powers and performance of functions and duties

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

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

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

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

62 Rights not affected

(1) The overlay classification does not—

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

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

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

Subpart 4—Advisory committee

63 Appointment of advisory committee in relation to Waihou catchment and certain fisheries in Tauranga Moana

(1) The responsible Minister must, not later than the settlement date, appoint the trustees of Te Puāwaitanga o Ngāti Hinerangi Iwi Trust to be an advisory committee under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995.

(2) The purpose of the advisory committee is to advise the Minister in relation to—

(a) the eel fishery in the Waihou catchment; and

(b) the fisheries in Tauranga Moana within the area of interest (as shown in the area of interest map in the attachments).

Subpart 5—Vesting of cultural redress properties

64 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 3:

Properties vested in fee simple

(a) Ōkauia property:

(b) Tūranga o Moana property:

(c) Wairere Falls property:

Properties vested in fee simple to be administered as reserves

(d) Ngā Tamahine e Rua:

(e) Ngāti Hinerangi property:

(f) Ngāti Hinerangi Waipapa property:

(g) Te Ara o Maurihoro (East) property:

(h) Te Ara o Maurihoro (West) property:

(i) Te Hanga property:

(j) Te Mimiha o Tūwhanga:

(k) Te Taiaha a Tangata:

(l) Te Tuhi (East) property:

(m) Te Tuhi (West) property:

(n) Te Wai o Ngāti Hinerangi property

Ngā Hapū o Ngāti Ranginui Settlement Trust means the trust of that name established by a trust deed dated 19 June 2012

Ngāi Te Rangi Settlement Trust means the trust of that name established by a trust deed dated 5 July 2013

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

Properties vested in fee simple

65 Ōkauia property

(1) The reservation of the Ōkauia property as a recreation reserve subject to the Reserves Act 1977 is revoked.

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

66 Tūranga o Moana property

The fee simple estate in the Tūranga o Moana property vests in the trustees.

67 Wairere Falls property

(1) The reservation of the part of the Wairere Falls property (being part of Wairere Falls Scenic Reserve) that is a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The part of the Wairere Falls property that is a conservation area ceases to be a conservation area under the Conservation Act 1987.

(3) The fee simple estate in the Wairere Falls property vests in the trustees.

(4) Despite the provisions of the Reserves Act 1977, the easement for the Wairere Falls property referred to in clause 5.39 of the deed of settlement—

(a) is enforceable in accordance with its terms; and

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

Properties vested in fee simple to be administered as reserves

68 Ngā Tamahine e Rua

(1) The reservation of Ngā Tamahine e Rua (being part of Maurihoro Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Ngā Tamahine e Rua vests in the trustees.

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

(4) The reserve is named Ngā Tamahine e Rua Scenic Reserve.

69 Ngāti Hinerangi property

(1) The Ngāti Hinerangi property ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Ngāti Hinerangi property vests in the trustees.

(3) The Ngāti Hinerangi property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve is named Ngāti Hinerangi Recreation Reserve.

70 Ngāti Hinerangi Waipapa property

(1) The reservation of the Ngāti Hinerangi Waipapa property as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Ngāti Hinerangi Waipapa property vests in the trustees.

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

(4) The reserve is named Ngāti Hinerangi Waipapa Scenic Reserve.

71 Te Ara o Maurihoro (East) property

(1) The Te Ara o Maurihoro (East) property (being part of Kaimai Mamaku Conservation Park) ceases to be part of the park and a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Te Ara o Maurihoro (East) property vests in the trustees.

(3) The Te Ara o Maurihoro (East) 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 Te Ara o Maurihoro (East) Historic Reserve.

72 Te Ara o Maurihoro (West) property

(1) The Te Ara o Maurihoro (West) property (being part of Kaimai Mamaku Conservation Park) ceases to be part of the park and a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Te Ara o Maurihoro (West) property vests in the trustees.

(3) The Te Ara o Maurihoro (West) 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 Te Ara o Maurihoro (West) Historic Reserve.

(5) The trustees must provide the Matamata–Piako District Council with a registrable right of way easement in gross on the terms and conditions set out in part 10.1 of the documents schedule.

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

(a) is enforceable in accordance with its terms; and

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

73 Te Hanga property

(1) That part of the Te Hanga property (being part of Kaimai Mamaku Conservation Park) that is a conservation area ceases to be part of the park and a conservation area under the Conservation Act 1987.

(2) The reservation of the Te Hanga property (being part of Maurihoro Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in the Te Hanga property vests in the trustees.

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

(5) The reserve is named Te Hanga Scenic Reserve.

(6) The trustees must provide the Crown with a registrable pedestrian right of way easement in gross on the terms and conditions set out in part 10.2 of the documents schedule.

(7) Despite the provisions of the Reserves Act 1977, the easement—

(a) is enforceable in accordance with its terms; and

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

74 Te Mimiha o Tūwhanga

(1) The reservation of Te Mimiha o Tūwhanga (being part of Maurihoro Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Mimiha o Tūwhanga vests in the trustees.

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

(4) The reserve is named Te Mimiha o Tūwhanga Scenic Reserve.

75 Te Taiaha a Tangata

(1) Te Taiaha a Tangata (being part of Kaimai Mamaku Conservation Park) ceases to be part of the park and a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Te Taiaha a Tangata vests in the trustees.

(3) Te Taiaha a Tangata 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 Taiaha a Tangata Historic Reserve.

(5) The trustees must provide the Crown with a registrable pedestrian right of way easement in gross on the terms and conditions set out in part 10.3 of the documents schedule.

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

(a) is enforceable in accordance with its terms; and

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

76 Te Tuhi (East) property

(1) The Te Tuhi (East) property (being part of Kaimai Mamaku Conservation Park) ceases to be part of the park and a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Te Tuhi (East) property vests in the trustees.

(3) The Te Tuhi (East) 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 Te Tuhi (East) Historic Reserve.

(5) The trustees must provide the Crown with a registrable pedestrian right of way easement in gross on the terms and conditions set out in part 10.4 of the documents schedule.

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

(a) is enforceable in accordance with its terms; and

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

77 Te Tuhi (West) property

(1) The Te Tuhi (West) property (being part of Kaimai Mamaku Conservation Park) ceases to be part of the park and a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Te Tuhi (West) property vests in the trustees.

(3) The Te Tuhi (West) 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 Te Tuhi (West) Historic Reserve.

(5) The trustees must provide the Crown with a registrable pedestrian right of way easement in gross on the terms and conditions set out in part 10.5 of the documents schedule.

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

(a) is enforceable in accordance with its terms; and

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

78 Te Wai o Ngāti Hinerangi property

(1) The Te Wai o Ngāti Hinerangi property (being part of Kaimai Mamaku Conservation Park) ceases to be part of the park and a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Te Wai o Ngāti Hinerangi property vests in the trustees.

(3) The Te Wai o Ngāti Hinerangi property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Te Wai o Ngāti Hinerangi Scenic Reserve.

General provisions applying to vesting of cultural redress properties

79 Properties vest subject to or together with interests

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

80 Interests in land for certain reserve properties

(1) This section applies to all or the part of each reserve property listed in subsection (2) that remains a reserve under the Reserves Act 1977 (the **reserve land**), but only after the establishment of a joint management body for the property under section 92 and while the joint management body is the administering body of the reserve land.

(2) The reserve properties are—

(a) the Te Tuhi (East) property; and

(b) the Te Ara o Maurihoro (East) property.

(3) If the reserve property is affected by an interest in land at the time the joint management body is established, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

(4) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered owner of the reserve land.

(5) Subsections (3) and (4) continue to apply despite any subsequent transfer of the reserve land under section 94.

81 Interests that are not interests in land

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

(2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that subsection (3) applies.

(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, but only to the extent that the property is all of the land contained in a record of title for a fee simple estate.

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

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

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

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

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

(a) create an appropriate record of title for the fee simple estate in the property in the name of the trustees; and

(b) record on the record of title 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 record of title.

(7) A record of title 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 person authorised by—

(a) the chief executive of Land Information New Zealand, for the Tūranga o Moana property:

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

83 Application of Part 4A of Conservation Act 1987

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

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

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

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

84 Matters to be recorded on record of title

(1) The Registrar-General must record on the record of title,—

(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, that the land is subject to Part 4A of the Conservation Act 1987.

(2) A notation 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 record of title for the property the notations 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; and

(iii) the property is subject to section 80 (if applicable); or

(b) part of the property, the Registrar-General must ensure that the notations referred to in paragraph (a) remain only on the record of title for the part of the property that remains a reserve.

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

85 Application of other enactments

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

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

(b) affect other rights to subsurface minerals.

(2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private

road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.

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

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

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

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

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 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 sections 89 to 94.

(3) In this section and sections 89 to 95, **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 owners 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 owners 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 owners 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.

(7) However, sections 90, 91, and 93 contain provisions that apply in relation to reserve land in the Ngāti Hinerangi Waipapa property, the Te Tuhi (East) property, and the Te Ara o Maurihoro (East) property, and those provisions apply instead of this section, or modify the application of this section, if that reserve land is transferred under any of those sections.

90 Transfer of reserve land in Ngāti Hinerangi Waipapa property to new administering body

(1) The trustees may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in any reserve land in the Ngāti Hinerangi Wai-

papa property to the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust (the **new owners**).

(2) The application must—

(a) state that both parties have formally agreed to the transfer; and

(b) include a copy of the formal resolutions to support that agreement; and

(c) include the statement "upon transfer, under section 90 of the Ngāti Hinerangi Claims Settlement Act 2021, the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust will be the new owners and the administering body of the reserve land".

(3) The Minister of Conservation must give written consent to the transfer to the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust if satisfied with the information provided.

(4) Section 89(3) to (6) applies in relation to the transfer with the necessary modifications.

(5) Following a transfer in accordance with this section, the new owners may not subsequently transfer the reserve land except in accordance with section 94 (to update trustee names).

91 Transfer of reserve land in Te Tuhi (East) property and Te Ara o Maurihoro (East) property to new administering body

(1) The trustees may apply in writing to the Minister of Conservation for consent to transfer an undivided half share in the fee simple estate of the reserve land in the Te Tuhi (East) property to the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust as tenants in common (the **new owners** for that transferred property).

(2) The trustees may apply in writing to the Minister of Conservation for consent to transfer an undivided half share in the fee simple estate of the reserve land in the Te Ara o Maurihoro (East) property to the trustees of the Ngāi Te Rangi Settlement Trust as tenants in common (the **new owners** for that transferred property).

(3) The application must—

(a) specify that both parties have formally agreed to the transfer; and

(b) include a copy of the formal resolutions to support that agreement; and

(c) include the statement "upon transfer, under section 91 of the Ngāti Hinerangi Claims Settlement Act 2021, the joint management body established under section 92 of that Act will be the administering body of the reserve land and the parties are able to comply with the requirements under that section".

(4) The Minister of Conservation must give written consent to the transfer to the relevant new owners if satisfied with the information provided.

(5) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of an undivided half share in the fee simple estate in the reserve land.

(6) The required documents are—

(a) a transfer instrument to transfer an undivided half share in the fee simple estate in the reserve land to the new owners, including—

(i) 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

(ii) the statement “the reserve land that is transferred and the undivided half share in the reserve land that is retained by the trustees is subject to section 80 of the Ngāti Hinerangi Claims Settlement Act 2021”; 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.

(7) The Registrar-General must note on both the record of title for the undivided half share held by the new owners and the record of title for the undivided half share retained by the trustees that the land is subject to section 80.

(8) The joint management body established under section 92 is the administering body of the reserve land, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

(9) The new owners, from the time of their registration under this section, hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.

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

(11) Following a transfer in accordance with this section, neither the new owners nor the trustees may subsequently transfer their undivided half shares in the reserve land except in accordance with section 94 (to update trustee names).

92 Joint management body for Te Tuhi (East) property and Te Ara o Maurihoro (East) property

(1) This section applies if reserve land in the Te Tuhi (East) property or in the Te Ara o Maurihoro (East) property is transferred under section 91.

(2) On the date of registration of the transfer to the new owners, a joint management body is established for the property.

(3) The following are appointers for the Te Tuhi (East) property for the purposes of this section:

(a) the trustees; and

(b) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust.

(4) The following are appointers for the Te Ara o Maurihoro (East) property for the purposes of this section:

(a) the trustees; and

(b) the trustees of the Ngāi Te Rangi Settlement Trust.

(5) Each appointer may appoint 2 members to the joint management body.

(6) A member is appointed only if the appointer gives written notice with the following details to the other appointers:

(a) the full name, address, and other contact details of the member; and

(b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

(7) An appointment ends after 5 years or when the appointer replaces the member by making another appointment.

(8) A member may be appointed, reappointed, or discharged at the discretion of the appointer.

(9) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.

(10) However, the first meeting of the body must be held no later than 2 months after the date of the transfer to the new owners.

93 Provisions that apply if transfer under section 90 or 91 not sought

(1) This section applies to reserve land that may be transferred under section 90 or 91.

(2) The trustees may, at any time, advise the relevant post-settlement governance entity that they intend to begin the process under section 90 or 91 for transferring reserve land to the entity.

(3) The relevant post-settlement governance entity must respond to the trustees within the period of 40 working days that starts on the date of the trustees' advice under subsection (2) if the entity wishes to accept or decline a transfer.

(4) If the relevant post-settlement governance entity advises the trustees that the entity does not wish the relevant property or a share in a relevant property to be transferred to the entity or if no response is received under subsection (3), section 89 applies to the land with the following modifications:

(a) the trustees 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**) who are not part of the relevant post-settlement governance entity; and

(b) the written application must include—

(i) written evidence that the relevant post-settlement governance entity has advised the trustees that the entity does not wish the relevant property or a share in a relevant property to be transferred to that entity; or

(ii) written evidence that the trustees have advised the relevant post-settlement governance entity under subsection (2) of their intention to begin the transfer process, together with a statement that the 40-working-day period under subsection (3) has expired and that no response has been received.

(5) In this section, **relevant post-settlement governance entity** means,—

(a) for the Ngāti Hinerangi Waipapa property and the Te Tuhi (East) property, the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust:

(b) for the Te Ara o Maurihoro (East) property, the trustees of the Ngāi Te Rangi Settlement Trust.

94 Transfer of reserve land if trustees change

The registered owners 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.

95 Reserve land not to be mortgaged

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

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

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

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

Part 3
Commercial redress

97 Interpretation

In subparts 1 to 3,—

commercial redress property—

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

(b) does not include a property to which clause 6.9 of the deed of settlement applies

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

Crown forestry licence—

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

(b) in relation to the licensed land, means the licences described in the third column of the table in part 3 of the property redress schedule

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

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust

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

licensed land—

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

(b) excludes—

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

 (ii) improvements that have been—

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

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

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

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

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

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

right of access means the right conferred by section 109.

Subpart 1—Transfer of commercial redress properties

98 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 commercial redress property to the trustees; and

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

99 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 commercial redress 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.

100 Records of title for commercial redress properties

(1) This section applies to a commercial redress property (other than licensed land) that is to be transferred to the trustees under section 98.

(2) However, this section applies only to the extent that—

(a) the property is not all of the land contained in a record of title for a fee simple estate; or

(b) there is no record of title for the fee simple estate in all or part of the property.

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

(a) create a record of title for the fee simple estate in the property in the name of the Crown; and

(b) record on the record of title any interests that are registered, notified, or notifiable and that are described in the application; but

(c) omit any statement of purpose from the record of title.

(4) Subsection (3) is subject to the completion of any survey necessary to create a record of title.

(5) In this section and sections 101 and 102, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

101 Record of title for licensed land

(1) This section applies to licensed land that is to be transferred to the trustees under section 98.

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

(a) create a record of title in the name of the Crown for the fee simple estate in the property; and

(b) record on the record of title any interests that are registered, notified, or notifiable and that are described in the application; but

(c) omit any statement of purpose from the record of title.

(3) Subsection (2) is subject to the completion of any survey necessary to create a record of title.

102 Authorised person may grant covenant for later creation of record of title

(1) For the purposes of sections 100 and 101, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any commercial redress property.

(2) Despite the Land Transfer Act 2017,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and

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

103 Application of other enactments

(1) This section applies to the transfer to the trustees of the fee simple estate in a commercial redress 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 98, 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).

104 Transfer of properties subject to lease

(1) This section applies to a commercial redress property—

(a) for which the land holding agency is the Ministry of Education or the New Zealand Police; 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 105 upon the registration of the transfer.

(4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title 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 105.

(5) A notation 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.

105 Requirements if lease terminates or expires

(1) This section applies if the lease referred to in section 104(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 owners 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 record of title for the property the notations 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 notations on the record of title 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—Licensed land

106 Licensed land ceases to be Crown forest land

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

(2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 6 of the deed of settlement, or part 4 of the property redress schedule.

107 Trustees are confirmed beneficiaries and licensors of licensed land

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

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

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

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

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

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

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

(b) the recommendation became final on the settlement date.

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

(a) on the settlement date; and

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

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

108 Effect of transfer of licensed land

(1) Section 107 applies whether or not—

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

(b) the processes described in clause 17.4 of the Crown forestry licence have been completed, as required by subsection (2) or an equivalent provision in any Pare Hauraki collective redress legislation.

(2) To the extent that the Crown has not completed the processes referred to in subsection (1)(b) before the settlement date, it must continue those processes—

(a) on and after the settlement date; and

(b) until the processes are completed.

(3) For the period starting on the settlement date and ending on the completion of the processes referred to in subsections (1) and (2), the licence fee payable under the Crown forestry licence in respect of the licensed land is the amount calculated in the manner described in paragraphs 4.25 and 4.26 of the property redress schedule.

(4) However, the calculation of the licence fee under subsection (3) is overridden by any agreement made by the trustees as licensor, the licensee, and the owner of the balance of the land that is subject to the Crown forestry licence.

(5) If the settlement date under this Act occurs before the settlement date under the Pare Hauraki collective redress legislation, references to the prospective proprietors in clause 17.4 of the Crown forestry licence must, in relation to the licensed land, be read as references to the trustees and to any prospective or new proprietors of the balance of the land that is subject to the Crown forestry licence.

(6) In this section, **Pare Hauraki collective redress legislation** means legislation that authorises the transfer of the balance of the land subject to the Crown forestry licence to the relevant entity specified in that legislation.

Subpart 3—Access to protected sites

109 Right of access to protected sites

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

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

(3) The right of access is subject to the following conditions:

- (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and
- (b) the right of access may be exercised only at reasonable times and during daylight hours; and
- (c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—
  - (i) for the safety of people; or
  - (ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
  - (iii) for operational reasons.

110 Right of access over licensed land

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

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

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

- (a) delay the date from which a person may exercise a right of access; or
- (b) adversely affect a right of access in any other way.

111 Right of access to be recorded on record of title

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

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

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

Subpart 4—Right of first refusal over RFR land

Interpretation

112 Interpretation

In this subpart and Schedule 4,—

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

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

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

  (i) the Crown:

  (ii) a Crown entity:

  (iii) a State enterprise:

  (iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(a) means—

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

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

(b) to avoid doubt, does not include—

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

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

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

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

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

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 115, to dispose of RFR land to the trustees

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

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

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 121(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 122(1)

RFR period means the period of 178 years on and from the settlement date

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

113 Meaning of RFR land

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

(a) the land described in part 4 of the attachments that, on the settlement date,—

(i) is vested in the Crown; or

(ii) is held in fee simple by the Crown or Kāinga Ora–Homes and Communities; and

(b) any land that is excluded from the definition of commercial redress property in section 97 by paragraph (b) of that definition and that, on the settlement date, is——

(i) vested in the Crown; or

(ii) held in fee simple by the Crown; and

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

(2) Land ceases to be RFR land if—

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

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

(ii) any other person (including the Crown or a Crown body) under section 114(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 123 to 129 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 130(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 138; or

(d) the RFR period for the land ends.

Restrictions on disposal of RFR land

114 Restrictions on disposal of RFR land

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

(a) under any of sections 120 to 129; or

(b) under any matter referred to in section 130(1); or

(c) in accordance with a waiver or variation given under section 138; or

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

(i) made in accordance with section 115; and

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

(iii) not withdrawn under section 117; and

(iv) not accepted under section 118.

Trustees' right of first refusal

115 Requirements for offer

(1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees.

(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 record of title for the land; and

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

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

116 Expiry date of offer

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

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

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

(b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and

(c) the earlier offer was not withdrawn.

117 Withdrawal of offer

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

118 Acceptance of offer

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

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

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

119 Formation of contract

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

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

(4) The trustees may nominate a nominee only if—

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

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

(5) The notice must specify—

(a) the full name of the nominee; and

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

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

Disposals to others but land remains RFR land

120 Disposal to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

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

121 Disposal of existing public works to local authorities

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

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

(a) the RFR landowner of the land; and

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

122 Disposal of reserves to administering bodies

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

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

(a) the RFR landowner of the land; or

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

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

(a) the RFR landowner of the land; and

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

Disposals to others where land may cease to be RFR land

123 Disposal in accordance with obligations under enactment or rule of law

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

124 Disposal in accordance with legal or equitable obligations

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.

125 Disposal under certain legislation

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

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

(b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

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

(d) an Act that—

(i) excludes the land from a national park within the meaning of the National Parks Act 1980; and

(ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

126 Disposal of land held for public works

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

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

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

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

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

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

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

127 Disposal for reserve or conservation purposes

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

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

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

128 Disposal for charitable purposes

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

129 Disposal to tenants

The Crown may dispose of RFR land—

(a) that was held on the 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

130 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; 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

131 Notice to LINZ of RFR land with record of title after settlement date

(1) If a record of title 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 record of title 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 record of title 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 record of title.

132 Notice to trustees of disposal of RFR land to others

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

(2) The notice must be given on or before the 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 record of title for the land; and

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

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

(e) an explanation of how the disposal complies with section 114; and

(f) if the disposal is to be made under section 114(d), a copy of any written contract for the disposal.

133 Notice to LINZ of land ceasing to be RFR land

(1) This section applies if land contained in a record of title is to cease being RFR land because—

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

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

(ii) any other person (including the Crown or a Crown body) under section 114(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 123 to 129; or

(ii) under any matter referred to in section 130(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 138.

(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 record of title for the land; and

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

134 Notice requirements

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

(a) an RFR landowner; or

(b) the trustees.

Right of first refusal recorded on records of title

135 Right of first refusal to be recorded on records of title 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 records of title for,—

(a) the RFR land for which there is a record of title on the settlement date; and

(b) the RFR land for which a record of title is first created after the settlement date; and

(c) land for which there is a record of title 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 record of title on the settlement date; or

(b) after receiving a notice under section 131 that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.

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

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

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is—

(a) RFR land, as defined in section 113; and

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

136 Removal of notations 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 133, issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the record of title 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 as soon as is reasonably practicable after issuing the certificate.

(3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under section 135 for the land described in the certificate.

137 Removal of notations 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 record of title for that RFR land that still has a notation recorded under section 135; 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 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 notation recorded under section 135 from any record of title identified in the certificate.

General provisions applying to right of first refusal

138 Waiver and variation

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

(2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.

(3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

139 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

140 Assignment of rights and obligations under this subpart

(1) Subsection (3) applies if 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 4 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.

(4) In this section,—

constitutional document means the trust deed or other instrument adopted for the governance of the RFR holder

RFR holder means the 1 or more persons who have the rights and obligations of the trustees under this subpart, because—

(a) they are the trustees; or

(b) they have previously been assigned those rights and obligations under this section.

Schedule 1
Statutory areas

ss 27, 43

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Kaimai range ridgeline	As shown on OTS-135-18
Part Kaimai Range (including part Kaimai Mamaku Conservation Park, part Gordon Park Scenic Reserve, part Wairere Falls Scenic Reserve, and part Maurihoro Scenic Reserve)	As shown on OTS-135-19
Te Ara o Maurihoro (Thompson's Track)	As shown on OTS-135-21
Te Tapui Scenic Reserve within the area of interest	As shown on OTS-135-22
Waihou River and its tributaries within the area of interest	As shown on OTS-135-24

Part 2
Areas subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
Part Maurihoro Scenic Reserve	As shown on OTS-135-20
Waianuanu (being part Kaimai Mamaku Conservation Park and part Gordon Park Scenic Reserve)	As shown on OTS-135-23

Part 3
Areas subject to geothermal statutory acknowledgement

Statutory area	Location
Ōkauia Geothermal Resource	As shown on OTS-135-17
Taihoa Geothermal Resource	As shown on OTS-135-17
Waiteariki Geothermal Resource	As shown on OTS-135-17

Schedule 2
Overlay area

s 49

Overlay area	Location	Description
Wairere Waiteariki (being part Maurihoro Scenic Reserve, part Wairere Falls Scenic Reserve, part Gordon Park Scenic Reserve, and part Kaimai Mamaku Conservation Park)	As shown on OTS-135-15	*South Auckland Land District—Matamata–Piako District* 500 hectares, more or less, being Section 11 Block XI and Part Section 2 Block XV Wairere Survey District, Part Waiharakeke East 5, Part Ōkauia 1, Part Section 1 SO 57454, Part Section 3 SO 539152 and Section 4 SO 538383.

Schedule 3
Cultural redress properties

ss 64, 79, 81

Properties vested in fee simple

Name of property	Description	Interests
Ōkauia property	*South Auckland Land District—Matamata–Piako District* 1.4157 hectares, more or less, being Section 1 SO 539154. Balance *Gazette* notice H452860.1.	
Tūranga o Moana property	*South Auckland Land District—Matamata–Piako District* 0.5666 hectares, more or less, being Section 45 Matamata Settlement. All record of title 38973 for the fee simple estate.	Subject to an unregistered tenancy agreement.
Wairere Falls property	*South Auckland Land District—Matamata–Piako District* 11.9924 hectares, more or less, being Sections 1, 2, and 3 SO 538383. Part *Gazette* notice H307681.	Subject to an unregistered grazing agreement with permission number 38832-GRA to Maizey Acres Limited.

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Ngā Tamahine e Rua	*South Auckland Land District—Matamata–Piako District* 11.0470 hectares, more or less, being Section 1 SO 539153. Part *Gazette* 1936, p 2188.	Subject to being a scenic reserve as referred to in section 68.
Ngāti Hinerangi property	*South Auckland Land District—Matamata–Piako District* 5.0391 hectares, more or less, being Section 1 SO 540741.	Subject to being a recreation reserve as referred to in section 69.
Ngāti Hinerangi Waipapa property	*South Auckland Land District—Western Bay of Plenty District* 2.0000 hectares, more or less, being Section 1 SO 538387. Part *Gazette* 2008, p 4444.	Subject to being a scenic reserve as referred to in section 70.
Te Ara o Maurihoro (East) property	*South Auckland Land District—Western Bay of Plenty District* 15.2710 hectares, more or less, being Sections 1 and 2 SO 539156. Part *Gazette* 1975, p 2328 and part transfer B167558.	Subject to being a historic reserve as referred to in section 71.
Te Ara o Maurihoro (West) property	*South Auckland Land District—Matamata–Piako District*	Subject to being a historic reserve as referred to in section 72.

Name of property	Description	Interests
	11.7180 hectares, more or less, being Section 1 SO 537689. Part record of title SA729/209 for the fee simple estate.	Subject to the right of way easement in gross as referred to in section 72. Subject to a notice pursuant to section 195(2) of the Climate Change Response Act 2002 registered as instrument 9327356.1.
Te Hanga property	*South Auckland Land District—Matamata–Piako District and Western Bay of Plenty District* 30.0013 hectares, more or less, being Section 1 SO 539152. Part *Gazettes* 1936, p 2188 and 1975, p 2328.	Subject to being a scenic reserve as referred to in section 73. Subject to the pedestrian right of way easement in gross as referred to in section 73.
Te Mimiha o Tūwhanga	*South Auckland Land District—Matamata–Piako District* 30.0040 hectares, more or less, being Section 2 SO 539152. Part *Gazette* 1936, p 2188.	Subject to being a scenic reserve as referred to in section 74.
Te Taiaha a Tangata	*South Auckland Land District—Matamata-Piako District* 30.0000 hectares, more or less, being Section 1 SO 539155. Part *Gazette* notice H955174.1.	Subject to being a historic reserve as referred to in section 75. Subject to the pedestrian right of way easement in gross as referred to in section 75.
Te Tuhi (East) property	*South Auckland Land District—Western Bay of Plenty District* 18.0000 hectares, more or less, being Section 1 SO 544666. Part transfer S84, and *Gazettes* 1982, p 1932 and 1982, p 4169.	Subject to being a historic reserve as referred to in section 76. Subject to the pedestrian right of way easement in gross as referred to in section 76.
Te Tuhi (West) property	*South Auckland Land District—Matamata–Piako District* 18.0000 hectares, more or less, being Section 1 SO 539157. Part *Gazette* 1975, p 2328.	Subject to being a historic reserve as referred to in section 77. Subject to the pedestrian right of way easement in gross as referred to in section 77. Subject to an unregistered grazing management agreement with permission number 71283-GRA to Limax Enterprises Limited.
Te Wai o Ngāti Hinerangi property	*South Auckland Land District—Western Bay of Plenty District* 40.0000 hectares, more or less, being Section 1 SO 543519. Part *Gazette* 1975, p 2328.	Subject to being a scenic reserve as referred to in section 78.

Schedule 4
Notices in relation to RFR land

ss 112, 134, 140(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under subpart 4 of Part 3 must be—

(a) in writing and signed by—

(i) the person giving it; or

(ii) at least 2 of the trustees, 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 115, 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 131 or 133, 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.

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 sixth 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.

Notes

1 General

This is a consolidation of the Ngāti Hinerangi Claims Settlement Act 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2022