

Te Rohe o Rongokako Joint Redress Bill

Pire Kāwanatanga

E ai ki te pūrongo a te Komiti Whiriwhiri Take Māori

Ngā kōrero

Tūtohunga

I tirohia e te Komiti Whiriwhiri Take Māori Te Rohe o Rongokako Joint Redress Bill, ā, ka tūtohi ngātahi rā kia whakamanahia. Ka tūtohi mātou katoa kia whakaaetia ngā whakahounga katoa.

Whakatakinga

Mā tēnei pire e hua ai te puretumu ā-ahurea me ētahi atu take i waenganui i a Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (Ngāti Kahungunu) me Rangitāne o Wairarapa me Rangitāne o Tamaki nui-ā-Rua (Rangitāne). Kāpia ai te puretumu nei i te Whakaaetanga Whakataunga i waitohutia rā e Rangitāne me te Karauna i te 6 o Akuhata 2016, me te Whakaaetanga Whakataunga i waitohutia rā e Ngāti Kahungunu me te Karauna i te 29 o Oketopa 2021.

Ka aro i tēnei pire takirua ahakoa rā he rōpū motuhake a Ngāti Kahungunu me Rangitāne, otirā, ka heke mai ngā whakapapa i tīpuna rerekē, he tata tonu ngā hononga ā-whakapapa. He kāwai whakapapa kotahi puta noa i ngā rohe o Wairarapa me Tāmaki nui-a-Rua.

Kāore tēnei pire e whai kia whakaea i ngā kerēme tawhito mā Ngāti Kahungunu, mā Rangitāne rānei. I whakaaetia ngā kerēme tawhito a Rangitāne mā roto i te Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017. E haere tonu ana ngā whakataunga ā-ture mō Ngāti Kahungunu i te hātepe komiti whiriwhiri.

Whakatakotoranga o te pire

Nō muri mai i ngā take hukihuki i te Wāhanga 1 o te pire, ka takoto i te Wāhanga 2 ngā āhuatanga e toru o te puretumu takirua ā-ahurea:

- Mā te Wāhanga Mātāmuri 1 o te Wāhanga 2 ka whai whakamāramatanga mō Castlepoint Scenic Reserve. Mā tēnei e mārāma ai he wāhi hirahira tēnei ki a

Ngāti Kahungunu me Rangitāne nā te hononga ā-whakapapa, ā-ahurea, ā-wairua, ā-hītori anō hoki ki te wāhi rāhui nei.

- Mā te Wāhanga Mātāmuri 2 o te Wāhanga 2 ka waihangatia mai he ture mō te whakahaerenga hī ika i Wairarapa Moana (arā, ko te roto o Wairarapa me te roto o Ōnoke, tae atu rā ki ngā repo me ngā muriwai e pātata tonu ana) me awaawa me ngā hikuawa o Ruamahanga.
- Mā te Wāhanga Mātāmuri 3 o te Wāhanga 2 ka tuku ko ngā nōhanga puretumu ā-ahurea e toru. E rua ka tukuna tahitia atu ki ngā tarahati mō Ngāti Kahungunu me Rangitane, e ai ki tēnei:
 - ko te nōhanga ki Mataikona ka tukuna herekoretia ki ngā kaitiaki o ngā tarahati e rua, e 50 ōrau te wāhanga ki tēnā, ki tēnā
 - ko te nōhanga ki Wairarapa Moana ka tukuna herekoretia ki ngā kaitiaki o ngā tarahati e rua, hei wāhi rāhui ā-rohe. E 90 ōrau te wāhanga ki te tarahati o Ngāti Kahungunu, ā, ki a Rangitāne he 10 ōrau.
- Ko te nōhanga tuatoru, ko Mākirikiri Recreation and Scenic Reserves, ka tukuna ki te tipuna, ki a Te Rangiwhakaewa (e mōhiotia ana hoki ki te ingoa Te Rangiwhaka-ewa), ā, ka whakahaerehia e tētahi poari whakahaere takirua.

Mā te Wāhanga 3 o te pire ka uru mai he puretumu takirua kē atu, arā, e mōhiotia ana ko te taura o Wairarapa Moana Framework. Mā tēnei e tū ai te Wairarapa Moana Statutory Board, ā, ka whakamanahia hoki ki ētahi mana whakahaere.¹ Hei kaitiaki te poari mō te moana o Wairarapa me te awa o Ruamahanga. Ko tāna he:

- whakahaere i ngā moana rāhui o Wairarapa, otirā, he tiaki, he whakatairanga hoki i te wāriu ā-ahurei, ā-wairua, ā-hauropi hoki
- whakahaere i ngā whenua kei te taha o Wairarapa Moana
- ārahi i te whakahaerenga toitūtanga o Wairarapa Moana me te awa o Ruamahanga
- whakatairanga i te whakarauoratanga, te tiakanga, me te whakapikinga o te hauora ā-pāpori, ā-ōhanga, ā-ahurea, ā-taiao, ā-wairua hoki o Wairarapa Moana me te awa o Ruamahanga, e ai ki ngā taonga māori.

Whakatātaretanga ā-ture

Hei wāhanga o ō mātou whakaaroarohanga ki te pire, kua tirohia e mātou te hāngai ki ngā mātāpono o te kounga ā-ture.

Ka whakamana te rārangi 18 me te rārangi 19 i ētahi whakaturetanga mātāmuri (he waeture, he paero rānei) hei whakarite hara mō ngā wāwahitanga o aua waeture,

¹ Tokowhā ka noho ki te Poari ka kopoua e te rangapū whakahaere o Ngāti Kahungunu, kotahi ka kopoua e te rangapū whakahaere o Rangitāne, tokorua ka kopoua e te Minita o Te Papa Atahua, tokorua ka kopoua e Te Pane Matua Taiao, ā, me tētahi mema ka kopoua e South Wairarapa District Council.

paero rānei e aroturuki ana, e aukati ana i ngā mahi, i ngā whanonga a te marea e pā ana ki te rohe whaipānga (ko Castlepoint Scenic Reserve, kei te Whakamārama 2 o te pire e whakamāramatia ana).

Ko te whaina nui rawa e taea ana te hoatu ko te \$5,000, ā, he āheinga hoki ki te hoatu i tētahi atu whaina o te \$500 mō ia rā e wāhia tonutia ai te whakaturetanga. He āwangawanga ō mātou kei hua ake he whaina tino nui rawa.

Waihoki, kāore e āta whakamārama te pire he aha ia nei ngā mahi, ngā whanonga rānei e tautuhia ai hei hara i raro i te rārangi 18 me te rārangi 19.

I kimi kupu tohutohu mātou mai i ngā āpiha, me te aha ko te kupu tohutohu, ko te māramatanga hoki ia he rārangi māori noa te 18 me te 19 i roto i ētahi whakataunga Tiriti huhua, mai anō i te Ngāti Tahu Claims Settlement Act 1998. Ka whai hoki ngā tuhinga i tā te Reserves Act 1977 i whakatakoto ai.

Ko te take i kore ai e marama he aha ngā mahi, ngā whanonga rānei ka tautuhia hei hara, he kore nō aua mea i whakatauria. Ko tā mātou e marama nei, ka mahia tērā mā te hātepe whakamahere mahi whakahaere, mā ngā kaiwhakatau rānei e tika ana, hei muri i te whakataunga.

Te taha ki ngā āwangawanga i te āheinga ka puta he whaina nui rawa, ka kī mai ngā āpiha ko te whakaaro ia kia whakatau Te Papa Atawhai, ngā Kōti me ētahi atu hunga whaipānga ko te aha te mea tika e ai ki te horopaki. Mai anō i te whakamanatanga o ngā ritenga nei, kāore anō kia whakaaranga he āwangawanga e pā ana ki te nui.

Ngā tūtohunga hou

Ko ngā kōrero e whai ake nei e hāngai pū ana ki ngā whakahounga matua ki te pire ka whakatakina.

Ka tūtohi mātou kia whakatikaina te whakamāramatanga o te “rā mahi” kei te whiti 8, kia uru mai te hararei tūmatanui hou mō Matariki.

I tūtohi hoki mātou kia whakahoungia ngā whakamāramatanga ā-ture i te whiti 101 me te Whakamārama 3 mō ētahi o ngā nōhanga ka tautapatia hei wāhi rāhui mō te rohe, kia hāngai ai ki ngā hua o te tauranga kua oti nō te hukihukitanga o te pire.

Ētahi atu take i whakaaroarohia

Ngā māharahara e pā ana ki te nōhanga ki Mākirikiri

I āta whakaaroarohia e mātou ngā taunakitanga e pā ana ki te tukunga o te wāhi rāhui o Mākirikiri ki te tipuna, ki a Te Rangiwhakaewa (e mōhiotia ana hoki ki te ingoa Te Rangiwhaka-ewa). I kimi tohutohu mātou i ngā mātanga ki te kaupapa nei e puta ai te whakaetanga o te puretumu o Mākirikiri. Ka aro i a mātou ngā māharahara o ngā kaitāpac.

I puta he take e pā ana ki ngā rongoā mohoa ā-ture, kāore ēnei e whai pānga ki tēnei pire.

Tāpiritanga

Hātepe komiti

I tukuna Te Rohe o Rongokako Claims Settlement Bill ki te komiti i te 30 o Maehe 2022.

I karanga mātou kia tukuna mai ngā tāpaetanga mō te pire, ko te rā kati ko te 12 o Mei 2022. E 28 ngā tāpaetanga i tae mai ki mātou, i whakaaroarohia hoki e mātou nā ngā rōpū whaipānga me ngā kaitāpae takitahi. I rongō mātou i ngā taunakitanga ā-waha i ngā kaitāpae e 21 i ngā huinga i tū ki Pāpāwai Marae, ki Greytown.

I whiwhi tohutohu mātou mō te pire i a Te Arawhiti. Nā Te Tari o Te Manahautū i tohutohu mai mō te kounga ā-ture o te pire. Nā Te Tari Tohutohu Pāremata i āwhina mō te taha ki te tuinga hukihuki ā-ture.

Mema komiti

Tāmami Coffey (Heamana)

Ginny Andersen (Nō te 23 Akuhata 2022)

Paul Eagle (Tae rawa ki te 27 Hūrae 2022)

Shanan Halbert (Tae rawa ki te 23 Akuhata 2022)

Harete Hipango

Joseph Mooney

Willow-Jean Prime (Nō te 27 Hūrae 2022)

Teanau Tuiono

Rawiri Waititi

Arena Williams

Te Rohe o Rongokako Joint Redress Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined Te Rohe o Rongokako Joint Redress Bill and recommends unanimously that it be passed. We recommend all amendments unanimously.

Introduction

This bill would give effect to cultural and other redress shared between Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (Ngāti Kahungunu) and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua (Rangitāne). The redress is contained within the Deed of Settlement signed between Rangitāne and the Crown on 6 August 2016 and the Deed of Settlement signed between Ngāti Kahungunu and the Crown on 29 October 2021.

This joint bill recognises that while Ngāti Kahungunu and Rangitāne are separate groups and trace descent from different ancestors, they are closely interconnected. They share whakapapa throughout the Wairarapa and Tāmaki nui-a-Rua regions.

The bill does not aim to settle any historical claims for either Ngāti Kahungunu or Rangitāne. Rangitāne's historical claims were settled through the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017. Ngāti Kahungunu settlement legislation is currently going through the select committee process.

Structure of the bill

After preliminary matters in Part 1 of the bill, Part 2 sets out the three aspects of the joint cultural redress:

- Subpart 1 of Part 2 provides for an overlay classification over Castlepoint Scenic Reserve. This would recognise that the reserve is a site of significance

for both Ngāti Kahungunu and Rangitāne through their traditional, cultural, spiritual, and historical relationships with the reserve land.

- Subpart 2 of Part 2 provides for the making of regulations for the management of customary fishing in Wairarapa Moana (which comprises Lake Wairarapa and Lake Ōnoke, and adjacent wetlands and lagoons) and the Ruamahanga River catchment.
- Subpart 3 of Part 2 provides for the vesting of three cultural redress properties. Two would be vested jointly in the trustees of the trusts for Ngāti Kahungunu and Rangitāne, as follows:
 - the Mataikona property would be vested in fee simple in the trustees of the two trusts, with a 50 percent share each
 - the Wairarapa Moana property would be vested in fee simple in the trustees of the two trusts, as a local purpose reserve. The Ngāti Kahungunu trust would have a 90 percent share and Rangitāne trust 10 percent.
- The third property, the Mākirikiri Recreation and Scenic Reserves, would be vested in the tipuna Te Rangiwhakaewa (also known as Te Rangiwhaka-ewa) and administered by a joint management board.

Part 3 of the bill provides for other joint redress, known as the Wairarapa Moana framework. It would provide for the establishment of the Wairarapa Moana Statutory Board, giving it certain functions and powers.² The board would act as kaitiaki for the Wairarapa Moana and the Ruamahanga River catchment. It would:

- administer the Wairarapa Moana reserves while protecting and enhancing their cultural, spiritual, and ecological values
- manage the Wairarapa Moana marginal strips
- lead the sustainable management of Wairarapa Moana and the Ruamahanga River catchment
- promote the restoration, protection, and enhancement of the social, economic, cultural, environmental, and spiritual health and wellbeing of Wairarapa Moana and the Ruamahanga River catchment, relating to natural resources.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality.

Clauses 18 and 19 enable secondary legislation (regulations or bylaws) that would create offences for breaches of those regulations or bylaws that regulate or prohibit

² The Board would comprise four members appointed by the Ngāti Kahungunu governance entity, one member appointed by the Rangitāne governance entity, two members appointed by the Minister of Conservation, two members appointed by Wellington Regional Council, and one member appointed by South Wairarapa District Council.

activities or conduct by members of the public in relation to the overlay area (Castlepoint Scenic Reserve as described in Schedule 2 of the bill).

The maximum fine that could be prescribed is \$5,000 and there is an ability to prescribe a further fine of up to \$500 per day if the offence continues. We had concerns that this could lead to disproportionate fines.

Additionally, the bill does not make it clear what activities or conduct would constitute an offence under clauses 18 and 19.

We sought advice from officials, who advised us that clauses 18 and 19 are standard clauses across many Treaty settlements dating back to the Ngāi Tahu Claims Settlement Act 1998. The drafting is also in line with the Reserves Act 1977.

The reason it is not clear what activities or conduct would constitute an offence is because they have not yet been determined. We understand that this would be done via a management planning process or by relevant decision makers post-settlement.

In regard to concerns about the potential for disproportionate fines, officials told us that the Department of Conservation, the Courts, and other relevant parties would be expected to apply discretion based on context. Since these provisions have been in place, there have been no concerns raised about proportionality.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced.

We recommend amending the definition of “working day” contained in clause 8, to include the new Matariki public holiday.

We also recommend updating the legal descriptions in clause 101 and Schedule 3 for some properties that would be declared local purpose reserves, to reflect the results of surveying that has been completed since the bill was drafted.

Other matters we considered

Concerns regarding Mākirikiri property

We carefully considered evidence provided regarding vesting of Mākirikiri reserve in the tipuna Te Rangiwhakaewa (also known as Te Rangiwhaka-ewa). We sought advice from officials on the circumstances leading to the ratification of the Mākirikiri redress. We acknowledge the submitters’ concerns.

Matters arose regarding active remedies litigation; these do not relate to this current bill.

Appendix

Committee process

Te Rohe o Rongokako Claims Settlement Bill was referred to the committee on 30 March 2022.

We called for submissions on the bill with a closing date of 12 May 2022. We received and considered 28 submissions from interested groups and individuals. We heard oral evidence from 21 submitters at hearings at Pāpāwai Marae, Greytown.

We received advice on the bill from Te Arawhiti—the Office for Māori Crown Relations. The Office of the Clerk provided advice on the bill’s legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Tāmami Coffey (Chairperson)

Ginny Andersen (from 23 August 2022)

Paul Eagle (until 27 July 2022)

Shanan Halbert (until 23 August 2022)

Harete Hipango

Joseph Mooney

Willow-Jean Prime (from 27 July 2022)

Teanau Tuiono

Rawiri Waititi

Arena Williams

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Andrew Little

Te Rohe o Rongokako Joint Redress Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Te Rohe o Rongokako Joint Redress Act **2021**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

Preliminary provisions

Preliminary matters

3 Purpose

10

The purpose of this Act is to give effect to certain joint redress provided for in the deeds of settlement that settle the historical claims of—

- (a) Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; and
- (b) Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua.

4 Provisions to take effect on settlement date

15

- (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.

20

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 deeds of settlement. 5
- (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 10
 - (c) specifies that the Act binds the Crown; and
 - (d) defines terms used in this Act, including key terms such as joint redress iwi (meaning Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua), Wairarapa Moana, Ruamahanga River catchment, Wairarapa Moana reserve, and Wairarapa Moana Statutory Board. 15
- (3) **Part 2** provides for joint cultural redress, including—
- (a) cultural redress that does not involve the vesting of land, namely,—
 - (i) an overlay classification applying to an area of land; and
 - (ii) provision for the making of regulations for the management of customary fishing in Wairarapa Moana and the Ruamahanga River catchment; and 20
 - (b) cultural redress requiring vesting of the fee simple estate in certain cultural redress properties, either jointly in the trustees of the trusts for the joint redress iwi or in a tipuna to be jointly managed by a joint management board. 25
- (4) **Part 3** provides for other joint redress known as the Wairarapa Moana framework. The Part—
- (a) establishes the Wairarapa Moana Statutory Board and includes provisions about its functions, membership, procedures, and committees; and 30
 - (b) provides for how certain disputes are resolved; and
 - (c) provides for the preparation and approval of the Wairarapa Moana document, which is about the relationship of the joint redress iwi with their ancestral lands, water, wāhi tapu, and other taonga in Wairarapa Moana and the Ruamahanga River catchment; and 35
 - (d) provides for the legal effects of the Wairarapa Moana document; and
 - (e) provides that the Wairarapa Moana Statutory Board is the administering body of the Wairarapa Moana reserves and the manager of the Wairarapa Moana marginal strips; and

- (f) provides for existing interests, existing improvements, liability, and fishing relating to the reserves, and for operational management of the reserves and marginal strips.
- (5) There are 3 schedules, as follows:
- (a) **Schedule 1** describes the Wairarapa Moana reserves and marginal strips: 5
- (b) **Schedule 2** describes the overlay area to which the overlay classification applies:
- (c) **Schedule 3** describes the cultural redress properties.
- Interpretation provisions* 10
- 7 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 deeds of settlement.
- 8 Interpretation**
- In this Act, unless the context otherwise requires,— 15
- administering body** has the meaning given in section 2(1) of the Reserves Act 1977
- annual operational management programme**, in relation to the Wairarapa Moana reserves and Wairarapa Moana marginal strips, has the meaning given by **section 118** 20
- appointer** means,—
- (a) for a member of the Wairarapa Moana Statutory Board, the body or persons that appoint the member under **section 47**:
- (b) for a member of the committee for natural resources, the body or persons that appoint the member under **section 62**: 25
- (c) for a member of another committee of the Statutory Board, the Statutory Board (which appoints the member under **section 55**)
- aquatic life** has the meaning given in section 2(1) of the Conservation Act 1987
- Commissioner of Crown Lands** means the Commissioner of Crown Lands appointed in accordance with section 24AA of the Land Act 1948 30
- committee** means a committee of the Wairarapa Moana Statutory Board, including the committee for natural resources established by **section 61**
- conservation area** has the meaning given in section 2(1) of the Conservation Act 1987 35
- 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 5
- Crown** has the meaning given in section 2(1) of the Public Finance Act 1989
- cultural redress property** has the meaning given in **section 25**
- deed of settlement of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua—**
- (a) means the deed of settlement dated 29 October 2021 and signed by or for the Crown, Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua (as defined by that deed), and the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust (as defined by that deed); and 10
- (b) includes—
- (i) the schedules of, and attachments to, the deed; and 15
- (ii) any amendments to the deed or its schedules and attachments
- deed of settlement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua** means the deed of settlement defined by section 12 of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017
- deeds of settlement** means— 20
- (a) the deed of settlement of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; and
- (b) the deed of settlement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua
- Director-General** means the Director-General of Conservation 25
- existing Development Scheme** has the meaning given in **section 112(8)**
- existing improvement—**
- (a) means a structure or other improvement in or on a Wairarapa Moana reserve, to the extent that the structure or improvement exists immediately before the following relevant date: 30
- (i) the settlement date; or
- (ii) the date on which the reserve becomes a Wairarapa Moana reserve because of **section 121** (for Council-owned reserves); and
- (b) includes a structure or an improvement whether or not it was or is unlawful or unauthorised; and 35
- (c) includes the parts of the existing Development Scheme in or on a Wairarapa Moana reserve

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

joint redress iwi means—

- (a) Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; and
- (b) Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua 5

joint redress trustees means—

- (a) the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
- (b) the trustees of the Rangitāne Tū Mai Rā Trust 10

LINZ means Land Information New Zealand

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

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

natural resources has the meaning given by section 2(1) of the Conservation Act 1987 15

natural resources document has the meaning given by **section 77**

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua has the meaning given by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust 20 means the trust of that name established by a trust deed dated 30 March 2017

overarching vision and desired outcomes document has the meaning given by **section 77**

overlay classification has the meaning given in **section 9**

public notice has the meaning given by section 2(1) of the Resource Management Act 1991 25

Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua has the meaning given by section 13 of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017

Rangitāne Tū Mai Rā Trust has the meaning given by section 12 of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 30

record of title has the meaning given in section 5(1) of the Land Transfer Act 2017

Registrar-General has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017 35

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

reserve property has the meaning given in **section 25**

reserves management plan has the meaning given by **section 77**

- Ruamahanga River catchment** means the catchment area shown outlined in green on the map in part 4 of the attachments to each deed of settlement
- settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua** means an Act that settles the historical claims of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua, as those terms are defined by the deed of settlement of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua 5
- settlement date** means the date that is 40 working days after the later of—
- (a) the date on which this Act comes into force; and
 - (b) the date on which the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua comes into force 10
- tikanga** means customary values and practices
- trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust** means the trustees, acting in their capacity as trustees, of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
- trustees of the Rangitāne Tū Mai Rā Trust** has the meaning given by section 12 of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 15
- Wairarapa Moana** means the land and natural resources in—
- (a) the Wairarapa Moana reserves; and
 - (b) the Wairarapa Moana marginal strips 20
- Wairarapa Moana marginal strip** means a marginal strip described in **Part 2 of Schedule 1**
- Wairarapa Moana reserve**—
- (a) means a reserve—
 - (i) that is described in **Part 1 of Schedule 1**; or 25
 - (ii) that is a Wairarapa Moana reserve because of **section 121** (for Council-owned reserves); and
 - (b) includes land that has become, and excludes land that has ceased to be, part of the reserve under the Reserves Act 1977 or another Act
- Wairarapa Moana Statutory Board** or **Statutory Board** means the board established by **section 44** 30
- 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; 35
 - (a) ~~Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, and Labour Day;~~

- (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:
- (d) the days observed as the anniversaries of the provinces of Hawke’s Bay and Wellington. 5

Part 2

Joint cultural redress

Subpart 1—Overlay classification

- 9 Interpretation** 10
- 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 15
- overlay area**—
- (a) means the area that is declared under **section 10(1)** to be subject to the overlay classification; but
 - (b) does not include an area that is declared under **section 21(1)** to be no longer subject to the overlay classification 20
- overlay classification** means the application of this subpart to the overlay area
- protection principles**—
- (a) means the principles agreed by the joint redress trustees and the Minister of Conservation, as set out in—
 - (i) part 1 of the documents schedule of the deed of settlement of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; and 25
 - (ii) part 1.1 of the documents schedule of the deed of settlement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; and
 - (b) includes any principles as they are amended by the written agreement of the joint redress trustees and the Minister of Conservation 30
- specified actions** means the actions set out in—
- (a) part 1 of the documents schedule of the deed of settlement of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua; and
 - (b) part 1.1 of the documents schedule of the deed of settlement of Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua 35

statements of values means—

- (a) the statement—
 - (i) made by Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and 5
 - (ii) set out in part 1 of the documents schedule of their deed of settlement; and
- (b) the statement—
 - (i) made by Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and 10
 - (ii) set out in part 1.1 of the documents schedule of their deed of settlement.

10 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. 15
- (2) The Crown acknowledges the statements of values for the overlay area.

11 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 13**; and 20
- (b) to enable the taking of action under **sections 14 to 19**.

12 Effect of protection principles

The protection principles are intended to prevent the values stated in the statements of values from being harmed or diminished. 25

13 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— 30
 - (a) the statements of values; and
 - (b) the protection principles.
- (2) Before approving a strategy or plan that relates to the overlay area, the New Zealand Conservation Authority or a Conservation Board must— 35
 - (a) consult the joint redress trustees; and

- (b) have particular regard to the views of the joint redress trustees as to the effect of the strategy or plan on—
- (i) any matters in the implementation of the statements of values; and
 - (ii) any matters in the implementation of the protection principles.
- (3) If the joint redress 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 joint redress trustees an opportunity to make submissions in relation to those concerns. 5
- 14 Noting of overlay classification in strategies and plans** 10
- (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 15
 - (b) not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- 15 Notification in *Gazette***
- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,— 20
- (a) the declaration made by **section 10** that the overlay classification applies to the overlay area; and
 - (b) the protection principles.
- (2) An amendment to the protection principles, as agreed by the joint redress 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. 25
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 16 or 17**. 30
- 16 Actions by Director-General**
- (1) The Director-General must take action in relation to the protection principles, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken. 35
- (3) The Director-General must notify the joint redress trustees in writing of any action that the Director-General intends to take.

- 17 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.
- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment. 5
- (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.
- 18 Regulations** 10
- (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 17(1)**: 15
- (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)**: 20
- (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). 25
- 19 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 17(1)**: 30
- (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)**: 35
- (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).
- 20 Effect of overlay classification on overlay area** 5
- (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. 10
- (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.
- 21 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. 15
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless—
- (a) the joint redress trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or 20
- (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. 25
- (3) The Crown must take reasonable steps to ensure that the joint redress 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. 30
- (4) The Minister of Conservation must ensure that an order made under this section is published in the *Gazette*.
- 22 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. 35

- (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 statements of values than that person would give if the overlay area were not subject to the overlay classification.
- (3) **Subsection (2)** does not limit **subsection (1)**. 5
- (4) This section is subject to the other provisions of this subpart.
- 23 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 10
- (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 2—Customary fishing

- 24 Regulations for management of customary fishing** 15
- (1) The Minister may recommend the making of regulations under section 186 of the Fisheries Act 1996 to provide for—
- (a) the management of customary food gathering in Wairarapa Moana and the Ruamahanga River catchment by Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua and Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua; and 20
- (b) the issuing of customary authorisations as part of that management; and
- (c) the management of customary fishing grounds in Wairarapa Moana and the Ruamahanga River catchment that are of special significance to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua or Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua. 25
- (2) The Minister must recommend the making of regulations in accordance with **subsection (1)** to give effect to any written notice received from both groups of joint redress trustees and the chief executive—
- (a) stating that they agree that the regulations are required; and 30
- (b) specifying the content required in the regulations.
- (3) In this section, **Minister** and **chief executive** have the meanings given by section 2(1) of the Fisheries Act 1996.

Subpart 3—Vesting of cultural redress properties

- 25 Interpretation** 35
- In this subpart,—

Crown stratum means the space occupied by—

- (a) the waters of any body of water that is above the Wairarapa Moana property;
- (b) the air above the Wairarapa Moana property

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 3**: 5

- (a) Mataikona property;
- (b) Wairarapa Moana property;
- (c) Mākirikiri property

reserve property means each of the properties named in **paragraphs (b) and (c)** of the definition of cultural redress property. 10

Property jointly vested in fee simple

26 Mataikona property

- (1) The reservation of the Mataikona property (being Mataikona Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked. 15
- (2) The fee simple estate in the Mataikona property vests as undivided half shares in the specified groups of trustees as tenants in common as follows:
 - (a) a share vests in the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
 - (b) a share vests in the trustees of the Rangitāne Tū Mai Rā Trust. 20

Property jointly vested in fee simple to be administered as Wairarapa Moana reserve

27 Wairarapa Moana property

- (1) The parts of the Wairarapa Moana property and the Crown stratum above the property that are a conservation area under the Conservation Act 1987 cease to be a conservation area. 25
- (2) The reservation of the parts of the Wairarapa Moana property and the Crown stratum above the property that are a reserve subject to the Reserves Act 1977 (parts of which are Allsops Bay Wildlife Reserve and part of Wairarapa Lake Shore Scenic Reserve) is revoked. 30
- (3) Sections 1, 2, 5, 7, 13, 16, 18, 20, 23, 32, 33, 34, 37, 39, 44, 46, and 47 on SO 517745, which are road, are stopped.
- (4) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.
- (5) The stopped road vests in the Crown as Crown land subject to the Land Act 1948. 35

- (6) The fee simple estate in the Wairarapa Moana property vests as undivided shares in the specified groups of trustees as tenants in common as follows:
- (a) a 90% share vests in the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
 - (b) a 10% share vests in the trustees of the Rangitāne Tū Mai Rā Trust. 5
- (7) The Wairarapa Moana property and the Crown stratum above the property are declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977.
- (8) The reserve is named Wairarapa Moana Local Purpose Reserve. 10
- (9) The Wairarapa Moana Statutory Board is the administering body of the reserve (*see* **section 103**).
- (10) To the extent that the Wairarapa Moana property has moveable boundaries, the boundaries are governed by the common law rules of accretion, erosion, and avulsion. 15
- (11) The existing improvements in or on the Wairarapa Moana property do not vest in the specified groups of trustees, despite the vesting under **subsection (6)**.
- (12) To avoid doubt, the Crown stratum above the Wairarapa Moana property remains owned by the Crown.

Property vested in fee simple in tipuna to be jointly administered as reserve 20

28 Mākirikiri property

- (1) The reservation of the part of the Mākirikiri property that is a recreation reserve subject to the Reserves Act 1977 (being Makirikiri Recreation Reserve) is revoked.
- (2) The reservation of the part of the Mākirikiri property that is a scenic reserve subject to the Reserves Act 1977 (being Makirikiri Scenic Reserve) is revoked. 25
- (3) The fee simple estate in the Mākirikiri property vests in the tipuna Te Rangiwhakaewa.
- (4) The Mākirikiri property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 30
- (5) The reserve is named Mākirikiri Reserve.
- (6) The joint management board established by **section 37** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the board (as if the board were trustees) under section 26 of that Act. 35
- (7) **Subsections (8) and (9)** apply despite—
- (a) the vesting of the Mākirikiri property in Te Rangiwhakaewa; or

- (b) the registration of Te Rangiwhakaewa as the registered owner of the Mākirikiri property.
- (8) The joint management board—
- (a) has all the rights and obligations of the registered owner of the Mākirikiri property; and 5
- (b) must exercise the rights, and perform the obligations, in the name of the joint management board.
- (9) The Registrar-General and any other relevant person must have regard to **subsection (8)**.
- (10) Section 15 of the Land Transfer Act 2017 does not apply in relation to the Mākirikiri property. 10
- (11) The fee simple estate in the Mākirikiri property cannot be transferred.
- (12) The reservation of the Mākirikiri property as a reserve subject to the Reserves Act 1977 cannot be revoked, but the classification of the reserve may be changed under that Act. 15

General provisions applying to vesting of cultural redress properties

29 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 that affect the property immediately before the settlement date. 20

30 Vesting of share of fee simple estate in property

In **sections 31 to 34**, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property.

31 Registration of ownership 25

- (1) For the Mataikona property, the Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for an undivided half share of the fee simple estate in the property in the names of the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and 30
- (b) create a record of title for an undivided half share of the fee simple estate in the property in the names of the trustees of the Rangitāne Tū Mai Rā Trust; and
- (c) record on each record of title any interests that are registered, noted, or to be noted for that record of title and that are described in the application. 35

- (2) For the Wairarapa Moana property, the Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for an undivided 90% share of the fee simple estate in the property in the names of the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and 5
 - (b) create a record of title for an undivided 10% share of the fee simple estate in the property in the names of the trustees of the Rangitāne Tū Mai Rā Trust; and
 - (c) record on each record of title any interests that are registered, noted, or to be noted for that record of title and that are described in the application. 10
- (3) For the Mākirikiri property, 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 Te Rangiwhakaewa; and 15
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (4) **Subsections (1) to (3)** are subject to the completion of any survey necessary to create a record of title.
- (5) A record of title must be created under this section as soon as is reasonably practicable after the settlement date, but not later than— 20
- (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the joint redress trustees.
- (6) In this section, **authorised person** means a person authorised by the Director-General. 25

32 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property 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. 30
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of the Mākirikiri property.
- (3) Part 4A of the Conservation Act 1987 does not apply to the vesting of the Wairarapa Moana property. 35
- (4) **Subsection (2)** does not limit **subsection (1)**.

33 Matters to be recorded on records of title

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

- (a) for the Mataikona property that the land is subject to Part 4A of the Conservation Act 1987; and
- (b) for the Wairarapa Moana property—
- (i) that Part 4A of the Conservation Act 1987 does not apply; and
 - (ii) that the land is subject to **sections 40 and 108(2)**; and 5
- (c) for the Mākirikiri 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 **section 28(8) and (11)**.
- (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. 10
- (3) For the Wairarapa Moana 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 any record of title created under **section 31** for the property the notations that the property is subject to **sections 40 and 108(2)**; or 15
 - (b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on any record of title, created under **section 31** or derived from a record of title created under that section, for the part of the property that remains a reserve. 20
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)(a)**.
- 34 Application of other enactments** 25
- (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. 30
- (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 or the Crown stratum above the Wairarapa Moana property. 35
- (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.

35 Names of Crown protected areas discontinued

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property or in the Crown stratum above the Wairarapa Moana property that, immediately before the settlement date, was all or part of a Crown protected area. 5
- (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. 10
- (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 15

36 Application of other enactments to reserve properties

- (1) The administering body of each reserve property is as follows:
 - (a) the Wairarapa Moana Statutory Board for the Wairarapa Moana property, as provided by **section 27**;
 - (b) the joint management board established by **section 37** for the Mākirikiri property, as provided by **section 28**. 20
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to the Mākirikiri property (*see* **section 107(1)** in relation to the Wairarapa Moana property).
- (3) If the reservation of the Wairarapa Moana 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. 25
- (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. 30
- (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. 35

37 Joint management board for Mākirikiri property

- (1) A joint management board is established for the Mākirikiri property.
- (2) The following are appointers for the purposes of this section:

- (a) the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
- (b) the trustees of the Rangitāne Tū Mai Rā Trust.
- (3) Each appointer may appoint 2 members to the joint management board.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointer: 5
- (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.
- (5) An appointment ends after 3 years or earlier when the member resigns or is discharged. 10
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (7) Sections 32(2) to (4), (7), (10), and (11), 33, and 34 of the Reserves Act 1977 apply to the joint management board as if it were a board under that Act and with any necessary modifications, but only to the extent that is consistent with this Act. 15
- (8) The first meeting of the board must be held no later than 2 months after the settlement date.
- 38 Chairperson and deputy chairperson of joint management board** 20
- (1) The chairperson and the deputy chairperson of the joint management board must be appointed from among its members.
- (2) The chairperson must be appointed alternately by each group of joint redress trustees, starting with the trustees of the Rangitāne Tū Mai Rā Trust.
- (3) The deputy chairperson must be appointed alternately by each group of joint redress trustees, starting with the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust. 25
- (4) The chairperson and deputy chairperson are appointed for a term of 3 years.
- 39 Quorum of joint management board**
- (1) A meeting of the joint management board is properly constituted if a quorum is present, whether or not all of the members are voting. 30
- (2) At least a quorum must be present during the whole of the time at which the business is transacted at the meeting.
- (3) If the chairperson and the deputy chairperson are not present at a meeting, the members who are present must elect one of themselves to act as the chairperson for the meeting. 35
- (4) A quorum for a meeting of the joint management board is 2 members, comprising—

- (a) the chairperson, the deputy chairperson, or a member who is acting as the chairperson; and
- (b) at least 1 member appointed by the group of joint redress trustees who did not appoint the person present under **paragraph (a)**.
- 40 Subsequent transfer of reserve land in Wairarapa Moana property** 5
- (1) This section applies to all or the part of the Wairarapa Moana property that remains a reserve under the Reserves Act 1977 after the property has vested under this subpart.
- (2) The fee simple estate in the reserve land may be transferred only in accordance with **section 41**. 10
- (3) In this section and **section 41**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.
- 41 Transfer of reserve land in Wairarapa Moana property to new trustees or custodian trustee**
- (1) The registered owners of an undivided share in the fee simple estate in the reserve land may transfer that share if— 15
- (a) the transferees are—
- (i) the trustees of the same trust in whose trustees the share was vested by this or another Act; or
- (ii) the custodian trustee of that trust; and 20
- (b) the instrument to transfer the share is accompanied by a certificate given by the transferees, or the transferees' lawyer, verifying that **paragraph (a)** applies.
- (2) In this section, **custodian trustee** means— 25
- (a) the custodian trustee of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust that is appointed under clause 28 of the trust deed for that Trust; or
- (b) the custodian trustee of the Rangitāne Tū Mai Rā Trust that is appointed or incorporated under clause 25.1 of the trust deed for that Trust.
- 42 Reserve land in any reserve property not to be mortgaged** 30
- (1) This section applies to the following **reserve land**:
- (a) all or the part of the Wairarapa Moana property that remains a reserve under the Reserves Act 1977 after the property has vested under this subpart:
- (b) all of the land in the Mākirikiri property. 35
- (2) The owners of reserve land must not mortgage, or give a security interest in, the reserve land.

43 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 under this subpart. 5
- (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**Wairarapa Moana framework**

Subpart 1—Statutory Board: functions, membership, procedure, committees, etc 10

44 Statutory Board established

The Wairarapa Moana Statutory Board is established.

45 Purpose of Statutory Board

The purpose of the Statutory Board is to act as a guardian of Wairarapa Moana and the Ruamahanga River catchment, for the benefit of present and future generations, by— 15

- (a) being the administering body of each Wairarapa Moana reserve—
- (i) for the purpose of the reserve’s classification under the Reserves Act 1977 and in accordance with the appropriate provisions of that Act and this Act; and 20
- (ii) for the purpose of protecting and enhancing its cultural, spiritual, and ecological values; and
- (b) being the manager of the Wairarapa Moana marginal strips as if it were appointed under section 24H(1) of the Conservation Act 1987; and 25
- (c) providing leadership on the sustainable management of Wairarapa Moana and the Ruamahanga River catchment; and
- (d) promoting the restoration, protection, and enhancement of the social, economic, cultural, environmental, and spiritual health and well-being of Wairarapa Moana and the Ruamahanga River catchment to the extent that those matters relate to natural resources. 30

46 Functions of Statutory Board

- (1) The principal function of the Statutory Board is to achieve its purpose.
- (2) The other functions of the Statutory Board are as follows:
- (a) to do the following in relation to the 3 parts of the Wairarapa Moana document: 35

- (i) to prepare and approve the overarching vision and desired outcomes document: 5
- (ii) to be consulted on the preparation of the reserves management plan and to submit it for approval: 5
- (iii) to approve the natural resources document: 5
- (b) to determine the Statutory Board’s annual and multi-year priorities:
- (c) to agree with the appointers of the Statutory Board’s members to an annual operational management programme for the Wairarapa Moana reserves and Wairarapa Moana marginal strips, including projects planned for the reserves and marginal strips: 10
- (d) to provide advice to the Minister of Conservation and the Director-General on conservation matters relating to the Wairarapa Moana reserves:
- (e) to provide recommendations to the Minister of Conservation about authorisations (and conditions) for the taking and killing of any fish within any Wairarapa Moana reserve for commercial purposes: 15
- (f) to decide on and grant authorisations for the taking and killing of any fish within any Wairarapa Moana reserve for purposes other than commercial purposes:
- (g) to engage with, seek advice from, and provide advice to local authorities and other relevant agencies about the sustainable integrated management of Wairarapa Moana and the Ruamahanga River catchment: 20
- (h) to monitor the following, and to annually report on the following to the appointers of the Statutory Board’s members:
 - (i) the implementation of the Wairarapa Moana Statutory Board document; and 25
 - (ii) the implementation of the annual operational management programme:
- (i) to engage with third parties and interest groups, including by producing and disseminating information about, and awareness of, Wairarapa Moana and the Ruamahanga River catchment: 30
- (j) any other function required to achieve the Statutory Board’s purpose.

Membership of Statutory Board

47 Membership of Statutory Board

- (1) The Statutory Board comprises— 35
 - (a) 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust, including—
 - (i) 1 member representing the hapū of Papawai Marae; and

- (ii) 1 member representing the hapū of Kohunui Marae; and
 - (b) 1 member appointed by the trustees of the Rangitāne Tū Mai Rā Trust; and
 - (c) 2 members appointed by the Minister of Conservation; and
 - (d) 2 members appointed by Wellington Regional Council; and 5
 - (e) 1 member appointed by South Wairarapa District Council.
- (2) 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 10 than the date on which all of the other appointers will have received the notice.
- (3) An appointment ends after 3 years or earlier when the member resigns or is discharged.
- (4) A member may be appointed, reappointed, or discharged at the discretion of 15 the appointer.

48 Qualifications of members

In appointing a member, the appointer—

- (a) must be satisfied that the member has the skills, knowledge, and experience— 20
 - (i) to participate effectively in the Statutory Board; and
 - (ii) to contribute to achieving the purpose of the Statutory Board; and
- (b) must have regard to any other members of the Statutory Board to ensure that the membership collectively reflects a balanced mix of skills, knowledge, and experience in relation to Wairarapa Moana. 25

49 Resignation or discharge of members

- (1) A member of the Statutory Board may resign by giving written notice to the member's appointer and to the Statutory Board.
- (2) The appointer of a member may discharge the member by giving written notice to the member and to the Statutory Board. 30

50 Vacancies in membership

If there is a vacancy in the membership of the Statutory Board,—

- (a) the relevant appointer must appoint a member to fill the vacancy as soon as is reasonably practicable; and
- (b) the vacancy does not prevent the Statutory Board from operating if it 35 complies with the quorum and other requirements.

51 Chairperson

The members must elect the chairperson of the Statutory Board from among the 4 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust.

Procedures and meetings of Statutory Board 5

52 Procedures and meetings of Statutory Board

- (1) Sections 32(2) to (5), 33, and 34 of the Reserves Act 1977 apply to the Statutory Board as if it were a board under that Act and with any necessary modifications, but only to the extent that is consistent with this Act.
- (2) The first meeting of the Statutory Board must be held— 10
 - (a) before or when the Statutory Board is first required to make a decision by this or another Act; but
 - (b) in any case, no later than 6 months after the settlement date.
- (3) At its first meeting, the Statutory Board must— 15
 - (a) adopt rules of procedure; and
 - (b) agree on a schedule of meetings.
- (4) The rules of procedure must include rules for how the Statutory Board and the appointers of the Statutory Board’s members are to agree to the annual operational management programme under **section 118**.
- (5) For any procedure not covered by the rest of this section, the Statutory Board 20 may adopt any rule of procedure that is consistent with this Act.
- (6) The Statutory Board may at any time amend its rules of procedure.

53 Quorum of Statutory Board

- (1) A meeting of the Statutory Board is properly constituted if a quorum is present, 25 whether or not all of the members are voting.
- (2) At least a quorum must be present during the whole of the time at which the business is transacted at the meeting.
- (3) If the chairperson is not present at a meeting, the members who are present must elect to act as the chairperson for the meeting one of the members present who was appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust. 30
- (4) A quorum for a meeting of the Statutory Board is 6 members, comprising—
 - (a) the chairperson or a member who is acting as the chairperson (who must be a member appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust); and 35
 - (b) at least 1 other member appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and

- (c) the member appointed by the trustees of the Rangitāne Tū Mai Rā Trust; and
- (d) at least 3 members each of whom is appointed by an appointer other than joint redress trustees.

54 Voting of Statutory Board 5

- (1) A matter to be decided by the Statutory Board must be decided at a meeting of the Statutory Board.
- (2) The Statutory Board must try to unanimously agree to a matter but, if it cannot, the matter must be decided by a majority of 75% or more of the votes cast by members who are present and voting. 10
- (3) The chairperson, or the member who is acting as the chairperson, has a deliberative vote but no casting vote if the required majority is not achieved.

Committees of Statutory Board (including committee for natural resources)

55 Committees of Statutory Board

- (1) In performing its functions, the Statutory Board— 15
 - (a) has a committee for natural resources, which is established by **section 61**; and
 - (b) may establish 1 or more other committees.
- (2) The committee for natural resources comprises the members required by **section 62**, who need not be members of the Statutory Board. 20
- (3) Any other committee comprises members of the Statutory Board who are appointed by the Statutory Board.
- (4) A committee may invite advisers or observers to attend its meetings.

56 Appointment of committee members

- (1) The appointment of a member of a committee ends after 3 years or earlier when the member resigns or is discharged. 25
- (2) A member may be appointed, reappointed, or discharged at the discretion of the appointer.

57 Qualifications of committee members

- In appointing a member of a committee, the appointer— 30
- (a) must be satisfied that the member has the skills, knowledge, and experience—
 - (i) to participate effectively in the committee; and
 - (ii) to contribute to achieving the purpose of the committee; and

- (b) must have regard to any other members of the committee to ensure that the membership collectively reflects a balanced mix of skills, knowledge, and experience in relation to—
- (i) Wairarapa Moana and the Ruamahanga River catchment, for the committee for natural resources; or 5
 - (ii) the matters that relate to the committee’s purpose, for any other committee.
- 58 Resignation or discharge of committee members**
- (1) A member of a committee may resign by giving written notice to the member’s appointer and to the committee. 10
 - (2) The appointer of a member of a committee may discharge the member by giving written notice to the member and to the committee.
- 59 Vacancies in membership of committee**
- If there is a vacancy in the membership of a committee,—
- (a) the relevant appointer must appoint a member to fill the vacancy as soon as is reasonably practicable; and 15
 - (b) the vacancy does not prevent the committee from operating if it complies with its quorum and other requirements.
- 60 Procedures and meetings of committee**
- (1) At its first meeting, a committee must— 20
 - (a) adopt rules of procedure; and
 - (b) agree on a schedule of meetings.
 - (2) The committee—
 - (a) must adopt the rules of procedure (if any) required by the Statutory Board; and 25
 - (b) may adopt any other rules of procedure that are consistent with this Act.
 - (3) The rules of procedure must include rules for—
 - (a) the committee to elect a chairperson; and
 - (b) the members present at a meeting to elect a member to act as the chairperson for the meeting if the chairperson is not present. 30
 - (4) The committee may at any time amend the rules of procedure it adopts under **subsection (2)(b)**.
- Committee for natural resources*
- 61 Committee for natural resources established**
- A committee for natural resources is established as a committee of the Statutory Board. 35

62 Membership of committee for natural resources

The committee for natural resources comprises—

- (a) 2 members appointed by the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
- (b) 2 members appointed by the trustees of the Rangitāne Tū Mai Rā Trust; and
- (c) 1 member appointed by Wellington Regional Council; and
- (d) 1 member appointed by South Wairarapa District Council; and
- (e) 1 member appointed by Masterton District Council; and
- (f) 1 member appointed by Carterton District Council.

63 Appointment of members of committee for natural resources

A member of the committee for natural resources 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 on which all of the other appointers will have received the notice.

64 Quorum of committee for natural resources

- (1) A meeting of the committee for natural resources is properly constituted if a quorum is present, whether or not all of the members are voting.
- (2) At least a quorum must be present during the whole of the time at which the business is transacted at the meeting.
- (3) A quorum for a meeting of the committee is 6 members, comprising—
 - (a) at least 3 members each of whom is appointed by a group of joint redress trustees; and
 - (b) at least 3 members each of whom is appointed by an appointer other than joint redress trustees.

65 Voting of committee for natural resources

- (1) A matter to be decided by the committee for natural resources must be decided at a meeting of the committee.
- (2) The committee must try to unanimously agree to a matter but, if it cannot, the matter must be decided by a majority of 75% or more of the votes cast by members who are present and voting.
- (3) The chairperson, or the member who is acting as the chairperson, has a deliberative vote but no casting vote if the required majority is not achieved.

Provisions about Statutory Board and committees

- 66 Meeting in person or by electronic means**
- A meeting of the Statutory Board, or a committee of the Statutory Board, may be held in either, or in a combination, of the following ways:
- (a) by members meeting in person at the appointed time and place: 5
 - (b) by members using any means of audio, audiovisual, or electronic communication as long as—
 - (i) all of the members who wish to participate in the meeting by those means have access to the technology needed to do so; and
 - (ii) a quorum of members can simultaneously communicate with each other throughout the meeting. 10
- 67 Time when certain notices received**
- (1) This section states when a notice of appointment, a dispute notice, or a mediation notice is to be treated as having been received for the purposes of this Part. 15
 - (2) The notice is 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.
 - (3) However, the notice is received on the next working day if, under **subsection (2)**, it would be treated as having been received— 20
 - (a) after 5 pm on a working day; or
 - (b) on a day that is not a working day.
- 68 Alternative members of Statutory Board or committee for natural resources** 25
- (1) The appointer of 1 or more members of the Statutory Board, or of the committee for natural resources, may appoint 1 or more alternative members for those 1 or more members.
 - (2) An alternative member may attend a meeting, and do everything that the member could do at the meeting, if the member is unable to attend. 30
 - (3) The following provisions apply to an alternative member of the Statutory Board, with any necessary modifications:
 - (a) **section 47(2) to (4)** (which relates to how an appointment is made and ends):
 - (b) **section 48** (which relates to qualifications): 35
 - (c) **section 49** (which relates to resignation and discharge).

- (4) The following provisions apply to an alternative member of the committee for natural resources, with any necessary modifications:
- (a) **sections 56 and 63** (which relate to how an appointment is made and ends):
 - (b) **section 57** (which relates to qualifications): 5
 - (c) **section 58** (which relates to resignation and discharge).
- 69 Expenses of Statutory Board and committee for natural resources**
- Each appointer is responsible for paying for the expenses of the members it appoints to the Statutory Board or the committee for natural resources.
- 70 Statutory Board or committee not organisation or committee of local authority** 10
- (1) The Statutory Board, or any committee of the Statutory Board, is not a council organisation or a council-controlled organisation for the purposes of the Local Government Act 2002.
- (2) To avoid doubt, the Statutory Board, or any committee of the Statutory Board, is not a committee or a joint committee of a local authority for the purposes of the Local Government Act 2002 or any other Act. 15
- Disputes about matters under Wairarapa Moana framework*
- 71 Dispute referred to dispute resolution**
- (1) Any party to a relevant dispute who considers that the dispute has not been resolved within a reasonable time may refer the disputed issues to dispute resolution. 20
- (2) In this section, a **relevant dispute** is a dispute that—
- (a) is about anything to which this Part applies,—
 - (i) including a dispute about the process by which a decision of the Statutory Board, or a committee of the Statutory Board, was made; but 25
 - (ii) excluding a dispute that is merely an objection to the substance of such a decision or that is about an administrative matter; and
 - (b) has only 2 or more of the following (and no third parties) as **parties** to the dispute: 30
 - (i) the Statutory Board:
 - (ii) a committee of the Statutory Board:
 - (iii) an appointer of any member of the Statutory Board:
 - (iv) an appointer of any member of the committee for natural resources. 35

- (3) The party refers the disputed issues to dispute resolution by giving written notice to the other parties (the **dispute notice**)—
- (a) specifying the details of the issues; and
 - (b) stating that the issues are referred to dispute resolution.
- 72 Initial meeting to resolve dispute by agreement** 5
- (1) The parties must, within 20 working days after the date on which all of the parties have received the dispute notice, meet to try to resolve the disputed issues in good faith.
- (2) However, the parties may agree on a different deadline.
- 73 Mediation of dispute** 10
- (1) Any party may refer to mediation any disputed issues that are not resolved within a reasonable time by agreement under **section 72**.
- (2) The party refers the disputed issues to mediation by giving written notice to the other parties (the **mediation notice**)—
- (a) specifying the details of the issues; and 15
 - (b) stating that the issues are referred to mediation.
- (3) One or more persons must be appointed as the mediator.
- (4) The mediator—
- (a) must be familiar with tikanga Māori; and
 - (b) must be independent of the disputed issues. 20
- (5) The parties must try to agree on whom to appoint as the mediator.
- (6) If the parties cannot agree on the mediator within 15 working days after the date on which all of the parties have received the mediation notice, the mediator may be appointed by the Arbitrators and Mediators Institute of New Zealand Incorporated at the written request of the party who started the mediation process. 25
- 74 Role of mediator**
- (1) The mediator may give advice at the request of the parties, but cannot determine the disputed issues or bind the parties in any way.
- (2) The mediator must end the mediation no later than 3 months after the date on which all of the parties have received the mediation notice. 30
- (3) If the Statutory Board, or any of its committees, is a party to the dispute, the Statutory Board must pay—
- (a) an equal share of the costs of the mediator and related expenses; and
 - (b) any other costs and expenses incurred in the mediation by the Statutory Board or its committees. 35

- (4) If an appointer of any member of the Statutory Board or the committee for natural resources is a party to the dispute, that appointer must pay—
- (a) an equal share of the costs of the mediator and related expenses; and
 - (b) any other costs and expenses incurred in the mediation by that appointer.
- (5) In **subsections (3) and (4)**, **equal share** means a share that is equal between each appointer to which **subsection (4)** applies and, if **subsection (3)** applies, the Statutory Board. 5

75 Parties must participate in dispute resolution

- (1) The parties must participate in dispute resolution (including any mediation) in a co-operative, open-minded, and timely manner, having particular regard to— 10
- (a) the purposes of the Statutory Board and its committees; and
 - (b) the Wairarapa Moana document.
- (2) The Statutory Board and its committees must continue to perform their functions in good faith while disputed issues are unresolved.

Subpart 2—Wairarapa Moana document 15

76 Preparation and approval of document

This subpart sets out how the Wairarapa Moana document is prepared and approved.

77 Document has 3 parts

- The Wairarapa Moana document must have the following 3 parts: 20
- (a) an overarching vision, and statement of desired outcomes, for Wairarapa Moana (the **overarching vision and desired outcomes document**):
 - (b) a reserves management plan for the Wairarapa Moana reserves (the **reserves management plan**):
 - (c) a natural resources document for the Ruamahanga River catchment (the **natural resources document**). 25

78 Requirements for document

- (1) The Wairarapa Moana document must—
- (a) recognise and give expression to the relationship of the joint redress iwi and their culture and traditions with their ancestral lands, water, wāhi tapu, and other taonga in Wairarapa Moana and the Ruamahanga River catchment; and 30
 - (b) respect the tikanga and values of the joint redress iwi in the management of Wairarapa Moana and the Ruamahanga River catchment.

- (2) In **subsection (1)(a)** (and only there), **Wairarapa Moana** means the area shown outlined in red on the map in part 5 of the attachments to the deed of settlement of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.

79 Combined process for parts of document

- (1) The Statutory Board may, at its discretion, combine the processes related to giving public notice of, and seeking and considering submissions on, the drafts of 2 or more of the 3 parts of the Wairarapa Moana document. 5
- (2) In that case, a person’s rights of participation under the combined process must be no less favourable than under the separate processes.

Overarching vision and desired outcomes document 10

80 Requirements for overarching vision and desired outcomes document

The overarching vision and desired outcomes document must recognise and provide for the cultural, spiritual, and ecological values of Wairarapa Moana.

81 Preparation and approval of overarching vision and desired outcomes document 15

- (1) The Statutory Board must prepare a draft overarching vision and desired outcomes document.
- (2) In preparing the draft document, the Statutory Board must facilitate an inclusive approach that encourages the participation of—
- (a) the hapū of the joint redress iwi; and 20
- (b) any other persons and organisations as the Statutory Board considers appropriate.

82 Public notice of draft overarching vision and desired outcomes document

- (1) The Statutory Board, no later than 3 months after it prepares the draft overarching vision and desired outcomes document,— 25
- (a) must give public notice of the draft document; and
- (b) may give notice of the draft document in any other way it considers appropriate; and
- (c) must ensure that the draft document, and any other document it considers relevant, are available for public inspection. 30
- (2) The public notice, or other notice, of the draft document must state that—
- (a) the draft document is available for inspection at the places and times specified in the notice; and
- (b) any person or organisation may lodge a written (including an electronic) submission on the draft document with the Statutory Board in the manner, at the place, and by the deadline specified in the notice. 35

- (3) The deadline must be at least 20 working days after the date on which the public notice is given.

83 Submissions on draft overarching vision and desired outcomes document

- (1) The Statutory Board must consider the written (including electronic) submissions received on the draft overarching vision and desired outcomes document, but only to the extent that they are consistent with the requirements for the document in **section 80**. 5
- (2) The Statutory Board may then, at its discretion,—
- (a) arrange a hearing at a place and time specified by the Statutory Board; and 10
- (b) hear submissions from the persons or organisations who made written (including electronic) submissions.
- (3) After the hearing (if one is held), the Statutory Board must consider the submissions made at the hearing to the extent that they are consistent with the requirements for the document in **section 80**. 15
- (4) The Statutory Board must—
- (a) keep a record that summarises all submissions received on the draft overarching vision and desired outcomes document; and
- (b) keep a record that summarises all discussions at hearings about the draft document; and 20
- (c) provide the records to any person on request.

84 Approval of overarching vision and desired outcomes document

- (1) The Statutory Board may amend the draft overarching vision and desired outcomes document after considering any submissions.
- (2) It may do so either after a hearing arranged by the Statutory Board or after the Statutory Board decides not to arrange a hearing. 25
- (3) The Statutory Board must consider the draft document, including any amendments, and—
- (a) approve it as the final document; or
- (b) if it considers that any part of the document does not satisfy the requirements in **section 80**, reconsider it. 30
- (4) After reconsidering the draft document, the Statutory Board may amend it so that it may be considered for approval.
- (5) **Subsections (3) and (4)** then apply to each round of reconsideration.

85 Public notice of overarching vision and desired outcomes document 35

- (1) The Statutory Board, after approving the final overarching vision and desired outcomes document,—

- (a) must give public notice of the document; and
 - (b) may give notice of the document in any other way it considers appropriate; and
 - (c) must ensure that the document is available for public inspection; and
 - (d) may prepare and make available a decision report that states how the Statutory Board considered and dealt with submissions on the draft document. 5
- (2) The public notice, or other notice, of the document must state that—
- (a) the document is available for inspection at the places and times specified in the notice; and 10
 - (b) the document takes effect on the date specified in the notice.
- (3) The document takes effect on that specified date.

86 Review and amendment of overarching vision and desired outcomes document

- (1) The Statutory Board must review the overarching vision and desired outcomes document in accordance with this section. 15
- (2) The first review of the document must start no later than 10 years after it was approved as the final document.
- (3) Each subsequent review must start no later than 10 years after the previous review ended. 20
- (4) At the end of each review, the Statutory Board must decide whether the document should be amended.
- (5) An amendment to the document that has minor effect may be—
 - (a) prepared by the Statutory Board; and
 - (b) made in accordance with **sections 84(3) to (5) and 85**, which apply with any necessary modifications. 25
- (6) Any other amendment to the document must be prepared and made in accordance with **sections 81 to 85**, which apply with any necessary modifications.

87 Delegation to committee of Statutory Board

- (1) The Statutory Board may delegate to a committee of the Statutory Board any function, power, or duty it has under **sections 81 to 86**, except its power under **section 84(3)(a)** (to approve the final overarching vision and desired outcomes document, including after a subsequent review of the document). 30
- (2) In that case, those sections apply with any necessary modifications.

*Reserves management plan***88 Requirements for reserves management plan**

The reserves management plan must be consistent with—

- (a) the overarching vision and desired outcomes document; and
- (b) the conservation legislation and this Act. 5

89 Preparation, approval, and review of reserves management plan

- (1) The reserves management plan must be prepared, approved, and subsequently reviewed in accordance with section 41 of the Reserves Act 1977.
- (2) That section applies to the reserves management plan, whether in relation to its preparation, approval, review, or otherwise,— 10
 - (a) as modified by the rest of this section; and
 - (b) with any other necessary modifications.
- (3) The reserves management plan must apply to all of the Wairarapa Moana reserves, despite anything in section 41 of the Reserves Act 1977.
- (4) The draft reserves management plan must be prepared— 15
 - (a) by the Director-General and the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust; and
 - (b) in consultation with the Statutory Board.
- (5) The Statutory Board (as the administering body of the Wairarapa Moana reserves) must submit the draft plan to the Minister of Conservation for approval. 20
- (6) The reserves management plan must be reviewed by the Statutory Board, even (despite **subsection (4)**) for a review that is treated by section 41 of the Reserves Act 1977 as the preparation of a management plan.
- (7) However, the Statutory Board may delegate the review to a committee of the Statutory Board. 25

*Natural resources document***90 Requirements for natural resources document**

- (1) The natural resources document must identify the Statutory Board’s issues, values, vision, objectives, and desired outcomes for sustainable management of natural resources in the Ruamahanga River catchment, to the extent that they relate to the health and well-being of Wairarapa Moana or the Ruamahanga River catchment. 30
- (2) The document must identify those matters in order to provide leadership on the sustainable management of the Ruamahanga River catchment in a way— 35

-
- (a) that promotes the restoration, protection, and enhancement of the social, economic, cultural, environmental, and spiritual health and well-being of Wairarapa Moana and the Ruamahanga River catchment; and
- (b) that is consistent with the overarching vision and desired outcomes document; and 5
- (c) that satisfies **section 78**.
- (3) The natural resources document must not contain rules or regulatory methods.
- 91 Preparation of draft natural resources document**
- (1) The committee for natural resources must prepare a draft natural resources document. 10
- (2) In preparing the draft document, the committee must facilitate an inclusive approach that encourages the participation of—
- (a) the hapū of the joint redress iwi; and
- (b) any other persons and organisations as the committee considers appropriate. 15
- (3) The committee must provide the draft document to the Statutory Board for approval.
- 92 Public notice of draft natural resources document**
- (1) The Statutory Board, no later than 3 months after the date it approves the draft natural resources document,— 20
- (a) must give public notice of the draft document; and
- (b) may give notice of the draft document in any other way it considers appropriate; and
- (c) must ensure that the draft document, and any other document it considers relevant, are available for public inspection. 25
- (2) The public notice, or other notice, of the draft document must state that—
- (a) the draft document is available for inspection at the places and times specified in the notice; and
- (b) any person or organisation may lodge a written (including an electronic) submission on the draft document with the Statutory Board in the manner, at the place, and by the deadline specified in the notice. 30
- (3) The deadline must be at least 20 working days after the date on which the public notice is given.
- 93 Submissions on draft natural resources document**
- (1) The Statutory Board must provide the written (including electronic) submissions received on the draft natural resources document to the committee for natural resources. 35

- (2) The committee must—
- (a) consider the submissions to the extent that they are consistent with the requirements for the document in **section 90**; and
 - (b) advise the Statutory Board of the key issues arising from the submissions; and 5
 - (c) advise the Statutory Board of whether it recommends a hearing.
- (3) The Statutory Board must consider the advice and then may, at its discretion,—
- (a) arrange a hearing at a place and time specified by the Statutory Board; and
 - (b) hear submissions from the persons or organisations who made written (including electronic) submissions. 10
- (4) A hearing arranged by the Statutory Board must, at its discretion,—
- (a) be held by the Statutory Board with the committee for natural resources attending; or
 - (b) be held by that committee. 15
- (5) After either type of hearing (if one is held), the committee must—
- (a) consider the submissions made at the hearing to the extent that they are consistent with the requirements for the document in **section 90**; and
 - (b) advise the Statutory Board of the key issues arising from the submissions. 20
- (6) The committee must—
- (a) keep a record that summarises all submissions received on the draft natural resources document; and
 - (b) keep a record that summarises all discussions at hearings about the draft document; and 25
 - (c) provide the records to any person on request.

94 Approval of natural resources document

- (1) The committee for natural resources may amend the draft natural resources document after considering any submissions.
- (2) It may do so either after a hearing arranged by the Statutory Board or after the Statutory Board decides not to arrange a hearing. 30
- (3) The committee must provide to the Statutory Board—
- (a) the draft document, including any amendments, for approval; and
 - (b) written details of how the committee—
 - (i) considered the submissions on the draft document; and 35
 - (ii) made any amendments to the draft document after considering any submissions.

- (4) The Statutory Board must consider the draft document and—
- (a) approve it as the final document; or
 - (b) ask the committee to reconsider it.
- (5) The Statutory Board may ask for reconsideration only if it considers that any part of the document does not satisfy the requirements in **section 90**. 5
- (6) After reconsidering the draft document, the committee may amend it and must provide to the Statutory Board—
- (a) the draft document, including any amendments, for approval; and
 - (b) written details of how the committee—
 - (i) considered the draft document’s failure to satisfy the requirements in **section 90**; and 10
 - (ii) made any amendments to the draft document so that it satisfies the requirements.
- (7) **Subsections (4) to (6)** then apply to each round of reconsideration.
- 95 Public notice of natural resources document** 15
- (1) The Statutory Board, after approving the final natural resources document,—
- (a) must give public notice of the document; and
 - (b) may give notice of the document in any other way it considers appropriate; and
 - (c) must ensure that the document is available for public inspection; and 20
 - (d) may make available, after requiring the committee for natural resources to prepare it, a decision report that states how the committee considered and dealt with submissions on the draft document.
- (2) The public notice, or other notice, of the document must state that—
- (a) the document is available for inspection at the places and times specified in the notice; and 25
 - (b) the document takes effect on the date specified in the notice.
- (3) The document takes effect on that specified date.
- 96 Assistance for committee for natural resources**
- (1) The committee for natural resources may at any time ask for reports, information, or advice to assist in the preparation or approval of the natural resources document. 30
- (2) The committee may ask for these from—
- (a) any appointer of members to the committee; or
 - (b) any other person. 35

- (3) If the committee asks an appointer, the appointer must provide what has been asked for, and by any deadline specified by the committee, if it is reasonably practicable to do so.

97 Review and amendment of natural resources document

- (1) The committee for natural resources must review the natural resources document as required by this section. 5
- (2) The Statutory Board must ask the committee to do each review.
- (3) The first review of the document must start no later than 10 years after it was approved as the final document.
- (4) Each subsequent review must start no later than 10 years after the previous review ended. 10
- (5) The committee must make recommendations about the document to the Statutory Board at the end of each review.
- (6) The Statutory Board must consider the recommendations and decide whether the document should be amended. 15
- (7) An amendment to the document that has minor effect may be—
- (a) prepared by the committee; and
 - (b) made in accordance with **sections 94(4) to (7) and 95**, which apply with any necessary modifications.
- (8) Any other amendment to the document must be prepared and made in accordance with **sections 91 to 95**, which apply with any necessary modifications. 20

Effect of parts of Wairarapa Moana document under certain statutes

98 Effect on local authorities

- (1) In preparing or changing a regional policy statement, regional plan, or district plan under the Resource Management Act 1991, the relevant local authority must recognise and provide for the content of the natural resources document to the extent that it is relevant to matters covered by the statement or plan. 25
- (2) In preparing or adopting a long-term plan or an annual plan under the Local Government Act 2002, the relevant local authority must have particular regard to the content of the natural resources document to the extent that it is relevant to matters covered by the plan. 30
- (3) However, **subsections (1) and (2)** do not apply to the extent that they would affect the continued operation of the existing Development Scheme under **section 112**.
- (4) To avoid doubt,— 35
- (a) the content of the Wairarapa Moana document does not predetermine or constrain the identification of freshwater values, or the setting of freshwater objectives, by local authorities and their communities under the

National Policy Statement for Freshwater Management 2014 issued under the Resource Management Act 1991; and

- (b) the local authority must satisfy **subsection (1)** in a way that is consistent with the Resource Management Act 1991.

99 Effect on Director-General 5

- (1) In preparing a conservation management strategy under the Conservation Act 1987, the Director-General must have particular regard to the content of the following, to the extent that it is relevant to matters covered by the strategy:
- (a) the overarching vision and desired outcomes document; and
 - (b) the reserves management plan. 10
- (2) In preparing any plan under conservation legislation, the Director-General must have particular regard to the content of the following, to the extent that it is relevant to matters covered by the plan:
- (a) the overarching vision and desired outcomes document; and
 - (b) any advice that relates to the Wairarapa Moana reserves provided by the Statutory Board to the Minister of Conservation or the Director-General. 15

100 Effect on Minister of Conservation

In recommending the making of any regulations about recreational or commercial fishing to apply to the Wairarapa Moana reserves, the Minister of Conservation must have particular regard to any relevant advice from the Statutory Board. 20

Subpart 3—Wairarapa Moana reserves and marginal strips

Conservation areas and reserve become local purpose reserves

101 Conservation areas declared local purpose reserves

Each conservation area described in the following table is declared a reserve and classified as a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977: 25

Name of conservation area	Description
Diversion Conservation Area	0.7082 hectares, more or less, being Section 594 Featherston Suburban.
Lake Ōnoke (part of Lake Wairarapa Wetland Conservation Area)	735.0 hectares, approximately, being Part Wairarapa Moana. Subject to survey 734.1000 hectares, more or less, being Section 1 SO 576158.
The Narrows dry lands (part of Lake Wairarapa Wetland Conservation Area)	39.0 hectares, approximately, being Part Wairarapa Moana. Subject to survey 38.6498 hectares, more or less, being Sections 3, 5, 6, 7, and 8 SO 531280.
Parera Conservation Area	0.7151 hectares, more or less, being Section 1 SO 31220 and Section 1 SO 546973.

102 Reserve reclassified as local purpose reserve

- (1) The classification of the reserve described in the following table is changed to a local purpose reserve, for the primary purpose of ecosystem and wildlife management and the secondary purpose of recreation, subject to section 23 of the Reserves Act 1977: 5

Name of reserve	Description
Part of Matthews and Boggy Pond Wildlife Reserve	385.5245 hectares, more or less, being Section 1 SO 532197 and Section 54 Kahutara District.

- (2) Section 24 of the Reserves Act 1977 does not apply to the change of classification under this section.

*Statutory Board's powers as administering body of Wairarapa Moana reserves***103 Statutory Board is administering body of Wairarapa Moana reserves**

- (1) The Statutory Board is the administering body of a Wairarapa Moana reserve for the purposes of the Reserves Act 1977, and is responsible for granting any interest over or authorising any use of the reserve, as provided in **subsection (2) and sections 104 to 106.** 10
- (2) The Statutory Board must consult with the owners of a Wairarapa Moana reserve before granting an interest in land over the reserve. 15
- (3) This section continues to apply despite any transfer of the fee simple estate in a Wairarapa Moana reserve.

104 Administering reserves vested (or partly vested) in the Crown

- (1) This section applies to a Wairarapa Moana reserve— 20
- all of which is vested in the Crown; or
 - part of which is vested in the Crown and part of which is owned by any joint redress trustees.
- (2) The Reserves Act 1977 applies to the reserve as if— 25
- the Statutory Board were appointed to control and manage the reserve under section 30(1) of that Act; and
 - a reference in a relevant provision to a local authority (including a territorial authority or regional council) included the Statutory Board.
- (3) In addition, the Statutory Board may grant a concession over the reserve, or do anything else, under section 59A of the Reserves Act 1977 as if— 30
- the Statutory Board had all of the Minister's powers under that section (instead of the Minister); and
 - section 59A(2) and (4) of that Act referred to facilities provided by the Minister or the Statutory Board.
- (4) However, the following provisions of the Reserves Act 1977 do not apply to the Statutory Board as the administering body of the reserve: 35

- (a) section 30 (other than section 30(1));
- (b) section 31;
- (c) the provisions of section 32 that are not applied by **section 52(1)** of this Act.
- (5) For the purposes of **subsections (2) and (3)**, if part of the reserve is owned by any joint redress trustees, the provisions of the Reserves Act 1977 that apply to reserves vested in the Crown apply to the whole reserve regardless. 5
- (6) In this section and **section 105, relevant provision** means section 8(9), 23(3), 71(3), or 91 of the Reserves Act 1977.
- 105 Administering reserves not vested in the Crown** 10
- (1) This section applies to a Wairarapa Moana reserve no part of which is vested in the Crown.
- (2) The Reserves Act 1977 applies to the reserve,—
- (a) for the purposes of the following, as if the reserve were vested in the Statutory Board under section 26 of that Act: 15
- (i) granting an authorisation over the reserve, or doing anything else, under an authorisations provision:
- (ii) filing charging documents under section 101(1)(b) of that Act:
- (iii) anything under sections 39 and 105B(1)(m) of that Act; and
- (b) for all other purposes, as if the Statutory Board were an administering body that neither is appointed to control and manage the reserve nor has the reserve vested in it; and 20
- (c) for both sets of purposes, as if a reference in an authorisation provision or a relevant provision to a local authority (including a territorial authority or regional council) included the Statutory Board. 25
- (3) To avoid doubt, **subsection (2)(b)** means that, for those other purposes, provisions of the Reserves Act 1977 relating to administering bodies apply to the reserve unless they are expressly about reserves controlled and managed by, or vested in, the administering body.
- (4) In this section,— 30
- authorisation** means anything granted under an authorisations provision
- authorisations provision** means section 48, 48A, 50, 53, 54, 55, 56, 58, 58A, 60, 61, 63, 72, 73, 74, or 75 of the Reserves Act 1977.
- 106 Statutory Board has some powers delegated by Minister under Reserves Act 1977** 35
- (1) The Statutory Board may exercise or perform, in relation to the Wairarapa Moana reserves, a power or function—

- (a) that the Minister of Conservation has delegated under section 10 of the Reserves Act 1977 to all local authorities that are the administering bodies of reserves; and
- (b) that is relevant to the Wairarapa Moana reserves; and
- (c) that is not excluded by **subsection (2)**; and 5
- (d) that it is not already able to exercise or perform under **section 104 or 105**.
- (2) The powers and functions under the following provisions of the Reserves Act 1977 are excluded: sections 6(3), 14(4), 15(1), 15(3), 16(1) and (4), 24, 25(1), 41(1), 48(1), 48A(3), 51(1), 54(1), 55, 56(1) and (2), 58A(1), 59A, 67(1)(b), and 75(1) and (2). 10
- (3) The delegations apply to the Statutory Board—
- (a) subject to any limitations expressed in the delegation; and
- (b) with any necessary modifications.
- 107 Financial provisions for Wairarapa Moana reserves** 15
- (1) Sections 78 to 81, 88, 89, and 90 of the Reserves Act 1977 do not apply in relation to a Wairarapa Moana reserve.
- (2) Any money payable under a concession or an authorisation granted over a Wairarapa Moana reserve under the Reserves Act 1977 or the Conservation Act 1987 is payable to the Statutory Board. 20
- (3) The Statutory Board must spend the money on achieving the overarching vision and desired outcomes set out in the overarching vision and desired outcomes document, despite anything in Part 4 of the Reserves Act 1977.
- Existing interests*
- 108 Interests in land for Wairarapa Moana reserves** 25
- (1) If a Wairarapa Moana reserve is affected by any interest in land when the Statutory Board becomes its administering body, the interest applies as if the Statutory Board were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve, but only while the land remains part of a Wairarapa Moana reserve. 30
- (2) Any interest in land that affects a Wairarapa Moana reserve must be dealt with for the purposes of registration as if the Statutory Board were the registered owner of the reserve.
- (3) **Subsections (1) and (2)** continue to apply despite any transfer of the fee simple estate in a Wairarapa Moana reserve. 35

109 Interests that are not interests in land

- (1) This section applies if a Wairarapa Moana reserve is subject to an interest (other than an interest in land) for which there is a grantor when the Statutory Board becomes its administering body, whether or not the interest also applies to land outside the reserve. 5
- (2) The interest applies as if the Statutory Board were the grantor of the interest in respect of the reserve.
- (3) The interest applies—
- (a) until the interest expires or is terminated, but any subsequent transfer of the reserve must be ignored in determining whether the interest expires or is or may be terminated; and 10
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the reserve.

*Existing improvements***110 Existing improvements may remain** 15

- (1) This section applies to an existing improvement other than—
- (a) an existing improvement in or on a reserve that becomes a Wairarapa Moana reserve because of **section 121** (for Council-owned reserves);
 - (b) the existing Development Scheme.
- (2) During the 5 years from the start of the settlement date, the existing improvement may remain in or on the Wairarapa Moana reserve even if there is no concession or authorisation for it under the Reserves Act 1977 or the Conservation Act 1987. 20
- (3) However, the existing improvement may be used only in accordance with the Reserves Act 1977 and the Conservation Act 1987, including any requirement for a concession or authorisation. 25

111 Determination and notice of consent applications for existing improvements

- (1) This section applies to an existing improvement in or on a Wairarapa Moana reserve, other than a reserve that becomes a Wairarapa Moana reserve because of **section 121** (for Council-owned reserves). 30
- (2) Certain applications relating to the existing improvement must be determined as if—
- (a) any land in the reserve that was vested in any joint redress trustees on the settlement date remained owned by the Crown; and 35
 - (b) the reserve were not a reserve and were not subject to the Statutory Board as the administering body under this Part.

- (3) The applications are each application for a resource consent under the Resource Management Act 1991, or for a building consent under the Building Act 2004,—
- (a) to use, occupy, access, repair, maintain, remove, or demolish the existing improvement; or 5
 - (b) to rectify the non-compliance of the existing improvement with that Act.
- (4) The Crown must give written notice to the Statutory Board of an application to which this section applies as follows:
- (a) for a proposed application by the Crown, before the Crown makes the application; or 10
 - (b) for any other application, as soon as is reasonably practicable after the Crown receives notice of the application because it owns the land in the reserve.
- 112 Wellington Regional Council may retain and operate existing Development Scheme** 15
- (1) The existing Development Scheme may remain in or on the Wairarapa Moana reserves and Wairarapa Moana marginal strips.
- (2) Wellington Regional Council (the **Council**) may continue to operate the existing Development Scheme in the same manner as the Council operated it before the relevant date. 20
- (3) In addition, the Council retains any powers and responsibilities that it had, immediately before the relevant date, under the Soil Conservation and Rivers Control Act 1941 in relation to the existing Development Scheme.
- (4) **Subsections (1) to (3)** apply as if—
- (a) any land in a Wairarapa Moana reserve that was vested in any joint redress trustees on the settlement date remained owned by the Crown; and 25
 - (b) each Wairarapa Moana reserve were not a reserve and were not subject to the Statutory Board as the administering body under this Part; and
 - (c) each Wairarapa Moana marginal strip were not managed by the Statutory Board under section 24H(1) of the Conservation Act 1987. 30
- (5) However, the Soil Conservation and Rivers Control Act 1941 applies without modification to any substantially new matter, such as making a new water-course or new outfall for water, or erecting a new defence against water, under section 133(1)(c) of that Act. 35
- (6) The chief executive of the Council must make copies of the following available for inspection, free of charge, at the Council’s office in Wellington between 9 am and 5 pm on any working day:
- (a) the Lower Wairarapa Valley Development Scheme Review 2008:

- (b) the parts of the Flood Protection Asset Revaluation 2017 that refer to the relevant assets comprising the existing Development Scheme.
- (7) To avoid doubt,—
- (a) the continued operation of the existing Development Scheme is subject to all other applicable enactments; and 5
- (b) the Statutory Board has no functions in relation to the existing Development Scheme.
- (8) In this section,—
- existing Development Scheme—**
- (a) means the scheme described by the Lower Wairarapa Valley Development Scheme Review 2008, comprising the relevant assets referred to in the Flood Protection Asset Revaluation 2017, to the extent that the scheme exists in or on a Wairarapa Moana reserve or Wairarapa Moana marginal strip immediately before the relevant date; and 10
- (b) includes any other works of the Council to minimise and prevent damage by floods and erosion, to that same extent 15
- Flood Protection Asset Revaluation 2017** means the document of that name prepared by the Council, in the form in which the document exists on the relevant date
- Lower Wairarapa Valley Development Scheme Review 2008** means the document of that name approved by the Council, in the form in which the document exists on the relevant date 20
- relevant date** means—
- (a) the settlement date; or
- (b) the date on which a reserve becomes a Wairarapa Moana reserve because of **section 121**, if the matter relates to such a (Council-owned) reserve. 25

Liability of Crown, Statutory Board, trustees, and Councils for Wairarapa Moana reserves

113 Liability of Crown

- (1) The Crown retains existing liabilities in relation to— 30
- (a) land in a Wairarapa Moana reserve that remains vested in the Crown; and
- (b) land in a Wairarapa Moana reserve that was vested in any joint redress trustees by this or another Act.
- (2) The **existing liabilities** are any liabilities that the Crown has immediately before the settlement date arising from— 35

- (a) any contamination of the land that happened while the Crown owned the land before the settlement date, whether or not the contamination has been discovered by the settlement date; or
- (b) an existing improvement that is in or on the land and is owned by the Crown immediately before the settlement date; or 5
- (c) plants attached to the land, if it is the bed of a body of water, including in respect of biosecurity matters.

114 Liability of Statutory Board and trustees

- (1) The Statutory Board, or a group of joint redress trustees, is liable for—
 - (a) any damage or contamination that arises in relation to a Wairarapa Moana reserve from its intentional, reckless, or negligent act or failure to act; and 10
 - (b) remediating any further damage to, or contamination of, a Wairarapa Moana reserve that arises because its act or failure to act worsens any damage or contamination that existed immediately before the settlement date. 15
- (2) The Statutory Board is not liable for—
 - (a) an existing improvement for which it would, apart from this section, be liable because it is the administering body of a Wairarapa Moana reserve; or 20
 - (b) the waters or aquatic life of, or the plants attached to the bed of a body of water in, a Wairarapa Moana reserve.
- (3) In all other respects, the Statutory Board is liable for all Wairarapa Moana reserves as if it were the owner of each reserve.
- (4) The joint redress trustees who are owners of any land in a Wairarapa Moana reserve are not liable for— 25
 - (a) an existing improvement for which they would, apart from this section, be liable because they own the land; or
 - (b) the waters or aquatic life, or the plants attached to the bed of a body of water, in the land. 30
- (5) **Subsection (1)** overrides **subsections (2) and (4)**.

115 Liability of Councils

- (1) If a reserve becomes a Wairarapa Moana reserve because of **section 121**, the relevant Council under that section retains existing liabilities in relation to the land in the reserve. 35
- (2) The **existing liabilities** are any liabilities arising from the following that the relevant Council has immediately before the date on which the reserve becomes a Wairarapa Moana reserve:

- (a) any contamination of the land that happened while the relevant Council owned the land before that date, whether or not the contamination has been discovered by that date; or
- (b) an existing improvement that is in or on the land and is owned by the relevant Council immediately before that date; or 5
- (c) plants attached to the land, if it is the bed of a body of water, including in respect of biosecurity matters.

116 Assistance towards liability of Statutory Board

- (1) If the Statutory Board considers that it is unable to meet any liability it has in respect of a Wairarapa Moana reserve, it may request assistance from the Crown. 10
- (2) The Statutory Board must request assistance as early as practicable by giving written notice to the Minister of Finance, the Minister of Conservation, and the Minister for the Environment.
- (3) The Ministers must consider and reply to the request. 15
- (4) In their reply, the Ministers may, at their discretion,—
 - (a) propose, or seek the Statutory Board’s proposals for, options to meet the liability; or
 - (b) agree to assist in meeting the liability and specify any conditions on assistance that they consider appropriate. 20

Operational management of Wairarapa Moana reserves and Wairarapa Moana marginal strips

117 Operational management of Wairarapa Moana reserves and Wairarapa Moana marginal strips

The appointers of the Statutory Board’s members have primary responsibility for operational management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips. 25

118 Annual planning meeting of Statutory Board

- (1) The Statutory Board must hold a planning meeting each year.
- (2) At each planning meeting,— 30
 - (a) the Statutory Board must determine its annual and multi-year priorities; and
 - (b) the Statutory Board must agree with the appointers of the Statutory Board’s members to a programme for the operational management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips for the following year (the **annual operational management programme**); and 35

- (c) the Statutory Board, and the appointers of the Statutory Board’s members, must report to each other on the implementation of their respective responsibilities under the annual operational management programme for the previous year; and
- (d) the appointers of the Statutory Board’s members must agree on the administrative and technical support they will provide to the Statutory Board. 5
- 119 Annual operational management programme for Wairarapa Moana reserves and Wairarapa Moana marginal strips**
- (1) The annual operational management programme must— 10
- (a) reflect the purpose of the Statutory Board; and
- (b) implement the reserves management plan, as far as practicable; and
- (c) implement the Statutory Board’s priorities for the relevant year, as far as practicable; and
- (d) identify the funding that is available from the following for the operational management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips for the relevant year: 15
- (i) the Statutory Board;
- (ii) the appointers of the Statutory Board’s members;
- (iii) any other source; and 20
- (e) describe the operational management activities that are planned for the Wairarapa Moana reserves and Wairarapa Moana marginal strips for the relevant year (and any related contracts), including—
- (i) capital and operational projects; and
- (ii) policy and planning projects; and 25
- (iii) restoration and maintenance activities; and
- (iv) the processing of applications for concessions and authorisations; and
- (v) the monitoring of activities undertaken under concessions and authorisations; and 30
- (vi) any special projects beyond the usual operational management of the reserves and marginal strips; and
- (f) identify who is responsible for particular operational management activities, whether the Statutory Board or an appointer of the Statutory Board’s members; and 35
- (g) include any other information relevant to the operational management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips.
- (2) The annual operational management programme may—

- (a) identify funding that spans more than 1 year; and
 - (b) describe management activities that span more than 1 year.
- (3) A person or body has absolute discretion to decide on the type and amount of the funding it makes available for the management of the Wairarapa Moana reserves and Wairarapa Moana marginal strips, as identified in the annual operational management programme. 5
- (4) The management activities planned for the Wairarapa Moana reserves and Wairarapa Moana marginal strips need be implemented only to the extent that funding and other resources make it practicable.
- (5) The Statutory Board may directly fund special projects from any source of funds, including through a contestable process, and may engage third parties to undertake special projects in accordance with the annual operational management programme. 10

Fishing in Wairarapa Moana reserves

- 120 Minister or Statutory Board may authorise fishing in Wairarapa Moana reserves** 15
- (1) The Minister of Conservation (and not the Statutory Board) may authorise the taking and killing of any fish within any Wairarapa Moana reserve for commercial purposes.
- (2) The Minister may grant authorisation— 20
- (a) only on the recommendation of the Statutory Board; and
 - (b) subject to any conditions, but must consider any recommendations for conditions from the Statutory Board.
- (3) The Statutory Board (and not the Minister of Conservation) may authorise the taking and killing of any fish within any Wairarapa Moana reserve for purposes other than commercial purposes. 25
- (4) The Statutory Board may grant authorisation subject to any conditions, and must impose conditions (if any) that the Statutory Board considers necessary to achieve the purpose of the Statutory Board.
- (5) An authorisation under this section must be in writing. 30
- (6) This section overrides section 50 of the Reserves Act 1977 but only as that section relates to the taking and killing of fish.
- (7) However, any taking and killing of fish that is authorised by this section must still comply with any other relevant enactment, including— 35
- (a) Part 5B of the Conservation Act 1987; and
 - (b) the Wildlife Act 1953; and
 - (c) any regulations, Proclamation, or notification under those Acts; and

- (d) for commercial fishing, the Fisheries Act 1996 and any regulations made under that Act; and
- (e) for other fishing, regulations made under the Fisheries Act 1996, including (in the case of customary fishing) regulations made in accordance with **section 24(1)**.

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Additional Wairarapa Moana reserves

121 Council-owned reserve may become Wairarapa Moana reserve

- (1) The Statutory Board may consent to being appointed as the administering body of a reserve—
 - (a) that is owned by or vested in the regional council, or the territorial authority, for the area that includes Wairarapa Moana (the **relevant Council**); and 10
 - (b) to which 1 or both of the joint redress iwi have a historical and cultural relationship similar to the one that they have to the Wairarapa Moana reserves; and 15
 - (c) in respect of which the relevant Council has determined that the Statutory Board is best suited to manage the land.
- (2) An appointment is made and takes effect on the day that the Minister of Conservation, by notice in the *Gazette*, declares the Statutory Board to be the administering body of the reserve for the purposes of the Reserves Act 1977. 20
- (3) A reserve for which the Statutory Board has been appointed as the administering body under this section becomes a Wairarapa Moana reserve under this Act.
- (4) **Subsection (5)** applies if the relevant Council—
 - (a) no longer wants the Statutory Board to administer a reserve in accordance with an appointment under this section; and 25
 - (b) has consulted the Statutory Board; and
 - (c) has notified the Minister of Conservation in writing of the matters in **paragraphs (a) and (b)**.
- (5) The Minister of Conservation must, by notice in the *Gazette*, revoke the appointment. 30
- (6) On the date of the notice,—
 - (a) the reserve ceases to be a Wairarapa Moana reserve under this Act; and
 - (b) the relevant Council resumes responsibility for the reserve for the purposes of the Reserves Act 1977. 35

Statutory Board is manager of Wairarapa Moana marginal strips

122 Statutory Board is manager of Wairarapa Moana marginal strips

The Statutory Board is the manager of the Wairarapa Moana marginal strips as if it were appointed under section 24H(1) of the Conservation Act 1987.

Schedule 1

Wairarapa Moana reserves and marginal strips

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Part 1

Wairarapa Moana reserves

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Name of reserve	Description	Owner on settlement date
<i>Reserves wholly owned by trustees of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust</i>		
Kahutara Local Purpose Reserve	The reserve declared over the Kahutara property by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
Kākahimakatea Historic Reserve	The reserve declared over the Kākahimakatea property by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
Ōwāhanga Local Purpose Reserve	The reserve declared over the Ōwāhanga property by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
Wairarapa Lake Domain Recreation Reserve	The reserve declared over the Wairarapa Lake Domain property by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
Wairarapa Lake Shore Local Purpose Reserve	The reserve declared over the Wairarapa Lake Shore property by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
Wairarapa Lake Shore Scenic Reserve	The reserve declared over the Wairarapa Lake Shore Scenic Reserve property by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	The trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
<i>Reserves wholly owned by the Crown</i>		
Diversion Local Purpose Reserve	The reserve declared over the relevant conservation area by section 101 .	The Crown
EC Holmes Memorial Scenic Reserve	1.3071 hectares, more or less, being Lot 1 DP 14909.	The Crown
Kahutara Scenic Reserve	3.6219 hectares, more or less, being Section 36 Kahutara District.	The Crown
Lake Ōnoke Local Purpose Reserve	The reserve declared over the relevant conservation area by section 101 .	The Crown
The Narrows Local Purpose Reserve	The reserve declared over the relevant conservation area by section 101 .	The Crown

Name of reserve	Description	Owner on settlement date
Oporua Scenic Reserve	1.6919 hectares, more or less, being Lot 1 DP 49734.	The Crown
Parera Local Purpose Reserve	The reserve declared over the relevant conservation area by section 101 .	The Crown
Part of Matthews and Boggy Pond Local Purpose Reserve	The relevant reserve whose classification is changed by section 102 .	The Crown
Tuhitarata Bush Scenic Reserve	10.0742 hectares, more or less, being Lots 1 and 2 DP 49894.	The Crown
Turner Wildlife Reserve	2.5000 hectares, more or less, being Lot 5 DP 72851.	The Crown
Turners Lagoon Wildlife Reserve	3.4700 hectares, more or less, being Lots 6 and 7 DP 72851.	The Crown
Unnamed Nature Reserve—Featherston	0.4909 hectares, more or less, being Lot 6 DP 424891.	The Crown
<i>Reserves partly owned by any joint redress trustees and the Crown</i>		
Pounui Lagoon Local Purpose Reserve	The reserve declared over the Pounui lagoon property, and the Crown stratum above it, by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	Pounui lagoon property: the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust Crown stratum above the property: the Crown
Ruamahanga Cutoff Local Purpose Reserve	The reserve declared over the Ruamahanga Cutoff property, and the Crown stratum above it, by the settlement Act of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua.	Ruamahanga Cutoff property: the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust Crown stratum above the property: the Crown
Wairarapa Moana Local Purpose Reserve	The reserve declared over the Wairarapa Moana property, and the Crown stratum above it, by section 27(7) .	Wairarapa Moana property: <ul style="list-style-type: none"> • the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust (90% share): • the trustees of the Rangitāne Tū Mai Rā Trust (10% share) Crown stratum above the property: the Crown

Part 2

Wairarapa Moana marginal strips

Name of marginal strip	Description
Lake Wairarapa Outlet Marginal Strip	<u>2.5832</u> hectares, more or less, being Section 4 SO 531280. 7.70 <u>5.20</u> hectares, approximately, being Crown Land SO 32476 and SO 32477.

Lower Ruamahanga River Marginal Strip	19.1800 hectares, more or less, being Section 2 SO 35468-28.0010 hectares, more or less, being Section 9 SO <u>531280.</u>
Oporua Backwater Marginal Strip	Marginal strip on Section 2 SO 36649.
Roto Marginal Strip	2.20 hectares, approximately, being Crown Land SO 32141.
Ruamahanga Cutoff Marginal Strip	0.80 hectares, approximately, being Part Lot 1 DP 6129.
Ruamahanga Diversion No. 1 Marginal Strip	8.80 hectares, approximately, being Parts Lot 12 DP 7583, Part Section 99 Turanganui District, and Part Section 1 Block I Haurangi Survey District.
Ruamahanga River No. 3 Marginal Strip	2.2637 hectares, more or less, being Section 22 Block IX Huangarua Survey District.
Ruamahanga River No. 5 Marginal Strip	5.5000 hectares, more or less, being Section 25 Block IX Huangarua Survey District.

Schedule 2 Overlay area

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Overlay area	Location	Description
Castlepoint Scenic Reserve	As shown on OTS-203-13	<p data-bbox="948 533 1225 591"><i>Wellington Land District— Masterton District</i></p> <p data-bbox="948 600 1267 712">36.0000 hectares, more or less, being Section 1047 Whareama District. All <i>Gazette</i> notice B040011.1.</p> <p data-bbox="948 721 1331 835">25.2000 hectares, more or less, being Lot 1 DP 51466. All record of title WN43B/769 for the fee simple estate.</p>

Schedule 3

Cultural redress properties

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Property jointly vested in fee simple

Name of property	Description
Mataikona property	<p><i>Wellington Land District—Masterton District</i></p> <p>2.1940 hectares, more or less, being Section 1 SO 527847. All <i>Gazette</i> notice B377376.1.</p>

Property jointly vested in fee simple to be administered as Wairarapa Moana reserve 5

Name of property	Description
Wairarapa Moana property	<p><i>Wellington Land District—South Wairarapa District</i></p> <p>7630.00 hectares, approximately, 7665.1500 hectares, more or less, being Section 1 SO 518213 and Part Wairarapa Moana Section 1 SO 531280. Part transfers 508508, 512153, 535993, 669518, and 758892, part records of title WN194/217, WN424/136, 605550, and 619413 for the fee simple estate, part <i>Gazette</i> 1912, p 36, part <i>Gazette</i> notice B432983.1, and all <i>Gazette</i> notice 506609.1. Subject to survey.</p>

Property vested in fee simple in tipuna to be jointly administered as reserve

Name of property	Description
Mākirikiri property	<p><i>Hawke's Bay Land District—Tararua District</i></p> <p>15.3780 hectares, more or less, being Sections 1 and 2 SO 529209. All records of title HB2K/241 and HB2K/242 for the fee simple estate.</p>

Legislative history

3 February 2022	Introduction (Bill 98–1)
30 March 2022	First reading and referral to Māori Affairs Committee