Ngāti Rangitihi Claims Settlement Act 2022

Public Act	2022 No 7
Date of assent	18 March 2022
Commencement	see section 2

Contents

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Rangitihi Claims Settlement Act 2022.

2 Commencement

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

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology given by the Crown to Ngāti Rangitihi in the deed of settlement; and

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

4 Provisions to take effect on settlement date

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

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

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

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

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

5 Act binds the Crown

This Act binds the Crown.

6 Outline

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

(2) This Part—

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

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

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

(d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Rangitihi, as recorded in the deed of settlement; and

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

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

(g) provides for—

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

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

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

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

(v) access to the deed of settlement.

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

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

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

(ii) a statutory acknowledgement by the Crown of the statements made by Ngāti Rangitihi of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for specified areas; and

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

(iv) appointment of 2 members nominated by the trustees to the joint advisory committee set up under the Ngāti Awa Claims Settlement Act 2005; and

(v) a new classification for part of Lake Tarawera Scenic Reserve and provision for a change to its official geographic name; and

(vi) the provision of official geographic names for certain places; and

(b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and

(c) the vesting of the Te Ariki site; and

(d) the establishment, functions, and powers of the Tarawera Awa Restoration Strategy Group.

(4) Part 3 provides for commercial redress, including the transfer of land and a right of first refusal in relation to RFR land.

(5) There are 4 schedules, as follows:

(a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:

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

(c) Schedule 3 describes the cultural redress properties and the Te Ariki site:

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

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

7 Summary of historical account, acknowledgements, and apology

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

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

8 Summary of historical account

(1) Ngāti Rangitihi had minimal contact with Pākehā before the 1820s. In 1840, Ngāti Rangitihi were part of a Te Arawa inter-hapū hui that agreed not to sign the Treaty of Waitangi or accept the authority of the Crown at that time. During the 1840s and 1850s, Ngāti Rangitihi successfully engaged with the emerging colonial economy. Following inter-iwi conflict in the 1850s, Ngāti Rangitihi worked to maintain peace in their rohe.

(2) In 1864, Ngāti Rangitihi decided to join a Te Arawa force fighting alongside a Crown contingent that defeated a Tai Rāwhiti taua supporting the Kīngitanga. From 1865 through to 1872, Ngāti Rangitihi forces assisted the Crown against Pai Mārire forces and other iwi, including supporters of Te Kooti. In 1866, large-scale Crown confiscations in the Bay of Plenty included lands to which Ngāti Rangitihi had connections. Ngāti Rangitihi rangatira made extensive claims in the confiscation district, but these were not fully investigated. The Native Land Court granted Ngāti Rangitihi a 300-acre block to settle these claims, and several other blocks to reward their military service.

(3) The Crown promoted land laws in the 1860s which individualised the tribal land tenure of Māori. Between the 1870s and the 1890s, the Native Land Court investigated the areas where Ngāti Rangitihi claimed interests. The Court system involved significant costs for Ngāti Rangitihi, particularly for surveying. Although Ngāti Rangitihi rangatira protested against the outcomes of many court decisions, the Crown largely ignored their complaints.

(4) In the 1870s the Crown leased areas from Ngāti Rangitihi before the Native Land Court had awarded land titles. The Crown suspended the activities of the Native Land Court in the Bay of Plenty from 1873 to 1877 and stopped paying rent on untitled lands during this time. The Crown later treated any lease payments it had made as advance purchase payments. The Crown generally acted as a monopoly purchaser, and aggressively purchased Ngāti Rangitihi lands. Ngāti Rangitihi, devastated by the effects of the 1886 Mount Tarawera eruption, had to sell land they may otherwise have wanted to retain. By 1900 they were virtually landless. The Crown purchased roughly 169,000 acres of land in

which Ngāti Rangitihi had been awarded interests. Even after 1900, the Crown carried out excessive public works takings of Ngāti Rangitihi-owned land.

(5) Over half of the approximately 110 people killed in the Tarawera eruption were Ngāti Rangitihi. With their interior lands unusable, the survivors moved to the small area of land Ngāti Rangitihi retained at Matatā. From the late 1880s, Ngāti Rangitihi lobbied the Crown for relief. It took the Crown almost 30 years to provide Hauani land in exchange for Ngāti Rangitihi land at Pokohu.

(6) In the 1910s, the Crown drained the Rangitaiki swamp, depleting Ngāti Rangitihi food resources. The drainage led to the neglect of 2 Ngāti Rangitihi urupā and degraded the mauri of Te Awa o Te Atua. From 1954, Crown legislation allowed Tasman Pulp and Paper Company to discharge waste, causing heavy pollution to the Tarawera River and Lake Rotoitipaku.

(7) Despite the many challenges Ngāti Rangitihi faced, their long history of loyal military service in support of the Crown continued in the twentieth century, with Ngāti Rangitihi serving in many countries and suffering through combat and disease.

(8) Throughout the 19th and 20th centuries, Ngāti Rangitihi faced poor housing conditions and lower levels of education and employment than Pākehā. They recall being punished for speaking te reo Māori in schools. These conditions, along with the alienation of their customary lands, had a devastating impact on Ngāti Rangitihi social and economic development and cultural hauora (well-being).

Whakarāpopoto o ngā Kōrero Hītori

(1) Me uaua ka tūtaki a Ngāti Rangitihi ki te Pākehā i mua i ngā tau 1820. I te tau 1840, i whai wāhi a Ngāti Rangitihi ki tētahi huinga o ngā hapū o Te Arawa i whakaae ai kia kaua e waitohu i te Tiriti o Waitangi, e whakaae hoki ki te mana o te Karauna i taua wā. I ngā tau 1840 me ngā tau 1850, ka ngana a Ngāti Rangitihi ki te uru ki te ōhanga koroniara e whanake ake nei, kīhai i eke. Whai muri iho i ngā pakanga iwi-ki-te-iwi i ngā tau 1850, ka whai a Ngāti Rangitihi ki te whakamau i te rongo i roto i tō rātou rohe.

(2) I te tau 1864, ka whakatau a Ngāti Rangitihi ki te piri atu ki te ope taua o Te Arawa i te taha o te hokowhitu o te Karauna, nāna nei i haukurukuru te taua o te Tai Rāwhiti i tautoko rā i te Kīngitanga. Mai i te tau 1865 ki te tau 1872, ka tautoko ngā ope o Ngāti Rangitihi i te Karauna i ngā pakanga ki ngā Pai Mārire me ētahi atu iwi, tae atu ki ngā kaitautoko i Te Kooti. I te tau 1866, ka kapi i ngā muru nunui a te Karauna i te Waiariki ko ngā whenua i whai pānga ai a Ngāti Rangitihi. He nui ngā kerēme a ngā rangatira o Ngāti Rangitihi i roto i te rohe muru, engari kāore aua kerēme i whakatewhatewhangia noatia. E 300 eka te nui o te poraka i tukuna e te Kōti Whenua Māori ki a Ngāti Rangitihi hei whakatau i aua kerēme, me ētahi atu poraka huhua hoki hei utu mō te tautoko ki te kauhanga o te riri.

(3) I ngā tau 1860, ka whakatairanga te Karauna i ētahi ture whenua hei whakatapu mō te tangata takitahi ngā whenua ā-iwi o te Māori. I waenga i ngā tau 1870 me ngā tau 1890, ka whakawā te Kōti Whenua Māori i ngā wāhi i whai pānga ai a Ngāti Rangitihi. He taumaha rukiruki ngā utu o te Kōti Whenua Māori mō Ngāti Rangitihi, inā hoki mō te rūritanga. Ahakoa ngā whakah ē a ngā rangatira o Ngāti Rangitihi i ngā putanga o ngā whakatau huhua a te kōti, ka huri tuarā te Karauna ki ā rātou amuamu.

(4) I ngā tau 1870, ka rīhi te Karauna i ētahi wāhi mai i a Ngāti Rangitihi, i mua i tā te Kōti Whenua Māori tuku i ngā taitara whenua. Ka whakatārewa te Karauna i ngā hinonga a te Kōti Whenua Māori i te Waiariki mai i te tau 1873 ki te tau 1877, ā, ka mutu tana whakautu rēti mō ngā whenua kāore anō i whakatauria te taitara. I muri mai ka whakaarohia e te Karauna ngā utunga rēti i oti kē i a ia hei utunga hoko tōmua. I ētahi wā ko te rite o te Karauna ko te kaihoko anake, ā, ka taikaha hoki tana hoko i ngā whenua o Ngāti Rangitihi. Ka tāmia rawatia a Ngāti Rangitihi e ngā pānga o te hū o Tarawera i te tau 1886, ā, ka mate ki te hoko atu i ngā whenua i hiahia pea rātou ki te pupuri Eke noa te tau 1900 tata tonu nei ka whenua kore kē rātou. Ka hoko te Karauna i tōna 169,000 eka o ētahi whenua i tukuna ai ki a Ngāti Rangitihi he pānga ki aua whenua rā. I muri mai i te tau 1900 hoki, ka nui rawa ngā murunga hinonga tūmatanui a te Karauna i ngā whenua o Ngāti Rangitihi.

(5) Nuku atu i te hāwhe o tōna 110 tāngata i mate i te hū o Tarawera he Ngāti Rangitihi. Ka kore noa e taea te whakamahi ngā whenua ō uta, ka hūnuku ngā morehu ki te wāhi iti i puritia tonutia rā e Ngāti Rangitihi i Matatā. Mai i te mutunga o ngā tau 1880, ka kōkiri haere tonu a Ngāti Rangitihi i te Karauna kia āwhinatia atu rātou. Ka hipa atu te toru tekau tau, tata tonu nei, kātahi anō te Karauna ka whakawhiti i te whenua o Hauani mō te whenua o Ngāti Rangitihi i Pokohu.

(6) I ngā tau 1910, ka whakamimiti te Karauna i te repo o Rangitaiki, ka pau ngā mahinga kai a Ngāti Rangitihi. Ka whakamimititia te repo, me te aha ka iwikore ētahi urupā e rua o Ngāti Rangitihi, ka ngaro te mauri o Te Awa o Te Atua. Mai i te tau 1954, ka whakawātea ngā ture a te Karauna i te Tasman Pulp and Paper Company ki te tuku i āna para, me te aha ka whakapokea rawatia te awa o Tarawera me te moana o Rotoitipaku.

(7) Ahakoa ngā taumahatanga huhua kei runga i a Ngāti Rangitihi, i te rautau rua tekau ka whakaroroatia tā rātou tikanga roa, arā te tautoko i te Karauna ki te kauhanga o te riri. Ā, ka tū ki te mura o te ahi ki ētahi whenua huhua, ka tūpāpaku i te pakanga me te māuiuitanga.

(8) I te roanga o ngā rautau tekau mā iwa, rua tekau hoki, he harehare te āhua o ngā kāinga noho o Ngāti Rangitihi, ā, ka hakahaka kē atu ngā taumata mātauranga, ngā taumata tūranga mahi hoki i ō te Pākehā. E maumahara ana rātou ki te hāmenetanga ō rātou mō te kōrero Māori i roto i ngā kura. Nā aua āhuatanga, i te taha o te whakawāteatanga o ō rātou whenua tuku iho, i pā kino

ai a Ngāti Rangitihi, tōna whanaketanga ā-iwi, tōna whanaketanga ā-ōhanga, me tōna hauora ā-ahurea, ā-tikanga.

9 Acknowledgements

Ngāti Rangitihi military service

(1) The Crown acknowledges that Ngāti Rangitihi have fulfilled their obligations as a Treaty partner, and particularly pays tribute to their military service in many parts of the world.

Native Land Laws: impact of individualisation of title on tribal structures

(2) The Crown acknowledges that—

(a) Ngāti Rangitihi was not consulted about the introduction of native land laws; and

(b) the costs of attending Native Land Court hearings could impose a considerable burden on Ngāti Rangitihi; and

(c) the operation and impact of the native land laws, particularly the awarding of land to individuals rather than to iwi or hapū, made Ngāti Rangitihi lands more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of tribal structures of the hapū of Ngāti Rangitihi, which were based on the tribal custodianship of land. The Crown acknowledges it failed to take adequate steps to protect the tribal structures of Ngāti Rangitihi, and this failure was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Native Land Laws: high survey costs

(3) The Crown acknowledges that high survey costs were burdensome to Ngāti Rangitihi. In particular, the Crown acknowledges that it failed to actively protect Ngāti Rangitihi when they had to transfer an unreasonable amount of land to the Crown to cover the survey costs in the Matahina D block and this was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Crown leasing and purchase of Ngāti Rangitihi land blocks

(4) The Crown acknowledges that the combined effect of—

(a) its use of advance payments and lease agreements before title to the land in question was determined by the Native Land Court; and

(b) its suspension of the Native Land Court over much of the central North Island between 1873 and 1877, and its refusal to pay rent on land before title was determined; and

(c) its use of monopoly powers in negotiations to acquire Ngāti Rangitihi land; and

(d) its employment, on occasion, of aggressive purchase techniques to pressure Ngāti Rangitihi to sell land, including, from December 1886, taking advantage of the state of poverty Ngāti Rangitihi suffered after the recent

Tarawera eruption to purchase land that the iwi may otherwise have not wanted to sell,—

meant that the Crown failed to actively protect Ngāti Rangitihi interests in land they wished to retain, and that the Crown did not act in good faith and that this was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Crown purchase of Ruawahia block

(5) The Crown acknowledges that from 1897 to 1901 it purchased individual shares in the Ruawahia block despite the ongoing opposition of Ngāti Rangitihi leaders to the sale of the block.

(6) The Crown acknowledges that—

(a) its decision to include a portion of the Tarawera lakebed in the purchase of the Ruawahia block effectively reduced the amount the Crown paid per acre for the block; and

(b) it therefore failed to pay a fair price and to negotiate in good faith and this was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Landlessness

(7) The Crown acknowledges that it was aware in the aftermath of the Mount Tarawera eruption that Ngāti Rangitihi were living in dire circumstances and did not have sufficient land for their present and future needs. Despite this, the Crown took nearly 30 years to provide Ngāti Rangitihi with secure title to the Hauani land, and it only did so nearly 10 years after Ngāti Rangitihi initially agreed to exchange part of the Pokohu A block for the Hauani land. The Crown acknowledges that its failure to prevent Ngāti Rangitihi from becoming virtually landless by 1900, and to take reasonable steps to ensure they had sufficient land for their present and future needs had a devastating impact on Ngāti Rangitihi social and economic development and cultural hauora (well-being), and was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Excessive public works taking at Te Ariki Isthmus

(8) The Crown acknowledges that in 1908 it took an excessive amount of land at Te Ariki for public works purposes and that by doing so it failed to act in good faith towards Ngāti Rangitihi and breached the principles of te Tiriti o Waitangi / the Treaty of Waitangi. The Crown further acknowledges that this excessive taking diminished the already minimal landholdings of Ngāti Rangitihi and separated them from important taonga and wāhi tapu for many years.

The drainage of Rangitaiki Swamp

(9) The Crown acknowledges that environmental changes and pollution since the 19th century have been a source of distress and grievance for Ngāti Rangitihi. In particular, the Crown acknowledges that its actions in modifying the courses of the Tarawera and Rangitaiki Rivers and draining the Rangitaiki Swamp destroyed resource-rich wetlands, damaged Ngāti Rangitihi wāhi tapu, and

caused significant harm to flora and fauna relied on by Ngāti Rangitihi. The Crown acknowledges that the draining of the Rangitaiki Swamp, combined with industrial pollution, has significantly degraded the Te Awa o Te Atua Lagoon.

Pollution of Tarawera River

(10) The Crown acknowledges that—

(a) the Tarawera River and its tributaries are taonga of great spiritual and cultural importance to Ngāti Rangitihi and once acted as a major trade route and abundant source of customary resources for them. The river conveys the mana of the senior lines of the iwi; and

(b) it promoted legislation in 1954 that minimised regulatory oversight of the Tasman Pulp and Paper Company's disposal of industrial effluent into the Tarawera River. For many years the Crown did not effectively monitor the harm being done to the river by this pollution. The Crown became aware of the pollution by 1974 at the latest, but failed to take reasonable steps to protect the river from harm until the 1980s, despite the existence of alternative effluent disposal schemes to mitigate against pollution; and

(c) the pollution of the river has been an ongoing source of distress and grievance to Ngāti Rangitihi; and

(d) its failure until 1986 to begin applying standard statutory protections to the river caused immense harm to the Tarawera River and was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Te reo Māori

(11) The Crown acknowledges that it failed to actively protect te reo Māori and encourage its use by iwi and Māori, which had a detrimental impact on te reo Māori and the iwi of Ngāti Rangitihi, and that this was a breach of te Tiriti o Waitangi / the Treaty of Waitangi and its principles.

Ngā Whakaaetanga

Te tautoko a Ngāti Rangitihi ki te kauhanga o te riri

(1) E whakaae ana te Karauna kua whakatutuki a Ngāti Rangitihi i ōna herenga hei hoa Tiriti, ā, inā hoki e mihi ana ki a rātou mō rātou i tautoko ki te kauhanga o te riri i ngā tōpito huhua o te ao.

Ngā Ture Whenua Māori—te pānga o te whakatakitahitanga o te taitara ki ngā hanganga ā-iwi

(2) Ka whakaae te Karauna—

(a) Kāore a Ngāti Rangitihi i akoakona e pā ana ki te whakaurunga o ngā ture whenua Māori;

(b) ka utaina pea ki runga i a Ngāti Rangitihi he taumahatanga rukiruki e ngā utu mō te haere ki ngā whakawānga Kōti Whenua Māori; ā,

(c) nā runga i ngā hinonga me ngā pānga o ngā ture whenua Māori, inā rā ko te tukunga o te whenua ki te tangata takitahi, kaua ki te iwi rānei, te hapū rānei, i mōrearea ai a Ngāti Rangitihi kei whakawehea, kei wāwāhia, kei whakawāteatia rānei te whenua. Nā konei i ngahoro ai ngā hanganga o ngā hapū o Ngāti Rangitihi, he hanganga i takea mai i te kaitiakitanga a te iwi i te whenua. E whakaae ana te Karauna kāore i tutuki i a ia ētahi hinonga hei tiaki i ngā hanganga ā-iwi o Ngāti Rangitihi, ā, he wāwāhitanga hoki tērā i te Tiriti o Waitangi me ōna mātāpono.

Ngā Ture Whenua Māori—ngā utu rūritanga taumaha

(3) E whakaae ana te Karauna he taumaha ngā utu rūritanga nui mō Ngāti Rangitihi. Inā hoki e whakaae ana te Karauna kāore ia i āta tiaki i a Ngāti Rangitihi i tana whakawhitinga o ētahi whenua nui whakaharahara ki te Karauna kia ea ai ngā utu rūritanga mō te poraka o Matahina D, ā, he wāwāhitanga tērā o te Tiriti o Waitangi me ōna mātāpono.

Te rīhi me te hoko a te Karauna i ngā poraka whenua o Ngāti Rangitihi

(4) E whakaae ana te Karauna ko te huinga o ngā pānga o—

(a) tana whakamahinga i ngā utunga tōmua, i ngā whakaaetanga rīhi hoki i mua i te whakataunga a te Kōti Whenua Māori i te take o te mana whenua;

(b) te tārewatanga o te Kōti Whenua Māori i runga i te rahinga o Te Ika Tapu a Māui, i waenga i te tau 1873 me te tau 1877, ā, me tana kore noa e whakaae ki te whakautu rēneti mō te whenua i mua i te whakataunga o te mana whenua;

(c) te whakamahinga ōna i tōna mana anake i roto i ngā whiriwhiringa kia riro ai ngā whenua o Ngāti Rangitihi;

(d) tana whakamahinga, i ētahi wā, i ngā tikanga hokonga taikaha hei uruhi i a Ngāti Rangitihi ki te hoko i ōna whenua. Hei tauira mai i te Tihema tau 1886 ko te ngaki i te āhuatanga pōhara o Ngāti Rangitihi i muri tata mai i te hū o Tarawera hei hoko i ngā whenua i hiahia ai te iwi ki te pupuri pea; ā,

nā ēnei mahi i kore ai te Karauna e āta tiaki i ngā pānga o Ngāti Rangitihi ki te whenua i hiahia tonu ai rātau ki te pupuri. Waihoki kīhai te Karauna i mahi i runga i te ngākau pono, ā, he wāwāhitanga tērā o Te Tiriti o Waitangi me ōna mātāpono.

Tā te Karauna hoko i te poraka o Ruawāhia

(5) E whakaae ana te Karauna i hoko ia i ētahi hea takitahi i te poraka o Ruawāhia mai i te tau 1897 ki te tau 1907, ahakoa ngā whakahē ukauka a ngā rangatira o Ngāti Rangitihi i te hokonga o te poraka.

(6) E whakaae ana te Karauna—

(a) ka whakawhāititia te tapekenga moni i whakautua e Karauna mō ia eka o te poraka nā runga i tana whakatau ki te whakauru i tētahi wāhi o te takere o te moana o Tarawera ki te hokonga o te poraka o Ruawāhia; ā,

(b) nā reira i kore ai ia i whakautu i te utu tōtika, i whiriwhiri i runga i te ngākau pono hoki, ā, he wāwāhitanga tērā i te Tiriti o Waitangi me ōna mātāpono.

Te whenuakoretanga

(7) E whakaae ana te Karauna i mōhio ia e noho ana a Ngāti Rangitihi i runga i te āhuatanga uaua rawa whai muri i te hū o Tarawera maunga, ā, kāore i rawaka ōna whenua kia tutuki ai ōna hiahia ō naianei, ō āpōpō hoki. Ahakoa tērā, ka tata tonu ki te 30 tau ka pau kia hoatu rā anō te Karauna i te taitara tūmau ki te whenua o Hauani. Waihoki ka tata tonu ki te 10 tau i muri mai i te whakaae a Ngāti Rangitihi ki te whakawhiti i tētahi wāhanga o te poraka Pokohu A mō te whenua o Hauani, kātahi anō ka hoatu te taitara o Hauani. Ka whakaae te Karauna kāore ia i ārai i a Ngāti Rangitihi kei whenua kore nei ā eke noa te tau 1900, kāore hoki i oti i a ia he hinonga hei whakatūturu ka rawaka te whenua kia tutuki ai ō rātou hiahia ō naianei, ō āpōpō hoki. Me te aha ka kino rawa te pānga ki a Ngāti Rangitihi, tōna whanaketanga ā-iwi, tōna whanaketanga ā-ōhanga, me tōna hauora ā-ahurea, ā-tikanga, ā, he wāwāhitanga tērā o te Tiriti o Waitangi me ōna mātāpono.

He Nui Rawa te Whenua i Tangohia hei Hinona Tūmatanui i te Kūiti o Te Ariki

(8) E whakaae ana te Karauna he nui rawa te whenua i tangohia e ia i te tau 1908 i Te Ariki mō ngā mahi tūmatanui, ā, nā reira i kore ai ia i mahi i runga i te ngākau pono i te taha o Ngāti Rangitihi, me te aha ka wāwāhi i ngā mātāpono o Te Tiriti o Waitangi. Ka whakaae hoki te Karauna ka whakawhāititia e taua tangohanga nui ngā puritanga whenua whāiti kē o Ngāti Rangitihi, ā, ka hia tau nei rātau e tauwehea ana i ngā taonga nunui me ngā wāhi tapu.

Te whakamimititanga o te repo o Rangitāiki

(9) E whakaae ana te Karauna ko tētahi pūtake o te mamae me te nawe mō Ngāti Rangitihi ko te whakarerekētanga o te taiao me te whakapokenga i te rautau tekau mā iwa. Inā hoki e whakaae ana te Karauna i urupatua ngā repo mōmona me ngā wāhi tapu o Ngāti Rangitihi, ā, i pāngia kinotia ngā rākau me ngā kararehe i ora ai a Ngāti Rangitihi, e ā te Karauna hinonga whakarerekē i te rerenga o te awa o Tarawera me te Rangitāiki. E whakaae ana te Karauna kua pūwhenua te wahapū o Te Awa o te Atua i te whakamimititanga o te Repo o Rangitāiki, me te whakapokenga ā-ahumahitanga hoki.

Te whakapokenga o te awa o Tarawera

(10) E whakaae ana te Karauna—

(a) he taonga te awa o Tarawera me ōna hikuawa, he whakahirahira ā-wairua, ā-tikanga ki a Ngāti Rangitihi. I noho mai te awa hei huarahi tauhoko, hei pātaka o ngā rauemi tuku iho mō rātau. Kawea ai e te awa te mana o ngā koromatua o te iwi;

(b) i te tau 1954 nāna i whakatairanga te whakaturetanga i angiangi ai te titiro a te waeture ki te Tasman Pulp and Paper Company, otirā ki te tukunga o āna para ahumahi ki te awa o Tarawera. He maha ngā tau, kāore i whaihua tā te Karauna aroturuki i te hē e whakapāngia ana ki te awa e taua whakapokenga. Eke noa te tau 1974 ka mōhio te Karauna ki te whakapokenga, engari kīhai i oti i a ia he mahi pai hei tiaki i te awa i aua hē taea noatia ngā tau 1980, ahakoa te putanga o ētahi atu kaupapa ākiri para hei whakawhāiti i te whakapokenga;

(c) ko te whakapokenga o te awa te pūtake o te mamae me te nawe e ngau tonu nei i a Ngāti Rangitihi;

(d) Nā te korenga ōna e whakarite i ngā tiakitanga ā-ture mō te awa ki te taumata i whakaritea, i pā ai te mate nui ki te awa o Tarawera, ā, he wāwāhitanga tērā o Te Tiriti o Waitangi me ōna mātāpono.

(11) E whakaae ana te Karauna kīhai i āta tiaki i te reo Māori, i akiaki hoki i tana whakamahinga e ngā iwi me Ngāi Māori, me te aha ka pāngia kinotia te reo Māori me Ngāti Rangitihi iwi. Ā, he wāwāhitanga tērā o te Tiriti o Waitangi me ōna mātāpono.

10 Apology

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

"(a) The Crown makes the following apology to Ngāti Rangitihi, to your tūpuna and to your mokopuna, and recognises your arduous journey in pursuit of justice. This apology is long overdue.

(b) The Crown is profoundly sorry for the many hardships and tribulations Ngāti Rangitihi have endured, and unreservedly apologises for its failure to fulfil its obligations to you under the Treaty of Waitangi.

(c) The Crown sincerely apologises for its aggressive acquisition of Ngāti Rangitihi lands, even when Ngāti Rangitihi were dealing with the tragic consequences of the Tarawera eruption.

(d) The Crown deeply regrets that in the aftermath of the eruption, and despite recognising that Ngāti Rangitihi were a "wandering landless people" suffering deprivation and uncertainty, it still took almost 30 years to provide Ngāti Rangitihi with a secure title to the Hauani land. The Crown apologises for failing to ensure that Ngāti Rangitihi had sufficient land for your present and future needs.

(e) The Crown's failure to protect the Tarawera River, a taonga of immense economic, cultural, and spiritual significance to Ngāti Rangitihi, left the river defiled, degraded and polluted. The Crown's acquisition of Ngāti Rangitihi lands combined with environmental damage has had a devastating social and economic impact on Ngāti Rangitihi, undermined your

cultural hauora and left you feeling as strangers in your own rohe. For this the Crown apologises.

(f) It is the Crown's wish that through this settlement it can restore its sullied honour and atone for the past injustices it has inflicted upon Ngāti Rangitihi. The Crown pays tribute to your proven loyalty, including your long and honourable record of military service in many countries and your resilience in the face of great adversity.

(g) The Crown hopes this settlement will be a starting point rather than an end, and will signal the beginning of a new, strengthened relationship between Ngāti Rangitihi and the Crown based on co-operation, mutual trust and respect for the Treaty of Waitangi."

Te Whakapāha

"(a) Tēnei te Karauna te tuku whakapāha atu nei ki a Ngāti Rangitihi, ki ō koutou tūpuna, me ā koutou mokopuna, ā, ka whāki hoki i tā koutou haerenga taumaha rukiruki ki te whai i te tika. E takamuri rawa ana te whakapāha nei nā.

(b) Kāore te pāpōuri o te Karauna mō ngā taumahatanga huhua, ngā whakapāwera maha i pā ki a Ngāti Rangitihi, ā, ka whakapāha noa mō te korenga ōna e whakaea i ngā herenga ki a koutou i raro i te Tiriti o Waitangi.

(c) E whakapāha pono ana te Karauna mō te murunga taikaha o ngā whenua o Ngāti Rangitihi, ahakoa e pāngia tonutia ana koutou e ngā tukunga iho o te hū o Tarawera.

(d) E ngaukino ana te manawa pā i te Karauna i te mea e toru tekau tau rā anō te roa kia hoatu rawa iho ki a Ngāti Rangitihi he taitara tūmau ki te whenua o Hauani, ahakoa te mōhio "he iwi manene, he iwi whenua kore" a Ngāti Rangitihi e pēhia ana e te pōhara me te kārangirangi. E whakapāha ana te Karauna mōna i kore rā e āta whakarite kia rawaka ai te whenua o Ngāti Rangitihi kia tutuki ai ō koutou hiahia ō naianei, ō āpōpō hoki.

(e) Nā te korenga ō te Karauna i tiaki i te awa o Tarawera, i tāhawahawatia ai, i pūwhenua ai, i paruparu ai te awa, he taonga nui ki a Ngāti Rangitihi ā-ōhanga, ā-tikanga, ā-wairua. Ka riro i te Karauna ngā whenua o Ngāti Rangitihi, ka tāharaharatia te taiao, me te aha ka pāngia kinotia rawa ā-hapori, ā-ōhanga a Ngāti Rangitihi, ka whakararua tō koutou hauora ahurea, ka noho atu koutou me he manene i roto i tō koutou ake rohe. Tēnei te Karauna te whakapāha atu nei.

(f) Ko te hiahia o te Karauna kia whakapaingia tōna mana tāhawahawa i te whakataunga nei nā, ā, kia ea āna hara ō mua i whakapāngia atu rā e ia ki a Ngāti Rangitihi. Tēnei te Karauna te aumihi nei ki tō koutou ngākau pono e mārama nei, tae atu ki tō koutou hītori roroa, ki tō koutou hītori mana nui e pā ana ki te tutū ki te kauhanga o te riri i runga i ngā whenua

maha, me tō koutou manawaroa ahakoa ngā taumahatanga rukiruki kei mua i te aroaro.

(g) E tūmanako ana te Karauna ka noho te whakataunga nei hei tīmatanga, kaua hei mutunga. Waihoki ka noho hei tohu mō te tīmatanga o tētahi whakahoanga hou, whakahoanga pakari ake i waenga i a Ngāti Rangitihi me te Karauna, e takea mai ana i te mahi tahi, i te ngākau pono o tētahi ki tētahi, i te whaikoha ki te Tiriti o Waitangi hoki."

Interpretation provisions

11 Interpretation of Act generally

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

12 Interpretation

In this Act, unless the context otherwise requires,—

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

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

attachments means the attachments to the deed of settlement

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

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

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

conservation legislation means—

(a) the Conservation Act 1987; and

(b) the enactments listed in Schedule 1 of that Act

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

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

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

cultural redress property has the meaning given in section 71

deed of recognition—

(a) means a deed of recognition issued under section 36 by—

(i) the Minister of Conservation and the Director-General; or

(ii) the Commissioner of Crown Lands; and

(b) includes any amendments made under section 36(4)

deed of settlement—

(a) means the deed of settlement dated 5 December 2020 and signed by—

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

(ii) Leith Comer, Catherine Moana Dewes, Tia Warbrick, Merepeka Raukawa-Tait, and Donna Semmens, for and on behalf of Ngāti Rangitihi, being trustees of Te Mana o Ngāti Rangitihi Trust; and

(b) includes—

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

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

deferred selection property has the meaning given in section 144

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

effective date means the date that is 6 months after the settlement date

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

historical claims has the meaning given in section 14

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

LINZ means Land Information New Zealand

member of Ngāti Rangitihi means an individual referred to in section 13(1)(a)

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

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

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

representative entity means—

(a) the trustees; and

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

(i) the collective group referred to in section 13(1)(a); or

(ii) 1 or more members of Ngāti Rangitihi; or

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

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

reserve property has the meaning given in section 71

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

RFR means the right of first refusal provided for by subpart 2 of Part 3

RFR land has the meaning given in section 152

ROFO land means the land held in record of title 704329 for the fee simple estate

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

statutory acknowledgement has the meaning given in section 27

Te Mana o Ngāti Rangitihi Trust and **Trust** mean the trust of that name established by a trust deed dated 28 August 2019

tikanga means customary values and practices

trustees of Te Mana o Ngāti Rangitihi Trust and **trustees** mean the trustees, acting in their capacity as trustees, of Te Mana o Ngāti Rangitihi Trust

whenua rāhui has the meaning given in section 41

working day means a day other than—

(a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day:

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

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

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

13 Meaning of Ngāti Rangitihi

(1) In this Act, **Ngāti Rangitihi**—

(a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Rangitihi; and

(b) includes those individuals; and

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

Hapū of Rangitihi

(i) Ngāti Mahi; and

(ii) Ngāti Tionga; and

Historical hapū of Ngāti Rangitihi

(iii) Ngāti Hinerangi; and

(iv) Ngāti Ihu; and

(v) Ngāti Te Whareiti; and

(vi) Ngāti Tutangata; and

(vii) Ngāti Hinehua.

(2) In this section and section 14,—

ancestor of Ngāti Rangitihi means an individual who—

(a) exercised customary rights by virtue of being descended from Rangitihi through the union of Mahi and Rangitihikahira; or

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

(c) was a recognised ancestor of any of the groups referred to in subsection (1)(c)

area of interest means the area shown as the Ngāti Rangitihi area of interest in part 1 of the attachments

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

(a) rights to occupy land; and

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

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

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Ngāti Rangitihi tikanga.

14 Meaning of historical claims

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

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

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

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

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

(a) is founded on a right arising—

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

(ii) under legislation; or

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

(iv) from a fiduciary duty; or

(v) otherwise; and

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

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

(ii) by or under legislation.

(3) The historical claims include—

(a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Rangitihi or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:

(i) Wai 524 (Ruawahia claim):

(ii) Wai 872 (Pokohu Land claim):

(iii) Wai 996 (Ngāti Rangitihi Inland and Coastal Land Blocks claim):

(iv) Wai 1111 (Tarawera River Pollution claim):

(v) Wai 1116 (Ngāti Tionga Richmond claim):

(vi) Wai 1117 (Ngāti Tionga Matatā claim):

(vii) Wai 1118 (Pikowai Beach Land claim):

(viii) Wai 1119 (Ngāti Mahi Matatā claim):

(ix) Wai 1120 (Awakaponga Urupā claim):

(x) Wai 1125 (Ngāti Rangitihi Taonga claim):

(xi) Wai 1134 (Ruawahia Reserves claim):

(xii) Wai 1135 (Ngāti Rangitihi Foreshore and Seabed claim):

(xiii) Wai 1211 (Ngāti Mahi o Ngāti Rangitihi Land and Resources claim):

(xiv) Wai 1358 (Rangitihi of Matatā claim):

(xv) Wai 1375 (Ngāti Rangitihi (Rotomahana Parekarangi 5B6) claim):

(xvi) Wai 1420 (Te Awa o Te Atua claim):

(xvii) Wai 1486 (Rangi Karora and Others (Ngāti Rangitihi) claim):

(xviii) Wai 1800 (Pokohu Kaa Lands claim):

(xix) Wai 1882 (Ngāti Rangitihi Taonga (Semmens, Butler, Cooke, and Neeley) claim):

(xx) Wai 1989 (Moengaroa Whānau claim); and

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

(i) Wai 7 (Te Ariki Lands claim):

(ii) Wai 319 (Kaingaroa Forest claim):

(iii) Wai 1452 (Rotorua and Tauhara (Kingi, Fenwick, Short, and Clarke) claim).

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

(a) a claim that a member of Ngāti Rangitihi, or a whānau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāti Rangitihi; or

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

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

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

(1) The historical claims are settled.

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

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

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

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

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

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

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

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

(2) In Schedule 3, insert in its appropriate alphabetical order:

Ngāti Rangitihi Claims Settlement Act 2022, section 15(4) and (5)

Resumptive memorials no longer to apply

17 Certain enactments do not apply

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

(a) to a cultural redress property; or

(b) to the RFR land; or

(c) to all or any part of the ROFO land on and from the date of its transfer, if that land is transferred from Landcorp Farming Limited to the trustees; or

(d) for the benefit of Ngāti Rangitihi or a representative entity.

(2) The enactments are—

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

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

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

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

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

18 Resumptive memorials to be cancelled

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

(a) is all or part of—

(i) a cultural redress property:

(ii) the RFR land:

(iii) the ROFO land; and

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

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

(a) the settlement date, for a cultural redress property or the RFR land; or

(b) the date of transfer of all or any part of the ROFO land, if that land is transferred from Landcorp Farming Limited to the trustees.

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

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

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

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

Miscellaneous matters

19 Limit on duration of trusts does not apply

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

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

(i) the Te Mana o Ngāti Rangitihi Trust may exist in law; or

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

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

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

20 Access to deed of settlement

The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the deed of settlement available—

(a) for inspection free of charge, and for purchase at a reasonable price, at that Office in Wellington between 9 am and 5 pm on any working day; and

(b) free of charge on an Internet site maintained by or on behalf of that Office.

Part 2
Cultural redress

Subpart 1—Protocols

21 Interpretation

In this subpart,—

protocol—

(a) means each of the following protocols issued under section 22(1) or (2):

(i) the Crown minerals protocol:

(ii) Appendix B of the Whakaaetanga Tiaki Taonga; and

(b) includes any amendments made under section 22(3)

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

Whakaaetanga Tiaki Taonga means the document entered into under clause 5.131 of the deed of settlement (in the form set out in part 8 of the documents schedule).

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

(1) The responsible Minister must issue the Crown minerals protocol to the trustees on the terms set out in part 4 of the documents schedule.

(2) Appendix B of the Whakaaetanga Tiaki Taonga must be treated as having been issued by the responsible Minister for that protocol on the terms set out in part 8 of the documents schedule.

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

(a) the trustees; or

(b) the responsible Minister.

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

23 Protocols subject to rights, functions, and duties

A protocol does not restrict—

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

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

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

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

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

24 Enforcement of protocols

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

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

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

(4) To avoid doubt,—

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

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

Crown minerals

25 Crown minerals protocol

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

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

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

(2) The noting of the summary is—

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

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

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

(4) In this section,—

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

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

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

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

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

Taonga tūturu

26 Appendix B of Whakaaetanga Tiaki Taonga

(1) Appendix B of the Whakaaetanga Tiaki Taonga does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

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

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

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

Subpart 2—Statutory acknowledgement and deeds of recognition

27 Interpretation

In this subpart,—

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

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

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

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

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

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

statutory plan—

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

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

Statutory acknowledgement

28 Statutory acknowledgement by the Crown

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

29 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

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

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

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

30 Relevant consent authorities to have regard to statutory acknowledgement

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

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

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

31 Environment Court to have regard to statutory acknowledgement

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

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

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

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

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

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

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

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

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

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

33 Recording statutory acknowledgement on statutory plans

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

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

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

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

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

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

(a) part of the statutory plan; or

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

34 Provision of summary or notice to trustees

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

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

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

(2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B(4) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.

(3) The summary must be provided—

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

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

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

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

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

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

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

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

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

35 Use of statutory acknowledgement

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

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

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

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

(b) parties to proceedings before those bodies; or

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

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

(4) To avoid doubt,—

(a) the trustees and members of Ngāti Rangitihi are not precluded from stating that Ngāti Rangitihi has an association with a statutory area that is not described in the statutory acknowledgement; and

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

Deeds of recognition

36 Issuing and amending deeds of recognition

(1) This section applies in respect of the statutory areas listed in Part 2 of Schedule 1.

(2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3.1 of the documents schedule for the statutory areas administered by the Department of Conservation.

(3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3.2 of the documents schedule for the statutory area administered by the Commissioner.

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

General provisions relating to statutory acknowledgement and deeds of recognition

37 Application of statutory acknowledgement and deeds of recognition to river or stream

(1) If any part of the statutory acknowledgement applies to a river or stream, that part of the acknowledgement—

(a) applies only to—

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

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

(b) does not apply to—

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

(ii) an artificial watercourse.

(2) If any part of a deed of recognition applies to a river or stream, that part of the deed—

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

(b) does not apply to—

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

(ii) the bed of an artificial watercourse.

38 Exercise of powers and performance of functions and duties

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

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

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

(4) This section is subject to—

(a) the other provisions of this subpart; and

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

39 Rights not affected

(1) The statutory acknowledgement and a deed of recognition—

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

(b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

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

Consequential amendment to Resource Management Act 1991

40 Amendment to Resource Management Act 1991

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

(2) In Schedule 11, insert in its appropriate alphabetical order:

Ngāti Rangitihi Claims Settlement Act 2022

Subpart 3—Whenua rāhui

41 Interpretation

In this subpart,—

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

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

protection principles, for the whenua rāhui area,—

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

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

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

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

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

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

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

whenua rāhui area—

(a) means the area described in Schedule 2 that is declared under section 42(1) to be subject to the whenua rāhui; but

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

42 Declaration of whenua rāhui and the Crown's acknowledgement

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

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

43 Purposes of whenua rāhui

The only purposes of the whenua rāhui are—

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

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

44 Effect of protection principles

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

45 Obligations on New Zealand Conservation Authority and Conservation Boards

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

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

(b) the protection principles for the area.

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

(a) consult the trustees; and

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

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

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

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

46 Noting of whenua rāhui in strategies and plans

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

(2) The noting of the whenua rāhui is—

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

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

47 Notification in *Gazette*

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

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

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

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

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

48 Actions by Director-General

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

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

(3) The Director-General must notify the trustees in writing of any action that the Director-General intends to take.

49 Amendment to strategies or plans

(1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management

plan to incorporate objectives for the protection principles that relate to the whenua rāhui area.

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

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

50 Regulations

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

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

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

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

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

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

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

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

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

This note is not part of the Act.

51 Bylaws

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

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

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

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

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

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

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

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

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

52 Effect of whenua rāhui on whenua rāhui area

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

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

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

(c) a reserve under the Reserves Act 1977.

(2) The whenua rāhui 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.

53 Termination of whenua rāhui

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

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

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

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

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

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

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

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

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

54 Exercise of powers and performance of functions and duties

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

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

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

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

55 Rights not affected

(1) The whenua rāhui does not—

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

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

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

Subpart 4—Joint advisory committee

56 Interpretation

In this subpart, unless the context otherwise requires,—

joint advisory committee and **committee** mean the committee appointed under subpart 4 of Part 4 of the Ngāti Awa Claims Settlement Act 2005

Matata property is a cultural redress property (*see* section 71)

Minister means the Minister of Conservation

Part Matata property means that part of the Matata property shown as A on SO 558625

Whakapoukarakia is a cultural redress property (*see* section 71).

57 Appointment of members to joint advisory committee

(1) In addition to the members appointed under section 60(1) of the Ngāti Awa Claims Settlement Act 2005, the Minister must appoint to the joint advisory committee 2 members nominated by the trustees.

(2) Section 60(2) to (4) of the Ngāti Awa Claims Settlement Act 2005 applies to members appointed under subsection (1).

58 Constitution of joint advisory committee

In addition to the members referred to in section 61 of the Ngāti Awa Claims Settlement Act 2005, the joint advisory committee also consists of the 2 members appointed under section 57 of this Act.

59 Functions of joint advisory committee

In addition to the functions of the joint advisory committee specified in section 62 of the Ngāti Awa Claims Settlement Act 2005, a function of the committee is to advise the trustees on conservation matters affecting Part Matata property and Whakapoukarakia.

60 Advice on Part Matata property and Whakapoukarakia

The trustees must have regard to the advice of the joint advisory committee in relation to conservation matters affecting Part Matata property and Whakapoukarakia.

61 Vacancy in membership of committee

No act or proceeding of the joint advisory committee is invalid merely because of a failure of the trustees to nominate persons as members of the committee under section 57.

62 Costs and expenses of committee

The trustees must meet the costs relating to the joint advisory committee as set out in clause 5.124 of the deed of settlement.

Subpart 5—Lake Tarawera Scenic Reserve

63 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

reserve means 135.0000 hectares, more or less, being the area shown as A on SO 560632. Part *Gazette* notice S643146.

64 Change of reserve classification

(1) The classification of the reserve is changed from a scenic reserve to a historic reserve subject to section 18 of the Reserves Act 1977.

(2) The reserve continues, after the change in classification, to be held subject to all restrictions, encumbrances, liens, and interests (if any) that applied to it immediately before the change in classification.

(3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the change of classification under this section.

65 Official geographic name of reserve

(1) The name of the reserve is changed to Lake Tarawera Historic Reserve.

(2) The new name is to be treated as if—

(a) it were an official geographic name that takes effect on the settlement date; and

(b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.

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

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

66 Subsequent alteration of official geographic name

The official geographic name of the reserve must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.

Subpart 6—Official geographic names

67 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

68 Official geographic names

(1) A name specified in the second column of the table in clause 5.149 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.

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

69 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under section 68.

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

70 Subsequent alteration of official geographic names

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

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

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

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

Subpart 7—Vesting of cultural redress properties

71 Interpretation

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in Part 1 of Schedule 3:

Properties vested in fee simple to be administered as reserves

(a) Awarua:

(b) Matata property:

(c) Mihimarino:

(d) Moura property:

(e) Ngāheretā property:

(f) Omanuhiri:

(g) Ongarara:

(h) Otaramuturangi:

(i) Ōtūkapuarangi:

(j) Pakipaki o Roohi:

(k) Te Kahao o Rongomai:

(l) Te Kaokaoroa:

(m) Te Tapahoro Campground:

(n) Te Tirohanga o Niheta:

(o) Te Tūāhu o Rangiaohia:

(p) Waimangu Volcanic Valley:

(q) Whakapoukarakia:

Property vested in fee simple subject to conservation covenant

(r) Te Tapahoro property

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

Te Rūnanga o Ngāti Awa means the body established by section 5 of the Te Runanga o Ngati Awa Act 2005

Tūhourangi Tribal Authority means the trust of that name established by a trust deed dated 24 March 2013.

Properties vested in fee simple to be administered as reserves

72 Awarua

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

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

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

(4) The reserve is named Awarua Recreation Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 10.7 of the documents schedule.

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

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

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

(7) The vesting of the fee simple estate in Awarua does not affect the powers and responsibilities of the Bay of Plenty Regional Council under the Soil Conservation and Rivers Control Act 1941—

(a) to maintain, access, repair, or construct, without charge to the Council, flood protection assets owned by the Council on Awarua:

(b) to access flood protection assets located on adjacent land.

73 Matata property

(1) The reservation of the part of the Matata property that is a recreation reserve subject to the Reserves Act 1977 (being part of Matata Recreation Reserve) is revoked.

(2) The reservation of the part of the Matata property that is a government purpose reserve subject to the Reserves Act 1977 (being part of Matata Wildlife Refuge Reserve) is revoked.

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

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

(5) The reserve is named Matata Reserve.

74 Mihimarino

(1) The reservation of Mihimarino (being part of Matata Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.

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

(3) Mihimarino is declared a reserve and classified as a local purpose (lagoon outlet and ecological restoration) reserve subject to section 23 of the Reserves Act 1977.

(4) The reserve is named Mihimarino Local Purpose (Lagoon Outlet and Ecological Restoration) Reserve.

75 Moura property

(1) The reservation of the Moura property as a local purpose reserve subject to the Reserves Act 1977 is revoked.

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

(3) The Moura property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(4) The reserve is named Moura Historic Reserve.

76 Ngāheretā property

(1) The reservation of the Ngāheretā property (being part of Lake Tarawera Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

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

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

(4) The reserve is named Ngāheretā Scenic Reserve.

77 Omanuhiri

(1) The reservation of Omanuhiri (being part of Lake Tarawera Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

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

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

(4) The reserve is named Omanuhiri Scenic Reserve.

78 Ongarara

(1) The reservation of Ongarara (being part of Lake Tarawera Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

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

(3) Despite the vesting by subsection (2), any part of the jetty in or on Ongarara does not vest in the trustees.

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

(5) The reserve is named Ongarara Scenic Reserve.

79 Otaramuturangi

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

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

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

(4) The reserve is named Otaramuturangi Historic Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 10.5 of the documents schedule.

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

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

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

80 Ōtūkapuarangi

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

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

(3) The fee simple estate in Ōtūkapuarangi vests in the trustees.

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

(5) The reserve is named Ōtūkapuarangi Scenic Reserve.

(6) Subsections (1) to (5) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 10.4 of the documents schedule.

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

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

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

81 Pakipaki o Roohi

(1) Pakipaki o Roohi ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Pakipaki o Roohi vests in the trustees.

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

(4) The reserve is named Pakipaki o Roohi Scenic Reserve.

82 Te Kahao o Rongomai

(1) The reservation of Te Kahao o Rongomai (being part of Lake Tarawera Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Kahao o Rongomai vests in the trustees.

(3) Te Kahao o Rongomai is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(4) The reserve is named Te Kahao o Rongomai Historic Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 10.6 of the documents schedule.

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

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

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

83 Te Kaokaoroa

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

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

(3) Te Kaokaoroa is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve is named Te Kaokaoroa Recreation Reserve.

84 Te Tapahoro Campground

(1) The Minister of Conservation must grant a registrable right of way easement over the Te Tapahoro Campground in favour of the Te Tapahoro property on the terms and conditions set out in part 10.9 of the documents schedule.

(2) The reservation of the Te Tapahoro Campground (being Te Tapahoro Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in the Te Tapahoro Campground vests in the trustees.

(4) Despite the vesting by subsection (3), improvements in or on the Te Tapahoro Campground do not vest in the trustees, but may remain on the property.

(5) The Te Tapahoro Campground is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(6) The reserve is named Te Tapahoro Recreation Reserve.

(7) The Minister of Conservation must provide the trustees with a registrable easement for the following rights on the terms and conditions set out in part 10.8 of the documents schedule:

(a) a right of way:

(b) a pedestrian right of way.

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

(9) However, to avoid doubt, as a result of subsection (8),—

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

(b) the Minister of Conservation continues to administer, control, and manage the reserve; and

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

(10) The Minister of Conservation must not revoke the reserve status of the Te Tapahoro Campground (but may reclassify it) under the Reserves Act 1977.

(11) If the Minister of Conservation ceases to administer, control, and manage the Te Tapahoro Recreation Reserve, any Crown-owned improvements in or on the reserve on the date that the trustees are declared to be the administering body of the reserve will vest at nil value in the trustees on that date.

85 Review of operation of campground at Te Tapahoro Recreation Reserve

(1) If the Crown no longer wishes to operate the campground at Te Tapahoro Recreation Reserve, but considers that the campground should be retained as part of a network of low-cost camping grounds, the Director-General must, despite anything in the Reserves Act 1977, offer the opportunity to operate the campground to the trustees before entering into any arrangements with another party for that purpose.

(2) To avoid doubt, the Minister of Conservation continues to administer, control, and manage the Te Tapahoro Recreation Reserve.

86 Review of administration of Te Tapahoro Recreation Reserve

(1) If the Minister of Conservation (on behalf of the Crown) decides not to retain the reserve as part of a network of low-cost camping grounds, the Director-General must give written notice to the trustees of that decision as soon as is reasonably practicable after the decision is made.

(2) The Minister of Conservation may decide, at the Minister's sole discretion, to cease to administer, control, and manage the reserve, if requested in writing to do so by the trustees or by the Director-General.

(3) Before making a decision under subsection (2), the Minister must consult the trustees and the Director-General and be satisfied that matters of kaitiakitanga have been properly considered.

(4) When the Minister has decided whether to cease administration of the reserve, the Minister must—

(a) notify the trustees and the Director-General in writing of the Minister's decision; and

(b) if the Minister decides to cease administration of the reserve, publish a notice in the *Gazette* not later than 20 working days after giving notice under paragraph (a), declaring that—

(i) section 84(8) and (9) ceases to apply; and

(ii) the trustees are the administering body of the reserve.

(5) The trustees are the administering body of the reserve on and from the date on which the notice is published in the *Gazette* under subsection (4)(b).

87 Te Tirohanga o Niheta

(1) The reservation of Te Tirohanga o Niheta (being part of Lake Tarawera Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Tirohanga o Niheta vests in the trustees.

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

(4) The reserve is named Te Tirohanga o Niheta Scenic Reserve.

88 Te Tūāhu o Rangiaohia

(1) The reservation of Te Tūāhu o Rangiaohia (being part of Lake Tarawera Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Tūāhu o Rangiaohia vests in the trustees.

(3) Te Tūāhu o Rangiaohia is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(4) The reserve is named Te Tūāhu o Rangiaohia Historic Reserve.

89 Waimangu Volcanic Valley

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

(2) The fee simple estate in Waimangu Volcanic Valley vests in the trustees.

(3) Sections 2 and 3 SO 556892 are declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve referred to in subsection (3) is named Waimangu Volcanic Valley Scenic Reserve.

(5) The lakebeds are declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977.

(6) The reserve referred to in subsection (5) is named Waimangu Volcanic Valley Scientific Reserve.

(7) The vesting of the lakebeds by this section does not give any rights to, or impose any obligations on, the trustees in relation to—

(a) the waters of the related lakes; and

(b) the aquatic life of those lakes (other than plants attached to the beds of the lakes).

(8) Subsections (1) to (7) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 10.3 of the documents schedule.

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

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

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

(10) In this section and section 90,—

lake means—

(a) the space occupied from time to time by the waters of the lake at their highest level without overtopping its banks; and

(b) the airspace above the water of the lake; and

(c) the bed below the water of the lake

lakebeds means the parts of Waimangu Volcanic Valley comprising Sections 4, 5, 6, and 7 SO 556892.

90 Crown stratum above lakebeds in Waimangu Volcanic Valley

(1) The Crown stratum above the lakebeds continues to be a reserve under the Reserves Act 1977 and vested in the Crown.

(2) The classification of the Crown stratum is changed from a scenic reserve to a scientific reserve subject to section 21 of the Reserves Act 1977.

(3) The reserve continues, after the change in classification, to be held subject to all restrictions, encumbrances, liens, and interests (if any) that applied to it immediately before the change in classification.

(4) Sections 24 and 25 of the Reserves Act 1977 do not apply to the change of classification under this section.

(5) In this section, **Crown stratum** means the space occupied by—

(a) the water of a lake; and

(b) the air above the bed of a lake.

(6) In this section and sections 91 and 92, **reserve** means the Crown stratum above the lakebeds.

91 Official geographic name of reserve

(1) In relation to the reserve forming part of the Waimangu Scenic Reserve, the name is changed to Waimangu Volcanic Valley Scientific Reserve.

(2) The new name is to be treated as if—

(a) it were an official geographic name that takes effect on the settlement date; and

(b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.

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

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

(5) In this section and section 92, **Act**, **Board**, and **official geographic name** have the meanings given in section 67.

92 Subsequent alteration of official geographic name

The official geographic name of the reserve must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.

93 Whakapoukarakia

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

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

(3) Despite the vesting by subsection (2), improvements in or on Whakapoukarakia do not vest in the trustees.

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

(5) The reserve is named Whakapoukarakia Scenic Reserve.

Property vested in fee simple subject to conservation covenant

94 Te Tapahoro property

(1) The reservation of the Te Tapahoro property (being part of Lake Tarawera Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

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

(3) The Minister of Conservation must provide the trustees with a registrable easement for the following rights on the terms and conditions set out in part 10.2 of the documents schedule:

(a) a right of way:

(b) a pedestrian right of way:

(c) a right to convey water:

(d) a right to drain water:

(e) a right to drain sewage:

(f) a right to convey electricity:

(g) a right to convey telecommunications:

(h) a right to convey gas.

(4) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable covenant in relation to the Te Tapahoro property on the terms and conditions set out in part 10.1 of the documents schedule.

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

General provisions applying to vesting of cultural redress properties

95 Properties vest subject to or together with interests

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

96 Interests in land for Te Tapahoro Campground

(1) This section applies to the Te Tapahoro Campground, but only while the reserve is administered by the Minister of Conservation.

(2) Any interest in land that affects the Te Tapahoro Campground must be dealt with for the purposes of registration as if the Crown were the registered owner of the reserve.

(3) However, subsection (2)—

(a) does not affect the registration of the right of way easement referred to in section 84(7); and

(b) continues to apply despite any subsequent transfer of the reserve under section 113.

97 Interests in land for certain reserve properties

(1) This section applies to the following reserve properties, to the extent that they remain reserves under the Reserves Act 1977 (**reserve land**):

(a) Ōtūkapuarangi:

(b) Waimangu Volcanic Valley:

(c) Awarua:

(d) Mihimarino:

(e) Otaramuturangi:

(f) Te Kaokaoroa.

(2) This section applies—

(a) in relation to Ōtūkapuarangi and Waimangu Volcanic Valley only,—

(i) after the establishment of a joint management body under section 111; and

(ii) while the joint management body is the administering body of the reserve land; and

(b) in relation to Awarua, Mihimarino, Otaramuturangi, and Te Kaokaoroa, only—

(i) after the establishment of a joint management body under section 112; and

(ii) while the joint management body is the administering body of the reserve land.

(3) If a property named in subsection (1) is affected by an interest in land at the time the joint management body for that property is established, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

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

(5) Subsections (3) and (4) continue to apply despite any subsequent transfer of the reserve land under section 113.

98 Interests that are not interests in land

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

(2) The interest applies—

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

(b) as if the owners of the cultural redress property were the grantor of the interest in property, except to the extent that subsections (3) and (4) apply; and

(c) with any other necessary modifications; and

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

(3) In relation only to the Te Tapahoro Campground, if section 96 applies, the interest applies as if the Crown were the grantor of the interest in respect of the reserve.

(4) If all or part of a cultural redress property is reserve land to which section 97 applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

99 Registration of ownership

(1) This section applies to a cultural redress property vested in the trustees under this subpart.

(2) Subsection (3) applies to a cultural redress property, but only to the extent that the property is all of the land contained in a record of title for a fee simple estate.

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

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

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

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

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

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

(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.

(6) Subsection (5) is subject to the completion of any survey necessary to create a record of title.

(7) A record of title must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—

(a) 24 months after the settlement date; or

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

(8) In this section, **authorised person** means a person authorised by the Director-General.

100 Application of Part 4A of Conservation Act 1987

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

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

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

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

101 Matters to be recorded on record of title

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

(a) for a reserve property (other than the Te Tapahoro Campground),—

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

(ii) that the land is subject to sections 100(3) and 106; and

(b) for the Te Tapahoro Campground,—

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

(ii) that the land is subject to sections 96(2) and 106; and

(c) for the Te Tapahoro property, that the land is subject to Part 4A of the Conservation Act 1987.

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

(3) For a reserve property (other than the Te Tapahoro Campground), if the reservation of the property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—

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

(ii) the property is subject to sections 100(3) and 106; or

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

(4) If the Minister of Conservation no longer administers the Te Tapahoro Campground reserve, the Director-General must apply in writing to the Registrar-General to remove the notation that the property is subject to section 96(2) (*see* subsection (1)(b)).

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

102 Application of other enactments

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

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

(b) affect other rights to subsurface minerals.

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

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

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

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

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

103 Minister of Conservation may grant easements

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

(2) Any such easement—

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

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

104 Names of Crown protected areas discontinued

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

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

(3) However, subsection (2) does not apply to the Te Tapahoro Campground unless and until the trustees are declared to be the administering body of the reserve.

(4) 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

105 Application of other enactments to reserve properties

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

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

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

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

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

(6) Subsections (1), (2), and (4) do not apply to the Te Tapahoro Campground while the reserve is administered by the Minister of Conservation.

106 Subsequent transfer of reserve land

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

(2) The fee simple estate in the Te Tapahoro Campground may be transferred, but only in accordance with section 113.

(3) The fee simple estate in the reserve land in Waimangu Volcanic Valley may be transferred, but only in accordance with section 108 or 113.

(4) The fee simple estate in the reserve land in Ōtūkapuarangi may be transferred, but only in accordance with section 109 or 113.

(5) The fee simple estate in the reserve land in Awarua, Mihimarino, Otaramuturangi, and Te Kaokaoroa may be transferred, but only in accordance with section 110 or 113.

(6) The fee simple estate in the reserve land in any other property may be transferred, but only in accordance with section 107 or 113.

(7) In this section and sections 107 to 114, **reserve land** means the land that remains a reserve as described in subsection (1).

107 Transfer of reserve land to new administering body

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

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

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

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

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

(4) The required documents are—

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

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

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

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

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

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

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

108 Transfer of reserve land in Waimangu Volcanic Valley to trustees of Tūhourangi Tribal Authority

(1) The trustees may apply in writing to the Minister of Conservation for consent to transfer an undivided half share in the fee simple estate in the reserve land in Waimangu Volcanic Valley to the trustees of the Tūhourangi Tribal Authority as tenants in common (the **new owners**).

(2) The application must—

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

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

(c) include the statement "Upon transfer, under section 108 of the Ngāti Rangitihi Claims Settlement Act 2022, the joint management body established under section 111 of that Act will be the administering body of the reserve land and is able to comply with the requirements under that section".

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

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

(5) The documents required are—

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

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

(ii) the statement "The reserve land is subject to section 97 of the Ngāti Rangitihi Claims Settlement Act 2022"; and

(b) the written consent of the Minister of Conservation to the transfer of an undivided half share in the fee simple estate in the reserve land; and

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

(6) The Registrar-General must note on both the record of title for the undivided half share held by the new owners and on the record of title for the undivided half share retained by the trustees that the land is subject to section 97.

(7) The joint management body established for Waimangu Volcanic Valley under section 111 is the administering body of the reserve land, and the Reserves Act 1977 applies to the reserve land as if the reserve land were vested in the body (as if the body were trustees) under section 26 of that Act.

(8) The new owners, from the time of their registration under this section, hold an undivided half share in the fee simple estate in the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.

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

(10) Following a transfer in accordance with this section, neither the new owners nor the trustees may subsequently transfer their undivided half shares in the reserve land except in accordance with section 113 (to update trustee names).

109 Transfer of reserve land in Ōtūkapuarangi to trustees of Tūhourangi Tribal Authority

(1) The trustees may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in any reserve land in Ōtūkapuarangi to the trustees of the Tūhourangi Tribal Authority (the **new owners**).

(2) The application must—

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

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

(c) include the statement "Upon transfer, under section 109 of the Ngāti Rangitihi Claims Settlement Act 2022, the joint management body established under section 111 of that Act will be the administering body of the reserve land and is able to comply with the requirements under that section".

(3) The Minister of Conservation must give written consent to the transfer to the trustees of the Tūhourangi Tribal Authority, if the Minister is satisfied with the information provided.

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

(5) The documents required are—

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

(i) a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and

(ii) the statement "The reserve land is subject to section 97 of the Ngāti Rangitihi Claims Settlement Act 2022"; and

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

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

(6) The Registrar-General must note on the record of title for the reserve land that the land is subject to section 97.

(7) The joint management body established for Ōtūkapuarangi under section 111 is the administering body of the reserve land, and the Reserves Act 1977 applies to the reserve land as if the reserve land were vested in the body (as if the body were trustees) under section 26 of that Act.

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

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

(10) Following a transfer in accordance with this section, the new owners may not subsequently transfer the reserve land except in accordance with section 113 (to update trustee names).

110 Transfer of other reserve land to Te Rūnanga o Ngāti Awa

(1) The trustees may apply in writing to the Minister of Conservation for consent to transfer an undivided half share in the fee simple estate in the reserve land in any of the properties listed in subsection (2) to Te Rūnanga o Ngāti Awa as tenants in common (the **new owners**).

(2) The properties referred to in subsection (1) are as follows:

(a) Awarua:

(b) Mihimarino:

(c) Otaramuturangi:

(d) Te Kaokaoroa.

(3) The application must—

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

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

(c) include the statement "Upon transfer, under section 110 of the Ngāti Rangitihi Claims Settlement Act 2022, the joint management body established under section 112 of that Act will be the administering body of the reserve land and is able to comply with the requirements under that section".

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

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

(6) The documents required are—

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

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

(ii) the statement "The reserve land is subject to section 97 of the Ngāti Rangitihi Claims Settlement Act 2022"; and

(b) the written consent of the Minister of Conservation to the transfer of an undivided half share in the fee simple estate in the reserve land; and

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

(7) The Registrar-General must note on both the record of title for the undivided half share held by the new owners and on the record of title for the undivided half share retained by the trustees that the land is subject to section 97.

(8) The joint management body established under section 112 is the administering body of the reserve land, and the Reserves Act 1977 applies to the reserve land as if the reserve land were vested in the body (as if the body were trustees) under section 26 of that Act.

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

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

(11) Following a transfer in accordance with this section, neither the new owners nor the trustees may subsequently transfer their undivided half shares in the reserve land except in accordance with section 113 (to update trustee names).

111 Establishment of joint management body for Waimangu Volcanic Valley and Ōtūkapuarangi

(1) This section applies if reserve land—

(a) in Waimangu Volcanic Valley is transferred under section 108:

(b) in Ōtūkapuarangi is transferred under section 109.

Appointment of members

(2) On the date of registration of a transfer to the new owners, a joint management body is established for 1 or both properties.

(3) The appointers of the joint management body established under subsection (2) are—

(a) the trustees; and

(b) the trustees of the Tūhourangi Tribal Authority.

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

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

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

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

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

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

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

Meetings

(9) The first meeting of a joint management body must be held no later than 2 months after the date of the transfer to the new owners.

(10) Despite section 32(7) of the Reserves Act 1977, the members of the joint management body appointed by the trustees of the Tūhourangi Tribal Authority have, in matters relating to Ōtūkapuarangi,—

(a) a deliberative vote; and

(b) in the case of an equality of votes, also a casting vote.

Management plans

(11) If the trustees have not prepared a management plan for the reserve land as required by section 41 of the Reserves Act 1977 before the appointment of a joint management body under this section, the joint management body must prepare the plan in accordance with that provision.

112 Establishment of joint management body for other reserve land

(1) This section applies if reserve land in any of the following properties is transferred under section 110:

(a) Awarua:

(b) Mihimarino:

(c) Otaramuturangi:

(d) Te Kaokaoroa.

Appointment of members

(2) On the date of registration of a transfer to the new owners, a joint management body is established for the 1 or more properties.

(3) The appointers of the joint management body established under subsection (2) are—

(a) the trustees; and

(b) Te Rūnanga o Ngāti Awa.

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

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

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

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

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

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

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

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

Management plans

(10) If the trustees have not prepared a management plan for the reserve land as required by section 41 of the Reserves Act 1977 before the appointment of a joint management body under this section, the joint management body must prepare the plan in accordance with that provision.

113 Transfer of reserve land if trustees change

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

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

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

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

114 Reserve land not to be mortgaged

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

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

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

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

Subpart 8—Te Ariki site

116 Interpretation

In this subpart,—

management deed means the deed of that name included as part 3 of Schedule 2 of the Affiliate Te Arawa Iwi/Hapu Deed of Settlement and entered into in accordance with section 94(3) of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008

Te Ariki site means the land of that name described in Part 2 of Schedule 3

Te Ariki trust has the meaning given to that term in section 93(1) of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008.

117 Vesting of Te Ariki site

(1) The fee simple estate in the Te Ariki site vests in the trustees.

(2) Subsection (1) does not take effect until the trustees have entered into a deed of covenant with the registered owners of record of title 579509 to comply with the terms and conditions of the management deed, as required by clause 8.7 of the management deed.

(3) Section 95 applies to the Te Ariki site as if it were a cultural redress property vested under subpart 7.

118 Registration of ownership

(1) Section 99(1) to (7) applies, with any necessary modifications, to the Te Ariki site, as if the Te Ariki site were a cultural redress property.

(2) In applying that section to the Te Ariki site, **authorised person** means the chief executive of the Office for Māori Crown Relations—Te Arawhiti.

119 Amendment to Public Finance Act 1989

(1) This section—

(a) consequentially amends the Public Finance Act 1989; and

(b) applies on the date that the Te Ariki site vests in the trustees.

(2) In Schedule 4, repeal the item relating to the Te Ariki trust.

Subpart 9—Tarawera River

120 Interpretation

In this Act, unless the context otherwise requires,—

catchment means the Tarawera River catchment, including its tributaries within the catchment area, as shown on OMCR-102-032

common vision, objectives, and desired outcomes means the Strategy Document

mauri means life force

stakeholders means the persons or groups referred to in section 132(1)

Strategy Document means the Tarawera Awa Restoration Strategy Document required by section 135(1)

Strategy Group means the Tarawera Awa Restoration Strategy Group.

Tarawera Awa Restoration Strategy Group

121 Establishment and purpose of Strategy Group

(1) A statutory body called the Tarawera Awa Restoration Strategy Group is established.

(2) The purpose of the Strategy Group is to support, co-ordinate, and promote the integrated restoration of the mauri of the catchment.

(3) Despite the composition of the Strategy Group, as described in section 125, the Strategy Group is a joint committee of the Bay of Plenty Regional Council within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

(4) Despite Schedule 7 of the Local Government Act 2002, the Strategy Group—

(a) is a permanent committee; and

(b) must not be discharged unless all appointers agree to the Strategy Group being discharged.

(5) The members of the Strategy Group must act in a manner so as to achieve the purpose of the Strategy Group.

(6) The members of the Strategy Group must conduct a review of the purpose of the Strategy Group after 5 years.

(7) In reviewing its purpose, the Strategy Group may seek the support from Government agencies, local authorities, and other stakeholders making a contribution to the restoration of the catchment.

122 Functions of Strategy Group

(1) The principal function of the Strategy Group is to achieve its purpose.

(2) The other functions of the Strategy Group are—

(a) to develop a restoration strategy for the catchment, to be known as the Tarawera Awa Restoration Strategy Document in accordance with this subpart; and

(b) to monitor the implementation and effectiveness of the Strategy Document; and

(c) to run and oversee restoration projects as required under the Strategy Document; and

(d) to seek funding for the restoration projects as required by the Strategy Document; and

(e) to communicate with stakeholders and the wider community to explain how decisions made or activities affecting the catchment align, or could be aligned, with the common vision, objectives, and desired outcomes for the catchment; and

(f) to establish 1 or more technical advisory groups as required, as outlined in section 134; and

(g) to seek the advice of a technical advisory group or the relevant local government in support of restoration activities; and

(h) to link stakeholders together so that activities that take place in the catchment, or that affect the mauri of the catchment, are compatible as far as possible with the common vision, objectives, and desired outcomes for the catchment; and

(i) to provide a framework to assist central government agencies and local government so that they may have regard to the common vision, objectives, and desired outcomes for the catchment; and

(j) to undertake any other function required to achieve the purpose of the Strategy Group.

(3) To avoid doubt, except as provided for in subsection (2)(a), the Strategy Group has discretion to determine in any particular circumstances—

(a) whether to perform any function specified in subsection (2); and

(b) how, and to what extent, any function specified in subsection (2) is performed.

123 Capacity

The Strategy Group has full capacity to carry out its functions.

124 Procedures of Strategy Group

The provisions of the Local Government Act 2002, Local Government Official Information and Meetings Act 1987, and Local Authorities (Members' Interests) Act 1968 apply to the Strategy Group—

(a) to the extent relevant to the purpose and functions of the Strategy Group; and

(b) except as otherwise provided for in this subpart.

125 Membership of Strategy Group

(1) As at the settlement date, the Strategy Group consists of 8 members as follows (each organisation being an appointer):

(a) 1 member appointed by Te Mana o Ngāti Rangitihi Trust; and

(b) 1 member appointed by the Ngāti Mākino Iwi Authority; and

(c) 1 member appointed by Te Rūnanga o Ngāti Awa; and

(d) 1 member appointed by the Ngāti Tuwharetoa (Bay of Plenty) Settlement Trust; and

(e) 1 member appointed by the Bay of Plenty Regional Council; and

(f) 1 member appointed by the Kawerau District Council; and

(g) 1 member appointed by the Rotorua Lakes District Council; and

(h) 1 member appointed by the Whakatāne District Council.

(2) Members of the Strategy Group are—

(a) appointed for a term of 3 years, unless the member resigns or is removed by an appointer during that term; and

(b) may be reappointed or removed by and at the sole discretion of the relevant appointer.

(3) In appointing a member to the Strategy Group, appointers—

(a) must be satisfied that the person has the skills, knowledge, or experience to—

(i) participate effectively in the Strategy Group; and

(ii) contribute to the achievement of the purpose of the Strategy Group; and

(b) must have regard to any members already appointed to the Strategy Group to ensure that the membership reflects a balanced mix of knowledge and experience in relation to the catchment.

(4) A member may be discharged by that member's appointer by giving written advice to the member and the Strategy Group.

(5) A member appointed by an iwi may resign by giving written notice to that person's appointer.

(6) Where there is a vacancy on the Strategy Group, the relevant appointer must fill that vacancy as soon as is reasonably practicable.

(7) Clause 31(1) of Schedule 7 of the Local Government Act 2002 applies only to the appointment and discharge of the members appointed by the local authorities.

(8) Clauses 30(2), (3), (5), (7) and 31(2) to (6) of Schedule 7 of the Local Government Act 2002 do not apply to the Strategy Group.

(9) To avoid doubt, members of the Strategy Group who are appointed by iwi are not, by virtue of that membership, members of a local authority.

126 Chairperson and deputy chairperson

(1) The Strategy Group must appoint a chairperson at its first meeting unless, in the discretion of Te Mana o Ngāti Rangitihi Trust, the first chairperson is the member appointed by that appointer.

(2) The appointment of the chairperson is for a term of 2 years, unless the chairperson resigns or is removed by the Strategy Group during that term.

(3) The chairperson of the Strategy Group may be reappointed or removed by the Strategy Group.

(4) The Strategy Group must appoint a deputy chairperson, whose appointment is subject to the same conditions as set out in subsections (1) to (3).

(5) Clause 26(3) and (4) of Schedule 7 of the Local Government Act 2002 does not apply to the Strategy Group.

127 Standing orders

(1) The Strategy Group must at its first meeting adopt a set of standing orders for the operation of the Strategy Group.

(2) The standing orders of the Strategy Group must not contravene this Act, the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

(3) A member of the Strategy Group must comply with the standing orders of the Strategy Group.

(4) The standing orders may be amended by the Strategy Group.

(5) Members of the Strategy Group must comply with the standing orders as amended by the Strategy Group.

(6) Clause 27 of Schedule 7 of the Local Government Act 2002 does not apply to the Strategy Group.

128 Application of other statutory provisions

Despite clause 19(2) of Schedule 7 of the Local Government Act 2002, the members of the Strategy Group appointed by iwi—

(a) have the right to attend any meeting of the Strategy Group; but

(b) do not have the right to attend meetings of the local authorities by reason merely of their membership of the Strategy Group.

129 Meetings of Strategy Group

(1) Clauses 19, 20, and 22 of Schedule 7 of the Local Government Act 2002 apply to the Strategy Group, except that—

(a) all references in those clauses to a local authority must be treated as references to the Strategy Group; and

(b) the reference in clause 19(5) to the chief executive must be treated as a reference to the chairperson of the Strategy Group.

(2) The quorum for a meeting of the Strategy Group is—

(a) the chairperson or deputy chairperson; and

(b) 2 members appointed by the iwi appointing organisations; and

(c) 2 members appointed by the local authority appointing organisations.

(3) Clause 30A(6) of Schedule 7 of the Local Government Act 2002 does not apply to the Strategy Group.

130 Decision making

(1) The decisions of the Strategy Group must be made by vote at a meeting.

(2) When making a decision, the Strategy Group—

(a) must strive to achieve consensus among its members; but

(b) if, in the opinion of the chairperson (or deputy chairperson if the chairperson is absent), consensus is not practicable after reasonable discussion, a decision of the Strategy Group may be made by a majority of those members present and voting at a meeting of the Strategy Group.

(3) The chairperson and deputy chairperson of the Strategy Group may vote on any matter, but neither person has a casting vote.

(4) Clause 24 of Schedule 7 of the Local Government Act 2002 does not apply to the Strategy Group.

(5) The members of the Strategy Group must approach decision making in a manner that—

(a) is consistent with, and reflects, the purpose of the Strategy Group; and

(b) acknowledges, as appropriate, the interests of iwi in particular parts of the catchment.

131 Strategy Group to be open and inclusive

The Strategy Group must operate in an open manner that is inclusive of iwi that have interests in the catchment but are not represented on the Strategy Group.

132 Stakeholders

(1) In this subpart, **stakeholders** are those whose activities affect the mauri of the catchment, and include—

(a) an advisory forum of iwi and hapū from the catchment (which will include the Ngāti Tarāwhai Iwi Trust and the Tūhourangi Tribal Authority); and

(b) those who can provide policy and funding guidance as well as relationship support (for example, the Ministry for the Environment); and

(c) owners and occupiers and those who engage in activities on, or in relation to, the catchment.

(2) The Strategy Group must—

(a) aim to educate stakeholders to understand the common vision of the catchment; and

(b) invite stakeholders to participate in relevant aspects of the Strategy Group's business as appropriate.

133 Administrative and technical support of Strategy Group

(1) The Bay of Plenty Regional Council is responsible for the administrative support of the Strategy Group for the first 3 years after the establishment of the Strategy Group.

(2) In the fourth year after establishment of the Strategy Group, and after that at regular intervals as determined by the Strategy Group, the responsibility for the administrative support of the Strategy Group—

(a) must be formally reviewed; and

(b) options must be identified for the transfer of responsibility to another appointer.

(3) In light of the review undertaken under subsection (2)(a), the Strategy Group must consider the transfer of responsibility for administrative support to another appointer.

(4) If an alternative body to undertake responsibility for administrative support for the Strategy Group is not identified through the review, the Bay of Plenty Regional Council must continue to give administrative support to the Strategy Group.

(5) The **administrative support** referred to in subsection (1) includes the provision of the services required to enable the Strategy Group to carry out its functions, including functions under this Act, the Local Government Act 2002, or any other Act that applies to the conduct of the Strategy Group.

134 Technical advisory groups

(1) One or more technical advisory groups may be established if required.

(2) Any technical advisory group will be funded by the Strategy Group.

(3) The purpose of a technical advisory group is to provide technical support to the Strategy Group in support of—

(a) the purposes of the Strategy Group; and

(b) restoration activities on, or in relation to, the catchment.

Tarawera Awa Restoration Strategy Document

135 Purposes of Strategy Document

(1) The Strategy Group must prepare and approve the Strategy Document in accordance with the process set out in section 141.

(2) The purposes of the Strategy Document are—

(a) to outline a common vision, objectives, and desired outcomes for the catchment; and

(b) to identify the areas of the catchment that need particular attention in order to meet the common vision, objectives, and desired outcomes for the catchment; and

(c) to develop a way to measure how the common vision, objectives, and desired outcomes for the catchment are being achieved; and

(d) to identify stakeholder activities that take place in or on the catchment and affect the mauri of the catchment; and

(e) to identify how the activities referred to in paragraph (d) can be aligned to achieve the common vision, objectives, and desired outcomes for the catchment; and

(f) to provide a framework to assist central government agencies and local government to identify how decisions or activities affecting the catchment align, or could be aligned, with the common vision, objectives, and desired outcomes for the catchment; and

(g) to explain to stakeholders how decisions made in relation to the catchment, or activities in or on the catchment, are compatible with the common vision, objectives, and desired outcomes for the catchment.

136 Contents of Strategy Document

The Strategy Document may contain—

(a) a common vision for the catchment; and

(b) objectives for the catchment; and

(c) desired outcomes for the catchment.

137 Effect on Resource Management Act 1991 planning documents

(1) In preparing, approving, varying, or changing a regional policy statement, regional plan, or district plan, the relevant local authority must recognise and provide for the common vision, objectives, and desired outcomes contained in the Strategy Document.

(2) A local authority must comply with subsection (1) each time it proposes a change to a regional policy statement, regional plan, or district plan that relates to the Strategy Document and has direct application within the catchment.

(3) Until the obligation under subsection (1) is complied with, when a local authority is considering an application for a resource consent to authorise an activity on or in relation to the catchment, that authority must have particular regard to the Strategy Document.

(4) The obligations under subsections (1) to (3) apply only to the extent that—

(a) the common vision, objectives, and desired outcomes contained in the Strategy Document relate to the resource management issues of the region or district; and

(b) recognising and providing for the common vision, objectives, and desired outcomes contained in the Strategy Document under subsection (1) is consistent with the purpose of the Resource Management Act 1991; and

(c) having particular regard to the Strategy Document under subsection (3) is consistent with the purpose of the Resource Management Act 1991.

(5) The obligations under subsections (1) and (2) must be carried out in accordance with the requirements of Part 5 and Schedule 1 of the Resource Management Act 1991.

(6) Subsection (7) applies when—

(a) a local authority notifies a proposed regional policy statement, proposed regional plan, or proposed district plan before the Strategy Document is approved; and

(b) the Strategy Group approves the Strategy Document before the regional policy statement, regional plan, or district plan is declared operative under clause 20 of Schedule 1 of the Resource Management Act 1991.

(7) If this subsection applies, the relevant local authority—

(a) must, as soon as possible after the approval of the Strategy Document by the Strategy Group, notify a variation to the proposed regional policy statement, proposed regional plan, or proposed district plan for the purpose of recognising and providing for the Strategy Document as provided for in subsection (1); and

(b) must not declare the regional policy statement, regional plan, or district plan operative under clause 20 of Schedule 1 of the Resource Management Act 1991 before a variation has been notified in accordance with paragraph (a).

(8) The obligation under subsection (7) applies only on the first occasion on which the Strategy Group approves the Strategy Document.

138 Effect on Local Government Acts 2002 and 1974

When making decisions under the Local Government Acts 2002 and 1974, a local authority must take into account the common vision, objectives, and desired outcomes set out in the Strategy Document.

Process for preparation and approval of Strategy Document

139 Preparation of first draft Strategy Document

(1) This section applies to the preparation of the first draft Strategy Document.

(2) The Strategy Group must commence the preparation of the draft Strategy Document not later than 3 years after the settlement date.

(3) In preparing the draft Strategy Document, the Strategy Group must—

(a) have regard to any alternatives to the common vision, objectives, and desired outcomes provided for in the draft Strategy Document and the potential benefits and costs of the common vision, objectives, and desired outcomes; and

(b) give persons who may be affected by the Strategy Document the opportunity and adequate time to participate in the development of the draft; and

(c) have regard to the views of persons who may be affected by the Strategy Document.

(4) The draft Strategy Document must include a proposed name for the Strategy Document.

140 Notification and submissions on draft Strategy Document

(1) When the Strategy Group has prepared the draft Strategy Document, it—

(a) must give public notice of the draft Strategy Document; and

(b) may give notice of the draft Strategy Document by any other means that the Strategy Group thinks appropriate; and

(c) must ensure that the draft Strategy Document is available for public inspection.

(2) In the case of the first Strategy Document, notification must be given within 12 months of the Strategy Group starting to prepare the document.

(3) The public notice must—

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

(b) state that interested persons or organisations may lodge submissions on the draft Strategy Document—

(i) with the Strategy Group; and

(ii) at the place specified in the notice; and

(iii) before the date specified in the notice; and

(c) set a date for the lodging of submissions that is at least 20 working days after the date of the publication of the notice.

(4) Any person or organisation may make a written or an electronic submission on the draft Strategy Document in the manner described in the public notice.

141 Approval of Strategy Document

(1) The Strategy Group must consider submissions made under section 140(4), to the extent that those submissions are consistent with the purpose of the Strategy Document.

(2) The Strategy Group may hold a hearing at which any person who made a submission may be heard.

(3) The Strategy Group must make decisions on the matters raised in the submissions and prepare a report that specifies how the submissions were dealt with.

(4) The Strategy Group—

(a) may amend the Strategy Document after considering submissions and completing a hearing (if a hearing is held); and

(b) must approve the Strategy Document.

(5) The Strategy Document takes effect on the date specified in the public notice given under section 142(4)(b).

142 Notice of approval of Strategy Document

(1) When the Strategy Group has approved the Strategy Document, it—

(a) must give public notice of the Strategy Document; and

(b) may give notice of the Strategy Document by any other means that the Strategy Group thinks appropriate.

(2) Each local authority must ensure that the Strategy Document is available for public inspection at its office.

(3) When the Strategy Group gives notice of its approval of the Strategy Document under subsection (1), it must also make available its report of the decision and specify in the report how it dealt with submissions on the draft Strategy Document.

(4) The public notice must specify—

(a) where and when the Strategy Document is available for inspection; and

(b) the date on which the Strategy Document takes effect.

Review and amendment of Strategy Document

143 Review of and amendments to Strategy Document

(1) The Strategy Group may at any time review and, if necessary, amend the Strategy Document or any component of the document.

(2) The Strategy Group must start a review of the Strategy Document not later than 10 years after the later of—

(a) approval of the first Strategy Document; and

(b) the completion of the previous review of the Strategy Document.

(3) Sections 140 and 141 apply, with all necessary modifications, to a review under subsection (1) or (2) as if the review of the document were the preparation of the draft Strategy Document.

(4) If the Strategy Group considers that, as a result of the review, the Strategy Document should be amended in a material way, the amendment must be prepared and approved in accordance with sections 139(3), 140, and 141.

(5) If the Strategy Group considers that the Strategy Document should be amended in a way that is not material, the Strategy Group—

(a) may approve the amendment; and

(b) give public notice of the amendment in accordance with section 142(1) and (4).

(6) In this section, **material way** refers only to amendments made to the common vision, objectives, and desired outcomes.

Part 3
Commercial redress

Subpart 1—Transfer of deferred selection property

144 Interpretation

In this subpart,—

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

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

145 The Crown may transfer property

To give effect to part 7 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—

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

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

146 Record of title for deferred selection property

(1) This section applies to the deferred selection property to be transferred under section 145 to the trustees.

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

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

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

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

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

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

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

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

(5) In this section and section 147, **authorised person** means a person authorised by the chief executive of the land holding agency.

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

(1) For the purposes of section 146, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in the deferred selection property.

(2) Despite the Land Transfer Act 2017,—

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

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

148 Application of other enactments

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

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

(3) The transfer does not—

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

(b) affect other rights to subsurface minerals.

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

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

(6) In exercising the powers conferred by section 145, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.

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

149 Transfer of property subject to lease

(1) This section applies to the deferred selection property—

(a) for which the land holding agency is the Ministry of Education; and

(b) the ownership of which is to be transferred to the trustees; and

(c) that, after the transfer, is to be subject to a lease back to the Crown.

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

(3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to section 150 upon the registration of the transfer.

(4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that—

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

(b) the land is subject to section 150.

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

150 Requirements if lease terminates or expires

(1) This section applies if the lease referred to in section 149(1)(c) (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.

(2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.

(3) The registered owners of the property must apply in writing to the Registrar-General,—

(a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that—

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

(ii) the property is subject to this section; or

(b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,—

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

(ii) that part is subject to this section.

(4) The Registrar-General must comply with an application received in accordance with subsection (3) free of charge to the applicant.

Subpart 2—Right of first refusal over RFR land

151 Interpretation

In this subpart and Schedule 4,—

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

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

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(a) means—

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

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

(b) to avoid doubt, does not include—

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

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

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

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

expiry date, in relation to an offer, means its expiry date under sections 154(2)(a) and 155

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 154, to dispose of RFR land to the trustees

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

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

RFR landowner, in relation to RFR land,—

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

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

(c) includes a local authority to which RFR land has been disposed of under section 160(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date under section 161(1)

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

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

152 Meaning of RFR land

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

(a) the land described in part 5 of the attachments if, on the settlement date,—

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

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

(b) any land obtained in exchange for a disposal of RFR land under section 165(1)(c) or 166.

(2) Land ceases to be RFR land if—

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

(i) the trustees or their nominee (for example, under section 145 in the case of the deferred selection property or under a contract formed under section 158); or

(ii) any other person (including the Crown or a Crown body) under section 153(d); or

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

(i) under any of sections 162 to 168 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 169(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

(c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under section 177; or

(d) the RFR period for the land ends.

Restrictions on disposal of RFR land

153 Restrictions on disposal of RFR land

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

(a) under any of sections 159 to 168; or

(b) under any matter referred to in section 169(1); or

(c) in accordance with a waiver or variation given under section 177; or

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

(i) made in accordance with section 154; and

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

(iii) not withdrawn under section 156; and

(iv) not accepted under section 157.

Trustees' right of first refusal

154 Requirements for offer

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

(2) The notice must include—

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

(b) the legal description of the land, including any interests affecting it, and the reference for any record of title for the land; and

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

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

155 Expiry date of offer

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

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

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

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

(c) the earlier offer was not withdrawn.

156 Withdrawal of offer

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

157 Acceptance of offer

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

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

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

158 Formation of contract

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

(2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees.

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

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

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

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

(5) The notice must specify—

(a) the full name of the nominee; and

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

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

Disposals to others where land remains RFR land

159 Disposal to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

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

160 Disposal of existing public works to local authorities

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

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

(a) the RFR landowner of the land; and

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

161 Disposal of reserves to administering bodies

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

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

(a) the RFR landowner of the land; or

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

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

(a) the RFR landowner of the land; and

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

Disposals to others where land may cease to be RFR land

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

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

163 Disposal in accordance with legal or equitable obligations

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the settlement date; or

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

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

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

164 Disposal under certain legislation

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

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

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

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

(d) an Act that—

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

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

165 Disposal of land held for public works

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

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

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

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

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

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

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

166 Disposal for reserve or conservation purposes

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

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

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

167 Disposal for charitable purposes

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

168 Disposal to tenants

The Crown may dispose of RFR land,—

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

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

(i) before the settlement date; or

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

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

RFR landowner obligations

169 RFR landowner's obligations subject to other matters

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

(a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any interest or legal or equitable obligation—

(i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees; and

(ii) that the RFR landowner cannot satisfy by taking reasonable steps; and

(c) the terms of a mortgage over, or security interest in, RFR land.

(2) **Reasonable steps**, for the purposes of subsection (1)(b)(ii), does not include steps to promote the passing of an enactment.

Notices about RFR land

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

(1) If a record of title is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.

(2) If land for which there is a record of title becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.

(3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the RFR land or after the land becomes RFR land.

(4) The notice must include the legal description of the land and the reference for the record of title.

171 Notice to trustees of disposal of RFR land to others

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

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

(3) The notice must include—

- (a) the legal description of the land, including any interests affecting it; and
- (b) the reference for any record of title for the land; and
- (c) the street address for the land (if applicable); and
- (d) the name of the person to whom the land is being disposed of; and
- (e) an explanation of how the disposal complies with section 153; and
- (f) if the disposal is to be made under section 153(d), a copy of any written contract for the disposal.

172 Notice to LINZ of land ceasing to be RFR land

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

- (a) the fee simple estate in the land is to transfer from the RFR landowner to—
  - (i) the trustees or their nominee (for example, under section 145 in the case of the deferred selection property, or under a contract formed under section 158); or
  - (ii) any other person (including the Crown or a Crown body) under section 153(d); or

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

(i) under any of sections 162 to 168; or

(ii) under any matter referred to in section 169(1); or

(c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under section 177.

(2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

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

173 Notice requirements

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

(a) an RFR landowner; or

(b) the trustees.

Right of first refusal recorded on records of title

174 Right of first refusal to be recorded on records of title for RFR land

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the records of title for,—

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

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

(c) land for which there is a record of title that becomes RFR land after the settlement date.

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

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

(b) after receiving a notice under section 170 that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.

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

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

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

(a) RFR land, as defined in section 152; and

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

175 Removal of notations when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 172(2), issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

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

(d) a statement that the certificate is issued under this section.

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

(3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under section 174 for the land described in the certificate.

176 Removal of notations when RFR period ends

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

(a) the reference for each record of title for that RFR land that still has a notation recorded under section 174; and

(b) a statement that the certificate is issued under this section.

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

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notation recorded under section 174 from any record of title identified in the certificate.

General provisions applying to right of first refusal

177 Waiver and variation

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

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

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

178 Disposal of Crown bodies not affected

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

179 Assignment of rights and obligations under this subpart

(1) Subsection (3) applies if the RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and

(b) has given the notices required by subsection (2).

(2) The RFR holder must give notices to each RFR landowner that—

(a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specify the date of the assignment; and

(c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.

(3) This subpart and Schedule 4 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.

(4) In this section,—

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

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

(a) they are the trustees; or

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

Schedule 1
Statutory areas

ss 27, 36

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Ash Pit Road Marginal Strip (Te Kauae)	As shown on OMCR-102-021
Lake Rerewhakaaitu Recreation Reserve	As shown on OMCR-102-022
Lake Tarawera Historic Reserve and part Lake Tarawera Scenic Reserve	As shown on OMCR-102-023
Ohinekoao Recreation Reserve	As shown on OMCR-102-024
Ohinekoao Scenic Reserve	As shown on OMCR-102-025
Rerewhakaaitu Conservation Area	As shown on OMCR-102-026
Tarawera River Marginal Strips	As shown on OMCR-102-027

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

Statutory area	Location
Crater Block Crown Land	As shown on OMCR-102-028
Part Lake Tarawera Scenic Reserve	As shown on OMCR-102-029
Tarawera Cut Wildlife Management Reserve	As shown on OMCR-102-030
Tarawera River	As shown on OMCR-102-031

Schedule 2
Whenua rāhui area

ss 41, 42

Whenua rāhui area	Location	Description
Lake Tarawera Historic Reserve and part Lake Tarawera Scenic Reserve	As shown on OMCR-102-020	*South Auckland Land District—Rotorua District* 1854.2000 hectares, more or less, being the areas shown as A and B on SO 560632. Part *Gazette* notice S643146.

Schedule 3
Cultural redress properties and Te Ariki site

ss 71, 95, 98, 116

Part 1
Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Awarua	*South Auckland Land District—Whakatane District* 2.3762 hectares, more or less, being Section 1 SO 558626. Part transfer S380227.	Subject to being a recreation reserve, as referred to in section 72(3). Subject to the right of way easement in gross referred to in section 72(5). Subject to an unregistered grazing licence with concession number 39013–GRA to Barry Fitch and Wendy McDonald Partnership.
Matata property	*South Auckland Land District—Whakatane District* 1.9000 hectares, more or less, being Section 1 SO 558625. Part records of title 522739 and 522741 for the fee simple estate.	Subject to being a recreation reserve, as referred to in section 73(4). Subject to an unregistered lease to the Matata Tennis Club dated 24 May 2019.
Mihimarino	*South Auckland Land District—Whakatane District* 1.6000 hectares, more or less, being Section 1 SO 558618. Part record of title 522741 for the fee simple estate.	Subject to being a local purpose (lagoon outlet and ecological restoration) reserve, as referred to in section 74(3).
Moura property	*South Auckland Land District—Rotorua District* 15.8600 hectares, more or less, being Section 1 SO 558003. All *Gazette* notice S646839.	Subject to being a historic reserve, as referred to in section 75(3).
Ngāheretā property	*South Auckland Land District—Rotorua District* 117.1000 hectares, more or less, being Section 4 SO 564460. Part *Gazette* notice S643146.	Subject to being a scenic reserve, as referred to in section 76(3).
Omanuhiri	*South Auckland Land District—Rotorua District* 20.0000 hectares, more or less, being Section 1 SO 558050. Part *Gazette* notice S643146.	Subject to being a scenic reserve, as referred to in section 77(3).
Ongarara	*South Auckland Land District—Rotorua District* 23.6780 hectares, more or less, being Section 4 SO 354520. Part *Gazette* notice S643146.	Subject to being a scenic reserve, as referred to in section 78(4).

Name of property	Description	Interests
Otaramuturangi	*South Auckland Land District—Whakatane District*	Subject to being a historic reserve, as referred to in section 79(3).
	5.2000 hectares, more or less, being Section 1 SO 558627. Part record of title 254747 for the fee simple estate.	Subject to the right of way easement in gross referred to in section 79(5).
Ōtūkapuarangi	*South Auckland Land District—Rotorua District*	Subject to being a scenic reserve, as referred to in section 80(4).
	27.5200 hectares, more or less, being Section 1 SO 556892. Part *Gazette* 1896, p 1075 and part *Gazette* notice H306305.	Subject to the right of way easement in gross referred to in section 80(6).
		Subject to a right of way easement created by easement instrument 8208997.1 and held in record of title 486549.
		Subject to a right of way easement created by easement instrument 8208991.1 and held in record of title 486685.
		Subject to an unregistered easement with concession number 37958–OTH assigned to Te Hononga o Tuhourangi me Ngati Rangitihi Limited Partnership.
		Subject to an unregistered research and collection authority with authorisation number 53626–GEO to Kathleen A Campbell.
		Subject to an unregistered research and collection authority with authorisation number 77982–RES to the University of Canterbury.
		Subject to an unregistered research and collection authority with authorisation number 40295–GEO to the Institute of Geological and Nuclear Sciences Limited.
Pakipaki o Roohi	*South Auckland Land District—Rotorua District*	Subject to being a scenic reserve, as referred to in section 81(3).
	175.0000 hectares, more or less, being Section 1 SO 60434 and Section 1 SO 558047. Part record of title 451924 for the fee simple estate.	Together with a right of way easement held in easement instrument 8208956.1 (affects Section 1 SO 60434).
Te Kahao o Rongomai	*South Auckland Land District—Rotorua District*	Subject to being a historic reserve, as referred to in section 82(3).
	0.1000 hectares, more or less, being Section 1 SO 564460. Part *Gazette* notice S643146.	Subject to the right of way easement in gross referred to in section 82(5).
		Subject to an unregistered guiding permit with concession number

Name of property	Description	Interests
		36580–GUI to Multi-Day Adventures Limited.
		Subject to an unregistered permit with concession number 70873–SSE assigned to Ironman New Zealand Limited.
		Subject to an unregistered guiding licence with concession number 37064–GUI to Lake Tarawera Water Taxis Limited.
		Subject to an unregistered guiding permit (and variation) with concession number 37867–GUI to World Challenge NZ Limited.
		Subject to an unregistered guiding permit with concession number 62234–GUI to Rotorua Adventures Limited.
Te Kaokaoroa	*South Auckland Land District—Whakatane District* 25.4200 hectares, more or less, being Section 1 SO 558622. Part *Gazette* notice H458432.	Subject to being a recreation reserve, as referred to in section 83(3).
Te Tapahoro Campground	*South Auckland Land District—Rotorua District* 5.3600 hectares, more or less, being Section 1 SO 58277. Part *Gazette* notice S643146.	Subject to being a recreation reserve, as referred to in section 84(5).
		Subject to the right of way easement referred to in section 84(1).
		Together with the easement for a right of way and a pedestrian right of way referred to in section 84(7).
		Subject to an unregistered permit with concession number 70873–SSE assigned to Ironman New Zealand Limited.
		Subject to an unregistered guiding permit with concession number 36580–GUI to Multi-Day Adventures Limited.
		Subject to an unregistered guiding permit with concession number 62234–GUI to Rotorua Adventures Limited.
		Subject to an unregistered guiding permit with concession number 45528–GUI to Bigfoot Adventures Limited.
		Subject to an unregistered guiding permit with concession number 76855–GUI to Escape – Adventurous Journeys Limited.

Name of property	Description	Interests
Te Tirohanga o Niheta	*South Auckland Land District—Rotorua District* 1.0000 hectare, more or less, being Section 3 SO 564460. Part *Gazette* notice S643146.	Subject to being a scenic reserve, as referred to in section 87(3).
Te Tūāhu o Rangiaohia	*South Auckland Land District—Rotorua District* 0.6000 hectares, more or less, being Section 2 SO 564460. Part *Gazette* notice S643146.	Subject to being a historic reserve, as referred to in section 88(3).
Waimangu Volcanic Valley	*South Auckland Land District—Rotorua District* 79.8935 hectares, more or less, being Sections 2, 3, 4, 5, 6, and 7 SO 556892. Part *Gazette* 1985, p 5011 and part *Gazette* notice H306305.	Subject to being a scenic reserve, as referred to in section 89(3). (Affects Sections 2 and 3 SO 556892.) Subject to being a scientific reserve, as referred to in section 89(5). (Affects Sections 4, 5, 6, and 7 SO 556892.) Subject to the right of way easement in gross referred to in section 89(8). Subject to an unregistered lease dated 13 October 1999 assigned to Te Hononga o Tuhourangi me Ngati Rangitihi Limited Partnership by concession number BP-12069-ATT. Subject to an unregistered research and collection authority with authorisation number 53626-GEO to Kathleen A Campbell. Subject to an unregistered research and collection authority with authorisation number 77982-RES to the University of Canterbury. Subject to an unregistered research and collection authority with authorisation number 40295-GEO to the Institute of Geological and Nuclear Sciences Limited. Subject to an unregistered permit with concession number WC-27582-LAN to Bus and Coach Association (New Zealand) Incorporated. Subject to an unregistered lease (and variation) with concession number BP-31060-OTH to the Bay of Plenty Regional Council.
Whakapoukarakia	*South Auckland Land District—Whakatane District*	Subject to being a scenic reserve, as referred to in section 93(4).

Name of property	Description	Interests
	32.0000 hectares, more or less, being Section 1 SO 558624. Part record of title SA10A/600 for the fee simple estate and part *Gazette* notice S554446.	

Property vested in fee simple subject to conservation covenant

Name of property	Description	Interests
Te Tapahoro property	*South Auckland Land District—Rotorua District* 5.0000 hectares, more or less, being Section 1 SO 558628. Part *Gazette* notice S643146.	Subject to the conservation covenant referred to in section 94(4). Together with the rights specified in the easement referred to in section 94(3).

Part 2
Te Ariki site

Name of property	Description	Interests
Te Ariki site	*South Auckland Land District—Rotorua District* 44.9432 hectares, more or less, being an undivided half share in Sections 1, 2, and 3 Block XII Tarawera Survey District and Sections 1 and 2 SO 354515. All record of title 579510 for the fee simple estate.	Subject to the walking access easement in gross in favour of the New Zealand Walking Access Commission created by easement instrument 9020684.2. Subject to Part 4A of the Conservation Act 1987 (section 24 of that Act does not apply). Subject to section 11 of the Crown Minerals Act 1991.

Schedule 4
Notices in relation to RFR land

ss 151, 173, 179

1 Requirements for giving notice

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

(a) in writing and signed by—

(i) the person giving it; or

(ii) at least 2 of the trustees, for a notice given by the trustees; and

(b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—

(i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 154, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under section 170 or 172, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite clause 1, a notice given in accordance with clause 1(a) may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

3 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the sixth day after posting, if posted; or

(c) at the time of transmission, if faxed or sent by other electronic means.

(2) However, a notice is to be treated as having been received on the next working day if, under subclause (1), it would be treated as having been received—

(a) after 5 pm on a working day; or

(b) on a day that is not a working day.

Legislative history

24 March 2021	Introduction (Bill 17–1)
22 June 2021	First reading and referral to Māori Affairs Committee
1 March 2022	Second reading
15 March 2022	Committee of the whole House, third reading
18 March 2022	Royal assent

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

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