Te Tari Ture o te Karauna
Crown Law

8 August 2017

Attorney-General

Ngāi Tai Ki Tāmaki Claims Settlement Bill - Consistency with New Zealand Bill of Rights Act 1990
Our Ref: ATT395/272

Please find **attached** advice on whether the Ngāi Tai Ki Tāmaki Claims Settlement Bill is consistent with the rights and freedoms set out in the New Zealand Bill of Rights Act 1990.

The advice concludes that the Bill is not inconsistent with the Bill of Rights Act.

Please indicate whether you accept this advice.

YES ☑ **NO** ☐

If you accept this advice, please confirm whether you agree to a copy being referred to the Minister of Justice. A duplicate copy is enclosed for that purpose.

YES ☑ **NO** ☐

If you accept this advice, I see no reason why this advice should not be published on the Ministry of Justice website. Please confirm whether this advice should be published on the website following introduction of the Bill.

YES ☑ **NO** ☐

Hon Christopher Finlayson QC
Attorney-General .....August 2017

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Te Tari Ture o te Karauna
Crown Law

27 July 2017

Attorney-General

Ngāi Tai Ki Tāmaki Claims Settlement Bill — Consistency with the New Zealand Bill of Rights Act 1990
Our Ref: ATT395/272

1. We have considered the above Bill for consistency with the New Zealand Bill of Rights Act 1990 ("the Bill of Rights Act"). We advise that the Bill appears to be consistent with the Bill of Rights Act.

2. The Bill will effect a final settlement of the Ngāi Tai Ki Tāmaki historical claims as defined in the Bill.[1] It provides for acknowledgements and an apology to Ngāi Tai Ki Tāmaki, as well as for cultural and commercial redress. This redress includes:

   2.1 the vesting of certain properties in Ngāi Tai Ki Tāmaki;

   2.2 protocols for primary industries and taonga tūturu;

   2.3 a declaration of official geographic names; and

   2.4 a right to purchase certain commercial properties, in the form of a right of first refusal.

Whether s 19 at issue

3. This Bill does not *prima facie* limit the right to freedom from discrimination affirmed by s 19 of the Bill of Rights Act despite it providing for the transfer of various assets and rights to Ngāi Tai Ki Tāmaki claimants which are not conferred on other people. For example, claimants have a right of first refusal to purchase various commercial properties. Discrimination arises only if there is a difference in treatment on the basis of one of the prohibited grounds of discrimination between those in comparable circumstances. In the context of this settlement, which addresses specified historical claims brought by Ngāi Tai Ki Tāmaki, no other persons or groups who are not party to those claims are in comparable circumstances to the recipients of the entitlements under the Bill. Therefore excluding others from the entitlements conferred by the Bill is not differential treatment for the purposes of s 19.

4. To the extent that s 19 might be engaged, any infringement is justified by the objective of ensuring that related claimant groups are not prejudiced by the

1 Clause 13(1) defines Ngāi Tai Ki Tāmaki, cl 14 defines historical claims.

settlement in situations where the negotiation of cultural and commercial redress has to occur in a multi-iwi setting.

Sections 20 and 27(2) of the Bill of Rights Act: privative clauses

5. The effect of cll 15 and 16 of the Bill is that the settlement of historical claims is final and excludes the jurisdiction of any court, tribunal or other judicial body to consider the settlement and historical claims, other than in respect of the interpretation or implementation of the:

   5.1 deed of settlement with Ngāi Tai Ki Tāmaki;

   5.2 collective deed as defined in section 8 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;

   5.3 the Act itself; and

   5.4 the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

6. Legislative determination of a claim ought not conventionally to fall within the scope of judicial review.[2] However, to the extent any excluded matters could be susceptible to judicial review, cll 15 and 16 constitute a justified limit under s 5 of the Bill of Rights Act on the right affirmed by s 27(2). Excluding subsequent challenge is a legitimate incident of the negotiated settlement of claims.

7. Any limit on minority rights under s 20 of the Bill of Rights Act would be justified on the same basis.

8. The United Nations Human Rights Committee upheld a similar exclusion under the 1992 Fisheries Settlement. The Committee found the exclusion was consistent with arts 14 and 27 of the International Covenant on Civil and Political Rights, which are comparable to ss 20 and 27(2) of the Bill of Rights Act.[3]

Whether s 27(3) at issue

9. Clause 90(3) of the Bill excludes damages or other forms of monetary compensation as a remedy for a failure of the Crown to comply with a primary industries protocol, or a taonga tūturu protocol.

10. This clause may be seen to raise the issue of consistency with s 27(3) of the Bill of Rights Act, namely the right to bring civil proceedings against the Crown and have these heard according to the law in the same way as civil proceedings between individuals. However, cl 90(3) affects the substantive law and does not fall within the ambit of s 27(3) of the Bill of Rights Act, which protects procedural rights.[4] Accordingly, no inconsistency arises.

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2 *Westco Lagan Limited v Attorney-General* [2001] 1 NZLR 40 (HC).

3 *Apirana Mahuika v New Zealand* Communication Number 547/1993 UN Doc CCPR/C/70/D/547/1993 (2000).

4 *Westco Lagan Limited v Attorney-General* [2001] 1 NZLR 40 (HC) at 55: "[s]ection 27(3) ... cannot restrict the power of the legislature to determine what substantive rights the Crown is to have. Section 27(3) merely directs that the Crown shall have no procedural advantage in any proceeding to enforce rights if such rights exist."

Review of this advice

11. This advice has been reviewed in accordance with Crown Law protocol by Paul Rishworth QC, Senior Crown Counsel.

Vicki McCall
Crown Counsel

Noted

Hon Christopher Finlayson QC
Attorney-General
27 / 7 /2017

Ngāi Tai ki Tāmaki Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

This Bill—

- records the acknowledgements and apology given by the Crown to Ngāi Tai ki Tāmaki in the deed of settlement signed on 7 November 2015 (as well as two subsequent deeds to amend in 2016 and 2017); and
- gives effect to the deed of settlement in which the Crown and Ngāi Tai ki Tāmaki agree to a final settlement of all historical Treaty of Waitangi claims of Ngāi Tai ki Tāmaki.

Background

Ngāi Tai ki Tāmaki are an iwi with interests centred around Tāmaki Makaurau/Auckland, extending to Hauraki/Coromandel and, in particular, the coastline, harbours and motu/islands of the Waitematā harbour and Hauraki Gulf/Tīkapa Moana. The primary marae of Ngāi Tai ki Tāmaki is Umupuia Marae at Maraetai in Clevedon.

Ngāi Tai ki Tāmaki have a population recorded in the 2013 Census of 498 members. They are a hapū of Waikato-Tainui and also have strong whakapapa connections to iwi in the Hauraki region.

The Ngāi Tai ki Tāmaki Claims Settlement Bill comprehensively settles the historical claims of Ngāi Tai ki Tāmaki. The historical claims of Ngāi Tai ki Tāmaki against the Crown relate primarily to the loss of communal ancestral lands, which had a severe impact on their traditional tribal structure.

The raupatu claims of Ngāi Tai ki Tāmaki with respect to the Waikato region were settled through the Waikato Raupatu Claims Settlement Act 1995.

In June 2009, Cabinet agreed that the Crown negotiate with all groups in the Tāmaki Makaurau and Hauraki region at the same time and progress highly significant cultural redress through collective negotiations. Ngāi Tai ki Tāmaki are one of the 12 iwi

groups in the Hauraki Collective and one of the 13 iwi groups included in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Comprehensive settlement negotiations

In 2010, the Crown and Ngāi Tai ki Tāmaki Tribal Trust commenced negotiations relating to the comprehensive settlement of Ngāi Tai ki Tāmaki's historical Treaty claims.

On 7 November 2015, the Crown and Ngāi Tai ki Tāmaki signed their deed of settlement. Both the deed of settlement and the post-settlement governance entity, Ngāi Tai ki Tāmaki Trust, were ratified by the claimant community. The Crown and Ngāi Tai ki Tāmaki signed a deed to amend in 2016. On 28 July 2017, the Crown and Ngāi Tai ki Tāmaki plan to sign a further deed to amend, primarily to ensure the deed of settlement reflects the Bill.

The Crown had intended that there be a single settlement date for the Hauraki Collective, Marutūāhu Collective and Hauraki iwi-specific settlements given the volume of joint redress and interconnectedness between the collective and individual settlements. Therefore, the Bill formed part of a draft omnibus Bill so it was not introduced immediately following the signing of the Ngāi Tai ki Tāmaki deed of settlement in November 2015.

In April 2017, the Crown committed to separate the Bill and introduce it ahead of the balance of the Hauraki settlement legislation rather than as part of an omnibus Bill, on the basis there would be an unacceptable delay to the introduction of the Bill otherwise.

Summary of settlement

The Bill comprehensively settles the historical Treaty claims of Ngāi Tai ki Tāmaki resulting from acts or omissions by the Crown before 21 September 1992. This Bill contains provisions related to settlement redress that require legislation for their implementation. There are other aspects of redress in the deed of settlement that do not appear through provisions in this Bill because they do not require legislation to give them effect.

This Bill contains the typical features of a Treaty settlement Bill as set out in the clause by clause analysis. Some of the more unique aspects of the Bill include the amount of redress shared by Ngāi Tai ki Tāmaki with the Hauraki Collective, Marutūāhu Collective, individual Hauraki iwi and other iwi. The Bill includes provisions to reflect that the settlement dates for the groups sharing the redress will not be the same. In some instances, this means if one party to shared redress takes some time to settle or never settles, Ngāi Tai ki Tāmaki may not receive the shared redress in a timely manner or at all. In other instances, it means shared redress may transfer to all parties before the final group has settled (or potentially might never settle). The Crown considers the risk associated with these provisions to be low.

The benefits of the settlement will be available to all members of Ngāi Tai ki Tāmaki, wherever they live.

Removal of the jurisdiction of courts and tribunals

The jurisdiction of the courts and tribunals in respect of the Ngāi Tai ki Tāmaki historical claims, the deed, the settlement redress, and this Bill are removed (but not in respect of the interpretation or implementation of the deed or Bill).

Until the legislation to give effect to the Pare Hauraki Collective Redress deed (initialled in December 2016) comes into force, the settlement of Ngāi Tai ki Tāmaki's claims is technically not complete. The privative clause (*clause 15*) in the Bill will therefore not apply to Hauraki Collective redress as it relates to Ngāi Tai ki Tāmaki. For this reason, an amendment to the deed and Bill will be required to be made. The amendment to the Bill will be made through the Pare Hauraki Collective Redress deed and related legislation.

The Bill removes the jurisdiction of the courts and tribunals in relation to the collective redress provided for in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (as it relates to Ngāi Tai ki Tāmaki).

Even though Ngāi Tai ki Tāmaki's historical claims are settled by this comprehensive settlement legislation, Ngāi Tai ki Tāmaki are not precluded from making a claim to any court, tribunal or other judicial body in respect of the process in relation to negotiations over harbours.

Departmental disclosure statement

Please provide draft

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at [PPU to insert URL and link] (if it has been provided for publication).

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause, providing that the Bill comes into force the day after it receives the Royal assent.

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

Preliminary matters

Clause 3 sets out the purpose of the Bill, which is to record the Crown's acknowledgements and apology and to give effect to the deed of settlement.

Clause 4 provides that the provisions of the Bill take effect on the settlement date unless another date is specified in the Bill. It also clarifies the preparatory work that may be done before the settlement date.

Clause 5 states that when the Bill comes into force, it will bind the Crown.

Clause 6 is an outline clause to assist with the understanding the structure of the Bill.

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

Clauses 7 to 10 provide for, and set out, a summary of the historical account, the Crown's acknowledgements, and its apology to Ngāi Tai ki Tāmaki, in both English and te reo Māori.

Interpretation provisions

Clauses 11 and 12 set out, respectively, the overall principle of interpretation and definitions of certain key terms used in the Bill. *Clause 13* defines the claimant group Ngāi Tai ki Tāmaki, and *clause 14* defines the historical claims, which are the claims that are settled.

Historical claims settled and jurisdiction of courts, etc, removed

Clause 15 declares that the historical claims are settled finally and the Crown is released and discharged from all obligations and liabilities for those claims. It also removes the jurisdiction of all courts and tribunals in respect of the historical claims, the deed of settlement, the Bill, the redress provided, and the Act, deed of settlement and redress provided to the claimants under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. This clause will be amended at the appropriate stage to include a references to the Pare Hauraki Collective Redress Bill and deed.

Amendment to Treaty of Waitangi Act 1975

Clause 16 amends the Treaty of Waitangi Act 1975 to add the Bill to Schedule 3 of that Act.

Resumptive memorials no longer to apply

Clause 17 provides that certain enactments do not apply to specified land.

Clause 18 provides for the removal of certain existing memorials from the records of title relating to the specified land.

Miscellaneous matters

Clause 19 disapplies the rule against perpetuities in respect of the Trust and the trustees' powers to hold and deal with property and income, unless the Trust becomes a charitable trust derived from it.

Clause 20 requires the chief executive of the Ministry of Justice to make the deed of settlement available.

Clause 21 provides that if a provision of this Bill and a provision of another Act are of the same effect, that matter must be given effect to only once.

Part 2
Cultural redress

Part 2 provides for cultural redress.

Subpart 1—Vesting of cultural redress properties

Subpart 1 (*clauses 22 to 72*) provides for the vesting of 15 cultural redress properties in the trustees of the Ngāi Tai ki Tāmaki Trust, in 1 case (the Hūnua Fall property) jointly with 3 other iwi. Two of the properties vest in fee simple, 1 vests i fee simple to be held as a Māori reservation, and the rest vest in fee simple to be administered as reserves.

Subpart 2—Statutory acknowledgement and deed of recognition

Subpart 2 (*clauses 73 to 86*) sets out the provisions governing the operation of a statutory acknowledgement given by the Crown over the statutory area and the deed of recognition granted in relation to the relevant areas.

Subpart 3—Protocols

Subpart 3 (*clauses 87 to 97*) sets out the provisions governing the granting of protocols in relation to primary industries and taonga tūturu.

Subpart 4—Official geographic names

Subpart 4 (*clauses 93 to 97*) provides for certain place names to be official geographic names and for a name change for a Crown protected area.

Part 3
Commercial redress

Part 3 provides for commercial redress.

Subpart 1—Transfer of transfer properties

Clauses 98 to 106 contain provisions relating to the transfer of commercial redress properties, including properties subject to leases, and deferred selection property, and provide for the creation of records of title for the properties and other related matters. [Deferred selection property may be transferred either jointly to the trustees of the Trust and the trustees of the Ngāi Tai ki Tāmaki Trust or to the trustees of 1 of the trusts.]

Subpart 2—Vesting of certain Crown owned minerals and related matters

Subpart 2 (*clauses 107 to 109)* makes provision for any minerals in land transferred to the trustees under the Bill, other than minerals referred to in section 10 of the

Crown owned Minerals Act 1991, to transfer to the trustees of Ngāi Tai ki Tāmaki when the land is vest in, or transferred to the trustees. The subpart also provides for the ownership of those minerals to be notes on the titles to the land.

Subpart 3—Right of first refusal over RFR land

Subpart 3 (*clauses 110 to 139*) provides the trustees with a right of first refusal over RFR land. The owner of a right of first refusal must not dispose of the land to a person other than the trustees or their nominee without first offering it to the trustees, unless a specified exception applies. The right of first refusal continues for 173 years.

Schedules

There are 3 schedules, as follows:

- *Schedule 1* describes the cultural redress properties:
- *Schedule 2* describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which a deed of recognition is issued:
- *Schedule 3* sets out the requirements for notices that must be given in relation to the operation of the RFR.

Hon Christopher Finlayson

Ngāi Tai ki Tāmaki Claims Settlement Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāi Tai ki Tāmaki Claims Settlement Act **2017**.

2 Commencement

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

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

Preliminary matters

3 Purpose

The purpose of this Act is—

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(a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Ngāi Tai ki Tāmaki in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāi Tai ki Tāmaki.

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 Ngāi Tai ki Tāmaki, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Ngāi Tai ki Tāmaki and historical claims; and

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

(g) provides for—

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

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

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

(iv) the exclusion of the law against perpetuities; and

(v) access to the deed of settlement.

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

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

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

(i) a statutory acknowledgement by the Crown of the statements made by Ngāi Tai ki Tāmaki of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for the specified areas; and

(ii) protocols for primary industries and taonga tūturu on the terms set out in the documents schedule; and

(iii) the provision of official geographic names.

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

(a) in **subpart 1**, the transfer of land; and

(b) in **subpart 2**, the vesting of certain Crown owned minerals and related matters; and

(c) in **subpart 3**, a right of first refusal.

(5) There are 3 schedules, as follows:

(a) **Schedule 1** describes the cultural redress properties:

(b) **Schedule 2** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which a deed of recognition is issued:

(c) **Schedule 3** sets out provisions that apply to notices given in relation to RFR land.

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

7 Summary of historical account, acknowledgements, and apology

(1) **Section 8** summarises 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 Ngāi Tai ki Tāmaki in the deed of settlement.

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

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8 Summary of historical account

Summary of the historical background to the claims by Ngāi Tai ki Tāmaki

(1) According to their oral traditions, Ngāi Tai ki Tāmaki have maintained customary interests and ahi kā in Tāmaki, Hauraki, and Hauraki Gulf / Tīkapa Moana since time immemorial.

(2) Before the Treaty of Waitangi was signed, Ngāi Tai rangatira, alongside rangatira of other iwi, were involved in land transactions in Tāmaki and the inner-Gulf islands. Ngāi Tai consider that their tūpuna did not intend to permanently alienate their ancestral lands through transactions in the late 1830s. Rather, Ngāi Tai view those transactions as attempts by their tūpuna to foster ongoing, mutually beneficial relationships with Europeans.

(3) Between 1836 and 1839, Ngāi Tai and other iwi negotiated transactions with a missionary for a large land block in Tāmaki. In 1837, the missionary wrote that the iwi and hapū who had sold the land would retain at least one third of the block "for their personal use for ever". The exact size of the transaction has never been definitively established, but in 1948 a Royal Commission concluded the block was nearly 83 000 acres.

(4) Ngāi Tai tradition records that 2 Ngāi Tai rangatira signed Te Tiriti o Waitangi at Karaka Bay on 4 March 1840.

(5) In 1842, a Land Claims Commissioner recommended that the Crown leave one-third of the missionary purchase in the "undisturbed possession" of Māori. In 1844 another commissioner recommended the Crown grant 5 500 acres to the missionary. The Crown retained the remainder of the land, amounting to more than 78 000 acres, as "surplus". The Crown made no assessment of the adequacy of lands remaining in Ngāi Tai's possession. In 1854, the Crown paid Ngāi Tai £500 to relinquish their claims to land within the Tāmaki block, and granted the Umupuia Reserve to Ngāi Tai. The reserve was a fraction of the size of the original Tāmaki block and substantially less than the one-third the missionary had said would be set aside for Māori.

(6) Motutapu is an island of great significance to Ngāi Tai. On 11 January 1840, Tara Te Irirangi and 5 others signed a deed conveying Motutapu and several other inner-Gulf islands to a settler married to Ngeungeu of Ngāi Tai. On 15 December 1840, the settler lodged a claim for the islands to be heard by the Land Claims Commission, but died before the Commission investigated the claim.

(7) Acting on the recommendation of a Land Claims Commissioner, the Crown later granted 2 560 acres on Motutapu to the 6 children of the settler who made the 1840 transaction. The Crown granted the land to the children, who were Ngāi Tai, in individualised European title. By 1870, Ngāi Tai interests in Motutapu had been alienated.

(8) On 12 July 1863 the Crown invaded the Waikato when its forces crossed the Mangatāwhiri. The majority of Ngāi Tai expressed loyalty to the Crown. Ngāi

Tai did this to protect their iwi and their whenua from the effects of war. On 30 January 1865, the Crown proclaimed a 51 000-acre confiscation block in East Wairoa, in which Ngāi Tai had interests. The Compensation Court awarded Ngāi Tai claimants a total of £1,200 in compensation for their interests in the East Wairoa block.

(9) Between 1866 and 1871, approximately 16 000 acres of the approximately 20 000 acres awarded to Ngāi Tai by the Native Land Court was sold. Throughout the late 19th and 20th centuries most of Ngāi Tai's remaining lands were alienated to the Crown and private purchasers.

(10) For Ngāi Tai, the loss of communal ancestral lands had a severe impact on their traditional tribal structure. Families left landless or with uneconomic land blocks had insufficient means to support themselves. From the 1880s, Ngāi Tai increasingly left Umupuia in search of work. This dispersal of Ngāi Tai alienated many whānau and their descendants not only from their lands, but also from their iwi identity. This led to the loss of customary traditions, tribal authority and te reo me ona tikanga o Ngāi Tai.

Whakarāpopototanga o te Kōrero Hītori ki ngā kerēme a Ngāi Tai ki Tāmaki

(1) E ai ki ngā kōrero tūpuna a Ngāi Tai ki Tāmaki, mai i tua whakarere rātou e tiaki ana i te ahi kā me ō rātou pānga ki ngā whenua i Tāmaki, i Hauraki, tae atu ki Tīkapa Moana (arā, ki te Hauraki Gulf).

(2) I mua i te hainatanga o Te Tiriti o Waitangi, ka uru atu ētahi rangatira o Ngāi Tai me ētahi atu rangatira nō iwi kē, ki ngā whakawhitinga whenua i Tāmaki, tae atu ki ngā motu o roto o Tīkapa Moana. E whakapono atu ana a Ngāi Tai, ehara ēnei whakawhitinga i ngā tau 1830 a ō rātou tūpuna i ngā whenua tuku iho i te mahi poka noa kia wehea atu rā mō ake tonu atu. Moroki anō, ki tā Ngāi Tai whakaaro, he tohu manaaki kē e puta painga ai ki a rātou ko ngā Pākehā ēnei mahi.

(3) Mai i te tau 1836 ki te tau 1839 ka whiriwhiri whakawhitinga whenua a Ngāi Tai me ētahi atu iwi ki tētahi mihingare Pākehā e pā ana ki tētahi poraka whenua nui tonu i Tāmaki. I te tau 1837, nāna tonu i tuhi kia purutia te toru hauwhā, nui ake, o te poraka ki te iwi, hapū hoki "for their personal use for ever". Kāore e tino whakaaetia ana te rahi tonu o taua poraka engari, i te tau 1948, ka whakapaetia te nui e tētahi Kōmihana Roera, ki te 83 000 eka.

(4) E ai ki a Ngāi Tai, e rua ngā rangatira nō Ngāi Tai i waitohu i Te Tiriti o Waitangi i Karaka Bay i te 4 o ngā rā o Māehe i te tau 1840.

(5) I te tau 1842 ka taunaki tētahi Kaikōmihana Kerēme Whenua kia waiho e te Karauna tētahi wāhanga, e toru tekau mā toru ōrau, o te hokonga a te mihingare mō te "undistubed possession o te Māori". I te tau 1844 ka taunaki tētahi kaikōmihana anō ki te Karauna kia whakaaetia te 5 500 eka ki taua mihingare. Ka purutia e te Karauna te toenga o te whenua ki a ia anō, ā, neke atu i te 78 000 eka whenua, hei "toenga". Kāore te Karauna i rūri, i arotake rānei i te tika o te nui o ngā whenua e toe ana ki a Ngāi Tai. I te tau 1854, ka utungia a

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Ngāi Tai e te Karauna te £500 kia tuku i ō rātou mana ki roto i te poraka o Tāmaki, ā, ka whakaaetia te Umupuia Reserve ki a Ngāi Tai. Itiiti noa ake te rahi o te whenua rāhui i tō te poraka o Tāmaki tuatahi, ā, he itiiti ake tēnei i te toru tekau mā toru ōrau whenua i taunakitia ai e te mihingare kia rāhuitia mō te Māori.

(6) He motu tapu ki a Ngāi Tai a Motutapu. I te 11 o ngā rā o Hānuere i te tau 1840, ka waitohua e Tara Te Irirangi me ētahi atu tokorima tētahi kirmana whakaae kia riro a Motutapu i te Pākehā i moea e Ngeungeu, nō Ngāi Tai, me ētahi motu i roto i Tīkapa Moana. I te 15 o ngā rā o Tīhema i te tau 1840, ka tāpaetia e te Pākehā tāna kerēme ki aua motu kia uiuitia e te Kōmihana Kerēme Whenua. Ka mate taua Pākehā i mua i te uiuitanga o te kerēme.

(7) Nō muri mai i te taunakitanga a tētahi Kaikōmihana Kerēme Whenua, ka whakaaetia e te Karauna te 2 560 eka whenua i Motutapu ki ngā tamariki tokoono a te Pākehā, nāna te whakawhitinga tuatahi i whakarite i te tau 1840. Ka whakaaetia ā-taitara Pākehā takitahi e te Karauna te whenua ki ngā tamariki i whakapapa mai rā ki a Ngāi Tai. Taka rawa mai ki te tau 1870, kua tata ngaro ngā mana o Ngāi Tai ki Motutapu.

(8) I te 12 o ngā rā o Hūrae i te tau 1863 ka urutomokia a Waikato e te Karauna i te whakawhitinga o te Awa o Mangatāwhiri. Ka tautokona te Karauna e te nuinga o Ngāi Tai kia whakamarumarutia kia tiakina paitia ō rātou whenua. I te 30 o ngā rā o Hānuere i te tau 1865 ka pānuitia e te Karauna tētahi poraka e 51 000 eka te nui, hei whenua muru i East Wairoa ā, he pānga anō ō Ngāi Tai ki roto. £1,200 te nui o te kamupeneheihana i tukuna ki ngā kaikerēme nō Ngāi Tai mō ō rātou pānga ki East Wairoa.

(9) Mai i te tau 1866 ki te tau 1871, e tata ana ki te 16 000 eka whenua mai i te 20 000 eka i whakaaetia e te Kōti Whenua Māori ki a Ngāi Tai, i hokona katoatia atu. I ngā tau tōmuri o te rautau tekau mā iwa me te rautau e rua tekau, ka tata ngaro katoa ngā whenua e mau tonu ana ki a Ngāi Tai ki te Karauna me ngā kaihoko tūmataiti.

(10) He maha ngā pānga kino mō ngā Ngāi Tai i muri i te ngaronga atu o ngā whenua ā-hapori, he whenua i tuku iho mai i ō rātou tūpuna. Kua noho whānau kore whenua, ā, he whenua rānei kāore e tupu ōhanga hei oranga ake mō rātou. Mai i ngā tau 1880 wehe atu ai a Ngāi Tai i Umupuia ki te kimi mahi mā rātou. Nā tēnei hekenga ki ngā tāone nunui ka marara haere a Ngāi Tai me ō rātou uri i ō rātou whenua ake, ā, ka memeha anō te tuakiri ā-iwi. Ko te ngaronga tikanga, ko te ngaronga mana iwi, ko te ngaronga reo, tikanga Māori hoki o Ngāi Tai te otinga.

9 Acknowledgements

Acknowledgements of Crown

(1) The Crown acknowledges that it has failed to deal with the long-standing grievances of Ngāi Tai ki Tāmaki in an appropriate way and that recognition of these grievances is long overdue.

(2) The Crown acknowledges that, by participating in land transactions, Ngāi Tai ki Tāmaki sought to establish mutually beneficial relationships with Europeans and, from 1840, with the Crown. The Crown further acknowledges that lands transacted by rangatira of Ngāi Tai ki Tāmaki contributed to the development of Auckland and of New Zealand as a whole.

(3) The Crown acknowledges that, in approving the pre-1840 Tāmaki purchase,—

(a) it retained "surplus lands" in the block, including land in which Ngāi Tai ki Tāmaki had interests as well as land the missionary who made the transaction agreed would be returned to Māori ownership, and this has long been a source of grievance for Ngāi Tai ki Tāmaki; and

(b) it failed to ensure the block was properly surveyed or assess the adequacy of the lands that Ngāi Tai ki Tāmaki retained before it acquired the "surplus", and thereby breached the Treaty of Waitangi and its principles.

(4) The Crown acknowledges that—

(a) it retained Ngāi Tai ki Tāmaki lands, including lands in eastern Wairoa, Papakura, and the inner Hauraki Gulf / Tīkapa Moana, as "surplus" from pre-emption waiver claims and that its policy of taking surplus land has long been a source of grievance for Ngāi Tai ki Tāmaki; and

(b) it failed to correctly apply all of the regulations that governed pre-emption waiver transactions; and

(c) it did not always protect Ngāi Tai ki Tāmaki interests during investigations into these transactions; and

(d) its policy of taking surplus land from pre-emption waiver purchases breached the Treaty principles of active protection and the duty to act fairly and reasonably towards Ngāi Tai ki Tāmaki when it failed to ensure an assessment of the adequacy of lands that Ngāi Tai ki Tāmaki retained for their needs. The Crown also acknowledges that this failure was compounded by flaws in the way the Crown implemented the policy in further breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(5) The Crown acknowledges that by failing to set aside one-tenth of the lands purchased during the pre-emption waiver period for public purposes, especially the establishment of schools and hospitals for the future benefit of Māori, including Ngāi Tai ki Tāmaki, it breached Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(6) The Crown acknowledges that the alienation of inner Gulf islands, with their deep ancestral associations to the iwi, remains a major grievance for Ngāi Tai ki Tāmaki.

(7) The Crown reiterates its previous acknowledgement in the Waikato-Tainui settlement that its representatives and advisers acted unjustly and in breach of

Te Tiriti o Waitangi/the Treaty of Waitangi by sending Crown forces across the Mangatāwhiri in July 1863 and occupying, and subsequently confiscating, land in the Waikato region. For the purpose of the present settlement, the Crown further acknowledges that subsequent Crown military activity and occupation north of the Mangatāwhiri led to death and dislocation within the rohe of Ngāi Tai ki Tāmaki.

(8) The Crown acknowledges that,—

(a) after the war, it confiscated 51 000 acres of land at East Wairoa in which Ngāi Tai ki Tāmaki held interests; and

(b) it broke its promise that those, including Ngāi Tai ki Tāmaki, who had not taken up arms during the war would not be deprived of their lands through the confiscation; and

(c) Ngāi Tai ki Tāmaki lands were confiscated even though the majority of the iwi expressed loyalty during the war; and

(d) the prejudice created by the confiscation was compounded by inadequacies in the Compensation Court process; and

(e) it returned only 250 acres of land to Ngāi Tai ki Tāmaki in individualised title, which was inconsistent with customary tenure; and

(f) Ngāi Tai ki Tāmaki pursued compensation over many years for land confiscated in the East Wairoa block; and

(g) the confiscation was unjust and excessive, and in breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(9) The Crown acknowledges that—

(a) it introduced the native land laws without consulting Ngāi Tai ki Tāmaki; and

(b) the individualisation of title imposed by the native land laws was inconsistent with Ngāi Tai ki Tāmaki tikanga; and

(c) the Native Land Court title determination process carried significant costs, including survey and hearing costs, which led to further alienation of Ngāi Tai ki Tāmaki land; and

(d) the operation and impact of the native land laws, in particular the awarding of land titles to individual Ngāi Tai ki Tāmaki rather than to the iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of the traditional tribal structures of Ngāi Tai ki Tāmaki. The Crown failed to take adequate steps to protect those structures and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(10) The Crown acknowledges that its agent pressured Ngāi Tai ki Tāmaki to pay their rivals to withdraw challenges to the Ngāi Tai ki Tāmaki applications for title to the Whakakaiwhara and Urungahauhau blocks.

(11) The Crown acknowledges that Ngāi Tai ki Tāmaki permanently lost the ownership and use of land at Mātaitai despite the Crown's assurance that this land would be used for the rehabilitation of returned servicemen, including a Ngāi Tai ki Tāmaki serviceman, when it purchased the land.

(12) The Crown acknowledges that, by 1880, Ngāi Tai ki Tāmaki were left virtually landless, and the Crown's failure to ensure that they retained sufficient land for their present and future needs was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles. This hindered the social, economic, and cultural development of Ngāi Tai ki Tāmaki and undermined the ability of Ngāi Tai ki Tāmaki to protect and manage their taonga (including te reo Māori) and their wāhi tapu, and to maintain spiritual connections to their lands. The Crown further acknowledges that this has severely impacted on the well-being of Ngāi Tai ki Tāmaki today and has compromised the ability of Ngāi Tai ki Tāmaki to exercise manaakitanga in their traditional rohe.

Whakaaetanga a te Karauna ki a Ngāi Tai ki Tāmaki

(1) Ka whakaae te Karauna i hapa, nā tāna kore whakawhitiwhiti kōrero e pā ana ki ngā nawe me ngā mamaetanga mai rā anō, nā runga i ngā tikanga pono, me te mōhio anō hoki kua roa rawa te whakatikatika o ēnei nawe e tārewa tonu ana.

(2) Ka whakaae te Karauna nā te whai wāhitanga atu o Ngāi Tai ki Tāmaki ki ngā whakawhitinga whenua, ka kitea te hiahia o te iwi ki te waihanga hononga e whiwhi painga ngātahi ai rātou ko ngā Pākehā, ā, mai i te tau 1840, ka perā anō ngā hua ka puta ki te Karauna. Ka whakaae anō te Karauna, nā ngā whakawhitinga whenua a ngā rangatira nō Ngāi Tai ki Tāmaki i whakapakari te whakawhanaketanga o Tāmaki Makaurau me Aotearoa nui tonu.

(3) Ka whakaae te Karauna, nā tāna whakaaetanga ki te hokonga o Tāmaki i mua i te tau 1840—

(a) ka pupurutia ki a ia anō ngā "whenua toenga" o te poraka, tae atu ki te whenua i whai pānga anō ai a Ngāi Tai ki Tāmaki ki roto, me te whenua i whakaaetia ai e te mihingare, nāna te whakawhitinga i whakarite, kia whakahokia rā ki te Māori ā, kua noho tonu tēnei nawe whenua hei mamaetanga ki a Ngāi Tai ki Tāmaki, mai anō; ā

(b) ka hapa ia ki te āta rūri i te poraka whenua nā, ā, kāore hoki i whakarite kia arotakengia, kia whai whakaaro ake anō ki te tika me te rahi o ngā whenua o Ngāi Tai i mua i te rironga o te "toenga", ā, nā konā i takahi ai i Te Tiriti o Waitangi me ōna mātāpono.

(4) Ka whakaae te Karauna—

(a) nāna i muru ngā whenua o Ngāi Tai ki Tāmaki i Wairoa ki tai, i Papakura, tae atu ki roto o Tīkapa Moana, hei whenua "toenga" mai i ngā kerēme ā-whakarere mana hoko tuatahi. Mai anō tēnei mamae o Ngāi Tai ki Tāmaki e ngau ana, arā, te riro whenua toenga, hei nawe mō Ngāi Tai ki Tāmaki; ā

(b) nāna i hapa ki te whakatau tika i te katoa o ngā whakaritenga whakahaere i ngā whakawhitinga ā-whakarere mana hoko tuatahi; ā

(c) kāore i āta manaakitia i ngā wā katoa ngā pānga whenua o Ngāi Tai i roto i ngā uiuitanga o aua whakawhitinga whenua; ā

(d) nā tāna kaupapahere ki te tango whenua toenga, mai i ngā hokonga ā-whakarere mana hoko tuatahi, ka takahia ngā mātāpono o Te Tiriti e pā ana ki te āta whakamarumaru, tae atu ki te haepapa kia pono, kia tika āna mahi katoa ki a Ngāi Tai ki Tāmaki. Ā, nā tāna hapa ki te arotake i te tika me te nui o te whenua e toe tonu ana ki a Ngāi Tāi ki Tāmaki hei oranga ake mō rātou, ka takahia anō te kī taurangi kia manaakitia a Ngāi Tai ki Tāmaki. Ka whakaae anō te Karauna, nā ngā ngoikoretanga o te whakahaere a te Karauna i taua kaupapahere, ka hē rawa atu, ā, he takahi anō tērā i Te Tiriti o Waitangi me ōna mātāpono.

(5) Ka whakaae te Karauna, nā tāna korenga, nā tāna hapa ki te whakarite i te tekau ōrau o ngā whenua i whakawhitia ki a Tauiwi i te wā o te whakarere mana hoko tuatahi hei mahinga tūmatanui, inā hoki rawa te whakatū kura me te whakatū hōhipera hei painga mō ngā uri whakatupu, tae atu ki a Ngāi Tai ki Tāmaki, ka takahia anō Te Tiriti o Waitangi me ōna mātāpono.

(6) Ka whakaae te Karauna, kei te ngau tonu hei mamae nui ki a Ngāi Tai ki Tāmaki te rironga atu o ngā motu ki roto o Tīkapa Moana me ōna wāhi tapu.

(7) Ka whakatauria anō e te Karauna āna whakaaetanga i whakatakotohia ai i te whakataunga o Waikato me Tainui, he mahi takahi mana ā āna māngai, kaitohutohu anō hoki ki te tuku hōia a te Karauna ki te whakawhiti i te Awa o Mangatāwhiri i te marama o Hūrae i te tau 1863, tae atu ki te rironga, ā, hei muri atu, te murunga whenua i te rohe pōtae o Waikato. Hei whakawhāiti mai ki tēnei whakataunga, ka whakaae anō te Karauna, he tino parekura i whāia, nā te urutomokanga o ngā hōia a te Karauna ki Mangatāwhiri ā, ka wehewehea ngā tāngata ki roto i te rohe ake o Ngāi Tai ki Tāmaki.

(8) Ka whakaae te Karauna—

(a) nō muri mai i te pakanga, e 51 000 eka te nui o ngā whenua i murua i East Wairoa, ā, he pānga tonu nō Ngāi Tai ki Tāmaki ki roto; ā

(b) nāna i huri tuarā ki tāna kī taurangi ki te Māori, tae atu ki a Ngāi Tai ki Tāmaki, e mea ana, kāore e murua ngā whenua o ngā iwi nohopuku i te wā o te pakanga, hei muri mai i te wā o te rironga whenua; ā

(c) ahakoa te noho tautoko a te nuinga o te iwi i roto i te pakanga, whakangaromia tonutia atu ngā whenua o Ngāi Tai ki Tāmaki; ā

(d) nā ngā ngoikoretanga o te hātepe whakahaere a Te Kōti Kamupeneheihana i kino ake ai te tāmi anō o te kiriweti i tupu mai i te murunga whenua; ā

(e) e 250 eka whenua anake ā-taitara takitahi te nui i whakahokia ki a Ngāi Tai ki Tāmaki ā, he takahi tērā i ngā tikanga tuku iho e pā ana ki te whenua; ā

(f) e hia kē nei ngā tau a Ngāi Tai ki Tāmaki e kimi kamupeneheihana ana mō ngā whenua i murua i East Wairoa; ā

(g) he takahi mana, he nui rawa atu te murunga, ā, he takahi anō tērā i Te Tiriti o Waitangi me ōna mātāpono.

(9) Ka whakaae te Karauna—

(a) ka whakaturea ngā ture whenua Māori me te kore aro atu ki a Ngāi Tai ki Tāmaki; ā

(b) he takahi i ngā tikanga o Ngāi Tai ki Tāmaki te takitahitanga o te mana whenua i whakaritea e ngā ture whenua Māori; ā

(c) he utunga nui tonu ō te hātepe uiui mana whenua o Te Kōti Whenua Māori, tae atu ki ngā utu ā-rūri, ā-uiui anō, ā, he riro whenua atu nō Ngāi Tai ki Tāmaki te otinga; ā

(d) nāna i whakaae taitara atu ki ngā tāngata takitahi nō Ngāi Tai ki Tāmaki, kaua ki te iwi, ki te hapū rānei, ā, ka ngāwari ake te wehewehe, te whakaitiiti me te whakangaromanga whenua. Ka whāia ko te memeha haere o ngā hanganga, ngā tikanga tuku iho o Ngāi Tai ki Tāmaki. Ka hapa anō te Karauna ki te whakamarumaru i ēnei tikanga ā, he takahi tērā i Te Tiriti o Waitangi me ōna mātāpono.

(10) Ka whakaae te Karauna, i āki tā rātou āpiha i a Ngāi Tai ki Tāmaki kia utungia ō rātou kaitohetohe kia tango i tā rātou tohe ki ngā tono a Ngāi Tai ki Tāmaki, e pā ana ki ngā poraka whenua o Whakakaiwhara me Urungahauhau.

(11) Ka whakaae te Karauna, ka ngaro i a Ngāi Tai ki Tāmaki te mana whenua me te mana whakamahi whenua i Mātaitai ahakoa te whakatau a te Karauna ka whakamahia te whenua hei whakarauora i ngā hōia hokihoki mai i te pakanga, tae atu ki tētahi hōia nō Ngāi Tai ki Tāmaki, i te wā o tāna hokonga whenua.

(12) Ka whakaae te Karauna, taka mai ki te atu 1880, kua tata iwi whenua kore a Ngāi Tai, ā, nā te hapa o te Karauna ki te whakarite kia rahi anō ngā whenua ki a Ngāi Tai mō ō rātou oranga o nāianei, mō mua hoki, he takahi anō tērā i Te Tiriti o Waitangi me ōna mātāpono. Nā konā i raru ai te whakawhanaketanga ā-pāpori, ā-ōhanga, ā-tikanga anō hoki o Ngāi Tai ki Tāmaki ā, ka raru anō ō rātou kaha ki te whakamarumaru, ki te whakahaere hoki i ā rātou taonga, tae atu ki te reo Māori, me ō rātou wāhi tapu ā, kia pupurutia ō rātou hononga ā-wairua ki ō rātou whenua. Ka whakaae anō te Karauna, he mahi kino rawa atu ngā pānga ki te oranga tonutanga o Ngāi Tai ki Tāmaki i ēnei rā ā, kua waimehatia te kaha o Ngāi Tai ki Tāmaki ki te whakahaere manaakitanga ki roto i tō rātou rohe tuku iho.

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10 Apology

Crown apology

The text of the apology to Ngāi Tai ki Tāmaki, to your tūpuna, and to your mokopuna, as set out in the deed of settlement, is as follows:

"(a) Ngāi Tai ki Tāmaki sought to establish mutually beneficial relationships with European settlers and the Crown by welcoming them into your rohe and offering land, but the Crown did not honour this gesture. Instead, its acts and omissions undermined relationships that should have been based on good will and mutual benefit. The Crown broke its promise to protect your interests, confiscated your whenua, and promoted policies which had devastating economic, social, and cultural consequences for Ngāi Tai ki Tāmaki.

(b) For its breaches of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles and for the prejudice its acts and omissions have caused Ngāi Tai ki Tāmaki, the Crown unreservedly apologises.

(c) The Crown hopes this settlement will lead to a new relationship that fulfils the expectations of your tūpuna and mokopuna, a relationship marked by cooperation, partnership, and respect for Te Tiriti o Waitangi/the Treaty of Waitangi and its principles."

Whakapāha

Ko tēnei te whakapāha a te Karauna ki a Ngāi Tai ki Tāmaki, ki ō koutou tūpuna me ā koutou mokopuna:

"(a) Nā ngā mahi manaaki a Ngāi Tai ki Tāmaki ki ngā Pākehā me te Karauna, ki roto i tō koutou rohe, me te tuku whenua anō, i ngana koutou ki te hanga hononga e whai hua ngātahi ai ngā iwi e rua, engari kāore te Karauna i mau kī taurangi ai ki tēnei whakaritenga. Heoi anō, nā āna mahi me āna hapa i turaki ngā hononga ā-manaakitanga, ā-painga huhua mō te katoa. Ka whati te Karauna i tāna kī taurangi ki te whakamarumaru i ō koutou pānga, nāna i muru ō koutou whenua ā, nāna anō i whakatairanga kaupapahere i tupu ake ai ngā pānga kino rawa atu e pā ana ki te ōhanga, ki te iwi, ki ngā tikanga anō hoki o Ngāi Tai ki Tāmaki.

(b) Mō āna takahitanga i Te Tiriti o Waitangi me ōna mātāpono, tae atu ki te kiriweti i pā ki a koutou, nā āna mahi me āna hapa ki a Ngāi Tai ki Tāmaki, ka mātua tuku i te whakapāha kore mutunga atu.

(c) Ko te tūmanako o te Karauna, mā tēnei whakataunga ka whai mai tētahi hononga hou e whakatinanatia ai ngā wawata o ō koutou tūpuna, mokopuna anō hoki ā, he hononga e tohu ai i te mahi ngātahi, i te manaakitanga me te whakauteute i Te Tiriti o Waitangi me ōna mātāpono."

Interpretation provisions

11 Interpretation of Act generally

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

12 Interpretation

(1) In this Act, unless the context otherwise requires,—

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

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

attachments means the attachments to the deed of settlement

commercial property has the meaning given in **section 98**

commercial redress property has the meaning given in **section 98**

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

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

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

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

cultural redress property has the meaning given in **section 22**

deed of recognition—

(a) means a deed of recognition issued under **section 82** by the Minister of Conservation and the Director-General; and

(b) includes any amendments made under **section 82(3)**

deed of settlement—

(a) means the deed of settlement dated 7 November 2015 and signed by—

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

(ii) James Brown, Carmen Kirkwood, Lucy Steel, Laurie Beamish, Billy Rewa Brown, Hiraina Whaanga, Tipene Zister, David Beamish, Maureen Sinton, Jeff Lee, and Zaelene Maxwell-Butler, for and on behalf of Ngāi Tai ki Tāmaki; and

(iii) James Brown, Laurie Beamish, Lucy Steel, Billy Rewa Brown, Carmen Kirkwood, Jeff Lee, and Barry Soutar, being the trustees of the Ngāi Tai ki Tāmaki 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 98**

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

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

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

LINZ means Land Information New Zealand

member of Ngāi Tai ki Tāmaki means an individual referred to in **section 13(1)(a)**

Ngāi Tai ki Tāmaki Trust means the trust of that name established by a trust deed dated 2 May 2013

Ngāti Tamaoho Settlement Trust means the trust of that name established by a deed dated 23 June 2014

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

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

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

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

representative entity means—

(a) the trustees; and

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

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

(ii) 1 or more members of Ngāi Tai ki Tāmaki; 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 22**

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 3 of Part 3**

RFR land has the meaning given in **section 111**

settlement date means the date that is 60 working days after the date on which this Act comes into force

statutory acknowledgement has the meaning given in **section 73**

tikanga means customary values and practices

transfer property has the meaning given in **section 98**

trustees of the Ngāi Tai ki Tāmaki Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Ngāi Tai ki Tāmaki Trust

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.

(2) In this Act,—

(a) a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property; and

(b) a reference to the transfer of a transfer property, or the transfer of the fee simple estate in such property, includes the transfer of an undivided share of the fee simple estate in the property.

(3) In this Act, unless the context otherwise requires, until the Land Transfer Act 1952 is repealed under the Land Transfer Act 2017,—

(a) a reference to the Land Transfer Act 2017 is a reference to the Land Transfer Act 1952:

(b) a reference to a record of title is a reference to a computer register or, if appropriate, a record of title, record of title, or certificate of title:

(c) a reference to a provision in the Land Transfer Act 2017 is a reference to the provision in the Land Transfer Act 1952 that is replaced by, or corresponds to, that provision i the Land Transfer Act 2017.

(4) This subsection and **subsection (3)** are repealed on the date on which the Land Transfer Act 1952 is repealed.

13 Meaning of Ngāi Tai ki Tāmaki

(1) In this Act, **Ngāi Tai ki Tāmaki**—

(a) means the collective group composed of individuals who descend from an ancestor of Ngāi Tai ki Tāmaki; 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 groups:

(i) Ngāti Te Raukohekohe:

(ii) Ngāti Kōhua:

(iii) Ngāti Rangitawhia; and

(d) includes the following groups, to the extent that they are composed of those individuals:

(i) Ngāti Taimanawaiti:

(ii) Ngāti Taihaua:

(iii) Te Uri o Te Ao.

(2) In this section and **section 14**,—

ancestor of Ngāi Tai ki Tāmaki means an individual who—

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

(i) Te Whatatau (Te Whataatao); or

(ii) a recognised ancestor of any of the groups referred to in **subsection (1)(c)**; and

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

area of interest means the area shown as the Ngāi Tai ki Tāmaki 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 Ngāi Tai ki Tāmaki 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 **subsections (3) and (4)**; but

(c) does not include the claims described in **subsection (5)**.

(2) The historical claims are every claim that Ngāi Tai ki Tāmaki 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) every claim to the Waitangi Tribunal that relates exclusively to Ngāi Tai ki Tāmaki or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:

(i) Wai 236 (Ngāi Tai claim); and

(ii) Wai 423 (Ngāi Tai ki Tāmaki rohe claim); and

(iii) Wai 960 (Ngāi Tai Umupuia o Tāmaki claim); and

(iv) Wai 1749 (Ngāi Tai/Ngāti Tai claim); and

(b) every other claim to the Waitangi Tribunal, including the claims listed in **subsection (4)**, if and to the extent that—

(i) it relates to Ngāi Tai ki Tāmaki or a representative entity; and

(ii) **subsection (2)** applies to the claim.

(4) The claims referred to in **subsection (3)(b)** include—

(a) Wai 96 (East Wairoa Raupatu claim); and

(b) Wai 100 (Hauraki Maori Trust Board claim); and

(c) Wai 1530 (Descendants of Hurikino Hetaraka and Mihi Te Rina Herewini claim); and

(d) Wai 1825 (Descendants of Hetaraka Takapuna claim); and

(e) Wai 1897 (Boyd Turongo Dixon claim); and

(f) Wai 2063 (Ngāti Tai and Ngāi Tai claim); and

(g) Wai 2169 (Descendants of Hetaraka Takapuna claim).

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

(a) a claim that a member of Ngāi Tai ki Tāmaki, 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 Ngāi Tai ki Tāmaki; or

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

(6) 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—

(a) the deed of settlement; or

(b) the collective deed.

(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; or

(e) to the extent that they relate to Ngāi Tai ki Tāmaki,—

(i) the collective deed; or

(ii) the collective Act; or

(iii) the redress provided under the collective deed and collective 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—

(a) the deed of settlement; or

(b) the collective deed; or

(c) this Act; or

(d) the collective Act.

(6) In this section,—

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

collective deed means the collective deed as defined in section 8 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

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:
Ngāi Tai ki Tāmaki Claims Settlement Act **2017**, **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 (other than the Hūnua Falls property); or

(b) to the Hūnua Falls property on and from the date of its vesting in the trustees; or

(c) to the commercial property on and from the date of its transfer to the trustees; or

(d) to a commercial redress property; or

(e) to a deferred selection property on and from the date of its transfer under **section 99**; or

(f) to the RFR land; or

(g) for the benefit of Ngāi Tai ki Tāmaki or a representative entity.

(2) The enactments are—

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

(b) sections 211 to 213 of the Education Act 1989:

(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 commercial property:

(iii) a commercial redress property:

(iv) a deferred selection property:

(v) the RFR land; and

(b) is subject to a resumptive memorial recorded under any 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 (other than the Hūnua Falls property), a commercial redress property, or the RFR land; or

(b) the date of the vesting of the property in the trustees, for the Hūnua Falls property; or

(c) the date of transfer of the property under **section 99**, for the commercial property or a deferred selection property.

(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 Rule against perpetuities does not apply

(1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—

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

(i) the Ngāi Tai ki Tāmaki 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 Ngāi Tai ki Tāmaki Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

20 Access to deed of settlement

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

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

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

21 Provisions that have same effect

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

Part 2
Cultural redress

Subpart 1—Vesting of cultural redress properties

22 Interpretation

In this subpart,—

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

Properties vested in fee simple

(a) Mangemangeroa:

(b) Te Wairoa:

Properties vested in fee simple to be administered as reserves

(c) Hihiorapa Urupā:

(d) Hukunui:

(e) Hūnua Falls property:

(f) Motukaraka:

(g) Ororopupu:

(h) Tai Rawhiti:

(i) Te Matuku-Ngāi Tai:

(j) Te Naupata:

(k) Te Rae-o-Kahu Pā:

(l) Te Tauroa:

(m) Te Waiarohia Pā:

(n) Totara:

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(o) Waikopua:

Property vested in fee simple to be held as a Maori reservation

(p) Maungarei A

Hauraki Gulf Marine Park means the park established under section 33 of the Hauraki Gulf Marine Park Act 2000

motu plan means the Tāmaki Makaurau motu plan prepared and approved under subpart 10 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

regional parks management plan means the plan approved by the Auckland Council and the Minister of Conservation under the Local Government Act 2002 and the Reserves Act 1977

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

Properties vested in fee simple

23 Mangemangeroa

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

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

24 Te Wairoa

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

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

Properties vested in fee simple to be administered as reserves

25 Hihiorapa Urupā

(1) The reservation of the parts of Hihiorapa Urupā that are a scenic reserve subject to the Reserves Act 1977 is revoked.

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

(3) Hihiorapa Urupā 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 Hihiorapa Urupā Scenic Reserve.

(5) The Council is the administering body of the reserve as if the Council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977.

(6) Despite section 41(1) of the Reserves Act 1977, and as long as the Council is the administering body of Hihiorapa Urupā,—

(a) the regional parks management plan currently in force continues to apply to Hihiorapa Urupā; and

(b) when the Council is reviewing that plan, to the extent it applies to Hihiorapa Urupā, the Council and the trustees must jointly prepare and approve the section of that plan that relates to Hihiorapa Urupā.

(7) To avoid doubt, the vesting under **subsection (2)** of that part of Hihiorapa Urupā that is part of the Wairoa River does not give any rights to, or impose any obligations on, the trustees in relation to—

(a) the waters of the river; or

(b) the aquatic life of the river (other than plants attached to the bed of the river).

(8) In this section and **sections 26 and 27**, **Council** means the Auckland Council.

26 Future interests relating to Hihiorapa Urupā reserve land

(1) In this section and **section 27**, **Hihiorapa Urupā reserve land** and **reserve land** mean all or the part of Hihiorapa Urupā that remains a reserve under the Reserves Act 1977.

(2) This section applies to the Hihiorapa Urupā reserve land, but only while the Council is the administering body of that land.

Interests in land

(3) Despite the Council being the administering body, the trustees may, as if they were the administering body of the reserve land,—

(a) accept, grant, or decline to grant any interest in land that affects the reserve land; or

(b) renew or vary such an interest.

(4) If a person wishes to obtain an interest in land in the reserve land, or renew or vary such an interest, the person must apply under this section, in writing, through the Council.

(5) The Council must—

(a) advise the trustees of any application received under **subsection (4)**; and

(b) undertake the administrative processes required by the Reserves Act 1977 in relation to each application.

(6) Before the trustees determine an application, the trustees must consult the Council.

Interests that are not interests in land

(7) The Council may—

(a) accept, grant, or decline to grant an interest that is not an interest in land that affects the reserve land; or

(b) renew or vary such an interest.

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Application of Reserves Act 1977

(8) The Reserves Act 1977, except section 59A of that Act, applies to the accepting, granting, or declining of any interests under **subsection (3) or (7)**, or the renewing or varying of such interests.

27 Administration of Hihiorapa Urupā reserve land

(1) The trustees and the Council may jointly—

(a) agree that the Council no longer be the administering body of the reserve land; and

(b) notify the Minister of Conservation (the **Minister**) in writing of this agreement.

(2) The Minister must, within 20 working days of receiving the notice, publish a notice in the *Gazette* declaring that—

(a) the Council is no longer the administering body of the reserve land; and

(b) the trustees are the administering body of the reserve land.

(3) The Minister may, at his or her sole discretion, revoke the appointment of the Council as the administering body of the reserve land, if requested in writing to do so by the trustees or the Council.

(4) Before making a decision under **subsection (3)**, the Minister must consult the trustees and the Council.

(5) When the Minister has determined a request, the Minister must—

(a) notify the trustees and the Council in writing of his or her decision on the request; and

(b) if the Minister decides to revoke the appointment of the Council as the administering body of the reserve land, publish a notice in the *Gazette* not later than 20 working days after giving notice under **paragraph (a)**, declaring that—

(i) the Council is no longer the administering body of the reserve land; and

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

(6) The trustees are the administering body of the reserve land on and from the date on which a notice is published under **subsection (2) or (5)(b)**.

(7) This section applies only while the trustees are the owners of the reserve land.

28 Hukunui

(1) The reservation of Hukunui (being part of Motutapu Island Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Hukunui ceases to be part of the Hauraki Gulf Marine Park.

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

(3) Hukunui—

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

(b) is included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act; but

(c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies by virtue of clause 11 of that schedule (but *see* **section 62**).

(4) The reserve is named Hukunui Historic Reserve.

(5) The Minister must provide the trustees with a registrable easement for a right to convey water on the terms and conditions set out in subpart A of part 8 of the documents schedule.

(6) The easement referred to in **subsection (5)** is—

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

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

(c) registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

(7) For the purposes of the Fire and Emergency New Zealand Act 2017, Hukunui must be treated as if it were public conservation land within the meaning of section 144 of that Act.

(8) The Department of Conservation is appointed to be the controlling authority of the walkway referred to in **subsection (9)(a)** as if it were appointed under section 35 of the Walking Access Act 2008.

(9) **Subsections (1) to (8)** do not take effect until the trustees have provided—

(a) the New Zealand Walking Access Commission with a registrable easement in gross for a walkway on the terms and conditions set out in subpart B of part 8 of the documents schedule; and

(b) the Crown with a registrable easement for a right to convey water on the terms and conditions set out in subpart C of part 8 of the documents schedule; and

(c) the Crown with a registrable right of way easement in gross on the terms and conditions set out in subpart D of part 8 of the documents schedule.

(10) Despite the provisions of the Reserves Act 1977, the easements referred to in **subsection (9)**—

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

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

29 Application of motu plan to Hukunui

(1) On and from the date of its vesting under **section 28(2)**, Hukunui is subject to the motu plan.

(2) The administering body of the reserve is not required to prepare a management plan under section 41 of the Reserves Act 1977 for the reserve.

30 Right of entry onto Hukunui by the Crown

(1) Despite the vesting of Hukunui under **section 28(2)**, the Crown may enter Hukunui with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes:

(a) species management:

(b) monitoring pest plants or pest animals:

(c) controlling pest plants or pest animals.

(2) The right to enter Hukunui includes entering any buildings erected on Hukunui.

(3) If the Crown enters Hukunui under **subsection (1)**, it must give notice to the trustees, orally or by electronic means (as the Crown and the trustees agree), at least 24 hours before entering or, if that is not practicable,—

(a) before entering, if practicable; or

(b) as soon as possible after entering.

(4) Despite **subsection (3)**, the trustees and the Crown may agree the circumstances in which notice is not required before the Crown enters Hukunui.

(5) Despite **subsections (3) and (4)**, the Crown may enter Hukunui under **subsection (1)** without prior notice if responding to a known or suspected incursion of a pest animal.

(6) Despite **subsections (1), (2), (3), and (5)**, the Crown must not enter a building erected on Hukunui that may be used for accommodation purposes, unless it—

(a) first obtains the consent of the building owner or occupier to enter the building; and

(b) enters the building only in daylight hours.

31 Hūnua Falls property

(1) This section and **sections 32 to 36** take effect on and from the latest of the following dates:

(a) the settlement date:

(b) the settlement date under Ngāti Koheriki settlement legislation:

(c) the settlement date under Ngāti Tamaoho settlement legislation:

(d) the settlement date under Ngaati Whanaunga settlement legislation.

(2) The reservation of the Hūnua Falls property as a scenic reserve subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in the Hūnua Falls property vests as undivided quarter shares in the following as tenants in common:

(a) a share vests in the trustees under this paragraph; and

(b) a share vests in the Ngāti Koheriki entity under the Ngāti Koheriki settlement legislation; and

(c) a share vests in the trustees of the Ngāti Tamaoho Settlement Trust under the Ngāti Tamaoho settlement legislation; and

(d) a share vests in the Ngaati Whanaunga entity under Ngaati Whanaunga settlement legislation.

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

(5) The reserve is named Hūnua Falls Scenic Reserve.

(6) The Council is the administering body of the reserve as if the Council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977.

(7) Despite section 41(1) of the Reserves Act 1977, and as long as the Council is the administering body of the Hūnua Falls property,—

(a) the regional parks management plan currently in force continues to apply to the Hūnua Falls property; and

(b) when the Council is reviewing that plan, to the extent that it applies to the Hūnua Falls property, the Council and the owners must jointly prepare and approve the section of that plan that relates to the Hūnua Falls property.

(8) In this section,—

Ngāti Koheriki settlement legislation means legislation that—

(a) settles the historical claims of Ngāti Koheriki; and

(b) provides for the vesting of an undivided quarter share of the fee simple estate in the Hūnua Falls property in the entity that represents the members of Ngāti Koheriki (the **Ngāti Koheriki entity**)

Ngāti Tamaoho settlement legislation means legislation that—

(a) settles the historical claims of Ngāti Tamaoho; and

(b) provides for the vesting of an undivided quarter share of the fee simple estate in the Hūnua Falls property in the trustees of the Ngāti Tamaoho Settlement Trust

Ngaati Whanaunga settlement legislation means legislation that—

(a) settles the historical claims of Ngaati Whanaunga; and

(b) provides for the vesting of an undivided quarter share of the fee simple estate in the Hūnua Falls property in the entity that represents the members of Ngaati Whanaunga (the **Ngaati Whanaunga entity**).

(9) In this section and **sections 32 to 34**,—

Council means the Auckland Council

owners and **owners of the property** mean the persons in whom the Hūnua Falls property is vested in accordance with **subsection (3)**.

32 Improvements attached to Hūnua Falls property

(1) This section applies to improvements attached to the Hūnua Falls property (the **property**) as at the date of its vesting in accordance with **section 31(3)**, and despite that vesting.

(2) Improvements owned by the Council immediately before the vesting—

(a) remain vested in the Council; and

(b) are personal property, no longer forming part of the property, and do not confer an estate or interest in the property; and

(c) may remain attached to the property without the consent of the owners of the property or the administering body (if no longer the Council), and without charge; and

(d) may be accessed, used, occupied, repaired, or maintained by the Council or those authorised by it, at any time without the consent of the owners of the property or the administering body (if no longer the Council), and without charge.

(3) Improvements referred to in **subsection (2)** may, subject to any relevant statutory requirement, be removed or demolished by the Council at any time without the consent of the owners of the property or the administering body (if no longer the Council), and without charge.

(4) However, the Council must—

(a) give the owners of the property and the administering body (if no longer the Council) not less than 15 working days' written notice of the intended removal or demolition; and

(b) after the removal or demolition, ensure that the land is left in a clean and tidy condition.

(5) Any other improvement attached to the property with the consent of the Crown or the administering body of the property at the time of its attachment—

(a) vests in the person or body who attached the improvement; or

(b) if that person or body is deceased, dissolved, or otherwise no longer exists, or no longer has an interest in the improvement, vests in the person or body who, immediately before the vesting of the property, would have had a proprietary right to the improvement.

(6) **Subsections (2) and (5)** apply subject to any other enactment that governs the ownership of an improvement.

(7) **Subsection (5)** does not affect or limit any rights in relation to the property that may arise from the ownership of the improvement.

(8) For the purposes of administering the reserve under the Reserves Act 1977, the administering body is responsible for any decisions in respect of a matter that arises from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the property.

(9) **Subsection (8)** is subject to any other enactment that governs the use of the improvement concerned.

(10) Despite the provisions of this section, the trustees are not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of the property.

33 Future interests relating to Hūnua Falls reserve land

(1) In this section and **sections 34 to 36**, **Hūnua Falls reserve land** and **reserve land** mean all or the part of the Hūnua Falls property that remains a reserve under the Reserves Act 1977.

(2) This section applies to the Hūnua Falls reserve land, but only while the Council is the administering body of that land.

Interests in land

(3) Despite the Council being the administering body, the owners may, as if they were the administering body of the reserve land,—

(a) accept, grant, or decline to grant any interest in land that affects the reserve land: or

(b) renew or vary such an interest.

(4) If a person wishes to obtain an interest in land in the reserve land, or renew or vary such an interest, the person must apply under this section, in writing, through the Council.

(5) The Council must—

(a) advise the owners of any application received under **subsection (4)**; and

(b) undertake the administrative processes required by the Reserves Act 1977 in relation to each application.

(6) Before the owners determine an application, the owners must consult the Council.

Interests that are not interests in land

(7) The Council may—

(a) accept, grant, or decline to grant an interest that is not an interest in land that affects the reserve land; or

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(b) renew or vary such an interest.

Application of Reserves Act 1977

(8) The Reserves Act 1977, except section 59A of that Act, applies to the accepting, granting, or declining of any interests under **subsection (3) or (7)**, or the renewing or varying of such interests.

34 Administration of Hūnua Falls reserve land

(1) The owners and the Council may jointly—

(a) agree that the Council no longer be the administering body of the Hūnua Falls reserve land; and

(b) notify the Minister of Conservation (the **Minister**) in writing of the agreement.

(2) The Minister may, at his or her sole discretion, revoke the appointment of the Council as the administering body of the reserve land, if requested in writing to do so by the owners or by the Council.

(3) Before making a decision under **subsection (2)**, the Minister must consult the owners and the Council.

(4) When the Minister has determined a request, the Minister must notify the owners and the Council in writing of his or her decision on the request.

(5) If the Minister receives a notice under **subsection (1)** or decides to grant a request under **subsection (2)** to revoke the appointment of the Council as the administering body of the reserve land, a joint management body must be established for the Hūnua Falls reserve land in accordance with **section 35** not later than 40 working days after the date on which, as the case may be,—

(a) the Minister is notified under **subsection (1)**:

(b) notice is received under **subsection (4)**.

(6) Not later than 10 working days after a joint management body is established in accordance with **subsection (5)**, the appointers of the body must jointly notify the Minister and the Council of that fact.

(7) The Minister must, not later than 20 working days after being notified under **subsection (6)**, publish a notice in the *Gazette* declaring that—

(a) the Council is no longer the administering body of the reserve land; and

(b) the joint management body established in accordance with **section 35** 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 that body (as if the body were trustees) under section 26 of that Act.

35 Joint management body for Hūnua Falls reserve land

(1) The joint management body is the administering body of the reserve land on and from the date on which a notice is published under **section 34(7)**.

(2) The following are appointers for the purposes of this section and **section 34**:

(a) the trustees; and

(b) the Ngāti Koheriki entity (as defined in **section 31(8)**); and

(c) the trustees of the Ngāti Tamaoho Settlement Trust; and

(d) the Ngaati Whanaunga entity (as defined in **section 31(8)**).

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

(4) 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 not be earlier than the date of the notice.

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

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

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

(8) However, the following provisions apply in relation to meetings of the joint management body:

(a) despite section 32(1) of the Reserves Act 1977, the first meeting of the body must be held not later than 6 months after the date on which the body is declared to be the administering body under **section 34(7)**:

(b) despite section 32(7) of the Reserves Act 1977,—

(i) no casting vote may be exercised, and the members must strive to reach a consensus; but

(ii) if a consensus cannot be reached within a reasonable time, a decision must be made by majority vote:

(c) despite section 32(9) of the Reserves Act 1977, a quorum for a meeting of the body consists of at least 1 member appointed by each appointer.

36 Matter to be recorded on record of title for Hūnua Falls reserve land

(1) If **section 55(1)** applies, the trustees must provide to the Registrar-General a copy of the *Gazette* notice published under **section 34(7)** as soon as is reasonably practicable after publication.

(2) Upon receiving a copy of the *Gazette* notice, the Registrar-General must note on any record of title created under **section 57** or derived from a record of title created under that section, for the Hūnua Falls reserve land that the land is subject to **section 55(3)**.

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37 Motukaraka

(1) The reservation of Motukaraka as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Motukaraka ceases to be part of the Hauraki Gulf Marine Park.

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

(3) Motukaraka is—

(a) declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and

(b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act; but

(c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies by virtue of clause 11 of that schedule.

(4) The reserve is named Motukaraka Recreation Reserve.

38 Ororopupu

(1) The reservation of Ororopupu (being part of Motutapu Island Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Ororopupu ceases to be part of the Hauraki Gulf Marine Park.

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

(3) Ororopupu is—

(a) declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and

(b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act; but

(c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies by virtue of clause 11 of that schedule (but *see* **section 62**).

(4) The reserve is named Ororopupu Recreation Reserve.

(5) For the purposes of the Fire and Emergency New Zealand Act 2017, Ororopupu must be treated as if it were public conservation land within the meaning of section 144 of that Act.

39 Application of motu plan to Ororopupu

(1) On and from the date of its vesting under **section 38(2)**, Ororopupu is subject to the motu plan.

(2) The administering body of the reserve is not required to prepare a management plan under section 41 of the Reserves Act 1977 for the reserve.

40 Right of entry onto Ororopupu by the Crown

(1) Despite the vesting of Ororopupu under **section 38(2)**, the Crown may enter Ororopupu with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes:

(a) species management:

(b) monitoring pest plants or pest animals:

(c) controlling pest plants or pest animals.

(2) The right to enter Ororopupu includes entering any buildings erected on Ororopupu.

(3) If the Crown enters Ororopupu under **subsection (1)**, it must give notice to the trustees, orally or by electronic means (as the Crown and the trustees agree), at least 24 hours before entering or, if that is not practicable,—

(a) before entering, if practicable; or

(b) as soon as possible after entering.

(4) Despite **subsection (3)**, the trustees and the Crown may agree the circumstances in which notice is not required before the Crown enters Ororopupu.

(5) Despite **subsections (3) and (4)**, the Crown may enter Ororopupu under **subsection (1)** without prior notice if responding to a known or suspected incursion of a pest animal.

(6) Despite **subsections (1), (2), (3), and (5)**, the Crown must not enter a building erected on Ororopupu that may be used for accommodation purposes, unless it—

(a) first obtains the consent of the building owner or occupier to enter the building; and

(b) enters the building only in daylight hours.

41 Tai Rawhiti

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

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

(3) Tai Rawhiti 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 Tai Rawhiti Scenic Reserve.

42 Te Matuku-Ngāi Tai

(1) The reservation of Te Matuku-Ngāi Tai (being part of Te Matuku Bay Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked, and accordingly Te Matuku-Ngāi Tai ceases to be part of the Hauraki Gulf Marine Park.

(2) The fee simple estate in Te Matuku-Ngāi Tai vests in the trustees.

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(3) Te Matuku-Ngāi Tai is—

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

(b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act; but

(c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies by virtue of clause 11 of that schedule (but *see* **section 62**).

(4) The reserve is named Te Matuku-Ngāi Tai Scenic Reserve.

43 Te Naupata

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

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

(3) Te Naupata 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 Naupata Recreation Reserve.

44 Te Rae-o-Kahu Pā

(1) The reservation of Te Rae-o-Kahu Pā (being part of Motuihe Island Recreation Reserve) as a reserve subject to the Reserves Act 1977 is revoked, and accordingly Te Rae-o-Kahu Pā ceases to be part of the Hauraki Gulf Marine Park.

(2) The fee simple estate in Te Rae-o-Kahu Pā vests in the trustees.

(3) Te Rae-o-Kahu Pā is—

(a) declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977; and

(b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act; but

(c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies by virtue of clause 11 of that schedule (but *see* **section 62**).

(4) The reserve is named Te Rae-o-Kahu Pā Historic Reserve.

(5) For the purposes of the Fire and Emergency New Zealand Act 2017, Te Rae-o-Kahu Pā must be treated as if it were public conservation land within the meaning of section 144 of that Act.

45 Application of motu plan for Te Rae-o-Kahu Pā

(1) On and from the date of its vesting under **section 44(2)**, Te Rae-o-Kahu Pā is subject to the motu plan.

(2) The administering body of the reserve is not required to prepare a management plan under section 41 of the Reserves Act 1977 for the reserve.

46 Right of entry onto Te Rae-o-Kahu Pā by the Crown

(1) Despite the vesting of Te Rae-o-Kahu Pā under **section 44(2)**, the Crown may enter Te Rae-o-Kahu Pā with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes:

(a) species management:

(b) monitoring pest plants or pest animals:

(c) controlling pest plants or pest animals.

(2) The right to enter Te Rae-o-Kahu Pā includes entering any buildings erected on Te Rae-o-Kahu Pā.

(3) If the Crown enters Te Rae-o-Kahu Pā under **subsection (1)**, it must give notice to the owners, orally or by electronic means (as the Crown and the owners agree), at least 24 hours before entering or, if that is not practicable,—

(a) before entering, if practicable; or

(b) as soon as possible after entering.

(4) Despite **subsection (3)**, the owners and the Crown may agree the circumstances in which notice is not required before the Crown enters Te Rae-o-Kahu Pā.

(5) Despite **subsections (3) and (4)**, the Crown may enter Te Rae-o-Kahu Pā under **subsection (1)** without prior notice if responding to a known or suspected incursion of a pest animal.

(6) Despite **subsections (1), (2), (3), and (5)**, the Crown must not enter a building erected on Te Rae-o-Kahu Pā that may be used for accommodation purposes, unless it—

(a) first obtains the consent of the building owner or occupier to enter the building; and

(b) enters the building only in daylight hours.

47 Te Tauroa

(1) The reservation of Te Tauroa (being part of Motutapu Island Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Te Tauroa ceases to be part of the Hauraki Gulf Marine Park.

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

(3) Te Tauroa is—

(a) declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and

(b) included in the Hauraki Gulf Marine Park as provided for by **section 72** of this Act; but

(c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies by virtue of clause 11 of that schedule (but *see* **section 62**).

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

(5) For the purposes of the Fire and Emergency New Zealand Act 2017, Te Tauroa must be treated as if it were public conservation land within the meaning of section 144 of that Act.

(6) **Subsections (1) to (5)** do not take effect until the trustees have provided the Crown with a registrable easement for a right to convey water on the terms and conditions set out in part 9 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.

48 Application of motu plan to Te Tauroa

(1) On and from the date of its vesting under **section 47(2)**, Te Tauroa is subject to the motu plan.

(2) The administering body of the reserve is not required to prepare a management plan under section 41 of the Reserves Act 1977 for the reserve.

49 Right of entry onto Te Tauroa by the Crown

(1) Despite the vesting of Te Tauroa under **section 47(2)**, the Crown may enter Te Tauroa with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes:

(a) species management:

(b) monitoring pest plants or pest animals:

(c) controlling pest plants or pest animals.

(2) The right to enter Te Tauroa includes entering any buildings erected on Te Tauroa.

(3) If the Crown enters Te Tauroa under **subsection (1)**, it must give notice to the trustees, orally or by electronic means (as the Crown and the trustees agree), at least 24 hours before entering or, if that is not practicable,—

(a) before entering, if practicable; or

(b) as soon as possible after entering.

(4) Despite **subsection (3)**, the trustees and the Crown may agree the circumstances in which notice is not required before the Crown enters Te Tauroa.

(5) Despite **subsections (3) and (4)**, the Crown may enter Te Tauroa under **subsection (1)** without prior notice if responding to a known or suspected incursion of a pest animal.

(6) Despite **subsections (1), (2), (3), and (5)**, the Crown must not enter a building erected on Te Tauroa that may be used for accommodation purposes, unless it—

(a) first obtains the consent of the building owner or occupier to enter the building; and

(b) enters the building only in daylight hours.

50 Te Waiarohia Pā

(1) The fee simple estate in Te Waiarohia Pā vests in the trustees.

(2) Te Waiarohia Pā is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(3) The reserve is named Te Waiarohia Pā Historic Reserve.

(4) Section 41(1) of the Reserves Act 1977 does not apply until the date that is not later than 5 years after the expiry of the lease set out in part 10 of the documents schedule.

51 Totara

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

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

(3) Totara 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 Totara Scenic Reserve.

52 Waikopua

(1) Waikopua ceases to be a conservation area under the Conservation Act 1987, and accordingly ceases to be part of the Hauraki Gulf Marine Park.

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

(3) Waikopua is—

(a) declared a reserve and classified as a local purpose reserve, for the purposes of wetland management, subject to section 23 of the Reserves Act 1977; but

(b) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies by virtue of clause 11 of that schedule.

(4) The reserve is named Waikopua Local Purpose (Wetland Management) Reserve.

Property vested in fee simple to be held as a Maori reservation

53 Maungarei A

(1) The fee simple estate in Maungarei A vests in the trustees.

(2) Maungarei A is set apart as a Māori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Maori Act 1993,—

(a) for the purposes of a place of cultural and historical interest to Ngāi Tai ki Tāmaki; and

(b) to be held for the benefit of Ngāi Tai ki Tāmaki.

(3) Maungarei A is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.

(4) **Subsections (1) to (3)** do not take effect until a registrable easement for a right of way, pedestrian right of way, and a right to park on the terms and conditions set out in part 11 of the documents schedule has been provided to the trustees.

General provisions applying to vesting of cultural redress properties

54 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 1**.

55 Interests in land for Hūnua Falls property

(1) This section applies to all or the part of the Hūnua Falls property that remains a reserve under the Reserves Act 1977 (the **reserve land**) after its vesting in accordance with **section 31(3)**, but only while the reserve land is administered by the joint management body appointed under **section 35**.

(2) If the Hūnua Falls property is affected by an interest in land at the time the joint management body is declared to be the administering body under **section 34(7)**, the interest applies as if the body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

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

(4) **Subsections (2) and (3)** continue to apply despite any subsequent transfer under **section 67**.

56 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) listed for the property in **Schedule 1**, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.

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

(3) The interest applies—

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

(b) with any other necessary modifications; and

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

(4) This section also applies to the Hūnua Falls property, if—

(a) all or part of the property is reserve land to which **section 55** applies; and

(b) there is an interest affecting that land at the time the joint management body is declared to be the administering body.

(5) If **subsection (4)** applies, the interest applies as if the joint management body were the grantor of the interest in respect of the reserve land.

57 Registration of ownership

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

(2) **Subsection (3)** applies to a cultural redress property (other than the Hūnua Falls property), but only to the extent that the property is all of the land contained in a record of title.

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

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

(b) record any entry on the 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 (other than the Hūnua Falls 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 name of the trustees; and

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

(6) For the Hūnua Falls property, the Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a record of title for an undivided quarter share of 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, notified, or notifiable and that are described in the application.

(7) **Subsections (5) and (6)** are subject to the completion of any survey necessary to create a record of title.

(8) A record of title must be created under this section as soon as is reasonably practicable after the date on which the property vests, but not later than—

(a) 24 months after that date; or

(b) any later date that may be agreed in writing,—

(i) in the case of a property other than the Hūnua Falls property, by the Crown and the trustees; or

(ii) in the case of the Hūnua Falls property, by the Crown, the trustees, and the other persons in whom the property is jointly vested.

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

(a) the chief executive of LINZ, for Te Waiarohia Pā:

(b) the chief executive of the Ministry of Justice, for Maungarei A:

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

58 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) The marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of Te Wairoa is reduced to a width of 10 metres.

(4) 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.

(5) **Subsections (2) to (4)** do not limit **subsection (1)**.

59 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 Hūnua Falls property),—

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

(ii) that the land is subject to **sections 58(4) and 65**; and

(b) for Te Wairoa, that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 10 metres; and

(c) created under **section 57(6)** for the Hūnua Falls property,—

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

(ii) that the land is subject to **sections 58(4) and 65**; and

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

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

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

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

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

(ii) the property is subject to **sections 58(4) and 65**; or

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

(4) For the Hūnua Falls property, if the reservation of the property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from any record of title created under **section 57** for the property the notifications that—

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

(ii) the property is subject to **sections 58(4) and 65**, and if the case requires **section 55(3)**; or

(b) part of the property, the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any record of title created under **section 57**, or derived from a record of title created under that section, for the part of the property that remains a reserve.

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

60 Application of other enactments

(1) The Crown Minerals Act 1991 applies, subject to **sections 62 and 63 and subpart 2 of Part 3**, in relation to the vesting of the fee simple estate in a cultural redress property under this subpart.

(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.

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(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.

61 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 date on which the property vests, was all or part of a Crown protected area.

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

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

Access to land under Crown Minerals Act 1991

62 Certain land to be treated as if included in Schedule 4 of Crown Minerals Act 1991

(1) This section and **section 63** apply to each of the following properties (the **relevant properties**) on and from the date on which the property vests in the trustees under this subpart:

(a) Hukunui:

(b) Ororopupu:

(c) Te Matuku-Ngāi Tai:

(d) Te Rae-o-Kahu Pā:

(e) Te Tauroa.

(2) Each relevant property must be protected as if the land were included in Schedule 4 of the Crown Minerals Act 1991 (land to which access restrictions apply).

(3) To the extent relevant, section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 applies to each relevant property, but the rest of section 61 does not apply, except as provided for in **section 63(2)(b)**.

(4) Section 61(1A) and (2) of the Crown Minerals Act 1991 (except subsection (2)(db)) must be applied in light of the following:

(a) because of the vestings referred to in **subsection (1)**, the relevant properties are no longer owned, held, or managed by the Crown; and

(b) because of **section 109**, certain minerals are owned by the trustees.

(5) In section 61(1A) and (2) of the Crown Minerals Act 1991—

(a) a reference to a Minister or Ministers or to the Crown (but not the reference to a Crown owned mineral) must be read as a reference to the trustees:

(b) a reference to a Crown owned mineral must be read as including a reference to the minerals owned by the trustees because of **section 109**.

(6) In **subsections (4)(b) and (5), and section 63(2)(a)**, **trustees** includes, if relevant, a subsequent owner of a relevant property.

63 When land may be treated as no longer included in Schedule 4 of Crown Minerals Act 1991

(1) The Governor-General may, by Order in Council, declare that any or all of the relevant properties are no longer to be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991.

(2) The power conferred by **subsection (1)**—

(a) may be exercised only on the advice of the Minister of Energy and Resources and the Minister of Conservation, after those Ministers have consulted the trustees and have had regard to all the circumstances of the particular case; and

(b) is subject to section 61(5), (6), (7), and (9) of the Crown Minerals Act 1991.

Further provisions applying to reserve properties

64 Application of other enactments to reserve properties

(1) The trustees are the administering body of a reserve property, except as provided for in **sections 25 and 31**.

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

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

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

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

(6) **Subsection (7)** applies if the Auckland Council is the administering body of both Hihiorapa Urupā and the Hūnua Falls property (the **properties**) or of either of those properties.

(7) If this subsection applies—

(a) **subsection (2)** does not apply to the property or the properties; and

(b) the Council must, to the extent that it is reasonably practicable to distinguish the revenue from each property (if more than 1) from any other revenue received by the Council,—

(i) hold the revenue received by the Council from each property (if more than 1) in its capacity as the administering body of the property or the properties; and

(ii) account for that revenue—

(A) separately from any other revenue of the Council; and

(B) separately for each property (if more than 1); and

(iii) use that revenue only in relation to the property from which it was derived or the Hunua Ranges Parkland.

(8) In this section, **Hunua Ranges Parkland** means the land described by that name in the Schedule to the Local Government (Auckland Regional Parks) Order 2008.

65 Subsequent transfer of reserve land

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

(2) The fee simple estate in the reserve land in Hukunui, the Hūnua Falls property, Ororopupu, and Te Tauroa may be transferred only in accordance with **section 67**.

(3) The fee simple estate in the reserve land in any other property may be transferred only in accordance with **section 66 or 67**.

(4) In this section and **sections 66 to 68**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

66 Transfer of reserve land to new administering body

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

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

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

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

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

(4) The required documents are—

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

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

(c) the written consent of the administering body of the reserve land, if the trustees are transferring the reserve land and are not the administering body; and

(d) 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.

67 Transfer of reserve land if trustees change

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

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

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

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

68 Reserve land not to be mortgaged

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

69 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 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.

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(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.

Consequential amendments to Hauraki Gulf Marine Park Act 2000

70 Amendments to Hauraki Gulf Marine Park Act 2000

Sections 71 and 72 amend the Hauraki Gulf Marine Park Act 2000.

71 New section 41A inserted (Removal of land described in Schedule 5 from Park)

After section 41, insert:

41A Removal of land described in Schedule 5 from Park

(1) The Governor-General may, by Order in Council, and acting on the recommendation of the Minister of Conservation,—

(a) remove from the Park any land included in the Park by Schedule 5; and

(b) amend Schedule 5 accordingly.

(2) The Minister, before making a recommendation to the Governor-General under **subsection (1)**, must—

(a) be satisfied that the land no longer serves the purpose of the Park; and

(b) have regard to—

(i) the existing use of the land; and

(ii) the status or classification (if any) of the land.

72 Schedule 5 amended

In Schedule 5, insert in their appropriate alphabetical order:

The land described as Hukunui in **Schedule 1 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2017**, with effect on and from the date on which the requirements of **section 28(9)** of that Act have been satisfied.

The land described as Motukaraka in **Schedule 1 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2017**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Ororopupu in **Schedule 1 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2017**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Te Matuku-Ngāi Tai in **Schedule 1 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2017**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Te Rae-o-Kahu Pā in **Schedule 1 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2017**, with effect on and from the settlement date, as defined in **section 12(1)** of that Act.

The land described as Te Tauroa in **Schedule 1 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2017**, with effect on and from the date which the requirement of **section 47(6)** of that Act has been satisfied.

Subpart 2—Statutory acknowledgement and deed of recognition

73 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 Ngāi Tai ki Tāmaki of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

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

statutory acknowledgement means the acknowledgement made by the Crown in **section 74** in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in **Schedule 2**, 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

74 Statutory acknowledgement by the Crown

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

75 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 76 to 78**; 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 79 and 80**; and

(c) to enable the trustees and any member of Ngāi Tai ki Tāmaki to cite the statutory acknowledgement as evidence of the association of Ngāi Tai ki Tāmaki with a statutory area, in accordance with **section 81**.

76 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.

77 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.

78 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.

79 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 74 to 78, 80, and 81**; 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.

80 Provision of summary or notice to trustees

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

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

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

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

(3) The summary must be provided—

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

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

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

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

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

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

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

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

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

81 Use of statutory acknowledgement

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

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

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

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

(b) parties to proceedings before those bodies; or

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

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

(4) To avoid doubt,—

(a) neither the trustees nor members of Ngāi Tai ki Tāmaki are precluded from stating that Ngāi Tai ki Tāmaki has an association with a statutory area that is not described in the statutory acknowledgement; and

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

Deed of recognition

82 Issuing and amending deed of recognition

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

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

(3) The Minister of Conservation and the Director-General may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deed of recognition

83 Application of statutory acknowledgement to river or stream

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

(a) applies only to—

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

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

(b) does not apply to—

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

(ii) an artificial watercourse.

84 Exercise of powers and performance of functions and duties

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

(2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāi Tai ki Tāmaki 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

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

85 Rights not affected

(1) The statutory acknowledgement and the 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

86 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:
Ngāi Tai ki Tāmaki Claims Settlement Act **2017**

Subpart 3—Protocols

87 Interpretation

In this subpart,—

protocol—

(a) means each of the following protocols issued under **section 88(1)(a)**:

(i) the primary industries protocol:

(ii) the taonga tūturu protocol; and

(b) includes any amendments made under **section 88(1)(b)**

responsible Minister means,—

(a) for the primary industries protocol, the Minister for Primary Industries:

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

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

General provisions applying to protocols

88 Issuing, amending, and cancelling protocols

(1) Each responsible Minister—

(a) must issue a protocol to the trustees on the terms set out in part 3 of the documents schedule; and

(b) may amend or cancel that protocol.

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

(a) the trustees; or

(b) the responsible Minister.

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

89 Protocols subject to rights, functions, and duties

Protocols do not restrict—

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

(i) introduce legislation and change Government policy; and

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

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

(c) the legal rights of Ngāi Tai ki Tāmaki or a representative entity.

90 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)**.

Primary industries

91 Primary industries protocol

(1) The chief executive of the Ministry for Primary Industries must note a summary of the terms of the primary industries protocol in any fisheries plan that affects the primary industries protocol area.

(2) The noting of the summary is—

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

(b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.

(3) The primary industries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, or seaweed) that are held, managed, or administered under any of the following enactments:

(a) the Fisheries Act 1996:

(b) the Maori Commercial Aquaculture Claims Settlement Act 2004:

(c) the Maori Fisheries Act 2004:

(d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

(4) In this section,—

fisheries plan means a plan approved or amended under section 11A of the Fisheries Act 1996

primary industries protocol area means the area of land shown on the map attached to the primary industries protocol, together with the waters adjacent to that land.

Taonga tūturu

92 Taonga tūturu protocol

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

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

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

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

Subpart 4—Official geographic names

93 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.

94 Official geographic names

(1) A name specified in the second column of the table in clause 5.40 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.

95 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 94**.

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

96 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.

97 Name change for Crown protected area

(1) The name of Mataitai Scenic Reserve is changed to Mātaitai Scenic Reserve.

(2) The new name given to the reserve under **subsection (1)** 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,—

(a) give public notice of the new name in accordance with section 21(2)(a) and (b) and (3) of the Act; but

(b) state in the notice that the new name became an official geographic name on the settlement date.

(4) The official geographic name of the reserve named under this section 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.

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Part 3
Commercial redress

Subpart 1—Transfer of transfer properties

98 Interpretation

In this subpart,—

commercial property means the property described in part 5 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

commercial redress property—

(a) means a property described in subpart A of part 3 of the property redress schedule; and

(b) includes the property described in subpart B of part 3 of the property redress schedule if clause 6.4.1 of the deed applies; but

(c) does not include a property to which clause 6.12.1 of the deed of settlement applies

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

land holding agency means the land holding agency specified,—

(a) for the commercial property, in part 5 of the property redress schedule; or

(b) for a commercial redress property, in part 3 of the property redress schedule; or

(c) for a deferred selection property, in part 4 of the property redress schedule

Papakura property means the deferred selection property described by that name

transfer property means any or all of the following:

(a) the commercial property:

(b) a commercial redress property:

(c) a deferred selection property.

99 The Crown may transfer properties

(1) To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—

(a) to transfer the fee simple estate in a transfer property (other than the Papakura property) to the trustees:

(b) to transfer the fee simple estate in the Papakura property to 1 or more governance entities:

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

(2) **Subsection (3)** applies to a transfer property (other than a commercial redress property) that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**.

(3) As soon as is reasonably practicable after the date on which the property is transferred under **subsection (1)**, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 18** (which relates to the cancellation of resumptive memorials).

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

(a) the trustees:

(b) the trustees of the Ngāti Tamaoho Settlement Trust.

100 Records of title for transfer properties that are not shared redress

(1) This section applies to each transfer property that is to be transferred under **section 99**—

(a) to the trustees (but to no other person or entity); or

(b) in the case of the Papakura property, to the trustees of the Ngāti Tamaoho Settlement Trust (but to no other person or entity).

(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; or

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

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

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

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

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

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

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

101 Records of title for shared transfer properties

(1) This section applies to each transfer property that is to be transferred to tenants in common under **section 99**.

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

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

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

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

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

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

(1) For the purposes of **sections 100 and 101**, the authorised person may grant a covenant for the later creation of a record of title for any transfer 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; and

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

103 Application of other enactments

(1) This section applies to the transfer of the fee simple estate in a transfer property under **section 99**.

(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 Crown Minerals Act 1991 applies subject to **subpart 2** of this Part.

(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 99**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.

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

104 Transfer of properties subject to lease

(1) This section applies to a transfer property—

(a) for which the land holding agency is—

(i) the Ministry of Education; or

(ii) the New Zealand Defence Force; and

(b) the ownership of which is to be transferred under **section 99**; and

(c) that, after the transfer, is to be subject to a lease back to the Crown.

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

(3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to **section 105** upon the registration of the transfer.

(4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that—

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

(b) the land is subject to **section 105**.

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

105 Requirements if lease terminates or expires

(1) This section applies if the lease referred to in **section 104(1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.

(2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.

(3) However, the marginal strip reserved by section 24 of the Conservation Act 1987 from the transfer of the Torpedo Bay property is reduced to a width of between 6 and 10 metres as shown on SO 485026.

(4) The registered proprietors of the property must apply in writing to the Registrar-General,—

(a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notifications that—

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

(ii) the property is subject to this section; or

(b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notifications on the 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.

(5) If the Registrar-General receives an application under **subsection (4)** for the Torpedo Bay property, the Registrar-General must record on the record of title, in relation to all or part of the property that is no longer subject to the lease, that the marginal strip reserved by section 24 of the Conservation Act 1987 is reduced to a width of between 6 and 10 metres as shown on SO 485026.

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

(7) In this section and **section 106**, **Torpedo Bay property** means the commercial property described as the Torpedo Bay property.

106 Management of marginal strip

(1) In relation to the marginal strip for the Torpedo Bay property referred to in **section 105(3)**, the trustees are appointed as the joint manager or manager as **subsection (2)** may require, as if the appointment were made under section 24H of the Conservation Act 1987.

(2) The appointment under **subsection (1)** is made only if, and for as long as,—

(a) the trustees and the Marutūāhu Rōpū Limited Partnership together are the registered proprietors of the land adjoining the marginal strip; or

(b) the trustees are the sole registered proprietors of that land.

(3) To avoid doubt, **subsection (2)** does not override section 24J of the Conservation Act 1987.

(4) In this section, **Marutūāhu Rōpū Limited Partnership** means the limited partnership of that name established by an agreement dated 21 June 2013 and registered under section 51 of the Limited Partnerships Act 2008 (number 2582462).

Subpart 2—Vesting of certain Crown owned minerals and related matters

107 Application and interpretation

This subpart applies to—

(a) the land vested in the trustees under **subpart 1 of Part 2**; and

(b) land transferred to the trustees under **section 99**; and

(c) land transferred to the trustees or an RFR holder under a contract formed under **section 117**.

108 Certain minerals no longer to be reserved to the Crown

(1) Despite section 11 of the Crown Minerals Act 1991, when land to which **section 107** refers is vested in or transferred to the trustees, any Crown owned minerals in that land vest or transfer with, and form part of, the land.

(2) However, if a share in land is vested in or transferred to the trustees, the trustees own a share in any Crown owned minerals in that land in the same proportion as that in which they own the land.

(3) Nothing in this Part—

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

(b) affects other lawful rights to subsurface minerals.

(4) To avoid doubt, the vesting or transfer of land referred to in **section 107** is subject to any mineral interests or rights to which any person other than the Crown was entitled under the Land Transfer Act 2017 or any other Act, before the commencement of this Act, whether or not such interests or rights are recorded on the record of title for the land.

109 Notation of mineral ownership on records of title

(1) This section applies instead of section 86 of the Crown Minerals Act 1991 to land referred to in **section 107** at the point in time of its vesting or transfer.

(2) An instrument lodged in respect of that land must include a request to the Registrar-General to record on any record of title for the land that the land is subject to **section 108 of the Ngāi Tai ki Tāmaki Claims Settlement Act 2015**.

(3) The Registrar-General must comply with a request received under **subsection (2)**.

(4) In this section, **instrument** means—

(a) a written application lodged under **section 57** in respect of land referred to in **section 107(a)**; or

(b) a transfer instrument lodged in respect of land referred to in **section 107(b) or (c)**.

Subpart 3—Right of first refusal over RFR land

Interpretation

110 Interpretation

In this subpart and **Schedule 3**,—

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

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

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(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 113(2)(a) and 114**

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 113**, 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 119(1)**; but

(d) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date, under **section 120(1)**

RFR period means the period of 173 years on and from the settlement date

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

111 Meaning of RFR land

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

(a) any land excluded from the definition of commercial redress property in **section 98** by **paragraph (c) of that definition**; and

(b) any land that has ceased to be a deferred selection property under clause 6.19.1 of the deed of settlement on or before the settlement date; and

(c) any land obtained in exchange for a disposal of RFR land under **section 124(1)(c) or 125**.

(2) **Subsection (1)(a) and (b)** applies only if, on the settlement date, the land—

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

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

(3) If, after the settlement date, land ceases to be a deferred selection property under clause 6.19.1 of the deed of settlement, that land becomes RFR land.

(4) Land ceases to be RFR land if—

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

(i) the trustees or their nominee (for example, under a contract formed under **section 117**); or

(ii) any other person (including the Crown or a Crown body) under **section 112(d)**; or

(b) the fee simple estate in the land transfers to, or vests in, a person other than the Crown or a Crown body from the RFR landowner—

(i) under any of **sections 121 to 127** (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in **section 128(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 to, or vests in, in another person from the RFR landowner in accordance with a waiver or variation given under **section 137**; or

(d) the RFR period for the land ends.

(5) In **subsections (1)(b) and (3)**, **deferred selection property** means a property described in subpart A of part 4 of the property redress schedule.

Restrictions on disposal of RFR land

112 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 118 to 127**; or

(b) under any matter referred to in **section 128(1)**; or

(c) in accordance with a waiver or variation given under **section 137**; 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 113**; 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 115**; and

(iv) not accepted under **section 116**.

Trustees' right of first refusal

113 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.

114 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.

115 Withdrawal of offer

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

116 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.

117 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 trustee 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.

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Disposals to others but land remains RFR land

118 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 143(5) or 206 of the Education Act 1989.

119 Disposal of existing public works to local authorities

(1) An RFR landowner may dispose of RFR land that is a public workor 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.

120 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

121 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.

122 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.

123 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.

124 Disposal of land held for public works

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

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

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

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

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

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

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

125 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.

126 Disposal for charitable purposes

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

127 Disposal to tenants

The Crown may dispose of RFR land—

(a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or

(b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—

(i) before the settlement date; or

(ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or

(c) under section 93(4) of the Land Act 1948.

RFR landowner obligations

128 RFR landowner's obligations subject to other matters

(1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

(a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any interest or legal or equitable obligation—

(i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees; and

(ii) that the RFR landowner cannot satisfy by taking reasonable steps; and

(c) the terms of a mortgage over, or security interest in, RFR land.

(2) Reasonable steps, for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment.

Notices about RFR land

129 Notice to LINZ if land becomes RFR land on settlement date

(1) An RFR landowner, must as soon as reasonably practicable after the settlement date, give the chief executive of LINZ notice of any land—

(a) that on the settlement date is RFR land within the meaning of **section 111(1)(a)**; and

(b) for which there is a record of title.

(2) The notice must include the legal description of the land and the reference for the record of title.

130 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.

131 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 112**; and

(f) if the disposal is to be made under **section 112(d)**, a copy of any written contract for the disposal.

132 Notice to LINZ of land ceasing to be RFR land

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

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

(i) the trustees or their nominee (for example, under a contract formed under **section 117**); or

(ii) any other person (including the Crown or a Crown body) under **section 112(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 121 to 127**; or

(ii) under any matter referred to in **section 128(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 137**.

(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.

133 Notice requirements

Schedule 3 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

134 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 130** 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 111**; and

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

135 Removal of notifications when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 132**, 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, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notification recorded under **section 134** for the land described in the certificate.

136 Removal of notifications when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—

(a) the reference for each record of title for that RFR land that still has a notification recorded under **section 134**; 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 notification recorded under **section 134** from any record of title identified in the certificate.

General provisions applying to right of first refusal

137 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.

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(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.

138 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.

139 Assignment of rights and obligations under this subpart

(1) **Subsection (3)** applies if the RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and

(b) has given the notices required by **subsection (2)**.

(2) The RFR holder must give notices to each RFR landowner that—

(a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specify the date of the assignment; and

(c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.

(3) This subpart and **Schedule 3** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, 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
Cultural redress properties

ss 22, 54, 56, 72

Properties vested in fee simple

Name of property	Description	Interests
Mangemangeroa	*North Auckland Land District—Auckland Council* 0.5339 hectares, more or less, being Section 1 SO 484946.	
Te Wairoa	*North Auckland Land District—Auckland Council* 0.6250 hectares, more or less, being Section 1 SO 484947.	

Properties vested in fee simple to be administered as reserve

Name of property	Description	Interests
Hihiorapa Urupā	*North Auckland Land District—Auckland Council* 1.7385 hectares, more or less, being Section 1 SO 484944. Part *Gazette* 1926, p 58.	Subject to being a scenic reserve, as referred to in **section 25(3)**.
Hukunui	*North Auckland Land District—Auckland Council* 50.0470 hectares, more or less, being Sections 3 and 4 SO 484942. Part *Gazette* notice A209876.	Subject to being a historic reserve, as referred to in **section 28(3)(a)**. Subject to the easement in gross for a walkway referred to in **section 28(9)(a)**. Subject to the easement for a right to convey water referred to in **section 28(9)(b)**. Subject to the right of way easement in gross referred to in **section 28(9)(c)**. Subject to an unregistered grazing licence with licence number 36916-GRA to Motutapu Farms Limited. Subject to an unregistered concession with concession number AK-29563-GUI to Auckland Sea Kayaks Limited. Subject to an unregistered concession with concession number 40555-INS to Rotary International, District 9920 RLYA Committee. Subject to an unregistered concession with concession

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Name of property	Description	Interests
		number AK-33888-SSE to Motutapu Island Restoration Trust. Subject to the rights for clients and invitees of the concessionaire to use any part of the reserve for recreation purposes as provided for in clause 42 of Schedule II of an unregistered concession to Motutapu Outdoor Education Trust (relating to Motutapu Island Recreation Reserve) held in concession number AK-0002-ACC with variations held in HAMRO-55759 and AKDCO-59143 (and referred to in those documents as Motutapu Outdoor Education Camp Trust). Subject to an unregistered guiding permit with concession number 38703-GUI to Ngāi Tai ki Tāmaki Tribal Trust. Together with the easement for a right to convey water referred to in **section 28(5)**.
Hūnua Falls property	*North Auckland Land District—Auckland Council* 236.2146 hectares, more or less, being Section 1 SO 484943, Sections 2 and 3 SO 484944, and Allotment 137 Parish of Otau. Part *Gazette* 1926, p 58 and all *Gazette* 1952, p 1761.	Subject to being a scenic reserve, as referred to in **section 31(4)**.
Motukaraka	*North Auckland Land District—Auckland Council* 5.5620 hectares, more or less, being Section 1 SO 484945. Part *Gazette* notice A298626.	Subject to being a recreation reserve, as referred to in **section 37(3)(a)**.
Ororopupu	*North Auckland Land District—Auckland Council* 2.5010 hectares, more or less, being Section 1 SO 484942. Part *Gazette* notice A209876.	Subject to being a recreation reserve, as referred to in **section 38(3)(a)**. Subject to an unregistered concession with concession number AK-29563-GUI to Auckland Sea Kayaks Limited. Subject to an unregistered grazing licence with licence number 36916-GRA to Motutapu Farms Limited. Subject to an unregistered concession with concession number 40555-INS to Rotary

Name of property	Description	Interests
		International, District 9920 RLYA Committee.
		Subject to the rights for clients and invitees of the concessionaire to use any part of the reserve for recreation purposes as provided for in clause 42 of Schedule II of an unregistered concession to Motutapu Outdoor Education Trust (relating to Motutapu Island Recreation Reserve) held in concession number AK-0002-ACC with variations held in HAMRO-55759 and AKDCO-59143 (and referred to in those documents as Motutapu Outdoor Education Camp Trust).
		Subject to an unregistered guiding permit with concession number 38703-GUI to Ngāi Tai ki Tāmaki Tribal Trust.
Tai Rawhiti	*North Auckland Land District—Auckland Council* 62.0535 hectares, more or less, being Lot 1 DP 125481. All record of title NA73A/979.	Subject to being a scenic reserve, as referred to in **section 41(3)**. Subject to section 59 of the Land Act 1948 (affects the part formerly held in NA52C/332). Subject to section 8 of the Coal Mines Amendment Act 1950 (affects the part formerly held in NA52C/332). Subject to section 8 of the Mining Act 1971. Subject to section 5 of the Coal Mines Act 1979. Subject to section 168A of the Coal Mines Act 1925. Together with a right of way easement specified in easement certificate B170947.8.
Te Matuku-Ngāi Tai	*North Auckland Land District—Auckland Council* 2.0020 hectares, more or less, being Section 1 SO 484949. Part record of title 96475.	Subject to being a scenic reserve, as referred to in **section 42(3)(a)**.
Te Naupata	*North Auckland Land District—Auckland Council* 0.5186 hectares, more or less, being Allotment 408 Parish of Pakuranga. All *Gazette* notice B188347.1.	Subject to being a recreation reserve, as referred to in **section 43(3)**.
Te Rae-o-Kahu Pā	*North Auckland Land District—Auckland Council*	Subject to being a historic reserve, as referred to in **section 44(3)(a)**.

Name of property	Description	Interests
	1.7000 hectares, more or less, being Section 1 SO 484950. Part *Gazette* notice 274308.	Subject to an unregistered concession with concession number AK-29563-GUI to Auckland Sea Kayaks Limited. Subject to an unregistered permit with permit number 35320-RES to the Ecoquest Education Foundation. Subject to an unregistered permit with permit number AK-33028-FAU to Tonkin and Taylor Limited. Subject to an unregistered guiding licence with concession number 38673-GUI to the Motuihe Trust.
Te Tauroa	*North Auckland Land District—Auckland Council* 1.0010 hectares, more or less, being Section 2 SO 484942. Part *Gazette* notice A209876.	Subject to being a recreation reserve, as referred to in **section 47(3)(a)**. Subject to the easement for a right to convey water referred to in **section 47(6)**. Subject to an unregistered grazing licence with licence number 36916-GRA to Motutapu Farms Limited. Subject to an unregistered concession with concession number AK-29563-GUI to Auckland Sea Kayaks Limited. Subject to an unregistered concession with concession number 40555-INS to Rotary International, District 9920 RLYA Committee. Subject to the rights for clients and invitees of the concessionaire to use any part of the reserve for recreation purposes as provided for in clause 42 of Schedule II of an unregistered concession to Motutapu Outdoor Education Trust (relating to Motutapu Island Recreation Reserve) held in concession number AK-0002-ACC with variations held in HAMRO-55759 and AKDCO-59143 (and referred to in those documents as Motutapu Outdoor Education Camp Trust).
Te Waiarohia Pā	*North Auckland Land District—Auckland Council* 3.9240 hectares, more or less, being Lot 2 DP 158600. All record of title NA107B/758.	Subject to being a historic reserve, as referred to in **section 50(2)**.

Name of property	Description	Interests
		Subject to a consent notice pursuant to section 221(1) of the Resource Management Act 1991 in document D072335.2. Subject to a resolution pursuant to section 321(3)(c) of the Local Government Act 1974 in document D072335.5. Subject to a lease created by instrument D133015.3. Subject to a lease created by instrument 9990077.1 (and held in record of title 690833). Together with a right of way easement specified in easement certificate D072335.9. The easements specified in D072335.9 are subject to section 243(a) of the Resource Management Act 1991.
Totara	*North Auckland Land District—Auckland Council* 13.7644 hectares, more or less, being Allotment 51 Parish of Wairoa.	Subject to being a scenic reserve, as referred to in **section 51(3)**.
Waikopua	*North Auckland Land District—Auckland Council* 16.7840 hectares, more or less, being Sections 1 and 2 SO 484948.	Subject to being a local purpose (wetland management) reserve, as referred to in **section 52(3)(a)**.

Property vested in fee simple to be held as a Maori reservation

Name of property	Description	Interests
Maungarei A	*North Auckland Land District—Auckland Council* 0.6000 hectares, more or less, being Section 1 SO 486686. Part record of title. NA97B/869.	Subject to being a Maori reservation, as referred to in **section 53(2)**. Subject to a water supply easement created by Transfer 699784. Together with the easement for a right of way, a pedestrian right of way, and a right to park referred to in **section 53(4)**.

Schedule 2
Statutory areas

ss 73, 82

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Coastal Marine Area	As shown on OTS-403-128
Kiripaka Wildlife Scenic Reserve	As shown on OTS-403-129
Motutapu Island Recreation Reserve	As shown on OTS-403-130
Motuihe Island Recreation Reserve	As shown on OTS-403-125
Mutukaroa / Hamlin Hill	As shown on OTS-403-124
Papepape Marginal Strip	As shown on OTS-403-122
Te Matuku Bay Scenic Reserve	As shown on OTS-403-121
Te Morehu Scenic Reserve	As shown on OTS-403-126
Turanga Creek Conservation Area	As shown on OTS-403-123
Wairoa Gorge Scenic Reserve	As shown on OTS-403-118
Wairoa River and tributaries	As shown on OTS-403-127

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

Statutory area	Location
Mataitai Forest Conservation Area	As shown on OTS-403-115
Mātaitai Scenic Reserve	As shown on OTS-403-115
Papa Turoa Scenic Reserve	As shown on OTS-403-119
Stony Batter Historic Reserve	As shown on OTS-403-120
Whakatiri Scenic Reserve	As shown on OTS-403-115

Schedule 3
Notices in relation to RFR land

ss 110, 133, 139

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under **subpart 3 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 113**, 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 129, 130, or 132**, 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 22(1)(a) and (b) of the Electronic Transactions Act 2002.

3 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the fourth day after posting, if posted; or

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(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.