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Ngāti Hauā Claims Settlement Act 2014

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Commencement see section 2

Contents

		Page
1	Title	7
2	Commencement	7

Part 1

Preliminary matters, acknowledgements and apology, and settlement of non-raupatu historical claims

Preliminary matters

3	Purpose	8
4	Provisions to take effect on settlement date	8
5	Act binds the Crown	8
6	Outline	8
	<i>Summary of historical account, acknowledgements, and apology of the Crown</i>	
7	Summary of historical account, acknowledgements, and apology	10
8	Summary of historical account	10
9	Acknowledgements	12
10	Apology	18

Note

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

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

This Act is administered by the Ministry of Justice.

	<i>Interpretation provisions</i>	
11	Interpretation of Act generally	20
12	Interpretation	20
13	Meaning of Ngāti Hauā	22
14	Meaning of non-raupatu historical claims	23
	<i>Non-raupatu historical claims settled and jurisdiction of courts, etc, removed</i>	
15	Settlement of non-raupatu historical claims final	24
	<i>Amendment to Treaty of Waitangi Act 1975</i>	
16	Amendment to Treaty of Waitangi Act 1975	25
	<i>Resumptive memorials no longer to apply</i>	
17	Certain enactments do not apply	25
18	Resumptive memorials to be cancelled	26
	<i>Miscellaneous matters</i>	
19	Limit on duration of trusts does not apply	26
20	Access to deed of settlement	27
	Part 2	
	Cultural redress	
	Subpart 1—Taonga tūturu protocol and conservation relationship agreement	
21	Interpretation	27
	<i>Taonga tūturu protocol</i>	
22	Taonga tūturu protocol	28
23	Issuing, amending, and cancelling protocol	28
24	Protocol subject to rights, functions, and duties	28
25	Enforcement of protocol	28
	<i>Conservation relationship agreement</i>	
26	Conservation relationship agreement	29
27	Noting of conservation relationship agreement on conservation documents	29
28	Conservation relationship agreement subject to rights, functions, duties, and powers	29
29	Enforcement of conservation relationship agreement	30
	Subpart 2—Statutory acknowledgement and deeds of recognition	
30	Interpretation	30
	<i>Statutory acknowledgement</i>	
31	Statutory acknowledgement by the Crown	31
32	Purposes of statutory acknowledgement	31

33	Relevant consent authorities to have regard to statutory acknowledgement	31
34	Environment Court to have regard to statutory acknowledgement	31
35	Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement	32
36	Recording statutory acknowledgement on statutory plans	32
37	Provision of summary or notice to trustees	32
38	Use of statutory acknowledgement	33
	<i>Deeds of recognition</i>	
39	Issuing and amending deeds of recognition	34
	<i>General provisions relating to statutory acknowledgement and deeds of recognition</i>	
40	Application of statutory acknowledgement and deeds of recognition to river or stream	34
41	Exercise of powers and performance of functions and duties	35
42	Rights not affected	35
	<i>Consequential amendment to Resource Management Act 1991</i>	
43	Amendment to Resource Management Act 1991	35
	Subpart 3—Overlay classification	
44	Interpretation	36
45	Declaration of overlay classification and the Crown’s acknowledgement	36
46	Purposes of overlay classification	36
47	Agreement on protection principles	37
48	Obligations on New Zealand Conservation Authority and Conservation Boards	37
49	Noting of overlay classification in strategies and plans	37
50	Notification in <i>Gazette</i>	38
51	Actions by Director-General	38
52	Amendment to strategies or plans	38
53	Regulations	38
54	Bylaws	39
55	Existing classification of overlay site	40
56	Termination of overlay classification	40
57	Exercise of powers and performance of functions and duties	40
58	Rights not affected	40
	Subpart 4—Vesting of cultural redress properties	
59	Interpretation	41
	<i>Properties vested in fee simple to be administered as reserves</i>	
60	Gordon Gow Scenic Reserve	41
61	Maungakawa	41

62	Pukemako site A	42
63	Pukemako site B	42
64	Joint board established for Pukemako reserve	42
65	Joint board is administering body of Pukemako reserve	42
66	Procedure and meetings of joint board	43
67	Management plan	43
68	Application for statutory authorisation over Pukemako reserve	43
69	Interests in favour of Pukemako reserve	44
70	Trustees may apply to administer Pukemako reserve	44
	<i>General provisions applying to vesting of cultural redress properties</i>	
71	Properties vest subject to or together with interests	44
72	Interests that are not interests in land	44
73	Registration of ownership	45
74	Application of Part 4A of Conservation Act 1987	45
75	Matters to be recorded on computer freehold register	46
76	Application of other enactments	46
77	Names of Crown protected areas discontinued	47
	<i>Further provisions applying to reserve properties</i>	
78	Application of other enactments to reserve properties	47
79	Name of Gordon Gow Scenic Reserve must include words “Gordon Gow”	47
80	Subsequent transfer of reserve land	47
81	Transfer of reserve land to new administering body	48
82	Transfer of reserve land to trustees of existing administering body if trustees change	48
83	Reserve land not to be mortgaged	49
84	Saving of bylaws, etc, in relation to reserve properties	49
	Subpart 5—Vesting and gifting back of property	
85	Notice appointing delayed vesting date for Te Tapui Scenic Reserve	49
86	Delayed vesting and gifting back of Te Tapui Scenic Reserve	50
	Subpart 6—Waharoa Aerodrome	
87	Interpretation	50
	<i>Waharoa (Matamata) Aerodrome Committee</i>	
88	Waharoa (Matamata) Aerodrome Committee established	51
89	Functions and powers of committee	51
90	Membership of committee	52
91	Procedure of committee	52
92	Application of other Acts to committee	53
93	Conflict of interest	53
94	Support of committee	53

Waharoa Aerodrome land

95	Waharoa Aerodrome land may be vested in trustees	53
96	Matters relating to vesting under section 95	54
97	Notice to interest holders	54
98	No change in classification or purpose	55
99	Amendment of computer register	55
100	Creation of computer register	55
101	Register to be noted	56
102	Application of other enactments	56

Part 3

Commercial redress

103	Interpretation	56
	Subpart 1—Transfer of commercial redress properties, deferred selection properties, and second right of deferred purchase properties	
104	The Crown may transfer properties	57
105	Computer freehold registers for commercial redress properties, deferred selection properties, and second right of deferred purchase properties	57
106	Authorised person may grant covenant for later creation of computer freehold register	58
107	Application of other enactments	58
	Subpart 2—Right of first refusal over RFR land	
	<i>Interpretation</i>	
108	Interpretation	59
109	Meaning of RFR land	60
	<i>Restrictions on disposal of RFR land</i>	
110	Restrictions on disposal of RFR land	61
	<i>Trustees' right of first refusal</i>	
111	Requirements for offer	62
112	Expiry date of offer	62
113	Withdrawal of offer	62
114	Acceptance of offer	62
115	Formation of contract	63
	<i>Disposals to others but land remains RFR land</i>	
116	Disposal to the Crown or Crown bodies	63
117	Disposal of existing public works to local authorities	63
118	Disposal of reserves to administering bodies	64

	<i>Disposals to others where land may cease to be RFR land</i>	
119	Disposal in accordance with obligations under enactment or rule of law	64
120	Disposal in accordance with legal or equitable obligations	64
121	Disposal under certain legislation	64
122	Disposal of land held for public works	65
123	Disposal for reserve or conservation purposes	65
124	Disposal for charitable purposes	65
125	Disposal to tenants	65
126	Disposal by Health New Zealand	66
	<i>RFR landowner obligations</i>	
127	RFR landowner's obligations subject to other matters	66
	<i>Notices about RFR land</i>	
128	Notice to LINZ of RFR land with computer register after settlement date	66
129	Notice to trustees of disposal of RFR land to others	67
130	Notice to LINZ of land ceasing to be RFR land	67
131	Notice requirements	68
	<i>Right of first refusal recorded on computer registers</i>	
132	Right of first refusal to be recorded on computer registers for RFR land	68
133	Removal of notifications when land to be transferred or vested	68
134	Removal of notifications when RFR period ends	69
	<i>General provisions applying to right of first refusal</i>	
135	Waiver and variation	69
136	Disposal of Crown bodies not affected	69
137	Assignment of rights and obligations under this subpart	69
	Part 4	
	Te Taurapa o Te Ihingarangi ki Te Puaha o Waitete sub-catchment	
138	Interpretation	70
	<i>Waikato-Tainui environmental plan</i>	
139	Section 40(4) of Waikato-Tainui Act applies to sub-catchment	71
	<i>Joint management agreements</i>	
140	Joint management agreement between Waikato Raupatu River Trust and Waikato Regional Council applies to sub-catchment	71
141	Joint management agreement between Waikato Raupatu River Trust and South Waikato District Council to apply to sub-catchment	71

	<i>Conservation regulations</i>	
142	Conservation regulations may be made in relation to sub-catchment	71
	<i>Customary fishing</i>	
143	Customary fishing regulations that apply to sub-catchment	72
	<i>Fishing (bylaw) regulations</i>	
144	Fishing (bylaw) regulations may be made in relation to sub-catchment	72
	<i>Fisheries bylaws</i>	
145	Fisheries bylaws that apply to sub-catchment	72
	<i>Integrated river management plan and Upper Waikato River integrated management plan</i>	
146	Application of provisions of components of integrated river management plan	73
147	Process for preparation of provisions that apply to Waikato River under section 146	74
148	Modifications to component process preparation	74
149	Non-derogation	75
	Schedule 1	76
	Statutory areas	
	Schedule 2	77
	Overlay area	
	Schedule 3	78
	Cultural redress properties	
	Schedule 4	80
	Waharoa Aerodrome	
	Schedule 5	81
	Notices in relation to RFR land	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Hauā Claims Settlement Act 2014.

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 non-raupatu historical claims

Preliminary matters

3 Purpose

The purpose of this Act is—

- (a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Ngāti Hauā in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the non-raupatu historical claims of Ngāti Hauā.

4 Provisions to take effect on settlement date

- (1) The provisions of this Act take effect on the settlement date unless stated otherwise.
- (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—
 - (a) the provision to have full effect on that date; or
 - (b) a power to be exercised under the provision on that date; or
 - (c) a duty to be performed under the provision on that date.

5 Act binds the Crown

This Act binds the Crown.

6 Outline

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.
- (2) This Part—
 - (a) sets out the purpose of this Act; and
 - (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and
 - (c) specifies that the Act binds the Crown; and
 - (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Hauā, as recorded in the deed of settlement; and
 - (e) defines terms used in this Act, including key terms such as Ngāti Hauā and non-raupatu historical claims; and

- (f) provides that the settlement of the non-raupatu historical claims is final; and
- (g) provides for—
 - (i) the effect of the settlement of the non-raupatu historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the non-raupatu historical claims; and
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the limit on the duration of a trust; and
 - (v) access to the deed of settlement.
- (3) Part 2 provides for cultural redress, including—
 - (a) a protocol for taonga tūturu on the terms set out in the documents schedule; and
 - (b) a conservation relationship agreement; and
 - (c) a statutory acknowledgement by the Crown of the statements made by Ngāti Hauā of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for the specified area; and
 - (d) an overlay classification applying to certain areas of land; and
 - (e) the vesting in the trustees of the fee simple estate in certain cultural redress properties; and
 - (f) the establishment of a joint board to administer 2 reserves; and
 - (g) the vesting in the trustees of the fee simple estate in Te Tapui Scenic Reserve and the gifting back of the reserve for the people of New Zealand; and
 - (h) the establishment of a committee to perform specified functions in relation to certain land.
- (4) Part 3 provides for commercial redress, including commercial redress property, deferred selection property, second right of deferred purchase property, and the right of first refusal over RFR land.
- (5) Part 4 contains provisions relating to Te Taurapa o Te Ihingarangi ki Te Puaha o Waitete sub-catchment.
- (6) There are 5 schedules, as follows:
 - (a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in 1 case, for which deeds of recognition are issued:
 - (b) Schedule 2 describes the overlay area to which the overlay classification applies:

- (c) Schedule 3 describes the cultural redress properties:
- (d) Schedule 4 describes the land for which a committee is established under subpart 6 of Part 2:
- (e) Schedule 5 sets out provisions that apply to notices given in relation to RFR land.

Section 6(2)(g)(iv): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

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

7 Summary of historical account, acknowledgements, and apology

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

8 Summary of historical account

- (1) During the 1840s and 1850s, Ngāti Hauā established a strong economy centred on the thriving Christian community of Peria. Their rangatira Wiremu Tamehana sought a constructive relationship with the Crown on issues of Māori governance. However, his attempts to engage with the Crown left him dissatisfied, and he supported the establishment of a Māori King to provide order and laws within Māori communities. He anointed the first Māori King, giving rise to the position of Tumuaki, a role of political and spiritual significance that endures to the present day.
- (2) Relations between the Crown and the Kīngitanga deteriorated over the early 1860s. In July 1863, Crown forces invaded the Waikato. As part of the Kīngitanga, Ngāti Hauā opposed the invasion of 1863 and 1864, and many were killed or wounded. The February 1864 attack by Crown forces on the unfortified agricultural settlement of Rangiaowhia aggrieved Wiremu Tamehana, who understood it should be a place of refuge for women, children, and the elderly.
- (3) In 1865, the Crown confiscated a large area of Waikato land, including the western part of the Ngāti Hauā rohe. The raupatu caused destitution within the Ngāti Hauā rohe and was a critical step towards Ngāti Hauā being left virtually landless.
- (4) In May 1865 at Tamahere, Wiremu Tamehana laid his taiaha at the feet of a British officer and signed te maungarongo (the covenant of peace). Until his death in 1866, he sought the return of the confiscated Waikato lands and an investigation into the causes of the war. In the late nineteenth and early twentieth

eth centuries, his son Tupu Taingakawa continued to seek justice in his role as Tumuaki (Premier) of Te Kauhanganui.

- (5) From 1866, the Native Land Court operated within the Ngāti Hauā rohe, determining the owners of Māori land and converting customary title into title derived from the Crown. Legislation in force until 1873 limited the ownership of any land block to 10 or fewer individuals. Large areas of land awarded to Ngāti Hauā by the Court were sold by the individual owners, who could alienate their interests without reference to other members of their hapū or iwi. By the 1880s, private parties had acquired a large quantity of Ngāti Hauā land.
- (6) Crown purchasing activity further reduced Ngāti Hauā land holdings. In the early twentieth century, the Crown purchased the interests of some individual owners in the Matamata North block, having disregarded the owners' collective decision not to sell.
- (7) Ngāti Hauā lost further land in the nineteenth and twentieth centuries through public works takings for roading, railways, schools, and hydro-electric purposes. Ngāti Hauā have a longstanding grievance relating to the Crown's public works taking of land at Waharoa for aerodrome purposes in 1951. Pākehā settlement and colonisation resulted in significant changes to the landscape and waterways within the Ngāti Hauā rohe.
- (8) Ngāti Hauā consider that Crown actions and omissions since 1840 have caused them enduring harm. Today, the iwi is virtually landless.

He whakaraapopotonga o nga korero tuku iho

- (9) I roto i ngaa tau 1840, 1850 hoki, he nui te whai rawa o Ngaati Hauaa ki toona kaainga Karaitiana i tuu ki Peria. Ko taa too raatou rangatira a Wiremu Tamehana, he kimi i teetehi huaangatanga whaimana me Te Karauna ki ngaa take o te mana Maaori motuhake. Heoi anoo, ka noho anipaa tonu ia mai i aua whakapaatanga ki Te Karauna, noo reira ka tautokona e ia te whakatuunga i Te Kiingi Maaori, maana hei whakatau te tika me te ture ki roto o ngaa haponi Maaori. Naana te Kiingi Maaori tuatahi i whakawahi, ka kiia ai ia ko "Te Tumuaki", he mahi wairua, he mahi toorangapuu kei te haere tonu tae noa ki teenei raa.
- (10) I roto i ngaa tau toomua o ngaa tau 1860 ka kore haere te paatata o Te Kiingitanga me Te Karauna. Noo te Huuraa o te tau 1863 ka whakaekea ai a Waikato e ngaa hooia o Te Karauna. Naa tana piripono ki Te Kiingitanga, ka karohia e Ngaati Hauaa te whakaekenga o te tau 1863 me te tau 1864, he nui ngaa wharanga, ngaa taotuunga, ngaa mea i hemo. Ka nui te paapoori o Wiremu Tamehana i te whakaarikitanga o Rangiaowhia, ki a ia, he piringa te kaainga raa moo te hunga waahine, hunga tamariki, hunga kaumaatua hoki.
- (11) Noo te tau 1865, ka murua ai e Te Karauna teetehi waahi nui whakaharahara o te whenua o Waikato, tae atu ana ki te tuauru o te rohe o Ngaati Hauaa. Naa te raupatu i raungaiti ai a Ngaati Hauaa, he take nui i tata whenua-kore ai a ia.
- (12) Noo te Mei o te tau 1865 i Tamahere, ka whakatakotoria ai e Wiremu Tamehana tana taiaha ki ngaa rekereke o teetehi aapiha Paakehaa, ka hainatia ai "Te

Maungaarongo” (he kawenata o te rangimaarie). Tae noa ki tana matenga i te tau 1866, ka whakapaua ai e ia oona kaha kia whakahokia ngaa whenua o Waikato i murua, me te whakatuu i teetehi uiui i ngaa take o te pakanga. I ngaa tau mutunga o te rautau tekau maa iwa, me ngaa tau tiimatatanga o te rautau rua tekau ko taa tana tama, taa Tupu Taingaakawa he kimi tonu i te huarahi ki te tika, mai i taana tuunga hei Tumuaki (Piriimia) o Te Kauhanganui.

- (13) Mai i te tau 1866 ka tuu Te Kooti Whenua Maaori ki roto o te rohe o Ngaati Hauaa, ko taana he whakarite ko wai ngaa uri whenua, he whakarerekee i te taitara Maaori ki te taitara mai i Te Karauna. Naa te ture i tuuria tae noa ki te tau 1873 ka tekau noa ai ngaa uri whenua o teetehi poraka whenua, ka taea hoki e taua tekau te hoko aa raatou paanga hei aha koa ngaa whakaaro o eetehi atu o too raatou hapuu, iwi raanei. Tae noa ki ngaa tau 1860 ka riro te nui o ngaa whenua o Ngaati Hauaa i te hoko paraiweti.
- (14) Naa te hoko a te Karauna hoki i riro ai te pupuru a Ngaati Hauaa i oona whenua. I te tiimatatanga o te rautau rua tekau ka hokona e Te Karauna ngaa paanga o eetehi uri whenua i te poraka o Te Raki o Matamata, me te kore e aro ki te whakataunga a te huinga o ngaa uri whenua kia kua aua whenua nei e hokona.
- (15) Ka riro anoo eetehi whenua o Ngaati Hauaa i te tangohanga e te ture mahinga aa-iwi whaanui hei rori, hei rereewe, hei kura, hei paapuni hiko hoki. He take paapouri tuuroa taa Ngaati Hauaa o runga i te rironga o te whenua i Waharoa hei papa rererangi i te tau 1951. Naa te whakaarikitanga me te nohoanga i nui ai te rerekee o te takiwaa me ngaa rerenga wai o te rohe o Ngaati Hauaa.
- (16) Ki taa Ngaati Hauaa whakaponu, naa ngaa mahi, me te kore e aro a Te Karauna i roa ai te raruraru nui o runga i a ia mai anoo i te tau 1840, ki teenei raa kua tata whenua-kore te iwi.

9 Acknowledgements

- (1) In the Waikato-Tainui Deed of Settlement and the Waikato Raupatu Claims Settlement Act 1995, the Crown acknowledged the grave injustice of its actions during the Waikato War of 1863–1864 upon 33 groups descending from the Tainui waka, including Ngāti Hauā. In particular, the Crown acknowledged that its representatives and advisers acted unjustly and in breach of the Treaty of Waitangi in its dealings with the Kīngitanga, which included Ngāti Hauā, in sending its forces across the Mangatawhiri River in July 1863, and in occupying and subsequently confiscating land in the Waikato region, and that these actions resulted in Ngāti Hauā being unfairly labelled as rebels.
- (2) In the Waikato-Tainui Waikato River Deed of Settlement signed in 2009 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Crown acknowledged that—
 - (a) in occupying and subsequently confiscating Waikato land, it unjustly, and in breach of the Treaty of Waitangi, denied the hapū of Waikato-Tai-

- nui, including Ngāti Hauā, their rights and interests in, and mana whakahaere over, the Waikato River; and
- (b) for Waikato-Tainui, including Ngāti Hauā, their relationship with, and respect for, the Waikato River gives rise to their responsibilities to protect the mana and mauri of the River and exercise their mana whakahaere in accordance with their long-established tikanga; and
 - (c) the deterioration of the health of the Waikato River, including Ngāti Hauā, while under the authority of the Crown, has been a source of distress for the people of Waikato-Tainui; and
 - (d) the Crown respects the deeply felt obligation of Waikato-Tainui, including Ngāti Hauā, to protect te mana o te awa.
- (3) The Crown hereby recognises those grievances and acknowledges that it has failed for many years to deal with the remaining long-standing grievances of Ngāti Hauā in an appropriate way and that recognition of those grievances is long overdue. Accordingly, it now makes the following further acknowledgements.
- (4) The Crown acknowledges—
- (a) that Ngāti Hauā suffered a prolonged period of disruption during the armed conflicts of the 1860s, suffering loss of life during the First Taranaki War of 1860–1861, and the Waikato War of 1863–1864; and
 - (b) that after the Crown invaded the Waikato in 1863, many Ngāti Hauā were drawn into armed conflict in defence of Kīngitanga lands through their involvement in the Kīngitanga; and
 - (c) the sense of grievance felt by Ngāti Hauā when Crown forces attacked and burned the agricultural settlement of Rangiaowhia on 21 February 1864. Women and children of Ngāti Hauā were present at Rangiaowhia when Crown forces attacked the settlement; and
 - (d) that, as part of its military operations during the Waikato War, Crown forces occupied land in the Ngāti Hauā rohe, including sites of significance to Ngāti Hauā; and
 - (e) that Ngāti Hauā suffered significant economic loss and social disruption when it left its homes and cultivations in the aftermath of the Crown’s confiscation of Waikato land in 1864; and
 - (f) the sense of grievance suffered and the distress caused to generations of Ngāti Hauā who felt the iwi and its leaders, including Wiremu Tamehana, were unfairly considered to be rebels during the 1860s.
- (5) The Crown has previously recognised that the Kīngitanga continued to sustain the people since the raupatu, and its leaders have petitioned the Crown for justice and for the return of land since 1865. The Crown particularly acknowledges the despair and frustration it caused Wiremu Tamehana and Ngāti Hauā

because it did not agree to Tamehana's requests to establish an inquiry into the causes of the war and to return to Ngāti Hauā all of the lands it had confiscated.

- (6) The Crown acknowledges that—
 - (a) it did not consult Ngāti Hauā about the introduction of the native land laws; and
 - (b) the resulting individualisation of land tenure was inconsistent with Ngāti Hauā tikanga; and
 - (c) the operation and impact of the native land laws, in particular the award of land to individual Ngāti Hauā and the enabling of individuals to deal with that land without reference to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This undermined the traditional tribal structures, mana, and rangatiratanga of Ngāti Hauā, which were based on collective tribal and hapū custodianship of the land. The Crown failed to protect those collective tribal structures, which had a prejudicial effect on Ngāti Hauā and was a breach of the Treaty of Waitangi and its principles.
- (7) The Crown acknowledges that,—
 - (a) between 1866 and 1873, Ngāti Hauā were awarded interests in several land blocks in the names of only 10 owners who were able to act as absolute owners, rather than for or on behalf of Ngāti Hauā; and
 - (b) by 1884, some owners of Matamata, Puketutu, and Hinuera 1 sold their interests against the wishes of the other owners; and
 - (c) by allowing these individuals to sell Ngāti Hauā land in these blocks, the native land legislation did not reflect the Crown's obligation to actively protect the interests of Ngāti Hauā in these blocks, and this was a breach of the Treaty of Waitangi and its principles.
- (8) The Crown acknowledges that, in purchasing over 1 400 acres of Matamata North between 1918 and 1930 from individuals, it disregarded the collective decision of the Ngāti Hauā owners not to sell their land, and that this was a breach of the Treaty of Waitangi and its principles.
- (9) The Crown acknowledges that the cumulative effect of the Crown's actions and omissions, particularly its confiscation of Ngāti Hauā land after the Waikato War, the operation and impact of its native land laws, Crown and private purchasing, and takings under public works legislation, has left Ngāti Hauā virtually landless. The Crown's failure to ensure Ngāti Hauā had sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles.
- (10) The Crown acknowledges that Ngāti Hauā experienced land loss as a result of takings by the Crown for public works, including lands taken for railway purposes in the nineteenth and twentieth centuries.
- (11) The Crown acknowledges that—

- (a) it did not consult Ngāti Hauā before surveying their land at Waharoa for a military aerodrome in 1942. The aerodrome was retained for civil purposes after World War II; and
 - (b) the Ngāti Hauā owners objected to the Crown taking the aerodrome land under public works legislation in 1951, on the basis that they had a strong understanding that the land would be returned to them at the end of the war; and
 - (c) to this day, the Waharoa land has remained alienated, and this has been an ongoing source of grievance and sorrow for the original owners and their descendants and for Ngāti Hauā as a whole.
- (12) The Crown acknowledged, in the Waikato-Tainui Waikato River Deed of Settlement signed in 2009 and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, that the hapū of Waikato-Tainui, including Ngāti Hauā, were denied rights and interests in, and mana whakahaere over, the Waikato River. The Crown hereby recognises those grievances, and also acknowledges—
- (a) that the development of hydroelectric dams on the parts of the Waikato River within the rohe of Ngāti Hauā has been a source of great distress to Ngāti Hauā and has resulted in the submerging of an urupā reserve containing precious tapu rocks dating back to the battle of Taumatawii-wii.
- (13) The Crown acknowledges that, over time, Ngāti Hauā have lacked opportunities for economic, social, and cultural development and that, in many cases, this has had a detrimental effect on their material, cultural, and spiritual well-being.

He Whakaaturanga

- (14) I te Whakataunga o Waikato-Tainui me te Ture Whakatau i te Kereeme Raupatu a Waikato-Tainui 1995 e whakaatu ana Te Karauna i toona hara nui i te waa o te pakanga i Waikato i ngaa tau 1863-1864 ki ngaa hunga e toru tekau maa toru noo te waka o Tainui, tae atu ana ki a Ngaati Hauaa. Eerangi rawa ia, e whakaatu ana anoo Te Karauna i te hee o oona maangai me aana kaitohutohu, ki te takahi i Te Tiriti o Waitangi i aana whakapaanga ki Te Kiingitanga, tae atu ana ki a Ngaati Hauaa, i tana tuku i ana hooia ki te whakawhiti i te Awa o Mangataawhiri i te Huurao o te tau 1863, aa, noo te nohoanga me te raupatu i ngaa whenua o Waikato rohe o muri mai, ka puta ai te hee o te kii he whakakeke a Ngaati Hauaa.
- (15) I te Whakataunga o Te Awa o Waikato o te tau 2009 me te Ture Whakatau i ngaa Kereeme a Waikato-Tainui (Te Awa o Waikato) 2010 e whakaatu ana Te Karauna—
- (a) i te hee o tana noho tonu me tana raupatu i ngaa whenua o Waikato i muri mai, ka takahia ai e ia Te Tiriti o Waitangi, ka whakakorehia ai hoki

- ngaa mootika, ngaa paanga, me te mana whakahaere o ngaa hapuu o Waikato-Tainui, tae atu ana ki a Ngaati Hauaa, i Te Awa o Waikato:
- (b) moo Waikato-Tainui, tae atu ana ki a Ngaati Hauaa, naa too raatou huaangatanga me too raatou whakaawe ki Te Awa o Waikato i tupu ake ai aa raatou kawenga ki te manaaki i te mana me te mauri o Te Awa, heoti raa too raatou mana whakahaere e ai ki aa raatou tikanga mai raa anoo:
 - (c) ko te takakino i te ora o Te Awa o Waikato, tae atu ana ki a Ngaati Hauaa, i te waa i raro i te mana o Te Karauna, kua noho teenei hei tuuaa-papa moo te manawapaa o te iwi o Waikato-Tainui:
 - (d) e whakaawe ana Te Karauna i te hoohonu o ngaa here o Waikato-Tainui, otiraa o Ngaati Hauaa ki te manaaki i te mana o Te Awa.
- (16) Noo reira, kei te maarama Te Karauna ki aua wharanga nei, aa, e whakaatu ana ia i toona hee i roto i ngaa tau maha tonu ki te whakarite tootika tuuturu i ngaa wharanga tuuroa o runga i a Ngaati Hauaa, aa, kua roa rawa te kore e whai whakaritenga o aua wharanga nei. Waihoki, e whai ake nei eetehi atu whakaaturanga aana.
- (17) E whakaatu ana Te Karauna—
- (a) he nui, he roa ngaa poorarurarutanga kua paa ki a Ngaati Hauaa mai i ngaa pakanga o ngaa tau 1860, ngaa parekura i paa i te pakanga tuatahi ki Taranaki i te 1860–1861 me te pakanga ki Waikato i te 1863–1864:
 - (b) noo muri i te whakaekenga a Te Karauna i a Waikato i te tau 1863, naa oo raatou here ki Te Kiingitanga, ka kumea ai te tokomaha o Ngaati Hauaa ki te pakanga, ki te kaupare ake i te whakaekenga o ngaa whenua o Te Kiingitanga:
 - (c) ki te wharanga nui anoo o Ngaati Hauaa i te whakaekenga o ngaa hooia o Te Karauna i te kaainga ahuhenua o Rangiaowhia, me toona tahu ki te ahi i te 21 o Peepuere, i te tau 1864. I reira te hunga waahine, te hunga tamariki o Ngaati Hauaa i te waa i whakekea a Rangiaowhia e ngaa hooia o Te Karauna:
 - (d) mai i ngaa mahi a ana taua i te pakanga ki Waikato, ka noohia e ngaa hooia o Te Karauna he whenua o roto o te rohe o Ngaati Hauaa, tae atu ana ki eetehi o oona waahi whaimana:
 - (e) he wharanga nui i a Ngaati Hauaa ki oona rawa aa-oohanga, ki toona ora aa-paapori i te tauwehenga i oona kaainga, i aana maara kai mai i te murunga e Te Karauna o ngaa whenua o Waikato i te tau 1864:
 - (f) he nui te wharanga me te manawapaa ki ngaa whakatupuranga o Ngaati Hauaa, i taamau i te kiinga ko oo raatou rangatira, eerangi rawa ia ko Wiiremu Tamehana, he whakakeke i te waa o ngaa tau 1860.
- (18) Kua whakaaturia kee e Te Karauna ko taa Te Kiingitanga mai anoo i te raupatu, he manaaki tonu i te iwi, aa ko taa oona rangatira mai anoo he petihana i Te

Karauna ki te tika, me te whakahoki i te whenua mai i te tau 1865. He tino whakaaturanga anoo naa Te Karauna naana tonu i manawapaa ai, naana hoki i pooraruraru ai a Wiremu Tamehana me Ngaati Hauaa i tana kore e whakaae ki ngaa tono a Tamehana ki te whakatuu uiuinga moo ngaa puutake o te pakanga, me te whakahoki ki a Ngaati Hauaa oona whenua i murua.

- (19) E whakaatu ana Te Karauna—
- (a) kaaore ia i whakapaa ki a Ngaati Hauaa moo te whakarite i ngaa ture whenua Maaori:
 - (b) ko taana tuku i te mana o te whenua ki te tangata kotahi, kaaore i piri ki ngaa tikanga o Ngaati Hauaa:
 - (c) ko te whakahaerenga me te paanga o ngaa ture whenua Maaori, eerangi rawa ia te tuku i te whenua ki te tangata kotahi o Ngaati Hauaa me te whakaahei i taua tangata kotahi ki te whakahaere i taua whenua i runga i te kore e whai paanga o te iwi, o te hapuu raanei, he whakamaamaa teenei i te whakawehewehenga, i te waawaahi, i te rironga o aua whenua. Naa reira te rangatiratanga, te mana, ngaa whakahaerenga tuuturu o te iwi o Ngaati Hauaa i whara ai. Ko te tuuaapapa o taua iwitanga ko toona kaitiakitanga aa-hapuu, aa-iwi. Kaaore Te Karauna i tiaki pai i aua tika-nga-aa-iwi, ka mutu, ko teenei wharanga nui ki runga o Ngaati Hauaa, he takahi anoo hoki i Te Tiriti o Waitangi me oona maataapono.
- (20) E whakaatu ana Te Karauna—
- (a) i ngaa tau 1866 ki te 1873 ka tukua ki a Ngaati Hauaa he paanga ki eetei poraka whenua maha, ka tekau noa iho ngaa uri whenua, noo raatou anahe te tino mana o aua whenua kaaore kau he paanga o Ngaati Hauaa whaanui:
 - (b) ki te tau 1884 ka hokona e eetei o ngaa uri whenua o Matamata, o Puketutu, me Hinuera aa raatou paanga, hei aha koa ngaa hiahia o eetei atu o ngaa uri whenua:
 - (c) naa te whakaae a Te Karauna kia hokona e aua taangata nei te whenua o Ngaati Hauaa ki eenei poraka, kaaore te ture whenua Maaori i whai i te here a Te Karauna ki te tiaki i ngaa paanga o Ngaati Hauaa ki aua poraka nei, he takahi anoo teenei i Te Tiriti o Waitangi me oona maataapono.
- (21) E whakaatu ana anoo Te Karauna naa tana hoko i ngaa eka 1 400 neke atu i te Raki o Matamata i ngaa tau 1918, ki te 1930 mai i eetei taangata, he haukoti taana i te whakataunga a ngaa uri whenua o Ngaati Hauaa kia kua rawa oo raatou whenua e hokona, he takahi anoo teenei i Te Tiriti o Waitangi me oona maataapono.
- (22) E whakaatu ana Te Karauna ko ngaa paanga hui katoa o aana mahi, eerangi rawa ia te raupatu i ngaa whenua o Ngaati Hauaa i muri mai o te pakanga ki Waikato, te whakahaere me nga paanga o ana ture whenua Maaori, te hoko a Te Karauna me te hoko paraiweti me ngaa murunga i raro o ngaa ture mahinga o te iwi whaanui, kua noho tata kore-whenua a Ngaati Hauaa. Ko taa Te Karauna

kore e whakarite whenua e whai ora ai a Ngaati Hauaa moo teenei waa ahu atu, he takahi i Te Tiriti o Waitangi me oona maataa-pono.

- (23) E whakaatu ana Te Karauna naa ngaa murunga whenua a Te Karauna moo ngaa mahinga a te iwi whaanui, tae atu ana ki ngaa whenua i murua moo ngaa take rerewee i roto i ngaa rautau tekau maa iwa, rua tekau hoki, ka noho whenua kore a Ngaati Hauaa.
- (24) E whakaatu ana Te Karauna:
- (a) kaaore ia i whakapaa atu ki a Ngaati Hauaa i mua i te ruuri i oo raatou whenua i Waharoa hei papa rererangi moo te ope taua i te tau 1942. Ka mutu te pakanga ka mau tonu te papa rererangi ki ngaa take o te hapori:
 - (b) i whakaheengia e ngaa uri whenua o Ngaati Hauaa Te Karauna me taana murunga i te whenua o te papa rererangi i raro i te ture mahinga o te iwi whaanui i te tau 1951, ko te take ko too raatou whakapono ka mutu te pakanga ka whakahokia mai te whenua:
 - (c) ki teenei raa kei te raawaho tonu te whenua i Waharoa, kua noho tonu teenei hei take paamamae, hei manawapaatanga moo ngaa tuupuna, moo oo raatou uri whenua, aa, moo Ngaati Hauaa whaanui.
- (25) Kei te Whakataunga o Te Awa o Waikato 2009 moo Waikato-Tainui me te Ture Whakatau i ngaa Kereeme Raupatu o Waikato-Tainui (Te Awa o Waikato) 2010, te whakaaturanga a Te Karauna ka riro ngaa mootika, ngaa paanga me te mana whakahaere i Te Awa o Waikato o ngaa hapuu o Waikato-Tainui, tae atu ana ki a Ngaati Hauaa. Noo reira kei te maarama ki Te Karauna aua manawapaa aa e whakaatu ana anoo ia:
- (a) naa te whakatuuranga o ngaa paapuni hiko ki runga o Te Awa o Waikato, i te rohe o Ngaati Hauaa ka tino manawapaa a Ngaati Hauaa, ko toona hua ko te ngaromanga ki te wai o teetehi urupaa me eetehi toka tapu noo te waa o te pakanga o Taumatawiiwii.
- (26) E whakaatu ana Te Karauna, i roto i te waa, kua kore a Ngaati Hauaa e whai waahi ki ngaa huarahi aa-oohanga, aa-paapori, aa-ahurea hoki, aa, i eetehi waahi, he tino kino ngaa whakaputanga ki too raatou oranga, aa-rawa, aa-ahurea, aa-wairua hoki.

10 Apology

- (1) The Crown makes this apology to Ngāti Hauā, to their ancestors, and to their descendants—
- (a) the Crown is deeply sorry for its breaches of the Treaty of Waitangi and its principles, which have left Ngāti Hauā virtually landless. The Crown profoundly regrets that the loss of land has undermined the social and traditional structures of Ngāti Hauā, and your ability to exercise customary rights and responsibilities over resources and sites of significance in your rohe; and

- (b) the Crown recognises that the burden of pursuing justice for the Crown's wrongs has been the work of generations of Ngāti Hauā. Wiremu Tamehana began Ngāti Hauā's pursuit of justice, and his petitions speak to this day of the great prejudice Ngāti Hauā suffered at the hands of the Crown. Since the days of Wiremu Tamehana and his son Tupu Tainga-kawa, your iwi has a long tradition of seeking a meaningful relationship with the Crown in accordance with the Treaty of Waitangi and its principles; and
- (c) the Crown has for too many years failed to respond to your grievances in an appropriate and meaningful way, and profoundly apologises for its past failures to acknowledge the mana and rangatiratanga of Ngāti Hauā and its leaders; and
- (d) the Crown sincerely hopes this settlement will mark the beginning of a new relationship between the Crown and Ngāti Hauā founded on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

He whakapaaha

- (2) Ko ia teenei te whakapaaha a Te Karauna ki a Ngaati Hauaa, ki oo raatou tuupuna, ki oo raatou uri—
 - (a) ka nui te pouiri o Te Karauna moona i takahi nei i Te Tiriti o Waitangi me oona maataapono, naa reira i noho tata kore-whenua ai a Ngaati Hauaa. Ka nui hoki te whakapaaha a Te Karauna moo te rironga o te whenua i raruraru nui ai ngaa tuuaapapa aa-papori, aa-ahurea o Ngaati Hauaa, me too koutou aahei ki te whakahaere i aa koutou tikanga aa-iwi me aa koutou kawenga aa-mana whakahaere ki runga o aa koutou rawa me ngaa waahi mana o too koutou rohe:
 - (b) kei te maarama Te Karauna ki te toimaha o te whai a ngaa whakatupuranga o Ngaati Hauaa ki te whakatika i ngaa hee a Te Karauna. Naa Wiremu Tamehana i kookiri, aa taka mai ki teenei raa, kei aana petihana ngaa whakamaarama moo ngaa whakaparahako a Te Karauna ki runga i a Ngaati Hauaa. Mai i te waa i a Wiremu Tamehana me taana tama a Tupu Taingaakawa, kei too koutou iwi taua tikanga mauroa o te whai huaangatanga tuuturu me Te Karauna i raro i Te Tiriti me oona maataapono:
 - (c) ka whia tau nei Te Karauna e kore e whakautu ana i aa koutou whakapae i runga i te tootika tuuturu, noo reira ka nui taana whakapaaha moo toona hee ki te kore e whakahoore i te mana me te rangatiratanga o Ngaati Hauaa me oona rangatira:
 - (d) kei te tino tuumanako Te Karauna ka noho teenei whakataunga hei tohu i te tiimatatanga o teetehi huaangatanga i waenga i Te Karauna me Ngaati Hauaa, ko toona tuuaapapa, ko te piripono a teetehi ki teetehi, ko te mahi ngaatahi, me te whakaawe ki Te Tiriti o Waitangi me oona maataapono.

*Interpretation provisions***11 Interpretation of Act generally**

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

12 Interpretation

In this Act, unless the context otherwise requires,—

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

attachments means the attachments to the deed of settlement

commercial redress property has the meaning given in section 103

Commissioner of Crown Lands means the Commissioner of Crown Lands appointed under section 24AA of the Land Act 1948

computer register—

- (a) has the meaning given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002; and
- (b) includes, where relevant, a certificate of title issued under the Land Transfer Act 1952

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

conservation legislation means—

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

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

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

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

cultural redress property has the meaning given in section 59

deed of recognition—

- (a) means a deed of recognition issued under section 39 by—
 - (i) the Minister of Conservation and the Director-General; or
 - (ii) the Commissioner of Crown Lands; and
- (b) includes any amendments made under section 39(4)

deed of settlement—

- (a) means the deed of settlement dated 18 July 2013 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) Andrew Te Awaitaia Thompson, being the Tumuaki and for and on behalf of Ngāti Hauā; and
 - (iii) Mokoro Gillett, Lance Rapana, Robert Penetito, Te Ao Marama Maaka, Te Ihingarangi Rakatau, Adam Whauwhau, Linda Rau-pita, and Rangitionga Kaukau, being the trustees of the Ngāti Hauā Iwi Trust and for and on behalf of Ngāti Hauā; 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 103

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

early release cultural property means each property described in part 3 of the property redress schedule

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

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

LINZ means Land Information New Zealand

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

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

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

Ngāti Hauā Iwi Trust means the trust of that name established by a trust deed dated 16 July 2013

non-raupatu historical claims has the meaning given in section 14

overlay classification has the meaning given in section 44

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

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

Registrar-General means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

representative entity means—

- (a) the trustees; and

- (b) any person (including any trustee) acting for or on behalf of—
 - (i) the collective group referred to in section 13(1)(a); or
 - (ii) 1 or more members of Ngāti Hauā; 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 59

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

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

RFR land has the meaning given in section 109

second right of deferred purchase property has the meaning given in section 103

settlement date means the date that is 20 working days after the date on which this Act comes into force

statutory acknowledgement has the meaning given in section 30

tikanga means customary values and practices

trustees of Ngāti Hauā Iwi Trust and **trustees** mean the trustees, acting in their capacity as trustees, of Ngāti Hauā Iwi Trust

working day means a day other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day;
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday;
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year;
- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington.

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

13 Meaning of Ngāti Hauā

(1) In this Act, **Ngāti Hauā**—

- (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Hauā; 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 Oro:
 - (ii) Ngāti Werewere:
 - (iii) Ngāti Waenganui:
 - (iv) Ngāti Te Rangitaupi:
 - (v) Ngāti Rangi Tawhaki.
- (2) In this section and section 14,—
 - ancestor of Ngāti Hauā** means an individual who—
 - (a) exercised customary rights by virtue of being descended from—
 - (i) Hauā; or
 - (ii) any other recognised ancestor of a group referred to in part 8 of the deed of settlement; and
 - (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840
 - area of interest** means the area shown as the Ngāti Hauā area of interest in part 1 of the attachments
 - customary rights** means rights exercised according to tikanga Māori, including—
 - (a) rights to occupy land; and
 - (b) rights in relation to the use of land or other natural or physical resources
 - descended** means that a person is descended from another person by—
 - (a) birth; or
 - (b) legal adoption; or
 - (c) Māori customary adoption in accordance with Ngāti Hauā tikanga.

14 Meaning of non-raupatu historical claims

- (1) In this Act, **non-raupatu historical claims**—
 - (a) means the claims described in subsection (2); and
 - (b) includes the claims described in subsection (3); but
 - (c) does not include the claims described in subsection (4).
- (2) The non-raupatu historical claims are every claim that Ngāti Hauā 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 non-raupatu historical claims include—
 - (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Hauā or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:
 - (i) Wai 306, Ngāti Hauā Land claim; and
 - (ii) Wai 1017, Ngāti Hauā Land and Resources claim; and
 - (b) any other claim to the Waitangi Tribunal to the extent that subsection (2) applies to the claim and the claim relates to Ngāti Hauā or a representative entity.
- (4) However, the non-raupatu historical claims do not include—
 - (a) Raupatu claims as defined in section 8(1) of the Waikato Raupatu Claims Settlement Act 1995; or
 - (b) Raupatu claims as defined in section 88(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; or
 - (c) a claim that a member of Ngāti Hauā, or a whānau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāti Hauā; or
 - (d) a claim that a representative entity had or may have that is based on a claim referred to in paragraph (c).
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

Non-raupatu historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of non-raupatu historical claims final

- (1) The non-raupatu historical claims are settled.
- (2) The settlement of the non-raupatu historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) Subsections (1) and (2) do not limit the deed of settlement.

- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—
- (a) the non-raupatu historical claims; or
 - (b) the deed of settlement; or
 - (c) this Act; or
 - (d) the redress provided under the deed of settlement or this Act.
- (5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order “Ngāti Hauā Claims Settlement Act 2014, section 15(4) and (5)”.

Resumptive memorials no longer to apply

17 Certain enactments do not apply

- (1) The enactments listed in subsection (2) do not apply—
- (a) to a cultural redress property; or
 - (b) to a commercial redress property; or
 - (c) to a deferred selection property on and from the date of its transfer to the trustees; or
 - (d) to a second right of deferred purchase property on and from the date of its transfer to the trustees; or
 - (e) to an early release cultural property; or
 - (f) to the RFR land; or
 - (g) for the benefit of Ngāti Hauā or a representative entity.
- (2) The enactments are—
- (a) Part 3 of the Crown Forest Assets Act 1989;
 - (b) sections 568 to 570 of the Education and Training Act 2020;
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986;
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

Section 17(2)(b): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

18 Resumptive memorials to be cancelled

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the computer register for, each allotment that—
 - (a) is all or part of—
 - (i) a cultural redress property:
 - (ii) a commercial redress property:
 - (iii) a deferred selection property:
 - (iv) a second right of deferred purchase property:
 - (v) an early release cultural property:
 - (vi) 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, an early release cultural property, a commercial redress property, or the RFR land; or
 - (b) the date of transfer of the property to the trustees, for a deferred selection property or a second right of deferred purchase 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 computer register identified in the certificate; and
 - (b) cancel each memorial recorded under an enactment listed in section 17(2) on a computer register identified in the certificate, but only in respect of each allotment described in the certificate.

Miscellaneous matters

19 Limit on duration of trusts does not apply

- (1) A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—
 - (a) do not prescribe or restrict the period during which—
 - (i) the Ngāti Hauā Iwi Trust may exist in law; or
 - (ii) the trustees may hold or deal with property or income derived from property; and

- (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.
- (2) However, if the Ngāti Hauā Iwi Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 19 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 19(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 19(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

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.

Part 2 Cultural redress

Subpart 1—Taonga tūturu protocol and conservation relationship agreement

21 Interpretation

In this subpart,—

protocol—

- (a) means the taonga tūturu protocol issued under section 23(1)(a); and
- (b) includes any amendments to the taonga tūturu protocol made under section 23(1)(b)

responsible Minister means the Minister for Arts, Culture and Heritage

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.

*Taonga tūturu protocol***22 Taonga tūturu protocol**

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

23 Issuing, amending, and cancelling protocol

- (1) The responsible Minister—
 - (a) must issue the protocol to the trustees on the terms set out in part 2 of the documents schedule; and
 - (b) may amend or cancel the protocol.
- (2) The responsible Minister may amend or cancel the protocol at the initiative of—
 - (a) the trustees; or
 - (b) the responsible Minister.
- (3) The responsible Minister may amend or cancel the protocol only after consulting, and having particular regard to the views of, the trustees.

24 Protocol subject to rights, functions, and duties

The protocol does not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, including, 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 the responsible Minister or a department of State; or
- (c) the legal rights of Ngāti Hauā or a representative entity.

25 Enforcement of protocol

- (1) The Crown must comply with the protocol while it is in force.
- (2) If the Crown fails to comply with the 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 the protocol.
- (4) To avoid doubt,—

- (a) subsections (1) and (2) do not apply to guidelines developed for the implementation of the protocol; and
- (b) subsection (3) does not affect the ability of a court to award costs incurred by the trustees in enforcing the protocol under subsection (2).

Conservation relationship agreement

26 Conservation relationship agreement

The Minister of Conservation, the Director-General of Conservation, and the trustees must enter into the conservation relationship agreement set out in part 4 of the documents schedule.

27 Noting of conservation relationship agreement on conservation documents

- (1) The Director-General must ensure that a summary of the conservation relationship agreement is noted on every conservation document affecting the area of interest (as defined in the conservation relationship agreement).
- (2) The noting of the summary—
 - (a) is for the purpose of public notice only; and
 - (b) does not amend a conservation document for the purposes of the Conservation Act 1987 or the National Parks Act 1980.
- (3) In this section, **conservation document** means a national park management plan, conservation management plan, conservation management strategy, or freshwater fisheries management plan.

28 Conservation relationship agreement subject to rights, functions, duties, and powers

- (1) The conservation relationship agreement does not restrict—
 - (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, including, 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 the Minister of Conservation, the Director-General, or any officials or statutory officers of the Department of Conservation; or
 - (c) the legal rights of Ngāti Hauā or a representative entity.
- (2) The conservation relationship agreement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to

land or any other resource held, managed, or administered under the conservation legislation.

29 Enforcement of conservation relationship agreement

- (1) The Crown must comply with the conservation relationship agreement while it is in force.
- (2) If the Crown fails to comply with the conservation relationship agreement without good cause, the trustees may enforce the conservation relationship agreement, 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 the conservation relationship agreement.
- (4) To avoid doubt, subsection (3) does not affect the ability of a court to award costs incurred by the trustees in enforcing the conservation relationship agreement under subsection (2).
- (5) Subsection (2) does not affect any contract entered into between the Minister of Conservation or the Director-General and the trustees, including any contract for service or concession.

Subpart 2—Statutory acknowledgement and deeds of recognition

30 Interpretation

In this subpart,—

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

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

- (a) made by Ngāti Hauā of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 6 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 31 in respect of the statutory areas, on the terms set out in this subpart

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

statutory plan—

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

Statutory acknowledgement

31 Statutory acknowledgement by the Crown

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

32 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are to—

- (a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 33 to 35; and
- (b) 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 36 and 37; and
- (c) enable the trustees and any member of Ngāti Hauā to cite the statutory acknowledgement as evidence of the association of Ngāti Hauā with a statutory area, in accordance with section 38.

33 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.

34 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.

35 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.

36 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 31 to 35, 37, and 38; 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.

37 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.

38 Use of statutory acknowledgement

- (1) The trustees and any member of Ngāti Hauā may, as evidence of the association of Ngāti Hauā with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
 - (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—

- (a) the bodies referred to in subsection (1); or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
- (a) neither the trustees nor members of Ngāti Hauā are precluded from stating that Ngāti Hauā has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Deeds of recognition

39 Issuing and amending deeds of recognition

- (1) This section applies in respect of the statutory area listed in Part 2 of Schedule 1.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 7 of the documents schedule for the statutory area.
- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 7 of the documents schedule for the statutory area.
- (4) The persons who issue the deeds of recognition may amend the deeds, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deeds of recognition

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

- (1) If any part of the statutory acknowledgement applies to a river or stream, 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.
- (2) The deeds of recognition—
 - (a) apply only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
 - (b) do not apply to—
 - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
 - (ii) the bed of an artificial watercourse.

41 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement and deeds of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Hauā with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to—
 - (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

42 Rights not affected

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

Consequential amendment to Resource Management Act 1991

43 Amendment to Resource Management Act 1991

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

- (2) In Schedule 11, insert in its appropriate alphabetical order “Ngāti Hauā Claims Settlement Act 2014”.

Subpart 3—Overlay classification

44 Interpretation

In this subpart,—

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

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

overlay area—

- (a) means the area that is declared under section 45(1) to be subject to the overlay classification; but
- (b) does not include an area that is declared under section 56(1) to be no longer subject to the overlay classification

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

protection principles means the principles set out for the overlay area in part 5 of the documents schedule, or as those principles are amended under section 47(3)

specified actions means the actions set out for the overlay area in part 5 of the documents schedule

statement of values means the statement—

- (a) made by Ngāti Hauā of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and
- (b) set out in part 5 of the documents schedule.

45 Declaration of overlay classification and the Crown’s acknowledgement

- (1) The area described in Schedule 2 is declared to be subject to the overlay classification.
- (2) The Crown acknowledges the statement of values for the overlay area.

46 Purposes of overlay classification

The only purposes of the overlay classification are to—

- (a) require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 48; and
- (b) enable the taking of action under sections 49 to 54.

47 Agreement on protection principles

- (1) The trustees and the Minister of Conservation may agree on, and publicise, protection principles that are intended to prevent the values stated in the statement of values for the overlay area from being harmed or diminished.
- (2) The protection principles are to be treated as having been agreed by the trustees and the Minister of Conservation.
- (3) The trustees and the Minister of Conservation may agree in writing any amendments to the protection principles.

48 Obligations on New Zealand Conservation Authority and Conservation Boards

- (1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to the overlay area, the Authority or Board must have particular regard to—
 - (a) the statement of values for the area; and
 - (b) the protection principles for the area.
- (2) Before approving a strategy or plan that relates to the overlay area, the New Zealand Conservation Authority or a Conservation Board must—
 - (a) consult the trustees; and
 - (b) have particular regard to the views of the trustees as to the effect of the strategy or plan on—
 - (i) the statement of values for the area; and
 - (ii) the protection principles for the area.
- (3) If the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to the overlay area, the Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns.

49 Noting of overlay classification in strategies and plans

- (1) The application of the overlay classification to the overlay area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.
- (2) The noting of the overlay classification is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

50 Notification in *Gazette*

- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—
 - (a) the declaration made by section 45 that the overlay classification applies to the overlay area; and
 - (b) the protection principles for the overlay area.
- (2) Any amendment to the protection principles agreed under section 47(3) must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 51 or 52.

51 Actions by Director-General

- (1) The Director-General must take action in relation to the protection principles that relate to the overlay area, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.
- (3) The Director-General must notify the trustees in writing of any action intended to be taken.

52 Amendment to strategies or plans

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to the overlay area.
- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment.
- (3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

53 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:
 - (a) to provide for the implementation of objectives included in a strategy or plan under section 52(1);
 - (b) to regulate or prohibit activities or conduct by members of the public in relation to the overlay area;
 - (c) to create offences for breaches of regulations made under paragraph (b);
 - (d) to prescribe the following fines:

- (i) for an offence referred to in paragraph (c), a fine not exceeding \$5,000; and
 - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day on which the offence continues.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

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

This note is not part of the Act.

Section 53(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

54 Bylaws

- (1) The Minister of Conservation may make bylaws for 1 or more of the following purposes:
- (a) to provide for the implementation of objectives included in a strategy or plan under section 52(1):
 - (b) to regulate or prohibit activities or conduct by members of the public in relation to the overlay area:
 - (c) to create offences for breaches of bylaws made under paragraph (b):
 - (d) to prescribe the following fines:
 - (i) for an offence referred to in paragraph (c), a fine not exceeding \$1,000; and
 - (ii) for a continuing offence, an additional amount not exceeding \$50 for every day on which the offence continues.
- (2) Bylaws under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

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

This note is not part of the Act.

Section 54(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

55 Existing classification of overlay site

The overlay classification does not affect the classification of the overlay area as a reserve under the Reserves Act 1977.

56 Termination of overlay classification

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of the overlay area is no longer subject to the overlay classification.
- (2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—
 - (a) the trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands.
- (3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—
 - (a) subsection (2)(c) applies; or
 - (b) there is a change in the statutory management regime that applies to all or part of the overlay area.
- (4) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.

Section 56(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

57 Exercise of powers and performance of functions and duties

- (1) The overlay classification does not affect, and must not be taken into account by, any person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the values stated in the statement of values for an overlay area than that person would give if the area were not subject to the overlay classification.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to the other provisions of this subpart.

58 Rights not affected

- (1) The overlay classification does not—

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

Subpart 4—Vesting of cultural redress properties

59 Interpretation

In this subpart,—

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

- (a) Gordon Gow Scenic Reserve;
- (b) Maungakawa;
- (c) Pukemako site A;
- (d) Pukemako site B

Pukemako reserve has the meaning given in section 64(6)

reserve property means each of the cultural redress properties.

Properties vested in fee simple to be administered as reserves

60 Gordon Gow Scenic Reserve

- (1) The reservation of Gordon Gow Scenic Reserve as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Gordon Gow Scenic Reserve vests in the trustees.
- (3) Gordon Gow Scenic Reserve 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 Gordon Gow Scenic Reserve.

61 Maungakawa

- (1) The reservation of Maungakawa (being part of Te Tapui Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Maungakawa vests in the trustees.
- (3) Maungakawa 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 Maungakawa Scenic Reserve.
- (5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross in favour of the Minister of Conservation on the terms and conditions set out in part 3 of the documents schedule.

- (6) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and
 - (b) is to be treated as having been granted in accordance with that Act.

62 Pukemako site A

- (1) The reservation of Pukemako site A (being Maungakawa Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pukemako site A vests in the trustees.
- (3) Pukemako site A 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 Pukemako Scenic Reserve.

63 Pukemako site B

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

64 Joint board established for Pukemako reserve

- (1) A joint board is established for the Pukemako reserve.
- (2) The trustees may appoint 2 members to the joint board.
- (3) The Waipa District Council may appoint 2 members to the joint board.
- (4) An appointer may appoint a member only by giving a written notice with the following details to the other appointer:
 - (a) the member's full name, address, and other contact details; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (6) In this section and sections 65 to 70, **Pukemako reserve** means Pukemako site A and Pukemako site B or either of them.

65 Joint board is administering body of Pukemako reserve

- (1) The joint board is the administering body of the Pukemako reserve as if the joint board were appointed to control and manage the reserves under section 30 of the Reserves Act 1977.
- (2) However, section 30 of that Act has no further application to the reserves or the joint board.

- (3) Subsection (1) is subject to section 70.

66 Procedure and meetings of joint board

- (1) Sections 31 to 34 of the Reserves Act 1977 apply, with any necessary modifications, to the joint board as if it were a board for the purposes of that Act.
- (2) However, despite those provisions of the Reserves Act 1977,—
- (a) the first meeting of the joint board must be held no later than 2 months after the settlement date; and
 - (b) at each meeting, a quorum consists of 1 member appointed by the trustees and 1 member appointed by the Waipa District Council; and
 - (c) the joint board may adopt its own procedure for meetings, and that procedure will apply instead of section 32(9) of that Act.
- (3) To avoid doubt, the joint board is not a committee or a joint committee for the purposes of the Local Government Act 2002.

67 Management plan

- (1) The joint board must, in accordance with section 41 of the Reserves Act 1977, prepare and have approved a management plan for the Pukemako reserve.
- (2) In accordance with section 41(3) of the Reserves Act 1977,—
- (a) if the Pukemako reserve includes Pukemako site A, the management plan must incorporate and ensure compliance with the principles set out in section 19 of that Act in relation to Pukemako site A; and
 - (b) if the Pukemako reserve includes Pukemako site B, the management plan must incorporate and ensure compliance with the principles set out in section 18 of that Act in relation to Pukemako site B.
- (3) If the Minister of Conservation gives notice under section 70(2), any management plan approved by the Minister under this section continues to apply and the trustees must comply with it until a new plan is prepared and approved.

68 Application for statutory authorisation over Pukemako reserve

- (1) This section applies while the joint board is the administering body of the Pukemako reserve.
- (2) If an application is made in respect of the reserve for a statutory authorisation under the Reserves Act 1977, the trustees are the decision-maker on the application, and the grantor of any resulting statutory authorisation, as if they were the administering body of the reserve.
- (3) To avoid doubt, section 59A of the Reserves Act 1977 and Part 3B of the Conservation Act 1987 (which relate to concessions) do not apply to the application.

69 Interests in favour of Pukemako reserve

- (1) This section applies while the joint board is the administering body of the Pukemako reserve.
- (2) The trustees may obtain, and are the grantee of, any interest to benefit the reserve as if they were the administering body of the reserve.

70 Trustees may apply to administer Pukemako reserve

- (1) The trustees may give notice in writing to the Minister of Conservation and the joint board that they wish to administer the Pukemako reserve in place of the joint board.
- (2) If the trustees give notice, the Minister of Conservation must, within 20 working days after the date on which the Minister receives the trustees' notice, publish a notice in the *Gazette* declaring that—
 - (a) the joint board is no longer the administering body of the reserve; and
 - (b) the trustees are the administering body of the reserve.
- (3) The trustees are the administering body of the reserve on and from the day on which the notice is published in the *Gazette*.

*General provisions applying to vesting of cultural redress properties***71 Properties vest subject to or together with interests**

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

72 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 3, 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.

73 Registration of ownership

- (1) This section applies to a cultural redress property vested in the trustees under this subpart.
- (2) Subsection (3) applies to a cultural redress property, but only to the extent that the property is all of the land contained in a computer freehold register.
- (3) The Registrar-General must, on written application by an authorised person,—
 - (a) register the trustees as the proprietors of the fee simple estate in the property; and
 - (b) record any entry on the computer freehold register and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) Subsection (5) applies to a cultural redress property, but only to the extent that subsection (2) does not apply to the property.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the trustees; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (6) Subsection (5) is subject to the completion of any survey necessary to create a computer freehold register.
- (7) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—
 - (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustees.
- (8) In this section, **authorised person** means a person authorised by the Director-General.

74 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.
- (3) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

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

75 Matters to be recorded on computer freehold register

- (1) The Registrar-General must record on the computer freehold register for a reserve property—
- (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) that the land is subject to sections 74(3) and 80.
- (2) A notification made under subsection (1) that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.
- (3) For a reserve property, if the reservation of the property under this subpart is revoked for—
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notifications that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
 - (ii) the property is subject to sections 74(3) and 80; or
 - (b) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain only on the computer freehold register for the part of the property that remains a reserve.
- (4) The Registrar-General must comply with an application received in accordance with subsection (3)(a).

76 Application of other enactments

- (1) The vesting of the fee simple estate in a cultural redress property under this subpart does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.
- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or

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

77 Names of Crown protected areas discontinued

- (1) Subsection (2) applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area.
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.
- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Further provisions applying to reserve properties

78 Application of other enactments to reserve properties

- (1) The trustees are the administering body of a reserve property, except as provided for in section 65.
- (2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve property, despite sections 48A(6), 114(5), and 115(6) of that Act.
- (3) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.
- (4) 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.
- (5) 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.
- (6) A reserve property must not have its name changed or a name assigned to it 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.

79 Name of Gordon Gow Scenic Reserve must include words “Gordon Gow”

If the name of Gordon Gow Scenic Reserve is changed, whether in accordance with section 16(10) of the Reserves Act 1977 or otherwise, the new name must include the words “Gordon Gow”.

80 Subsequent transfer of reserve land

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

- (2) The fee simple estate in the reserve land may be transferred only in accordance with section 81 or 82.
- (3) However, while the joint board established under section 64 is the administering body of a property, as provided for in section 65, the fee simple estate in the reserve land in the property may be transferred only in accordance with section 82.
- (4) In this section and sections 81 to 83, **reserve land** means the land that remains a reserve as described in subsection (1).

81 Transfer of reserve land to new administering body

- (1) The registered proprietors of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).
- (2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able to—
 - (a) comply with the requirements of the Reserves Act 1977; and
 - (b) perform the duties of an administering body under that Act.
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the proprietors of the fee simple estate in the reserve land.
- (4) The required documents are—
 - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
 - (c) any other document required for the registration of the transfer instrument.
- (5) The new owners, from the time of their registration under this section,—
 - (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.
- (6) A transfer that complies with this section need not comply with any other requirements.

82 Transfer of reserve land to trustees of existing administering body if trustees change

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

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

- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that paragraphs (a) and (b) apply.

83 Reserve land not to be mortgaged

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

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

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

Subpart 5—Vesting and gifting back of property

85 Notice appointing delayed vesting date for Te Tapui Scenic Reserve

- (1) The trustees may give written notice to the Minister of Conservation of the date on which Te Tapui Scenic Reserve is to vest in the trustees.
- (2) The proposed date must be no later than 5 years after the settlement date.
- (3) The trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date.
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
 - (a) specifying the vesting date; and
 - (b) stating that the fee simple estate in Te Tapui Scenic Reserve vests in the trustees on the vesting date.
- (5) The notice must be published as early as practicable before the vesting date.
- (6) In this section and section 86,—

Te Tapui Scenic Reserve means 1 752.4106 hectares, more or less, being Section 4 Block VIII Cambridge Survey District, Section 2 SO 471146 and Lot 1 DPS 27810, South Auckland Land District

vesting date means—

- (a) the date proposed by the trustees in accordance with subsections (1) to (3); or

- (b) the first occurrence of 27 May following the expiry of the period of 5 years after the settlement date, if no date is proposed.

86 Delayed vesting and gifting back of Te Tapui Scenic Reserve

- (1) The fee simple estate in Te Tapui Scenic Reserve vests in the trustees on the vesting date.
- (2) On the eighth day after the vesting date, the fee simple estate in Te Tapui Scenic Reserve vests in the Crown as a gifting back to the Crown by the trustees for the people of New Zealand.
- (3) However, the following matters apply as if the vestings had not occurred:
 - (a) Te Tapui Scenic Reserve remains part of a scenic reserve under the Reserves Act 1977; and
 - (b) any enactment, instrument, or interest that applied to Te Tapui Scenic Reserve immediately before the vesting date continues to apply to it; and
 - (c) the Crown retains all liability for Te Tapui Scenic Reserve.
- (4) The vestings are not affected by—
 - (a) Part 4A of the Conservation Act 1987; or
 - (b) section 10 or 11 of the Crown Minerals Act 1991; or
 - (c) section 11 or Part 10 of the Resource Management Act 1991.

Subpart 6—Waharoa Aerodrome

87 Interpretation

In this subpart, unless the context otherwise requires,—

appointer means the Council or the trustees

committee means the committee established by section 88(1)

Council appointee—

- (a) means a member of the committee appointed by the Council; and
- (b) includes the mayor and the deputy mayor, who are members of the committee by virtue of section 90(5)

Council means Matamata–Piako District Council

Council’s Waharoa Aerodrome land means the land described by that name in Schedule 4

local government legislation means—

- (a) the Local Government Act 2002; and
- (b) the Local Government Act 1974; and
- (c) the Local Authorities (Members’ Interests) Act 1968; and
- (d) the Local Government Official Information and Meetings Act 1987

Minister means the Minister of Conservation

Ngāti Hauā appointee means a member of the committee appointed by the trustees

Waharoa Aerodrome land means the land described by that name in Schedule 4.

Waharoa (Matamata) Aerodrome Committee

88 Waharoa (Matamata) Aerodrome Committee established

- (1) A committee, to be known as the Waharoa (Matamata) Aerodrome Committee, is established for the Council's Waharoa Aerodrome land and the Waharoa Aerodrome land.
- (2) Despite the membership of the committee provided for by section 90, the committee is a joint committee within the meaning of clause 30 of Schedule 7 of the Local Government Act 2002.

89 Functions and powers of committee

- (1) The functions of the committee are—
 - (a) to make recommendations to the Council in relation to any aspect of the administration of the Council's Waharoa Aerodrome land and the Waharoa Aerodrome land:
 - (b) to make final decisions on access and parking arrangements for the Waharoa Aerodrome land and the Council's Waharoa Aerodrome land that affect Raungaiti Marae:
 - (c) to perform the functions of the administering body under section 41 of the Reserves Act 1977 in relation to any review of the reserve management plan (except for the functions of initiating any review or approving any management plan, which remain functions of the Council unless delegated to the committee in accordance with paragraph (d)):
 - (d) to perform any other functions that the Council may delegate to the committee.
- (2) The committee has the powers reasonably necessary to carry out its functions in a manner consistent with this subpart and the relevant provisions of the local government legislation.
- (3) The Council is the administering body of the Waharoa Aerodrome land for the purposes of the Reserves Act 1977.
- (4) The reserve management plan adopted by the Council and in force at the commencement of this Act continues to apply to the Waharoa Aerodrome land until such time as the Council decides to, or is required to, review, amend, or replace the plan in accordance with section 41 of the Reserves Act 1977.

90 Membership of committee

- (1) The trustees may appoint 3 members to the committee.
- (2) In deciding whom to appoint, the trustees must have regard to the views of the trustees of the Raungaiti Marae.
- (3) The Council may appoint 1 member.
- (4) The member appointed by the Council must be a councillor who is not the mayor or deputy mayor of the district.
- (5) The mayor and deputy mayor of the district are members of the committee.
- (6) Except in the case of the mayor and deputy mayor, a member of the committee—
 - (a) must be appointed by the appointer giving a written notice with the following details to the other appointer:
 - (i) the member's full name, address, and other contact details; and
 - (ii) the date on which the appointment takes effect, which must be no earlier than the date of the notice:
 - (b) may be appointed, reappointed, or discharged at the discretion of the appointer.

91 Procedure of committee

- (1) The committee must, except as provided in this subpart, regulate its own procedures.
- (2) The first meeting of the committee must be held no later than 2 months after the settlement date.
- (3) The committee must, at its first meeting,—
 - (a) appoint 2 co-chairpersons of the committee (1 being a Council appointee and 1 being a Ngāti Hauā appointee) and state the terms of those appointments; and
 - (b) adopt a set of standing orders for the operations of the committee.
- (4) Every member of the committee must comply with the standing orders of the committee.
- (5) The appointers may agree how frequently the committee meets.
- (6) At each meeting, a quorum consists of 2 Council appointees and 2 Ngāti Hauā appointees.
- (7) The committee must endeavour to make decisions by consensus.
- (8) If there is no consensus, a decision of the committee may only be made by a 75% majority of those members present at a meeting of the committee.

92 Application of other Acts to committee

- (1) The provisions of the local government legislation apply, with any necessary modifications, to the committee—
 - (a) to the extent that they are relevant for the purpose and functions of the committee; and
 - (b) except as otherwise provided for in this subpart.
- (2) Despite Schedule 7 of the Local Government Act 2002, the committee—
 - (a) is a permanent committee; and
 - (b) must not be discharged without the agreement of both appointers.
- (3) Despite clause 19(2) of Schedule 7 of the Local Government Act 2002, the Ngāti Hauā appointees—
 - (a) have the right to attend any meeting of the committee; but
 - (b) do not have the right to attend meetings of the council by reason merely of their membership of the committee.

93 Conflict of interest

A member of the committee is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter merely because—

- (a) the member is a member of Ngāti Hauā; or
- (b) the economic, social, cultural, and spiritual values of Ngāti Hauā are advanced by or reflected in—
 - (i) the subject matter under consideration;
 - (ii) any decision or recommendation of the committee;
 - (iii) participation in the matter by the member.

94 Support of committee

- (1) The Council is responsible for the administrative and technical support of the committee, including the provision of services required for the committee to carry out its functions.
- (2) However, each appointer will meet the expenses of its appointees.

Waharoa Aerodrome land

95 Waharoa Aerodrome land may be vested in trustees

- (1) This section applies if the Minister or the administering body (as relevant)—
 - (a) considers that all or any part of the Waharoa Aerodrome land is not required for aerodrome and ancillary aviation purposes; and

- (b) exercises the Minister's or body's powers under section 24 of the Reserves Act 1977 to revoke the reservation of the Waharoa Aerodrome land (or part of it) as a reserve by notice in the *Gazette*.
- (2) The Minister must not give notice in the *Gazette* revoking the reservation of the Waharoa Aerodrome land (or part of it) as a reserve until the expiry of 1 month after notice has been given under section 97.
- (3) On revocation of the reserve status under subsection (1)(b), that part of the Waharoa Aerodrome land vests in the trustees.

96 Matters relating to vesting under section 95

- (1) Except as provided in section 95, that section does not—
 - (a) affect the functions and powers of the Minister under the Reserves Act 1977 in relation to the Waharoa Aerodrome land (or part of it); or
 - (b) affect the functions and powers of the local authority in which the land is vested as a reserve for aerodrome purposes under the Reserves Act 1977 and the Airport Authorities Act 1966 in relation to the Waharoa Aerodrome land (or part of it); or
 - (c) mean or imply that the Minister will revoke the reserve status of the Waharoa Aerodrome land (or part of it); or
 - (d) give any member of Ngāti Hauā, the trustees, or any representative entity any further right of action in respect of the exercise of any functions or powers under the Reserves Act 1977 in relation to the Waharoa Aerodrome land (or part of it) than would otherwise have been available had section 95(3) not been enacted.
- (2) Despite section 3A(1), (7), and (7A) of the Airport Authorities Act 1966, neither the Crown nor a local authority may transfer the Waharoa Aerodrome land to an airport company.

97 Notice to interest holders

- (1) In determining under section 25(2) of the Reserves Act 1977 the restrictions, encumbrances, liens, or interests that should be specified in a *Gazette* notice that revokes the reservation of the Waharoa Aerodrome land (or part of it) as a reserve, the Minister must inquire into the validity of any existing restriction, encumbrance, lien, or interest.
- (2) The Minister must give notice in writing to the persons listed in subsection (3) of the restrictions, encumbrances, liens, and interests that the Minister intends to specify and those that he or she intends not to specify in the *Gazette* notice referred to in subsection (1).
- (3) The persons are—
 - (a) the trustees; and

- (b) every person who would be entitled to enforce the restriction, encumbrance, lien, or interest if it were valid.
- (4) If it is impracticable to give notice to every person under subsection (3)(b), that subsection may be complied with by publishing a notice in a daily newspaper circulating in the district of the Matamata–Piako District Council in relation to the matter.

98 No change in classification or purpose

Despite sections 24 and 24A of the Reserves Act 1977, neither the Minister nor the local authority in which the Waharoa Aerodrome land is vested as a reserve for aerodrome purposes may change the classification or purpose of the whole or any part of the land.

99 Amendment of computer register

- (1) This section applies to the extent that land to which the revocation of the reserve status under section 95 applies comprises all the land in a computer freehold register.
- (2) The Registrar-General must, in accordance with a written application by a person authorised by the Director-General,—
 - (a) remove from the register any restriction, encumbrance, lien, or interest that is not specified in the *Gazette* notice that revoked the reservation; and
 - (b) remove the notation referred to in section 101; and
 - (c) register the trustees as the proprietors of the fee simple estate in the land.

100 Creation of computer register

- (1) This section applies to the extent that—
 - (a) land to which the revocation of the reserve status under section 95 applies does not comprise all the land in a computer freehold register; or
 - (b) there is no computer freehold register for all or part of the land.
- (2) The Registrar-General must, in accordance with a written application by a person authorised by the Director-General, create a computer freehold register.
- (3) For the purposes of subsection (2), if a computer freehold register is created—
 - (a) in the name of the trustees, the Registrar-General must ensure that the register does not contain—
 - (i) any restriction, encumbrance, lien, or interest that is not specified in the *Gazette* notice that revoked that reservation; or
 - (ii) the notation referred to in section 101; and
 - (b) for the balance of the land, the Registrar-General must ensure that the register contains the same restrictions, encumbrances, liens, or interests

to which the land was subject before the *Gazette* notice was issued (including the notation referred to in section 101).

- (4) Subsection (2) applies subject to the completion of any survey necessary to create a computer freehold register.
- (5) A computer freehold register must be created under this section as soon as is reasonably practicable after the land is vested in the trustees, but no later than—
 - (a) 24 months after the land is vested; or
 - (b) any later date that may be agreed in writing by the trustees and the Crown.

101 Register to be noted

The Registrar-General must, as soon as is reasonably practicable after the settlement date, note on the computer freehold register referred to in part 4 of the attachments that this subpart applies to the land in the register.

102 Application of other enactments

- (1) The vesting of the fee simple estate in the Waharoa Aerodrome land (or part of it) in the trustees does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (2) The vesting of the fee simple estate in the Waharoa Aerodrome land (or part of it) in the trustees is a disposition for the purpose 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) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting of the fee simple estate of the Waharoa Aerodrome land (or part of it) in the trustees;
 - (b) a matter incidental to, or required for, the purpose of the vesting.

Part 3 Commercial redress

103 Interpretation

In this Part,—

commercial redress property means—

- (a) a property described in subpart A of Part 4 of the property redress schedule; but

- (b) does not include a property to which clause 7.15.2(a) of the deed of settlement applies

deferred selection property means a property described in part 5 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 a commercial redress property, in subpart A of part 4 of the property redress schedule; or
- (b) for a deferred selection property, in part 5 of the property redress schedule; or
- (c) for a second right of deferred purchase property, in part 6 of the property redress schedule

second right of deferred purchase property means a property described in part 6 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied.

Subpart 1—Transfer of commercial redress properties, deferred selection properties, and second right of deferred purchase properties

104 The Crown may transfer properties

- (1) To give effect to part 7 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to—
 - (a) transfer the fee simple estate in a commercial redress property, a deferred selection property, or a second right of deferred purchase property to the trustees; and
 - (b) sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (2) As soon as is reasonably practicable after the date on which a deferred selection property or a second right of deferred purchase property is transferred to the trustees, 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).

105 Computer freehold registers for commercial redress properties, deferred selection properties, and second right of deferred purchase properties

- (1) This section applies to each of the following properties that are to be transferred to the trustees under section 104:
 - (a) a commercial redress property;
 - (b) a deferred selection property;
 - (c) a second right of deferred purchase property.
- (2) However, this section applies only to the extent that—

- (a) the property is not all of the land contained in a computer freehold register; or
 - (b) there is no computer freehold register for all or part of the property.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application; but
 - (c) omit any statement of purpose from the computer freehold register.
- (4) Subsection (3) is subject to the completion of any survey necessary to create a computer freehold register.
- (5) In this section and section 106, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

106 Authorised person may grant covenant for later creation of computer freehold register

- (1) For the purposes of section 105, the authorised person may grant a covenant for the later creation of a computer freehold register for any commercial redress property, deferred selection property, or second right of deferred purchase property.
- (2) Despite the Land Transfer Act 1952,—
- (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a computer interest register; and
 - (b) the Registrar-General must comply with the request.

107 Application of other enactments

- (1) This section applies to the transfer to the trustees of the fee simple estate in a commercial redress property, deferred selection property, or second right of deferred purchase property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (3) The transfer does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (4) The permission of a Council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer.

- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.
- (6) In exercising the powers conferred by section 104, 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).

Subpart 2—Right of first refusal over RFR land

Interpretation

108 Interpretation

In this subpart and Schedule 5,—

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 to—
 - (i) transfer or vest the fee simple estate in the land; or
 - (ii) 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 to—
 - (i) mortgage, or give a security interest in, the land; or
 - (ii) grant an easement over the land; or
 - (iii) consent to an assignment of a lease, or to a sublease, of the land; or
 - (iv) remove an improvement, a fixture, or a fitting from the land; or
 - (v) vest and gift back Te Tapui Scenic Reserve under subpart 5 of Part 2

expiry date, in relation to an offer, means its expiry date under sections 111(2)(a) and 112

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 111, 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 117(1); but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested—
 - (i) on the settlement date; or
 - (ii) after the settlement date, under section 118(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.

109 Meaning of RFR land

- (1) In this subpart, **RFR land** means—
 - (a) the land described in part 6 of the attachments that, on the settlement date,—
 - (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown or Health New Zealand; and
 - (b) any land excluded from the definition of commercial redress property by paragraph (b) of that definition and that, on the settlement date,—

- (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown; and
 - (c) the land described in subpart B of part 4 of the property redress schedule to which clause 7.11 of the deed of the settlement does not apply that, on the settlement date,—
 - (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown; and
 - (d) any land obtained in exchange for a disposal of RFR land under section 122(1)(c) or 123.
- (2) Land ceases to be RFR land if—
 - (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under a contract formed under section 115); or
 - (ii) any other person (including the Crown or a Crown body) under section 110(d); or
 - (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
 - (i) under any of sections 119 to 126 (which relate to permitted disposals of RFR land); or
 - (ii) under any matter referred to in section 127(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart); or
 - (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under section 135; or
 - (d) the RFR period for the land ends.

Section 109(1)(a)(ii): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Restrictions on disposal of RFR land

110 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 116 to 126; or
- (b) under any matter referred to in section 127(1); or
- (c) in accordance with a waiver or variation given under section 135; 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 111; 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 113; and
- (iv) not accepted under section 114.

Trustees' right of first refusal

111 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 computer register 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.

112 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.

113 Withdrawal of offer

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

114 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.

115 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 other than the trustees (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees may nominate a nominee only if—
- (a) the nominee is lawfully able to hold the RFR land; and
 - (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify—
- (a) the full name of the nominee; and
 - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

Disposals to others but land remains RFR land

116 Disposal to the Crown or Crown bodies

- (1) An RFR landowner may dispose of RFR land to—
- (a) the Crown; or
 - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 563 of the Education and Training Act 2020.

Section 116(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

117 Disposal of existing public works to local authorities

- (1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981 to a local authority, as defined in section 2 of that Act.
- (2) To avoid doubt, if RFR land is disposed of to a local authority under subsection (1), the local authority becomes—
- (a) the RFR landowner of the land; and

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

118 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

119 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.

120 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.

121 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.

122 Disposal of land held for public works

- (1) An RFR landowner may dispose of RFR land in accordance with—
 - (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or
 - (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
 - (c) section 117(3)(a) of the Public Works Act 1981; or
 - (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or
 - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

123 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.

124 Disposal for charitable purposes

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

125 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.

126 Disposal by Health New Zealand

Health New Zealand (established by section 11 of the Pae Ora (Healthy Futures) Act 2022), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees that, in the Minister's opinion, the disposal will achieve, or assist in achieving, Health New Zealand's objectives.

Section 126: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

*RFR landowner obligations***127 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***128 Notice to LINZ of RFR land with computer register after settlement date**

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

129 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 computer register for the land; and
 - (c) the street address for the land (if applicable); and
 - (d) the name of the person to whom the land is being disposed of; and
 - (e) an explanation of how the disposal complies with section 110; and
 - (f) if the disposal is to be made under section 110(d), a copy of any written contract for the disposal.

130 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a computer register is to cease being RFR land because—
 - (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under a contract formed under section 115); or
 - (ii) any other person (including the Crown or a Crown body) under section 110(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 119 to 126; or
 - (ii) under any matter referred to in section 127(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 135.
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.
- (3) The notice must include—
 - (a) the legal description of the land; and
 - (b) the reference for the computer register for the land; and
 - (c) the details of the transfer or vesting of the land.

131 Notice requirements

Schedule 5 applies to notices given under this subpart by or to—

- (a) an RFR landowner; or
- (b) the trustees.

Right of first refusal recorded on computer registers

132 Right of first refusal to be recorded on computer registers for RFR land

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers for,—
 - (a) the RFR land for which there is a computer register on the settlement date; and
 - (b) the RFR land for which a computer register is first created after the settlement date; and
 - (c) land for which there is a computer register that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable—
 - (a) after the settlement date, for RFR land for which there is a computer register on the settlement date; or
 - (b) after receiving a notice under section 128 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register for the RFR land identified in the certificate that the land is—
 - (a) RFR land, as defined in section 109; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

133 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 130, issue to the Registrar-General a certificate that includes—
 - (a) the legal description of the land; and
 - (b) the reference for the computer register for the land; and

- (c) the details of the transfer or vesting of the land; and
 - (d) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under section 132 for the land described in the certificate.

134 Removal of notifications when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—
- (a) the reference for each computer register for that RFR land that still has a notification recorded under section 132; 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 132 from any computer register identified in the certificate.

General provisions applying to right of first refusal

135 Waiver and variation

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

136 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.

137 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—
- (a) stating that the RFR holder’s rights and obligations under this subpart are being assigned under this section; and
 - (b) specifying the date of the assignment; and
 - (c) specifying the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
 - (d) specifying the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and Schedule 5 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, either because—
- (a) they are the trustees; or
 - (b) they have previously been assigned those rights and obligations under this section.

Part 4

Te Taurapa o Te Ihingarangi ki Te Puaha o Waitete sub-catchment

138 Interpretation

In this Part, unless the context otherwise requires,—

integrated river management plan has the same meaning as in section 35 of the Waikato-Tainui Act

Ngāti Koroki Kahukura deed means the deed of settlement, dated 20 December 2012, between Ngāti Koroki Kahukura, the Taumatawiwi Trust, and the Crown

Ngati Tuwharetoa, Raukawa, and Te Arawa Act means the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

sub-catchment means Te Taurapa o Te Ihingarangi ki Te Puaha o Waitete sub-catchment, being the area shown coloured green on SO 409144

Upper Waikato River integrated management plan has the same meaning as in section 36 of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act

Waikato Raupatu River Trust means the trustee of the Waikato Raupatu River Trust within the meaning of section 6 of the Waikato-Tainui Act

Waikato River deed parties means the parties to—

- (a) each of the deeds referred to in the definition of deed in section 7(2) of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act; and
- (b) the deed of settlement between the Crown and Waikato-Tainui in relation to the Waikato River dated 17 December 2009

Waikato-Tainui Act means the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

Waikato-Tainui environmental plan

139 Section 40(4) of Waikato-Tainui Act applies to sub-catchment

- (1) Section 40(4) of the Waikato-Tainui Act applies to a person carrying out functions or exercising powers under the conservation legislation in relation to the Waikato River to the extent that it is within the sub-catchment.
- (2) In subsection (1), **conservation legislation** means the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act.

Joint management agreements

140 Joint management agreement between Waikato Raupatu River Trust and Waikato Regional Council applies to sub-catchment

The joint management agreement dated 18 June 2013 between the Waikato Raupatu River Trust and the Waikato Regional Council, entered into in accordance with section 41(1) of the Waikato-Tainui Act, applies to the Waikato River to the extent that it is within the sub-catchment and to activities in the sub-catchment affecting the Waikato River.

141 Joint management agreement between Waikato Raupatu River Trust and South Waikato District Council to apply to sub-catchment

- (1) Subsection (2) applies if a joint management agreement between the Waikato Raupatu River Trust and the South Waikato District Council is entered into in accordance with clause 6.17 of the Ngāti Koroki Kahukura deed.
- (2) The joint management agreement applies to the Waikato River to the extent that it is within the sub-catchment and to activities in the sub-catchment affecting the Waikato River.

Conservation regulations

142 Conservation regulations may be made in relation to sub-catchment

- (1) A regulation that is made under section 93(1) of the Waikato-Tainui Act or section 58(1) of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act may be made with application to the Waikato River to the extent that it is within the sub-catchment if the regulation is expressed to apply to that area.
- (2) However, a regulation may not be made under section 93(1) of the Waikato-Tainui Act or section 58(1) of the Ngati Tuwharetoa, Raukawa, and Te Arawa

Act that is expressed to apply to the Waikato River to the extent that it is within the sub-catchment unless the regulation is consistent with—

- (a) the overarching purpose described in section 3 of the Waikato-Tainui Act; and
 - (b) the overarching purpose described in section 3 of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act.
- (3) For the purposes of this section, only 1 regulation or 1 set of regulations may apply to the Waikato River to the extent that it is within the sub-catchment, and the single regulation or single set of regulations must be made under both section 93(1) of the Waikato-Tainui Act and section 58(1) of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act.

Customary fishing

143 Customary fishing regulations that apply to sub-catchment

- (1) A regulation that is made in accordance with section 93(3) of the Waikato-Tainui Act, to the extent that the regulation provides for the Waikato Raupatu River Trust to manage customary fishing in the Waikato River, applies to the Waikato River to the extent that it is within the sub-catchment.
- (2) The regulation must state the effect of subsection (1), but the omission to do so does not affect the validity of the regulation.

Fishing (bylaw) regulations

144 Fishing (bylaw) regulations may be made in relation to sub-catchment

- (1) A regulation that is made in accordance with section 93(4) of the Waikato-Tainui Act, to the extent that the regulation provides for the Waikato Raupatu River Trust to recommend the making of bylaws, must also be taken to provide for the Waikato Raupatu River Trust to recommend the making of bylaws in respect of the Waikato River to the extent that it is within the sub-catchment.
- (2) The regulation must state the effect of subsection (1), but the omission to do so does not affect the validity of the regulation.

Fisheries bylaws

145 Fisheries bylaws that apply to sub-catchment

- (1) This section applies where—
 - (a) regulations have been made in accordance with section 93(4) of the Waikato-Tainui Act and in accordance with section 58(3) of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act; and
 - (b) under those regulations, as amplified by section 144, the Waikato Raupatu River Trust and the trustees of each Trust referred to in section 6(1) of the Ngati Tuwharetoa, Raukawa and Te Arawa Act (the **contributing**

- parties**) may recommend the making of bylaws in respect of the Waikato River to the extent that it is within the sub-catchment.
- (2) In exercising their powers to recommend a bylaw in respect of the Waikato River to the extent that it is within the sub-catchment, the contributing parties—
 - (a) must, after co-operation between them, recommend a joint bylaw in written form; and
 - (b) must recommend only a bylaw that is consistent with the overarching purpose of each of the Waikato-Tainui Act and the Ngati Tuwharetoa, Raukawa, and Te Arawa Act.
 - (3) The Minister for Primary Industries must make any bylaw recommended under subsection (2), unless the Minister is satisfied that the proposed bylaw would have an undue adverse effect on fishing.
 - (4) A bylaw that is made on the recommendation of the contributing parties in accordance with subsection (2)—
 - (a) is taken to be made both under section 93(5) of the Waikato-Tainui Act and under section 58(4) of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act; and
 - (b) takes effect in the Waikato River to the extent that it is within the sub-catchment on a date notified in the *Gazette* by the Minister for Primary Industries.

Integrated river management plan and Upper Waikato River integrated management plan

146 Application of provisions of components of integrated river management plan

- (1) The conservation and fisheries components of the integrated river management plan referred to in section 35(3)(a) and (b) respectively of the Waikato-Tainui Act may contain provisions that apply to the Waikato River to the extent that it is within the sub-catchment.
- (2) The Waikato Raupatu River Trust and the Waikato Regional Council may agree that the provisions of the regional council component of the integrated river management plan referred to in section 35(3)(c) of the Waikato-Tainui Act apply to the Waikato River to the extent that it is within the sub-catchment, and those provisions apply according to the terms of the agreement.
- (3) The Waikato Raupatu River Trust and an agency that has agreed a component of the integrated river management plan referred to in section 35(3)(d) of the Waikato-Tainui Act may agree that provisions of the component apply to the Waikato River to the extent that it is within the sub-catchment, and those provisions apply according to the terms of the agreement.

147 Process for preparation of provisions that apply to Waikato River under section 146

Provisions of components that, under section 146, apply to the Waikato River within the sub-catchment must be prepared in accordance with Schedule 7 of the Waikato-Tainui Act with any necessary modifications, including the modifications set out in section 148.

148 Modifications to component process preparation

- (1) This section applies to the preparation of—
 - (a) provisions of components of the integrated river management plan to the extent that those provisions apply to the Waikato River within the sub-catchment under section 146;
 - (b) provisions of components of the Upper Waikato River integrated management plan to the extent that those provisions apply to the Waikato River within the sub-catchment in accordance with Part 2 of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act.
- (2) The processes in Schedule 7 of the Waikato-Tainui Act and Schedule 5 of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act must be carried out simultaneously as a single co-operative process involving the following parties (the **contributing parties**):
 - (a) the Waikato Raupatu River Trust; and
 - (b) the trustees of each Trust referred to in section 6(1) of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act relevant to the particular component; and
 - (c) the department, local authority, or agency relevant to the particular component.
- (3) References in Schedule 7 of the Waikato-Tainui Act to—
 - (a) the integrated river management plan and the plan are to be read as references to a provision referred to in subsection (1); and
 - (b) the draft plan are to be read as references to a draft provision.
- (4) In preparing a provision referred to in subsection (1), the contributing parties, after co-operation amongst them, must agree joint provisions that are consistent with both the overarching purpose and provisions of the Waikato-Tainui Act relating to the integrated river management plan and the overarching purpose and provisions of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act relating to the Upper Waikato River integrated management plan.
- (5) Once the joint provisions are agreed in accordance with this section and section 147, those provisions must be taken—
 - (a) to be part of the relevant component of the integrated river management plan and to apply to the Waikato River to the extent that it is within the

- sub-catchment in accordance with the provisions of the Waikato-Tainui Act as if those provisions also apply to the sub-catchment; and
- (b) to be part of the relevant component of the Upper Waikato River integrated management plan and to apply to the Waikato River to the extent that it is within the sub-catchment in accordance with the provisions of the Ngati Tuwharetoa, Raukawa, and Te Arawa Act.
- (6) This section and sections 146 and 147 do not affect the preparation of and approval of—
- (a) components of the integrated river management plan that apply to the Waikato River in accordance with the Waikato-Tainui Act; or
 - (b) components of the Upper Waikato River integrated management plan that apply to the Waikato River outside the sub-catchment in accordance with the Ngati Tuwharetoa, Raukawa, and Te Arawa Act.

149 Non-derogation

To the extent that instruments under the Waikato-Tainui Act or the Ngati Tuwharetoa, Raukawa, and Te Arawa Act apply to the sub-catchment in accordance with this Part, they do not derogate from—

- (a) any agreements or arrangements between the Waikato River deed parties and the Crown, local authorities, statutory authorities, or any other person; or
- (b) the tikanga or interests of any iwi with interests in the Waikato River and for whom the Waikato River is significant.

Schedule 1

Statutory areas

ss 31, 39

Part 1

Areas subject only to statutory acknowledgement

Statutory area	Location
Te Wairere (being Wairere Falls Scenic Reserve, part of Gordon Park Scenic Reserve, and part of Kaimai Mamaku Conservation Park)	As shown on OTS-190-04
Te Weraiti (being part of Kaimai Mamaku Conservation Park)	As shown on OTS-190-05
Ngatamahinerua (being part of Kaimai Mamaku Conservation Park and part of Maurihiro Scenic Reserve)	As shown on OTS-190-03
Te Oko Horoi	As shown on OTS-190-07
Waiorongomai (being part of Kaimai Mamaku Conservation Park)	As shown on OTS-190-02
Whewells Bush Scientific Reserve	As shown on OTS-190-06

Part 2

Area also subject to deeds of recognition

Statutory area	Location
Waikato River and tributaries within the Ngāti Hauā Area of Interest	As shown on OTS-190-08

Schedule 2 Overlay area

s 45

Overlay area	Location	Description
Te Miro Scenic Reserve	As shown on OTS-190-01	<i>South Auckland Land District— Waikato District</i> 136.2804 hectares, more or less, being Section 108 Te Miro Settlement. Part <i>Gazette</i> 1961, p 647. <i>South Auckland Land District— Waipa District</i> 263.9391 hectares, more or less, being Part Section 119 Te Miro Settlement. Part <i>Gazette</i> 1961, p 647. 0.3708 hectares, more or less, being Lot 2 DP 443837. All computer freehold register 555590. 0.7030 hectares, more or less, being Lot 1 DPS 20404. Part Transfer H151657.2.

Schedule 3

Cultural redress properties

ss 59, 71, 72

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Gordon Gow Scenic Reserve	<p><i>South Auckland Land District— Matamata–Piako District</i></p> <p>7.3982 hectares, more or less, being Section 23 Block VIII Wairere Survey District. All <i>Gazette</i> notice S166494.</p>	<p>Subject to being a scenic reserve, as referred to in section 60(3).</p> <p>Subject to an unregistered lease with concession number 36450-ACC to Scouts Association of New Zealand.</p> <p>Subject to an unregistered grazing licence with concession number WK-33768-GRA to T G and D J Howard.</p> <p>Subject to an unregistered low impact scientific study permit with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p> <p>Subject to <i>Gazette</i> notice B366111 declaring adjoining State Highway 27 to be limited access road.</p> <p>Subject to a notice pursuant to section 91 of the Transit New Zealand Act 1989 created by instrument B378006.</p>
Maungakawa	<p><i>South Auckland Land District— Matamata–Piako District</i></p> <p>629.3100 hectares, more or less, being Section 1 SO 471146. Part computer freehold register SA48C/398.</p>	<p>Subject to being a scenic reserve, as referred to in section 61(3).</p> <p>Subject to the right of way easement in gross referred to in section 61(5).</p> <p>Subject to the water supply easement created by transfer B022069.8.</p> <p>Subject to an unregistered grazing licence with concession number WK-31225-GRA to D and R Bennett Limited.</p> <p>Subject to an unregistered grazing licence with concession number WK-31400-GRA to Broka Farms Limited.</p> <p>Subject to an unregistered low impact scientific study permit with concession number CA-31615-OTH to Landcare Research New Zealand Limited.</p>
Pukemako site A	<p><i>South Auckland Land District— Waipa District</i></p>	<p>Subject to being a scenic reserve, as referred to in section 62(3).</p>

Name of property	Description	Interests
Pukemako site B	<p>63.9108 hectares, more or less, being Lots 1 and 2 DP 467321 and Parts Section 3 Block VI Cambridge Survey District. All computer freehold register 637892.</p> <p><i>South Auckland Land District— Waipa District</i></p> <p>2.8328 hectares, more or less, being Lot 1 DPS 6105. All <i>Gazette</i> notice H496073.</p>	<p>Subject to a right of way easement created by deed of easement 7798890.9 and held in computer interest register 420420.</p> <p>The easement created by deed of easement 7798890.9 is subject to section 243(a) of the Resource Management Act 1991.</p> <p>Subject to an unregistered low impact scientific study permit with concession number CA-31615-OTH to Landcare Research New Zealand Limited (affects Lot 2 DP 467321 and Parts Section 3 Block VI Cambridge Survey District).</p> <p>Subject to section 59 of the Land Act 1948 (affects Lot 1 DP 467321).</p> <p>Subject to section 241(2) of the Resource Management Act 1991 (affects DP 467321).</p> <p>Together with a right to convey electricity created by easement instrument 7798890.8 (affects Lot 1 DP 467321).</p> <p>The easements created by easement instrument 7798890.8 are subject to section 243(a) of the Resource Management Act 1991.</p> <p>Together with a right to convey electricity, telecommunications, and computer media created by easement instrument 8013322.5 (affects Lot 1 DP 467321).</p> <p>The easements created by easement instrument 8013322.5 are subject to section 243(a) of the Resource Management Act 1991.</p> <p>Subject to being a historic reserve, as referred to in section 63(3).</p>

Schedule 4

Waharoa Aerodrome

s 87

Land	Description
Council's Waharoa Aerodrome land	<p><i>South Auckland Land District—Matamata—Piako District</i></p> <p>4.9589 hectares, more or less, being Matamata North E and Matamata North F. All computer freehold register SA10C/459.</p> <p>1.3339 hectares, more or less, being Part Lot 1 DP 29064 and Part Section 71 Block XIII Wairere Survey District. All computer freehold register 20651.</p>
Waharoa Aerodrome land	<p><i>South Auckland Land District—Matamata—Piako District</i></p> <p>46.8476 hectares, more or less, being Section 72 Block XIII Wairere Survey District. All computer freehold register SA23C/1294.</p>

Schedule 5

Notices in relation to RFR land

ss 108, 131, 137(3)

1 Requirements for giving notice

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

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, for a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—
 - (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 111, 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 128 or 130, sent 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 that must be given in writing and signed, as required by clause 1(a), may be given by electronic means provided the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

Schedule 5 clause 2: amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

3 Time when notice received

- (1) A notice is to be treated as having been received—

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- (a) at the time of delivery, if delivered by hand; or
 - (b) on the second day after posting, if posted; or
 - (c) at the time of transmission, if faxed or sent by other electronic means.
- (2) However, a notice is to be treated as having been received on the next working day if, under subclause (1), it would be treated as having been received—
- (a) after 5 pm on a working day; or
 - (b) on a day that is not a working day.

Notes

1 *General*

This is a consolidation of the Ngāti Hauā Claims Settlement Act 2014 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

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

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this consolidation*

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

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

Secondary Legislation Act 2021 (2021 No 7): section 3

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

Trusts Act 2019 (2019 No 38): section 161

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