

Te Pire Whakataunga i ngā Kerēme a Ngāi Te Rangi me Ngā Pōtiki

Pire Kāwanatanga

Ko tā Te Komiti Whiriwhiri Take Māori i whakatakoto

Ngā Kōrero

Tūtohunga

Kua āta tirohia e Te Komiti Whiriwhiri Take Māori Te Pire Whakataunga i ngā Kerēme a Ngāi Te Rangi me Ngā Pōtiki, ā, ka tūtohu kia whakamanahia me ngā whakatikatika kua oti te whakaatu.

Kupu Whakataki

Ka whai Te Pire Whakataunga i ngā Kerēme a Ngāi Te Rangi me Ngā Pōtiki ki te whakamana i te whakaaetanga whakataunga, me ngā whakaaetanga whakatika i whakaaetia i waenganui i Te Karauna, i a Ngāi Te Rangi me Ngā Pōtiki, kia whakatauhia katoatia ngā kerēme Tiriti hītori kua roā kē e tū ana.

Ka uru atu ki ngā kerēme hītori a Ngāi Te Rangi me Ngā Pōtiki ki Te Karauna, te pakanga i Tauranga, te raupatu (tango whenua), te hokonga a Te Karauna i te poroko Te Puna-Katikati, ngā ture hoko whenua Māori i Tauranga Moana, ngā huarahi hokonga whenua a Te Karauna i Te Takiwā o Tauranga, atu i te tau 1880 ki te tau 1890, te matua pāhaotia i aro i te ture o “ngā pānga tōtōā”, ā, ngā tangohanga i raro i ngā mahi tūmatanui.

Whakapuaki ai ngā whākinga me te whakapāha i te pōuri nui o Te Karauna mō āna ture, hapanga, takahanga hoki e pā ana ki Te Tiriti o Waitangi, ā, nā ngā āhuatanga nei ka tukia kinotia a Ngāi Te Rangi me Ngā Pōtiki mō ngā whakatipuranga.

Kei roto i te pire aua wāhanga anake o te whakatika hapa i roto i te mōkihi whakataunga ka hiahiaatia he whakamanatanga ā-ture. Kei roto i Wāhanga 1 o te pire he whakarāpopotonga o ngā kōrero whakamārama ō-mua mō ngā kerēme, ngā whākinga, ā, me tētahi whakapāha a Te Karauna. Kua whakatakotoria i Wāhanga 2 te whakatika hapa ahurea. Whakanaotia aketia ai e Wāhanga 3 te whakatika hapa arumoni.

Whakatakoto ai te whakaaetanga whakataunga i te katoa o te whakatika hapa i hoatu ki a Ngāi Te Rangi me Ngā Pōtiki mō te katoa, ā, oti atu o ō rātou kerēme hītori e pā ana ki Te Tiriti o Waitangi.

Kapi ai e tēnei kōrero ngā take whakataunga nā mātou i whakaaroaro. Kīhai i roto ngā whakatikatika pakupaku me ngā whakatikatika hangarau nā mātou i tūtohu ki te pire.

Ngā kōrero whakamārama ō-mua mō Ngāi Te Rangi me Ngā Pōtiki

He iwi nō Tauranga Moana a Ngāi Te Rangi, ā, me tētahi taupori e 12,000 tāngata tata atu pea. Tīmata mai ai te takiwā pānga i Maketū i te taha rāwhiti ka haere tokerau ki Whangamata, ka whakawhiti atu ki ngā paeroa o Kaimai, ki Ngāwaro i te tonga.

He hapū a Ngā Pōtiki nā Ngāi Te Rangi, ā, noho ai te nuinga o rātou i te rohe o Papamoa.

Inaki ai te takiwā pānga o Ngāi Te Rangi me ērā o Ngāti Ranginui, Ngāti Pukenga, o ngā kohinga o Te Arawa, o Raukawa, Ngāti Hauā, Ngāti Hinerangi, ā, o Hauraki iwi.

Te mana kōkiri me ngā whiriwhiringa

Nō te Whiringa-ā-nuku o te tau 2008, Te Rūnanga o Ngāi Te Rangi i whakamanahia ki te whiriwhiri whakataunga mō ngā hapū katoa o Ngāi Te Rangi, hāunga noa a Ngā Pōtiki.

Nō te Haratua o te tau 2011, ka whakamanahia a Te *Trust* o Ngā Pōtiki a Tamapahore hei māngai mō te haporī kaikerēme o Ngā Pōtiki hei wāhanga o ngā whiriwhiringa mō Ngāi Te Rangi.

I whakaaetia kia kotahi noa te whakataunga mā Ngāi Te Rangi, ā, ka uru atu a Ngā Pōtiki ki roto. Ka riro mā te *trust* ngā take ake e hāngai pū ana ki a Ngā Pōtiki e whiriwhiri, ā, mā Te Rūnanga ngā take whānui me ngā take e hāngai pū ake ana ki ētahi hapū e whiriwhiri mā rātou. Ā, Ka riro mā te whānui o te hunga whakaae ngā whakataunga nunui e whakatatū.

Te Matakūrae o Kauri

Mā rara e 44 o te pire e whakawehewehe te pito whenua Te Matakūrae o Kauri kia ōrite ai ngā hea e rua, ā, ko tētahi hea mā ngā kaitiaki o te *trust* whakataunga Ngāi Te Rangi, ā, ko tētahi mā te *trust* whakataunga Ngāti Tamaterā i raro te hanganga ture whakataunga Ngāti Tamaterā.

He wāhanga a Ngāti Tamaterā o Te *Collective* Hauraki, tērā e whakanao ake haere ake tonu nei i te hātepe whiriwhiringa. Ka whakatau mātou mehemea he pai kē ake te waiho pānga mā Ngāti Tamaterā i roto i te pire nei ahakoa, he mana o āna whakahaerenga i roto i te hātepe pāremata.

Ko te whakamaherehere ki a mātou, ko te tiakinga o te whakatika hapa mā te iwi kore hanganga ture i roto i Te Whare, tētahi huarahi i whakamahia kia kaha ai ngā kohinga ki te neke whakamua i ō rātou whakataunga Tiriti, me te pupuri whakatika hapa mō ētahi atu kohinga, kei wāhi kē atu rātou o te hātepe whakataunga.

Ko te mea nui k a mātou, kia whiwhi i ngā kohinga iwi katoa i tētahi mōki whakatika hapa tika ana ko ā rātou pānga ērā, ā, ki tō mātou mōhio, he huarahi noa tēnei kia kaha ai ngā kohinga ki te tuari whakatika hapa. Heoi, ko tō mātou māharahara, kīhai te huarahi tiakinga nei i te whakamahia ōritengia.

Ka matapaki mātou, i pēhea rā te whakamahinga o te huarahi tiakinga i roto i te pire, inarā, i te taha o te whakanoa nei o Te Pire Whakataunga i ngā Kerēme a Rangitane o Manawatū i te whenua Ngahere o Tangimoana. Ki a mātou nei, he mea nui te whakauritenga nei nā te mea i whakawhitia katoatia Te Ngahere o Tangimoana ki a Rangitane o Manawatu hei whakatika hapa arumoni ahakoa ngā pānga hītori o ētahi atu kohinga i te ngaherehere.

I hāngai tā mātou matapakinga ki ngā rerekētanga i waenganui i te whakatika me te whakatika arumoni, ā, ki waenganui i te arotahi o Te Karauna kia tutuki ai tētahi whakataunga tika mō ngā kaikerēme katoa o te wā nei, o āpōpō. Kua kite mātou, kihai a Ngāi Te Rangi i whakaputa i ōna māharahara mō te pānga tuari i roto i te pito whenua Te Matakūrae o Kauri, kia tae rā anō ki te wā mutunga rā o te tau 2015.

I whiwhi whakamaherehere mātou mai i ngā āpiha e mea ana, ko te whānui o ngā pānga o Ngāti Tamaterā i Te Matakūrae o Kauri, nō runga i ngā whakatatūnga a Te Taraipiunara o Waitangi, ā, kīhai rā a ia i whakaae, nō Ngāti Tamaterā te katoa o ngā pānga i roto i te poroko Katikati. Nā runga i tērā ka hoatu he wāhi kia whakamihia aitia ō rātou pānga noa i te taha Ngāi Te Rangi i Te Matakūrae o Kauri.

Ngā kerēme inaki

He huhua ngā tāpaetanga i whiwhi i a mātou e tohu ana i te kore ngata ki ngā kerēme inaki, ā, e rua o ēra i tautohe i ngā pānga o Hauraki Iwi i Tauranga Moana. Ka rapu whakamaherehere mātou i Te Tari Whakatau Take e pā ana ki Te Tiriti o Waitangi mō tāna whakatatū i te whānuitanga o ngā pānga a Hauraki i roto i te rohenga wai o Tauranga Moana. Ko tāna ki a mātou, nā te pūrongo o Te Taraipiunara aua whakatatūtanga i tohutohu, ā, nā reira, mō ngā pānga a te hunga kaikerēme e inaki ana āpōpō, ka ririo ērā mā Te Pou Tarāwaho o Tauranga Moana e whakatatū.

Kua kite mātou, kua whai wā Te Iwi o Tauranga Moana ki te wero i te whakaaetanga whakamihia a Te Karauna i ngā pānga o Hauraki i roto i te takiwā inaki ēngari, kīhai anō tēnei kia whaitia ake e rātou.

Ngā whenua raupatu i whakawhitia ki tētahi kāwanatanga ā-kāinga

He whenua Māori ngā whenua raupatu i murua i ngā Pakanga o Aotearoa i ngā rau tau 1860, ā, ka hoatu ki te porowini kāwanatanga o taua wā, ā, kātahi ka hoatu te whenua ki te hunga kimi wāhi noho, ka whakamahia rānei e te porowini kāwanatanga mō ana rawa ahumahi.

Ka rapu mōhiohio mātou mō te aro matawai i whakahaerea ki te tautuhi whenua raupatu i whakawhitia ki tētahi kāwanatanga ā-kāinga. Ko te whakamahere ki a mātou, e 1,100 ngā pito whenua nō te kaunihera ake i roto iho i ngā *Confiscated Lands Boudaries* e noho ana, ā, ka uaua rawa atu te āta tautuhi i aua whenua raupatu katoa i wha-

kawhitia hāngaitia tonu mai i te kāwanatanga ō-waenganui tonu, ki te kāwanatanga ā-kāinga.

E ai ki te kaupapa here o Te Karauna ki `to mātou mōhio, i te nuinga o te wā, kīhai te whenua kaunihera i te wātea mō ngā whakataunga Tiriti nā te mea, ēhara te whenua nā Te Karauna. Kua whakamiramiratia e ngā tāpaetanga, he mea māharahara tēnei. Kua kite mātou, kei te haere tonu te mahi whakapāpā, whakawhanake a Ngāi Te Rangi me Ngā Pōtiki i ō rātou hononga i te taha o Te Kaunihera Tāone Nui o Tauranga. Ka matapaki mātou i ngā raruraru ake e pā ana ki te whenua kaunihera i ngā tekiona e rua ka whai ake.

Te kaupapa here whakawāteatanga whenua tuwhene a Te Kaunihera Tāone Nui o Tauranga

I pātai mātou mehemea he hiahiatanga kei reira e pai ana mō Te Iwi o Tauranga Moana e pā ana ki te whakawāteatanga whenua tuwhene, e whakahaerea ana e Te Kaunihera Tāone Nui o Tauranga.

Ahakoia kīhai he kapenga tuatahi i roto kaupapa here i te wā nei, kei te whakahiato kaupapa here te kaunihera mō ngā pānga tangata whenua me ngā wawata e pā ana ki ngā takiwā o ngā whenua kaunihera. Ka mihi kau atu mātou mō tōna aronga tahi i tēnei. He hātepe tāpaetanga marea tō te whakahiatotanga kaupapa, tae atu ki tētahi hui i waenganui i te kaunihera me te tangata whenua i Hōngongoi tau 2016.

Te whenua e puritia ana e te Western Bay of Plenty District Council

I whiwhi tāpaetanga mātou e whakaputa kore ngata ana, kīhai he wāhanga mō te whenua i runga i Te Motu o Matakana i roto i te whakataunga, ā, kei roto tonu i ngā ringaringa o te *Western Bay of Plenty District Council*. Kei raro tonu Te Motu o Matakana i te mana o Te Ture *Public Works* tau 1981 ēngari, kua kore kē te whenua i kōrehia aketia nei i roto i ngā tāpaetanga e hiahiatia i nāianei mō te take i whakamahia ai i mua.

Ko te whakamaherehere ki a mātou, kei te mahi te kaunihera i runga hātepe ka haere tonu, kia whakahokia te whenua ki ngā hapū e rima nō rātou Te Motu o Matakana. Ahakoia kua hikia te take nei kia oti rā anō ngā pōtitanga rangatōpū ā-kāinga, ko tō mātou tūmanako ka tutuki i te kaunihera hou kua pōtitia ngā wawata tūmanako o te hapū i te wā nei.

Te whakawhanaunga o Ngāi Te Rangi me Te Karauna

He wāhi mō tētahi whakawhanaunga i waenganui i a Ngāi Te Rangi me Te Kaporeihana ā-Whare o Aotearoa i roto i Te Whakaaetanga Whakataunga a Ngāi Te Rangi. I whiwhi i a mātou tētahi tāpaetanga e uiui ana i te pūmau o te whakataunga, nā te mura ake o tētahi hōtaka whakahoutanga whare ā-pāpori, he whakawhitinga whare rawa kei roto mō te hunga whakarato matatapu. Ki te whakaaro o Ngāi Te Rangi kua whakakorea mai a ia i taua hātepe whakawhitinga.

Ngā māharahara mō te taha taiao

I whiwhi mātou i tētahi tāpaetanga e whakatakoto ana i ngā pūwhenuatanga o te taiao i Tauranga Moana, ā, i ngā wāhi ahurea hiringa. Kua kite mātou kei roto i a rara e 3.15 o te whakaaetanga whakataunga, te whakapāha o Te Karauna me ngā whākinga kua roa kē te wā e takakinotia e ngā mahi marea ngā whenua, rawa, ā, me te tuakiri ahurea o Ngāi Te Rangi, o Ngā Pōtiki. Ka whakapuaki Te Karauna i te kaha o tōna pōuri mō āna mahi.

Te Pire Whakamauru i Te Moana o Rangitahua

I whiwhi tāpaetanga mātou e tautoko ana i te pire ēngari, e rapu whakatūturu ana kia kaua Te Karauna e whakararu i te haerenga o te pire nei, pērā anō ki tāna whakataunga mō te haonga ika, e ai ki tōna tirohanga.

Kua whakaae Te Kāwanatanga e tika ana, arā noa atu ngā rapunga whakamaherehere kia whakahaerea i mua i te pānuitanga o te whakamauru e whakaarotia ana. Kei te mōhio mātou, e whakaaroarohia ana e ngā kōti te tautohenga mō Te Pire Whakamauru i Te Moana o Rangitahua.

Tāpiritanga

Hātepe komiti

Nō te 24 o Haratua tau 2016, Te Pire Whakataunga i ngā Kerēme a Ngāi Te Rangi me Ngā Pōtiki i tonoa ai ki te komiti. Ko te 6 o Hōngongoi te rā i kati ai ngā tāpaetanga. E 10 ngā tāpaetanga i whiwhi, i whakaaroarohia nō mai i ngā kohinga whai pānga me te hunga takitahi. Nō mai i ngā kaitāpaetanga katoa e 10 ngā taunakitanga ā-waha i rongohia e mātou i Tauranga.

I whiwhi whakamaherehere mātou mai i Te Tari Whakatau Take e pā ana ki Te Tiriti o Waitangi, ā, mai i Te Tari Tohutohu Pāremata.

Ko ngā mema o Te Komiti, ko

Tūtehounuku Kōrako (Heamana)

Hōnore Chester Borrows

Mārama Davidson

Kelvin Davis

Mārama Fox

Joanne Hayes

Hōnore Nanaia Mahuta

Pita Paraone

Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined the Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill and recommends that it be passed with the amendments shown.

Introduction

The Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill seeks to give effect to the deed of settlement and the deeds to amend agreed between the Crown and Ngāi Te Rangi and Ngā Pōtiki to settle all of Ngāi Te Rangi and Ngā Pōtiki's outstanding historical Treaty of Waitangi claims.

Ngāi Te Rangi and Ngā Pōtiki's historical claims against the Crown include the war in Tauranga, raupatu (land confiscation), the Crown purchase of the Te Puna-Katikati block, native land laws in Tauranga Moana, Crown purchasing methods in the Tauranga District from 1880 to 1890, the compulsory acquisition of "uneconomic interests", and public works takings.

The acknowledgements and apology express the Crown's profound regret for the acts, omissions, and breaches of the Treaty of Waitangi, the effects of which have adversely affected Ngāi Te Rangi and Ngā Pōtiki for generations.

The bill includes only those parts of the redress in the settlement package that require legislative authority. Part 1 of the bill includes a summary of the background to the claims, acknowledgements, and an apology from the Crown. Part 2 sets out cultural redress. Part 3 deals with commercial redress.

The deed of settlement sets out in full the redress provided to Ngāi Te Rangi and Ngā Pōtiki for the full and final settlement of their historical Treaty of Waitangi claims.

This commentary covers the settlement issues we considered. It does not include the minor and technical amendments that we recommend to the bill.

Background information about Ngāi Te Rangi and Ngā Pōtiki

Ngāi Te Rangi is a Tauranga Moana iwi with a population of about 12,200 people. The area of interest starts from Maketu in the east to Whangamata in the north, across the Kaimai ranges to Ngawaro in the south.

Ngā Pōtiki is a hapū of Ngāi Te Rangi located mainly in the Papamoa region.

Ngāi Te Rangi's area of interest overlaps with those of Ngāti Ranginui and Ngāti Pūkenga, Te Arawa groups, Raukawa, Ngāti Hauā, Ngāti Hinerangi, and Hauraki iwi.

Mandate and negotiations

Te Rūnanga o Ngāi Te Rangi was mandated in October 2008 to negotiate the settlement for all Ngāi Te Rangi hapū, except for Ngā Pōtiki.

Ngā Pōtiki a Tamapahore Trust was mandated in May 2011 to represent the Ngā Pōtiki claimant community as part of the Ngāi Te Rangi negotiations.

It was agreed that there would be one Ngāi Te Rangi settlement, which would include Ngā Pōtiki. The trust would negotiate matters specific to Ngā Pōtiki, while Te Rūnanga would negotiate the general matters and specific matters relating to the other hapū. Important decisions would be made by consensus.

Kauri Point

Clause 44 of the bill would divide the Kauri Point property into two equal shares, giving one share to the trustees of the Ngāi Te Rangi settlement trust and the other share to the Ngāti Tamaterā settlement trust under the Ngāti Tamaterā settlement legislation.

Ngāti Tamaterā is part of the Hauraki Collective, which is still undertaking the negotiation process. We considered whether it was appropriate to preserve an interest for Ngāti Tamaterā in this bill, when its proceedings have no status in the parliamentary process.

We were advised that the preservation of redress for iwi without settlement legislation in the House is a mechanism used to allow groups to progress their Treaty settlements, while maintaining redress for other groups at different stages of the settlement process.

We consider it important that all iwi groups receive a redress package that accurately reflects their interests, and we understand that this is a common mechanism to allow groups to share redress. However, we are concerned that this preservation mechanism is applied inconsistently.

We discussed how this preservation mechanism was applied in the bill, particularly in comparison with the Rangitāne o Manawatu Claims Settlement Bill's handling of Tangimoana Forest land. We felt this comparison was important to make because the

Tangimoana Forest was transferred in full to Rangitāne o Manawatu as commercial redress, despite other groups' historical interests in the forest.

Our discussion centred on the difference between commercial and cultural redress, and the Crown's focus on attempting to reach an appropriate settlement for all current and future claimants. We note that Ngāi Te Rangi did not make its concerns about the shared interest in the Kauri Point property known until late 2015.

We received advice from officials that the extent of Ngāti Tamaterā interests in Kauri Point was based on determinations made by the Waitangi Tribunal which did not accept that Ngāti Tamaterā had exclusive interests in the Katikati block. Therefore, provision has been made to recognise their common interest with Ngāi Te Rangi in Kauri Point.

Overlapping claims

We received several submissions noting dissatisfaction about overlapping claims, two of which dispute Hauraki iwi interests in Tauranga Moana. We sought advice from the Office of Treaty Settlements about how it determined the extent of Hauraki interests in the Tauranga Moana catchment. We were advised that the Waitangi Tribunal report guided those considerations, and therefore future provision for the interests of overlapping claimants will be made in the Tauranga Moana Framework. We note that Tauranga Moana iwi have the opportunity to challenge Crown recognition of Hauraki interests in the overlapped area, but they have not taken this action.

Raupatu lands transferred to local government

Raupatu lands are Māori lands that were confiscated during the New Zealand Wars in the 1860s. The confiscated lands were given to the provincial government of the time, which then provided the land to settlers or made use of it for amenities.

We sought information about the assessment made to identify the raupatu lands that were transferred to local government. We were advised that 1,100 council-owned properties are within the Confiscated Lands Boundaries and that it would be difficult to categorically identify all raupatu lands transferred directly from central to local government.

We understand it is Crown policy that council land is not generally available for Treaty settlements because the land is not owned by the Crown. Submissions have highlighted this as a concern. We note that Ngāi Te Rangi and Ngā Pōtiki continue to engage and develop their relationships with the Tauranga City Council. We discuss specific issues relating to council land in the following two sections.

Tauranga City Council disposal of surplus lands policy

We asked whether there is a preference in favour of Tauranga Moana iwi for the disposal of surplus lands administered by the Tauranga City Council.

Although no current policy includes a right of first refusal, the council is developing a policy about tangata whenua interests and aspirations for areas of council lands. We

welcome its focus on this. The policy development had a public submission process, including a hui between the council and tangata whenua in July 2016.

Land held by the Western Bay of Plenty District Council

We received submissions expressing dissatisfaction that land on Matakana Island is not part of the settlement and will still be held by the Western Bay of Plenty District Council. The Matakana Island land is subject to the Public Works Act 1981, but the land referred to in submissions is no longer required for the use it was taken for.

We were advised that the council is working on an ongoing process to return the land to Matakana Island's five hapū. Although this matter was put on hold until after the local body elections, we expect that the newly elected council will meet hapū expectations in this instance.

Ngāi Te Rangi's relationship with the Crown

There is provision for a relationship between Ngāi Te Rangi and Housing New Zealand in the Ngāi Te Rangi deed of settlement. We received a submission questioning the durability of the settlement in light of the social housing reform programme, which involves the transfer of housing stock to private providers. Ngāi Te Rangi considers that it has been excluded from the transfer process.

We note that Ngāi Te Rangi continues to support the progress of the bill. There is ongoing work between the Crown and Ngāi Te Rangi to resolve the social housing issues, and we are confident that a satisfactory solution will be found.

Environmental concerns

We received a submission outlining the environmental degradation of Tauranga Moana and cultural sites of significance. We note that clause 3.15 of the deed of settlement contains the Crown's apology and acknowledgements that public works have had enduring negative effects on the lands, resources, and cultural identity of Ngāi Te Rangi and Ngā Pōtiki. The Crown has expressed profound regret for its actions.

Kermadec Ocean Sanctuary Bill

We received a submission supporting the bill but seeking confirmation that the Crown would not undermine the passage of this bill in the same way as, in the submitter's view, is happening with the submitter's fisheries settlement.

The Government has acknowledged that more consultation could have been carried out before announcing the proposed sanctuary. We are aware that litigation concerning the Kermadec Ocean Sanctuary Bill is being considered by the courts.

Appendix

Committee process

The Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill was referred to the committee on 24 May 2016. The closing date for submissions was 6 July 2016. We received and considered 10 submissions from interested groups and individuals. We heard oral evidence from all 10 submitters in Tauranga.

We received advice from the Office of Treaty Settlements and the Parliamentary Counsel Office.

Committee membership

Tutehounuku Korako (Chairperson)

Hon Chester Borrows

Marama Davidson

Kelvin Davis

Marama Fox

Joanne Hayes

Hon Nanaia Mahuta

Pita Paraone

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Christopher Finlayson

Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill

Government Bill

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Act **2016**.

2 Commencement

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

Part 1**Preliminary matters, acknowledgements and apology, and settlement of historical claims***Preliminary matters* 10**3 Purpose**

The purpose of this Act is—

- (a) to record the acknowledgements and apology given by the Crown to Ngāi Te Rangi and Ngā Pōtiki in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāi Te Rangi and Ngā Pōtiki. 15

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— 20
 - (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 25

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. 30
- (2) This Part—
 - (a) sets out the purpose of this Act; and

- (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and
- (c) specifies that the Act binds the Crown; and
- (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāi Te Rangi and Ngā Pōtiki, as recorded in the deed of settlement; and 5
- (e) defines terms used in this Act, including key terms such as Ngāi Te Rangi, Ngā Pōtiki, and historical claims; and
- (f) provides that the settlement of the historical claims is final; and
- (g) provides for— 10
 - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and 15
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and
 - (v) access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, including—
 - (a) cultural redress that does not involve the vesting of land, namely,— 20
 - (i) a statutory acknowledgement by the Crown of the statements made by Ngāi Te Rangi and Ngā Pōtiki of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement; and
 - (ii) the provision of official geographic names; and 25
 - (b) cultural redress requiring vesting in the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust of the fee simple estate in certain cultural redress properties, including 1 property jointly with 1 other iwi.
- (4) **Part 3** provides for commercial redress, including the power to transfer commercial properties and deferred selection properties, and the right of first refusal over RFR land. 30
- (5) There are 5 schedules, as follows:
 - (a) **Schedule 1** sets out the historical claims relating to Ngāi Te Rangi and Ngā Pōtiki: 35
 - (b) **Schedule 2** describes the statutory areas to which the statutory acknowledgement relates:
 - (c) **Schedule 3** describes the cultural redress properties:

- (d) **Schedule 4** describes 2 properties (ngā pae maunga) jointly vested in fee simple to be administered as reserves:
- (e) **Schedule 5** sets out provisions that apply to notices given in relation to RFR land.

Summary of historical account, acknowledgements, and apology of the Crown 5

7 Summary of historical account, acknowledgements, and apology

- (1) **Section 8** summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.
- (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Ngāi Te Rangi and Ngā Pōtiki in the deed of settlement. 10
- (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

Summary of historical account for Ngāi Te Rangi

- (1) During the 1840s and 1850s, the Crown had a limited presence in Tauranga. Ngāi Te Rangi continued to operate under their traditional tikanga and authority. 15
- (2) In 1858, the Kīngitanga was founded to create a Māori political authority that could engage with the Crown. Many Ngāi Te Rangi hapū and individuals supported the Kīngitanga. During the early stages of the Waikato war, Ngāi Te Rangi supplied food, weapons, ammunition, and men to their Waikato allies. In January 1864, the Crown sent troops to Tauranga to disrupt this, and in April Ngāi Te Rangi defeated the Crown at the battle of Pukehinahina (Gate Pā). In June, Crown troops defeated Māori forces at Te Ranga. 20
- (3) Between 1865 and 1868, the Crown established a confiscation district in Tauranga covering 290 000 acres to punish Māori who had opposed the Crown. Governor Grey undertook to return three-quarters of the district and retain one-quarter of the lands of rebels. Ngāi Te Rangi rangatira understood that only those considered to be in rebellion would lose a quarter of their lands. The Crown instead retained a 50 000-acre block between the Waimapu and Wairoa Rivers. This included key Ngāi Te Rangi settlements on the Te Papa and Otumoetai peninsulas and other Ngāi Te Rangi settlements and resource-gathering sites in the ranges. The remaining lands in the confiscation district in which Ngāi Te Rangi held interests were returned by the Crown to individuals rather than hapū. This was a slow process, which was not completed until the mid-1880s. 25 30 35
- (4) In 1865, prominent Ngāi Te Rangi rangatira Hori Tupaea became associated with Pai Mārire activities and was detained without being charged with any offence. He was released on parole on condition that he declare his allegiance to

the Crown and live at a place of the Governor's choosing, affecting Ngāi Te Rangi leadership at a crucial time.

- (5) Between 1864 and 1866, the Crown purchased 90 000 acres of land at Te Puna–Katikati. The purchase was arranged with 9 Ngāi Te Rangi chiefs despite the opposition of other Ngāi Te Rangi rangatira. The Crown also purchased the Te Papa Peninsula from the Church Missionary Society (CMS), despite the CMS insisting that it held the land for the benefit of Ngāi Te Rangi and other Māori. Today, Te Papa is the site of Tauranga's central business district.

5
- (6) The individualisation of title made Ngāi Te Rangi lands more susceptible to alienation. Crown purchasing activity, in particular during times of economic hardship in the 1880s and 1890s, led to the loss of lands at one of Ngāi Te Rangi's most significant sites, Mauao, as well as at Ottawa and on the offshore islands Moturiki, Motuotau, and Karewa.

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- (7) During the 20th century, infrastructure projects underpinning the development of Tauranga were constructed on land compulsorily acquired from Ngāi Te Rangi. These projects included the airport and port, the Tauranga–Mount Maunganui power transmission line, water and harbour works, and the Tauranga Te Maunga motorway.

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- (8) Some of these projects have resulted in the environmental degradation of Tauranga Moana and a reduction in biodiversity and food resources. Ngāi Te Rangi consider that the use of the Public Works Act 1928 had the same result as confiscation.

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- (9) Ngāi Te Rangi lost control over further lands through Crown policies, including land development schemes and the compulsory acquisition of uneconomic shares.

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- (10) The Crown's actions and omissions have meant that today Ngāi Te Rangi are virtually landless, retaining only approximately 2 percent of their rohe, and that their cultural landscapes and seascapes have been compromised and diminished.
- Summary of historical account for Ngā Pōtiki*

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- (11) In January 1864, the Crown deployed troops to Tauranga to stem the flow of Māori forces to the Waikato conflict. The Crown considered many Tauranga Māori to have been in rebellion during 1863 and 1864, and between 1865 and 1868 established a confiscation district in Tauranga covering 290 000 acres to punish Māori who had opposed the Crown. The land in the confiscation district in which Ngā Pōtiki held interests was subsequently returned, but this land was returned under Crown grants to individual owners, which was a slow process that was not completed until the mid-1880s.

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- (12) Ngā Pōtiki were awarded lands at Mangatawa and Pāpāmoa. By 1893, the Crown had acquired well over half of the Pāpāmoa block, including most of the coastline in the block, using aggressive purchasing tactics. This restricted Ngā Pōtiki access to their important coastal resources and sites of significance such

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- as coastal urupā. From 1896, the remaining 6 000 acres of Pāpāmoa and Mangatawa were subject to a long and complex process of subdivision and alienation. Residential development along the Pāpāmoa coastal plain over the latter part of the 20th century has been at the expense of Ngā Pōtiki heritage and archaeology. 5
- (13) Since 1886, 421 acres of Ngā Pōtiki lands have been acquired for public works purposes. These include Mangatawa, a maungatapu of great importance to Ngā Pōtiki and noted as the burial place of Tamapahore, the founding tūpuna of Ngā Pōtiki. In 1946, the Crown compulsorily acquired 5 acres of Mangatawa for a quarry. Quarrying destroyed the once formidable Mangatawa hill-top pā, with its kainga and cultivation terraces, and burial caves, and uncovered numerous koiwi. 10
- (14) In 1967, the Crown took 32 acres of the Pāpāmoa block adjacent to Te Tahuna o Rangataua (Rangataua estuary), where some Ngā Pōtiki were living, for the purposes of rubbish disposal. In 1975, despite vociferous opposition by Ngā Pōtiki, the Mount Maunganui Borough Reclamation and Empowering Act 1975 brought into operation a plan for reclamation work on the Rangataua tidal flats, and the construction of sewage ponds and an outfall joining the ponds to the ocean. The ponds and adjacent rubbish dump make food gathering and other activities in Te Tahuna o Rangataua undesirable, effectively dislocating Ngā Pōtiki from the area. 15 20
- (15) Between 1976 and 1978, the Mount Maunganui Borough Council created easements through Ngā Pōtiki lands in the Mangatawa and Pāpāmoa blocks, including through the Waitahanui urupā, for the laying of a pipe to discharge wastewater from the sewage ponds into the Pacific Ocean. The passage of sewage through this extremely tapu place is repugnant to Ngā Pōtiki. 25
- (16) From 1962, with the agreement of the Māori owner, the Post Office used the summit of Kopukairoa (also referred to as Kopukairua) as the site of a VHF transmitter. In 1971, the Crown formally took Kopukairoa summit through public works legislation. Ngā Pōtiki regard Kopukairoa as a maunga of immense cultural importance, and its loss remains a source of significant grievance. 30
- (17) Ngā Pōtiki consider that the amount of land taken for public works does not convey the full extent of the loss to them. Public works takings have had enduring negative impacts on Ngā Pōtiki's lands, resources, mana, cultural integrity, and identity. 35
- (18) The land that Ngā Pōtiki retained proved insufficient for Ngā Pōtiki's needs during the 20th century. By the end of that century, Ngā Pōtiki were left with just over 2 600 acres of land in Māori freehold title. The small amount of land that Ngā Pōtiki retain is largely cut off from the ocean, and this has impacted negatively on the identity of Ngā Pōtiki. 40

9 Acknowledgements

- (1) The Crown acknowledges that until now it has failed to deal with the long-standing grievances of Ngāi Te Rangi and Ngā Pōtiki in an appropriate way. The Crown hereby recognises the legitimacy of the historical grievances of Ngāi Te Rangi and Ngā Pōtiki and makes the following acknowledgements. 5
- (2) The Crown acknowledges that, prior to 1864, Ngāi Te Rangi and Ngā Pōtiki continued to manage their lands and resources according to their tikanga and were engaging in the New Zealand economy.
- (3) The Crown acknowledges that it was ultimately responsible for the outbreak of war in Tauranga in 1864, and the resulting loss of life, and its actions were a breach of the Treaty of Waitangi and its principles. The Crown acknowledges that a number of Ngāi Te Rangi were killed and wounded in battles at Pukehinahina and Te Ranga, but that Ngāi Te Rangi were faithful to the rules of engagement they set down prior to the fighting, and provided aid to wounded Crown soldiers. The Crown also acknowledges that Ngāi Te Rangi chief Hori Tupaea was detained without being charged or tried and was released on the condition that he declared his allegiance to the Crown. 10 15
- (4) The Crown acknowledges that the confiscation at Tauranga and the subsequent Tauranga District Lands Acts of 1867 and 1868 were indiscriminate, unjust, and a breach of the Treaty of Waitangi and its principles. The Crown also acknowledges that— 20
 - (a) it determined and imposed the location of the 50 000-acre block that was confiscated by the Crown; and
 - (b) the confiscated block included Ngāi Te Rangi lands; and
 - (c) lands in the Tauranga Confiscation District returned or reserved to Ngāi Te Rangi and Ngā Pōtiki were in the form of individualised title rather than Māori customary title. 25
- (5) The Crown also acknowledges that land on the Te Papa Peninsula, which today constitutes the Tauranga central business district, was included within the confiscation district, and was conveyed to the Crown by a private institution despite this institution previously insisting that it would always hold this land for the benefit of Māori. 30
- (6) The Crown further acknowledges that the confiscation and the subsequent Tauranga District Lands Acts of 1867 and 1868—
 - (a) had a devastating effect on the welfare and economy of Ngāi Te Rangi and Ngā Pōtiki; and 35
 - (b) deprived Ngāi Te Rangi and Ngā Pōtiki of wāhi tapu, access to significant parts of the cultural landscapes and seascapes, and opportunities for development at Tauranga; and
 - (c) restricted Ngāi Te Rangi and Ngā Pōtiki in the exercise of mana and rangatiratanga over their lands and resources within Tauranga Moana. 40

- (7) The Crown acknowledges that it failed to actively protect Ngāi Te Rangi interests in lands they wished to retain when it initiated the purchase of the Te Puna and Katikati blocks in 1864 with only 9 members of Ngāi Te Rangi and completed the purchase despite the opposition of other Ngāi Te Rangi chiefs. The Crown acknowledges that this failure was in breach of the Treaty of Waitangi and its principles. 5
- (8) The Crown acknowledges that—
- (a) it imposed the individualisation of titles by the Tauranga Land Commissioners on Ngāi Te Rangi and Ngā Pōtiki, and did not consult Ngāi Te Rangi and Ngā Pōtiki on the introduction of native land legislation; and 10
 - (b) the reserves set aside in the 50 000-acre and Te Puna–Katikati blocks were mainly awarded to just a few Ngāi Te Rangi individuals; and
 - (c) the Tauranga Land Commissioners took many years to complete their investigations of the ownership of land; and
 - (d) those Ngāi Te Rangi and Ngā Pōtiki lands within the confiscation district that were returned to Māori were granted by the Crown to individual owners; and 15
 - (e) the awarding of titles to individuals by the Tauranga Land Commissioners and the Native Land Court made Ngāi Te Rangi and Ngā Pōtiki lands more susceptible to partition, fragmentation, and alienation; and 20
 - (f) this had a prejudicial effect on Ngāi Te Rangi and Ngā Pōtiki as it contributed to the erosion of tribal structures that were based on collective tribal and hapū custodianship of land. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles. 25
- (9) The Crown acknowledges that, less than 20 years after confiscating a large amount of land from Ngāi Te Rangi and Ngā Pōtiki, it began purchasing additional large amounts, including the sacred site of Mauao, the offshore islands of Karewa, Motuotau, Moturiki, and Tuhua, and Papamoa and Otawa, at a time of great economic hardship for Ngāi Te Rangi and Ngā Pōtiki. The Crown further acknowledges that in negotiating land purchases from Ngāi Te Rangi and Ngā Pōtiki during the 1880s and 1890s it— 30
- (a) frequently made use of monopoly powers; and
 - (b) used aggressive tactics to negotiate for land, including—
 - (i) exploiting food shortages to persuade individuals to sell; and 35
 - (ii) purchasing interests from minors.
- (10) The Crown acknowledges that, taken together, these tactics meant that the Crown failed to actively protect the interests of Ngāi Te Rangi and Ngā Pōtiki, and that the Crown’s conduct of land purchase negotiations in the 1880s and 1890s breached the Treaty of Waitangi and its principles. 40

- (11) The Crown acknowledges that—
- (a) by the end of the 20th century, Ngā Pōtiki were left with just over 2 600 acres in Maori freehold title; and
 - (b) the loss of most of their coastal lands has reduced Ngāi Te Rangi and Ngā Pōtiki's access to coastal urupā, kainga, food-gathering areas, and associated resources; and 5
 - (c) the cumulative effect of its actions and omissions has left Ngāi Te Rangi virtually landless; and
 - (d) the Crown's failure to ensure that Ngāi Te Rangi and Ngā Pōtiki retained sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles. 10
- (12) The Crown acknowledges that the operation of a development scheme at Kaitemako from the 1930s to the 1950s meant that Ngāi Te Rangi lost effective control of this land for a number of years.
- (13) The Crown acknowledges that, between 1953 and 1974, it empowered the Māori Trustee to acquire compulsorily Māori land interests that the Crown deemed “uneconomic”, and this was a breach of the Treaty of Waitangi and its principles, and deprived some Ngāi Te Rangi of a direct link to their turanga-waewae. 15
- (14) The Crown acknowledges that it compulsorily acquired over 4 000 acres of land from Ngāi Te Rangi and Ngā Pōtiki under public works legislation, including areas of cultural significance to Ngāi Te Rangi and Ngā Pōtiki such as Panepane, the maunga tupuna Mangatawa, and urupā. These takings have given rise to a serious grievance that is still felt today by Ngāi Te Rangi and Ngā Pōtiki. The Crown further acknowledges that it breached the Treaty of Waitangi and its principles by— 20
- (a) failing to protect the interests of the owners in relation to the Whareroa lands taken for “better utilisation”; and
 - (b) failing to adequately notify or provide compensation to some owners in relation to the construction of power lines over Māori-owned land; and 30
 - (c) knowingly taking more land than was required for the public work in relation to Kaitemako B and C. By not consulting the owners, the Crown failed to provide them with the opportunity to negotiate the amount to be taken.
- (15) The Crown acknowledges that public works have had enduring negative effects on the lands, resources, and cultural identity of Ngāi Te Rangi and Ngā Pōtiki, including— 35
- (a) the laying of sewerage and wastewater pipes over the Waitahanui urupā and the taking of lands for effluent treatment ponds; and
 - (b) the taking of land at Papamoa for rubbish disposal; and 40

- (c) the establishment of a communications tower on the peak of Kopukairoa; and
 - (d) the development of the port and airport; and
 - (e) the motorway and infrastructure networks on the Maungatapu and Mata-pihi peninsulas. 5
- (16) The Crown further acknowledges—
 - (a) the significant contribution that Ngāi Te Rangi and Ngā Pōtiki have made to the wealth and infrastructure of Tauranga on account of the lands taken for public works; and
 - (b) the generosity of spirit shown by Ngāi Te Rangi in enabling Tūhua to be the first island to be designated a Māori conservation area, and the lost opportunity for Ngāi Te Rangi to exercise rangatiratanga over the island. 10
- (17) The Crown acknowledges that the raupatu/confiscation at Tauranga, many of the Crown's subsequent policies, and the expansion of Tauranga onto the remaining lands of Ngāi Te Rangi and Ngā Pōtiki have contributed to the socio-economic marginalisation of Ngāi Te Rangi and Ngā Pōtiki in their rohe, and that Ngāi Te Rangi and Ngā Pōtiki living within their rohe suffer worse housing conditions and health, and have worse economic and educational outcomes than other New Zealanders. 15
- (18) The Crown acknowledges— 20
 - (a) the significance of the land, forests, harbours, and waterways of Tauranga Moana to Ngāi Te Rangi and Ngā Pōtiki as a physical and spiritual resource; and
 - (b) that the development of the Port of Tauranga, the disposing of sewage and wastewater into the harbours and waterways of Tauranga Moana, and the construction of effluent treatment ponds on Te Tahuna o Rangataua have resulted in the environmental degradation of Tauranga Moana and the reduction of biodiversity and food resources, which remain a source of great distress to Ngāi Te Rangi and Ngā Pōtiki. 25
- 10 Apology 30**

The text of the apology offered by the Crown to Ngāi Te Rangi and Ngā Pōtiki, as set out in the deed of settlement, is as follows:

 - “(a) The Crown makes this apology to Ngāi Te Rangi and Ngā Pōtiki, to your tūpuna and to your descendants.
 - (b) The Crown unreservedly apologises for not having fulfilled its obligations to Ngāi Te Rangi and Ngā Pōtiki under te Tiriti o Waitangi/the Treaty of Waitangi and for having shown disrespect for the mana and rangatiratanga of Ngāi Te Rangi and Ngā Pōtiki. 35
 - (c) The Crown's acts and omissions since the signing of the Treaty of Waitangi have dishonoured the spirit with which Ngāi Te Rangi and Ngā 40

Pōtiki entered the Treaty with the Crown. At the Crown's hands, Ngāi Te Rangi and Ngā Pōtiki suffered because of war and raupatu in Tauranga and the serious deprivations that followed. The Crown is profoundly sorry for its actions and that your people have carried the heavy burden of these Crown actions over successive generations.

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- (d) The Crown deeply regrets its acts and omissions that have led to the loss of so much of the lands of Ngāi Te Rangi and Ngā Pōtiki. The Crown apologises for the loss of sacred sites and key resources that its acts and omissions have caused Ngāi Te Rangi and Ngā Pōtiki. In particular, the Crown is profoundly sorry that Ngāi Te Rangi lost ownership of Mauao for 120 years and lost access to coastal lands, and that Ngā Pōtiki lost access to coastal lands at Papamoa.
- (e) The Crown is deeply sorry for the marginalisation Ngāi Te Rangi and Ngā Pōtiki have endured while the city of Tauranga expanded on their customary lands. The Crown apologises for the lost opportunities for development, and for the significant harm its actions have caused to the social and economic well-being of Ngāi Te Rangi and Ngā Pōtiki.
- (f) Through this apology and this settlement, the Crown seeks to address the wrongs of the past and to create a new platform from which to establish a relationship with Ngāi Te Rangi and Ngā Pōtiki, a relationship based on mutual respect and co-operation as was originally envisaged by the Treaty of Waitangi."

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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.

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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

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attachments means the attachments to the deed of settlement

commercial property has the meaning given in **section 82**

computer register—

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

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

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

cultural redress property has the meaning given in **section 39**

deed of settlement—

5

(a) means the deed of settlement dated 14 December 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) Charlie Tawhiao, Mita Ririnui, Maureen Ririnui, Puhirake Ihaka, Kerewai Wanakore, Wena Harawira, Whiti McLeod, Turi Ngatai, and Anthony Fisher, for and on behalf of Ngāi Te Rangi and as the trustees of the Ngāi Te Rangi Settlement Trust; and

10

(iii) Colin Reeder, Matire Duncan, Victoria Kingi, Poihaere Walker, and Waka Taite, for and on behalf of Ngā Pōtiki and as the trustees of the Ngā Pōtiki a Tamapahore Trust; and

15

(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 82**

20

Director-General means the Director-General of Conservation within the meaning of section 2(1) of the Conservation Act 1987

documents schedule means the documents schedule of the deed of settlement

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

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

25

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

joint cultural redress property has the meaning given in **section 65**

LINZ means Land Information New Zealand

member of Ngā Pōtiki means an individual referred to in **section 13(2)(a)**

30

member of Ngāi Te Rangi means an individual referred to in **section 13(1)(a)**

Ngā Pōtiki a Tamapahore Trust means the trust of that name established by a trust deed dated 1 October 2013

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

35

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

recorded name has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

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 in accordance with section 4 of the Land Transfer Act 1952 5

representative entity means, as the case may require,—

- (a) the trustees of the Ngāi Te Rangi Settlement Trust; and
- (b) the trustees of the Ngā Pōtiki a Tamapahore Trust; and
- (c) any person (including any trustee) acting for or on behalf of— 10
 - (i) 1 or both of the collective groups referred to in **section 13(1)(a) and (2)(a)**; or
 - (ii) 1 or more members of Ngāi Te Rangi or Ngā Pōtiki; or
 - (iii) 1 or more of the whānau, hapū, or groups referred to in **section 13(1)(c) and (2)(c)** 15

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

reserve property has the meaning given in **section 39**

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** 20

RFR land has the meaning given in **section 88**

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 22**

tikanga means customary values and practices 25

trustees of the Ngā Pōtiki a Tamapahore Trust means the trustees, acting in their capacity as trustees, of the Ngā Pōtiki a Tamapahore Trust

trustees of the Ngāi Te Rangi Settlement Trust means the trustees, acting in their capacity as trustees, of the Ngāi Te Rangi Settlement Trust

working day means a day other than— 30

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day;
- (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday;
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year: 35
- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington.

13 Meaning of Ngāi Te Rangi and Ngā Pōtiki**(1) In this Act, Ngāi Te Rangi—**

- (a) means the collective group composed of individuals who are descended from 1 or more ancestors of Ngāi Te Rangi; and
- (b) includes those individuals; and 5
- (c) includes every whānau, hapū, or group to the extent that it is composed of those individuals, including the following groups:
 - (i) Ngāi Tamawhariua; and
 - (ii) Ngāi Tukairangi; and
 - (iii) Ngāi Tuwhiwhia; and 10
 - (iv) Ngāti He; and
 - (v) Ngāti Kuku; and
 - (vi) Ngāti Tapu; and
 - (vii) Ngāti Tauaiti; and
 - (viii) Te Ngare; and 15
 - (ix) Te Whanau a Tauwhao.

(2) In this Act, Ngā Pōtiki—

- (a) means the collective group composed of individuals who are descended from 1 or more ancestors of Ngā Pōtiki; and
- (b) includes those individuals; and 20
- (c) includes every whānau, hapū, or group to the extent that it is composed of those individuals, including the following groups:
 - (i) Ngāti Hinetoro; and
 - (ii) Ngāti Homai; and
 - (iii) Ngāti Kaahu; and 25
 - (iv) Ngāti Kauae; and
 - (v) Ngāti Kiritawhiti; and
 - (vi) Ngāti Kiriwera; and
 - (vii) Ngāti Mate Ika; and
 - (viii) Ngāti Patukiri; and 30
 - (ix) Ngāti Pou; and
 - (x) Ngāti Puapua; and
 - (xi) Ngāti Tahuora; and
 - (xii) Ngāti Turumakina.

(3) In this section and section 14,— 35

ancestor of Ngā Pōtiki means an individual who—

- (a) exercised customary rights by virtue of being descended from—
 - (i) the eponymous Ngā Pōtiki ancestor Tamapahore, through his children Uruhina, Kiritawhiti, Rereoho, Pupukino, Kahukino, Tamapiri, Ngaparetaihinu, and Parewaitai; or 5
 - (ii) 1 or more of Tamapahore's siblings Tamauroa, Tamapinaki, and Werapinaki; or
 - (iii) any other recognised ancestor of a group referred to in **subsection (2)(c)**; and
- (b) exercised the customary rights predominantly in relation to the Ngā Pōtiki area of interest at any time after 6 February 1840 10

ancestor of Ngāi Te Rangi means an individual who—

- (a) exercised customary rights by virtue of being descended from—
 - (i) Te Rangihouhiri or Tamapahore; or
 - (ii) any other recognised ancestor of a group referred to in **subsection (1)(c)**; and 15
- (b) exercised the customary rights predominantly in relation to the Ngāi Te Rangi area of interest at any time after 6 February 1840

area of interest,—

- (a) for Ngāi Te Rangi, means the area shown as the Ngāi Te Rangi area of interest in part 1.1 of the attachments; and 20
- (b) for Ngā Pōtiki, means the area shown as the Ngā Pōtiki area of interest in part 1.2 of the attachments

customary rights means rights exercised according to tikanga Māori, including— 25

- (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 30
- (c) Māori customary adoption in accordance with Ngāi Te Rangi or Ngā Pōtiki tikanga, as relevant.

14 Meaning of historical claims

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

- (a) means the claims described in **subsection (2)**; and 35
- (b) includes the claims described in **subsection (3)**; but
- (c) does not include the claims described in **subsection (4)**.

- (2) The historical claims are every claim that Ngāi Te Rangi or Ngā Pōtiki 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 5
 - (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— 10
 - (i) by or on behalf of the Crown; or
 - (ii) by or under legislation.
- (3) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāi Te Rangi, Ngā Pōtiki, or a representative entity, including each of the claims set out in **Part 1 of Schedule 1**, to the extent that **subsection (2)** applies to the claim; and 15
 - (b) any other claim to the Waitangi Tribunal, including each of the claims set out in **Part 2 of Schedule 1**, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngāi Te Rangi, Ngā Pōtiki, or a representative entity. 20
- (4) However, the historical claims do not include—
- (a) a claim that a member of Ngāi Te Rangi, Ngā Pōtiki, or a whānau, hapū, or group referred to in **section 13(1)(c) or (2)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāi Te Rangi or an ancestor of Ngā Pōtiki; or 25
 - (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**.
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date. 30

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

- (1) The historical claims are settled. 35
- (2) The settlement of the historical claims is final, and on and from the settlement date the Crown is released and discharged from all obligations and liabilities in respect of those claims.

- (3) **Subsections (1) and (2)** do not limit—
- (a) the deed of settlement; or
 - (b) the collective deed.
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—
- (a) the historical claims; or
 - (b) the deed of settlement; or
 - (c) this Act; or
 - (d) the redress provided under the deed of settlement or this Act; or
 - (e) each of the following, to the extent that it relates to Ngāi Te Rangi:
 - (i) the collective deed:
 - (ii) the collective Act:
 - (iii) the redress provided under the collective deed or the collective Act.
- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement, the collective deed, this Act, or the collective Act.
- (6) In this section,—
- collective Act** means **Parts 1 to 3 of the Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2015**
- collective deed** means the Tauranga Moana Iwi Collective deed defined in **section 8** of the collective Act.
- Amendment to Treaty of Waitangi Act 1975* 25
- 16 Amendment to Treaty of Waitangi Act 1975**
- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order “Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Act **2016, section 15(4) and (5)**”.
- Resumptive memorials no longer to apply* 30
- 17 Certain enactments do not apply**
- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to a cultural redress property (other than the Kauri Point property); or
 - (b) to the Kauri Point property, on and from the date of its vesting in accordance with **section 44(3)**; or

- (c) to a commercial property on and from the date of its transfer to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust; or
 - (d) to the deferred selection property that is not RFR land on and from the date of its transfer to the trustees of the Ngā Pōtiki a Tamapahore Trust; or 5
 - (e) to a joint cultural redress property on and from its vesting under **sub-part 4 of Part 2**; or
 - (f) to the RFR land; or
 - (g) for the benefit of Ngāi Te Rangi, Ngā Pōtiki, or a representative entity. 10
- (2) The enactments are—
- (a) Part 3 of the Crown Forest Assets Act 1989:
 - (b) sections 211 to 213 of the Education Act 1989:
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990: 15
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986:
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.
- 18 Resumptive memorials to be cancelled**
- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the computer register for, each allotment that— 20
- (a) is all or part of—
 - (i) a cultural redress property:
 - (ii) a commercial property:
 - (iii) the deferred selection property that is not RFR land: 25
 - (iv) a joint cultural redress property:
 - (v) the RFR land; and
 - (b) is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after— 30
- (a) the settlement date, for a cultural redress property (other than the Kauri Point property) or the RFR land; or
 - (b) the date of the vesting of the property in accordance with **section 44(3)**, for the Kauri Point property; or 35

- (c) the date of transfer of the property to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust, for a commercial property; or
- (d) the date of transfer of the property to the trustees of the Ngā Pōtiki a Tamapahore Trust, for the deferred selection property that is not RFR land; or 5
- (e) the vesting date of the property under **subpart 4 of Part 2**, for a joint cultural redress 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— 10
 - (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. 15

Miscellaneous matters

19 Rule against perpetuities does not apply

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—
 - (a) do not prescribe or restrict the period during which— 20
 - (i) the Ngāi Te Rangi Settlement Trust or the Ngā Pōtiki a Tamapahore Trust may exist in law; or
 - (ii) the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust may hold or deal with property or income derived from property; and 25
 - (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 either the Ngāi Te Rangi Settlement Trust or the Ngā Pōtiki a Tamapahore Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law. 30

20 Access to deed of settlement

- The chief executive of the Ministry of Justice must make copies of the deed of settlement available— 35

- (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.

5

21 Provisions that have same effect

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

Part 2 Cultural redress

10

Subpart 1—Statutory acknowledgement

22 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

15

relevant iwi means,—

- (a) for the statutory areas listed in **Part 1 of Schedule 2**, Ngāi Te Rangi; or
- (b) for the statutory area described in **Part 2 of Schedule 2**, Ngā Pōtiki; or
- (c) for the statutory areas listed in **Part 3 of Schedule 2**, both Ngāi Te Rangi and Ngā Pōtiki

20

relevant trustees means,—

- (a) for the statutory areas listed in **Part 1 of Schedule 2**, the trustees of the Ngāi Te Rangi Settlement Trust; or
- (b) for the statutory area described in **Part 2 of Schedule 2**, the trustees of the Ngā Pōtiki a Tamapahore Trust; or
- (c) for the statutory areas listed in **Part 3 of Schedule 2**, the trustees of the Ngāi Te Rangi Settlement Trust and the trustees of the Ngā Pōtiki a Tamapahore Trust

25

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

30

- (a) made by the relevant iwi of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 1.1 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in **section 23** in respect of the statutory areas, on the terms set out in this subpart

35

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

statutory plan—

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

Statutory acknowledgement

23 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association for the statutory areas. 10

24 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with **sections 25 to 27**; and 15
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the relevant trustees, in accordance with **sections 28 and 29**; and 20
- (c) to enable the relevant trustees and any member of the relevant iwi to cite the statutory acknowledgement as evidence of the association of the iwi with a statutory area, in accordance with **section 30**.

25 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. 25
- (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 relevant trustees are affected persons in relation to the activity. 30
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

26 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. 35

- (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 relevant trustees are persons with an interest in the proceedings greater than that of the general public. 5
- (3) **Subsection (2)** does not limit the obligations of the Environment Court under the Resource Management Act 1991.
- 27 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. 10
- (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. 15
- (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 relevant trustees are persons directly affected by the decision; and 20
- (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. 25
- 28 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. 30
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 23 to 27, 29, and 30**; and
- (b) descriptions of the statutory areas wholly or partly covered by the plan; and
- (c) the statement of association for each statutory area. 35
- (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.

29 Provision of summary or notice to relevant trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the relevant trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area: 5
 - (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. 10
- (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 relevant trustees and the relevant consent authority. 15
- (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. 20
- (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 relevant trustees may, by written notice to a relevant consent authority,— 25
 - (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,— 30
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
 - (b) under section 95E of that Act, whether the relevant trustees are affected persons in relation to an activity.

30 Use of statutory acknowledgement

- (1) The relevant trustees and any member of the relevant iwi may, as evidence of the association of the iwi 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— 35

-
- (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. 5
 - (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. 10
 - (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.
 - (4) To avoid doubt,—
 - (a) neither the relevant trustees nor members of the relevant iwi are precluded from stating that the iwi has an association with a statutory area that is not described in the statutory acknowledgement; and 15
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.
- 31 Application of statutory acknowledgement to river or stream**
- If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement— 20
- (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 25
 - (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 30
 - (ii) an artificial watercourse.
- 32 Exercise of powers and performance of functions and duties**
- (1) The statutory acknowledgement does 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. 35

- (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 the relevant iwi with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.
- (3) **Subsection (2)** does not limit **subsection (1)**. 5
- (4) This section is subject to the other provisions of this subpart.

33 Rights not affected

- (1) The statutory acknowledgement—
- (a) does not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and 10
- (b) does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

Consequential amendment to Resource Management Act 1991

- 34 Amendment to Resource Management Act 1991** 15
- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order “Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Act **2016**”.

Subpart 2—Official geographic names

- 35 Interpretation** 20
- In this subpart,—
- Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008
- Board** has the meaning given in section 4 of the Act
- official geographic name** has the meaning given in section 4 of the Act. 25

36 Official geographic names

- (1) A name specified in the second column of the table in clause 5.25 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.
- (2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act. 30

37 Publication of official geographic names

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 36**.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date. 5

38 Subsequent alteration of official geographic names

- (1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—
 - (a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but 10
 - (b) must have the written consent of the trustees of the Ngāi Te Rangi Settlement Trust.
- (2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the Act.

Subpart 3—Vesting of cultural redress properties 15

39 Interpretation

In this subpart,—

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

Properties vested in fee simple to be administered as reserves 20

- (a) Karewa Island:
- (b) Motuotau Island:
- (c) Otara Maunga property:
- (d) Waitao Stream property:

Property jointly vested in fee simple to be administered as reserve 25

- (e) Kauri Point property

Ngāti Tamaterā Treaty Settlement Trust means the trust of that name established by a trust deed dated 22 October 2013

reserve property means each of the properties named in **paragraphs (a) to (e)** of the definition of cultural redress property. 30

Properties vested in fee simple to be administered as reserves

40 Karewa Island

- (1) The reservation of Karewa Island as defined in **subsection (7)** (being Karewa Island Wildlife Sanctuary) as a government purpose (wildlife sanctuary) reserve subject to the Reserves Act 1977 is revoked. 35

- (2) The Wildlife Sanctuary (Karewa Island) Order 1965 (SR 1965/182) is revoked.
 - (3) The fee simple estate in Karewa Island vests in the trustees of the Ngāi Te Rangi Settlement Trust.
 - (4) Karewa Island is declared a reserve and classified as a nature reserve subject to section 20 of the Reserves Act 1977. 5
 - (5) The reserve is named Karewa Island Nature Reserve.
 - (6) **Subsections (1) to (5)** do not take effect until the trustees of the Ngāi Te Rangi Settlement Trust and the Director-General have entered into the memorandum of understanding referred to in clause 5.5.2 of the deed.
 - (7) For the purposes of **subsection (1)** only, **Karewa Island** means the area of land measuring 8 acres 3 roods 12 perches, more or less, being Karewa East and West Blocks as shown on ML 5619 and SO 19411 (South Auckland Land District). 10
- 41 Motuotau Island**
- (1) The reservation of Motuotau Island (being Motuotau Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 15
 - (2) The fee simple estate in Motuotau Island vests in the trustees of the Ngāi Te Rangi Settlement Trust.
 - (3) Motuotau Island is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 20
 - (4) The reserve is named Motuotau Island Scenic Reserve.
- 42 Otara Maunga property**
- (1) The reservation of the part of the Otara Maunga property (being part of Otara Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked. 25
 - (2) The reservation of the part of the Otara Maunga property as a local purpose (water conservation) reserve subject to the Reserves Act 1977 is revoked.
 - (3) The fee simple estate in the Otara Maunga property vests in the trustees of the Ngā Pōtiki a Tamapahore Trust.
 - (4) The Otara Maunga property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 30
 - (5) The reserve is named Otara Maunga Scenic Reserve.
- 43 Waitao Stream property**
- (1) The Waitao Stream property ceases to be a conservation area under the Conservation Act 1987. 35
 - (2) The fee simple estate in the Waitao Stream property vests in the trustees of the Ngāi Te Rangi Settlement Trust.

- (3) The Waitao Stream property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Waitao Scenic Reserve.

Property jointly vested in fee simple to be administered as reserve

- 44 Kauri Point property** 5
- (1) This section and **sections 45 to 49** take effect on and from the later of the following dates:
 - (a) the settlement date; and
 - (b) the settlement date under Ngāti Tamaterā settlement legislation.
 - (2) The reservation of the Kauri Point property (being part of Kauri Point Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked. 10
 - (3) The fee simple estate in the Kauri Point property vests as undivided half shares in the specified groups of trustees as tenants in common as follows:
 - (a) a share vests in the trustees of the Ngāi Te Rangi Settlement Trust under this paragraph; and 15
 - (b) a share vests in the trustees of the Ngāti Tamaterā Treaty Settlement Trust under the Ngāti Tamaterā settlement legislation.
 - (4) The Kauri Point property is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
 - (5) The reserve is named Kauri Point Historic Reserve. 20
 - (6) The Council is the administering body of the reserve as if the Council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977.
 - (7) Despite section 41(1) of the Reserves Act 1977, and as long as the Council is the administering body of the Kauri Point property,— 25
 - (a) the reserve management plan currently in force for all of the reserves administered by the Council in the area in which the Kauri Point property is located continues to apply to the Kauri Point property; and
 - (b) when the Council is reviewing that plan, to the extent it applies to the Kauri Point property, the Council and the owners must jointly prepare and approve a separate reserve management plan for that property. 30
 - (8) In this section, **Ngāti Tamaterā settlement legislation** means legislation that—
 - (a) settles the historical claims of Ngāti Tamaterā; and
 - (b) provides for the vesting of an undivided half share of the fee simple estate in the Kauri Point property in the trustees of the Ngāti Tamaterā Treaty Settlement Trust. 35
 - (9) In this section and **sections 45 to 47**,—

Council means the Western Bay of Plenty District Council

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

45 Improvements attached to Kauri Point property

- (1) This section applies to improvements attached to the Kauri Point property (the **property**) as at the date of its vesting in accordance with **section 44(3)**, and despite that vesting. 5
- (2) Improvements owned by the Council immediately before the vesting—
 - (a) remain vested in the Council; and
 - (b) are personal property, no longer forming part of the property, and do not confer an estate or interest in the property; and 10
 - (c) may remain attached to the property without the consent of, and without charge by, the owners of the property or the administering body (if no longer the Council); and
 - (d) may be accessed, used, occupied, repaired, or maintained by the Council or those authorised by it, at any time without the consent of, and without charge by, the owners of the property or the administering body (if no longer the Council). 15
- (3) Improvements referred to in **subsection (2)** may, subject to any relevant statutory requirement, be removed or demolished by the Council at any time without the consent of, and without charge by, the owners of the property or the administering body (if no longer the Council), but the Council must— 20
 - (a) give the owners of the property and the administering body (if no longer the Council) not less than 15 working days' written notice of the intended removal or demolition; and 25
 - (b) after the removal or demolition, ensure that the land is left in a clean and tidy condition.
- (4) Any other improvement attached to the property with the consent of the Crown or the administering body of the property at the time of its attachment— 30
 - (a) vests in the person or body who attached the improvement; or
 - (b) if that person or body is deceased, dissolved, or otherwise no longer exists, or no longer has an interest in the improvement, vests in the person or body who, immediately before the vesting of the property, would have had a proprietary right to the improvement.
- (5) **Subsections (2) and (4)** apply subject to any other enactment that governs the ownership of an improvement. 35
- (6) **Subsection (4)** does not affect or limit any rights in relation to the property that may arise from the ownership of the improvement.

- (7) For the purposes of administering the reserve under the Reserves Act 1977, the administering body is responsible for any decisions in respect of a matter that arises from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the property.
- (8) **Subsection (7)** is subject to any other enactment that governs the use of the improvement concerned. 5
- (9) Despite the provisions of this section, the trustees are not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of the property.
- 46 Future interests for Kauri Point reserve land** 10
- (1) This section applies to the Kauri Point reserve land, but only while the Council is the administering body of that land.
- (2) Despite the Council being the administering body, the owners may accept, grant, or decline to grant any interest in land that affects the reserve land, or may renew or vary such an interest. 15
- (3) If a person wishes to obtain an interest in land in the reserve land, or renew or vary such an interest, the person must apply under this section, in writing, through the Council.
- (4) The Council must—
- (a) advise the owners of any application received under **subsection (3)**; and 20
- (b) undertake the administrative processes required by the Reserves Act 1977 in relation to each application.
- (5) Before the owners determine an application, the owners must consult the Council. 25
- (6) Except as specified in **subsection (2)**, the Reserves Act 1977 applies to the granting of any interest in land or any renewal or variation of the interest.
- (7) To avoid doubt, the Council may accept, grant, or decline to grant an interest that is not an interest in land that affects the reserve land, or may renew or vary such an interest. 30
- (8) In this section and **sections 47 to 49**, **Kauri Point reserve land** and **reserve land** mean all or the part of the Kauri Point property that remains a reserve under the Reserves Act 1977.
- 47 Administration of Kauri Point reserve land**
- (1) The owners and the Council may jointly— 35
- (a) agree that the Council no longer be the administering body of the Kauri Point reserve land; and
- (b) notify the Minister of Conservation (the **Minister**) in writing of the agreement.

- (2) The Minister may, at his or her sole discretion, revoke the appointment of the Council as the administering body of the reserve land if requested in writing to do so by the owners or the Council.
 - (3) Before making a decision under **subsection (2)**, the Minister must consult the owners and the Council. 5
 - (4) When the Minister has determined a request, the Minister must notify the owners and the Council in writing of his or her decision.
 - (5) If the Minister receives a notice under **subsection (1)** or decides to grant the request to revoke the appointment of the Council as the administering body of the reserve land, a joint management body must be established for the Kauri Point reserve land in accordance with **section 48** not later than 40 working days after— 10
 - (a) the Minister is notified under **subsection (1)**; or
 - (b) notice is given under **subsection (4)**.
 - (6) Not later than 10 working days after a joint management body is established under **subsection (5)**, the appointers of the body must jointly notify the Minister and the Council of that fact. 15
 - (7) The Minister must, not later than 20 working days after being notified under **subsection (6)**, publish a notice in the *Gazette* declaring that— 20
 - (a) the Council is no longer the administering body of the reserve land; and
 - (b) the joint management body established in accordance with **section 48** is the administering body of the reserve land, and the Reserves Act 1977 applies to the reserve land as if the reserve land were vested in that body (as if the body were trustees) under section 26 of that Act.
- 48 Joint management body for Kauri Point reserve land** 25
- (1) The joint management body is the administering body of the reserve land on and from the date on which a notice is published under **section 47(7)**.
 - (2) The following are appointers for the purposes of this section and **section 47**:
 - (a) the trustees of the Ngāi Te Rangi Settlement Trust; and
 - (b) the trustees of the Ngāti Tamaterā Treaty Settlement Trust. 30
 - (3) Each appointer may appoint 2 members to the joint management body.
 - (4) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
 - (a) the full name, address, and other contact details of the member; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice. 35
 - (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment.

- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (8) However, the following provisions apply in relation to meetings of the joint management body: 5
- (a) despite section 32(1) of the Reserves Act 1977, the first meeting of the body must be held not later than 6 months after the date on which the body is declared to be the administering body under **section 47(7)**:
 - (b) despite section 32(7) of the Reserves Act 1977,— 10
 - (i) no casting vote may be exercised, and the members must strive to reach a consensus; but
 - (ii) if a consensus cannot be reached within a reasonable time, a decision must be made by majority vote:
 - (c) despite section 32(9) of the Reserves Act 1977, a quorum for a meeting of the body consists of at least 1 member appointed by each appointer. 15

49 Matter to be recorded on computer freehold register for Kauri Point reserve land

- (1) If **section 51(1)** applies, the trustees of the Ngāi Te Rangi Settlement Trust must provide to the Registrar-General a copy of the *Gazette* notice published under **section 47(7)** as soon as is reasonably practicable after publication. 20
- (2) For the Kauri Point reserve land, the Registrar-General must note on any computer freehold register created under **section 54** or derived from a computer freehold register created under that section that the land is subject to **section 51(3)**. 25

General provisions applying to vesting of cultural redress properties

50 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**. 30

51 Interests in land for Kauri Point property

- (1) This section applies to all or the part of the Kauri Point property that remains a reserve under the Reserves Act 1977 (the **reserve land**) after its vesting in accordance with **section 44(3)**, but only while the reserve land is administered by the joint management body appointed under **section 48**. 35
- (2) If the Kauri Point property is affected by an interest in land at the time the joint management body is declared to be the administering body under **section**

47(7), the interest applies as if the body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

- (3) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered proprietor of the reserve land. 5

52 Interests that are not interests in land

- (1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in **Schedule 3**, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 10
- (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 15
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the property.
- (4) This section also applies to the Kauri Point property, if—
- (a) all or part of the property is reserve land to which **section 51** applies; and 20
 - (b) there is an interest affecting that land at the time the joint management body is declared to be the administering body.
- (5) If **subsection (4)** applies, then despite **subsection (2)**, the interest applies as if the joint management body were the grantor of the interest in respect of the reserve land. 25

53 Vesting of share of fee simple estate in property

In **sections 54 to 64**, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the Kauri Point property. 30

54 Registration of ownership

- (1) This section applies to a cultural redress property vested in any trustees under this subpart.
- (2) **Subsection (3)** applies to a cultural redress property (other than the Kauri Point property or Motuotau Island), but only to the extent that the property is all of the land contained in a computer freehold register. 35
- (3) The Registrar-General must, on written application by an authorised person,—

- (a) register the trustees in whom the property is vested under this subpart 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. 5
- (4) **Subsection (5)** applies to—
 - (a) a cultural redress property (other than the Kauri Point property), but only to the extent that **subsection (2)** does not apply to the property; and
 - (b) Motuotau Island.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,— 10
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the trustees in whom the property is vested under this subpart; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application. 15
- (6) For the Kauri Point property, the Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for an undivided half share of the fee simple estate in the property in the names of the trustees of the Ngāi Te Rangi Settlement Trust; and 20
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (7) **Subsections (5) and (6)** are subject to the completion of any survey necessary to create a computer freehold register. 25
- (8) A computer freehold register for a cultural redress property (other than the Kauri Point property) 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 in whom the property is vested under this subpart. 30
- (9) A computer freehold register for the Kauri Point property must be created under this section as soon as is reasonably practicable after the date on which the property vests, but no later than—
 - (a) 24 months after the vesting date; or 35
 - (b) any later date that may be agreed in writing by the Crown and the trustees in whom the property is jointly vested under **section 44**.
- (10) In this section, **authorised person** means a person authorised by the Director-General.

55 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property in any 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. 5
- (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. 10
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.

56 Matters to be recorded on computer freehold register

- (1) The Registrar-General must record on the computer freehold register—
 - (a) for a reserve property (other than the Kauri Point property)— 15
 - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (ii) that the land is subject to **sections 55(3) and 60**; and
 - (b) created under **section 54(6)** for the Kauri Point property—
 - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 20
 - (ii) that the land is subject to **sections 55(3) and 60**.
- (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. 25
- (3) For a reserve property (other than the Kauri Point 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— 30
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
 - (ii) the property is subject to **sections 55(3) and 60**; 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. 35
- (4) For the Kauri Point property, if the reservation of the property under this subpart is revoked for—

- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register created under **section 54** for the property the notifications that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and 5
 - (ii) the property is subject to **sections 55(3) and 60** and, if the case requires, **section 51(3)**; or
 - (b) part of the property, the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on any computer freehold register, created under **section 54** or derived from a computer freehold register created under that section, for the part of the property that remains a reserve. 10
- (5) The Registrar-General must comply with an application received in accordance with **subsection (3)(a) or (4)(a)**, as relevant.
- 57 Application of other enactments** 15
 - (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. 20
 - (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. 25
 - (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. 30
- 58 Names of Crown protected areas discontinued**
 - (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property that, immediately before the date on which the property vests, was all or part of a Crown protected area.
 - (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly. 35

- (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

- 59 Application of other enactments to reserve properties** 5
- (1) The trustees are the administering body of a reserve property, except as provided for in **section 44** (which relates to the Kauri Point property).
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.
- (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act. 10
- (4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act. 15
- (5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name.
- (6) While the Western Bay of Plenty District Council is the administering body of the Kauri Point property,— 20
- (a) **subsection (2)** does not apply to the Kauri Point property; and
- (b) the Council must, to the extent that is reasonably practicable to distinguish the revenue from that property from any other revenue received by the Council,— 25
- (i) hold the revenue received by the Council in its capacity as the administering body of the property; and
- (ii) account for the revenue separately from any other revenue of the Council; and
- (iii) use that revenue only in relation to that property. 30
- 60 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 any trustees under this subpart.
- (2) The fee simple estate in the reserve land in the Kauri Point property may only be transferred in accordance with **section 62**. 35
- (3) The fee simple estate in the reserve land in any other property may only be transferred in accordance with **section 61 or 62**.

- (4) In this section and **sections 61 to 63**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

61 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**). 5
- (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. 10
- (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 15
 - (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. 20
- (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. 25
- (6) A transfer that complies with this section need not comply with any other requirements.

62 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— 30

- (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 35
- (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.

63 Reserve land not to be mortgaged

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

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

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a reserve property before the property was vested under this subpart. 5
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977. 10

Subpart 4—Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves

65 Interpretation

In this subpart, unless the context otherwise requires,—

joint cultural redress property means each of the following properties, and each property means the land described by that name in **Schedule 4**: 15

- (a) Ōtanewainuku:
- (b) Pūwhenua

Ngā Hapū o Ngāti Ranginui Settlement Trust means the trust of that name established by a trust deed dated 19 June 2012 20

Tapuika Iwi Authority Trust has the meaning given in section 12 of the Tapuika Claims Settlement Act 2014

Te Kapu o Waitaha has the meaning given in section 9 of the Waitaha Claims Settlement Act 2013

Te Tāhuhu o Tawakeheimoa Trust has the meaning given in section 13 of the Ngāti Rangiwewehi Claims Settlement Act 2014 25

Te Tāwharau o Ngāti Pūkenga Trust means the trust of that name established by a trust deed dated 24 March 2013

vesting date means the date specified under **section 66**.

66 Application of this subpart 30

- (1) This subpart takes effect on and from a date specified by Order in Council made on the recommendation of the Minister of Conservation.
- (2) The Minister must not make a recommendation unless and until—
 - (a) legislation is enacted to settle the historical claims of the iwi described in **subsection (3)**; and 35

- (b) that legislation, in each case, provides for the vesting, on a date specified by Order in Council, of the fee simple estate in Ōtanewainuku and Pūwhenua as undivided equal shares in the persons described in **sections 67(2) and 68(2)** as tenants in common.
- (3) The iwi are— 5
- (a) Ngā Hapū o Ngāti Ranginui;
- (b) Ngāti Pūkenga.
- 67 Ōtanewainuku**
- (1) Ōtanewainuku ceases to be a conservation area under the Conservation Act 1987. 10
- (2) The fee simple estate in Ōtanewainuku vests as undivided one-sixth shares in the following as tenants in common:
- (a) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
- (b) the trustees of the Ngāi Te Rangi Settlement Trust; and
- (c) the trustees of the Tapuika Iwi Authority Trust; and 15
- (d) the trustees of Te Kapu o Waitaha; and
- (e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
- (f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.
- (3) Ōtanewainuku is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 20
- (4) The reserve is named Ōtanewainuku Scenic Reserve.
- (5) The joint management body established by **section 69** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act. 25
- (6) **Subsections (1) to (5)** do not take effect until the persons described in **subsection (2)** have provided the Crown with a registrable easement in gross for a right of way over Ōtanewainuku on the terms and conditions set out in part 4 of the documents schedule.
- (7) Despite the provisions of the Reserves Act 1977, the easement— 30
- (a) is enforceable in accordance with its terms; and
- (b) is to be treated as having been granted in accordance with that Act.
- 68 Pūwhenua**
- (1) Pūwhenua ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Pūwhenua vests as undivided one-sixth shares in the following as tenants in common: 35
- (a) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and

- (b) the trustees of the Ngāi Te Rangi Settlement Trust; and
 - (c) the trustees of the Tapuika Iwi Authority Trust; and
 - (d) the trustees of Te Kapu o Waitaha; and
 - (e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
 - (f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust. 5
- (3) Pūwhenua 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 Pūwhenua Scenic Reserve.
- (5) The joint management body established by **section 69** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act. 10
- 69 Joint management body for Ōtanewainuku and Pūwhenua Scenic Reserves**
- (1) A joint management body is established for Ōtanewainuku Scenic Reserve and Pūwhenua Scenic Reserve. 15
- (2) The following are appointers for the purposes of this section:
- (a) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
 - (b) the trustees of the Ngāi Te Rangi Settlement Trust; and
 - (c) the trustees of the Tapuika Iwi Authority Trust; and 20
 - (d) the trustees of Te Kapu o Waitaha; and
 - (e) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and
 - (f) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust.
- (3) Each appointer may appoint 1 member to the joint management body.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointers: 25
- (a) the full name, address, and other contact details of the member; and
 - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment. 30
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board. 35
- (8) However, the first meeting of the body must be held no later than 2 months after the vesting date.

70 Restriction on transfer of joint cultural redress property

- (1) The registered proprietors of an undivided share in the fee simple estate in a joint cultural redress property must not transfer the undivided share.
- (2) However, the registered proprietors may transfer the undivided share if—
 - (a) the transferors of the share are or were the trustees of a trust; and 5
 - (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 share is accompanied by a certificate given by the transferees, or the transferees' solicitor, verifying that **paragraphs (a) and (b)** apply. 10

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

Each joint cultural redress property vests under this subpart subject to, or together with, any interests listed for the property in **Schedule 4** or granted in relation to the property before the vesting date. 15

72 Interests in land for joint cultural redress properties

- (1) This section applies to a joint cultural redress property while all or part of the property remains a reserve under the Reserves Act 1977 (the **reserve land**).
- (2) If the property is affected by an interest that is an interest in land and the interest is listed for the property in **Schedule 4** or granted in relation to the property before the vesting date, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land. 20
- (3) Any interest that is an interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered proprietor of the land. 25
- (4) However, **subsections (2) and (3)** do not affect the registration of the easement referred to in **section 67(6)**.

73 Interests that are not interests in land 30

- (1) This section applies if a joint cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in **Schedule 4**, or that is granted in relation to the property before the vesting date, and for which there is a grantor, whether or not the interest also applies to land outside the joint cultural redress property. 35
- (2) The interest applies as if the owners of the joint cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies.

- (3) If all or part of the joint cultural redress property is reserve land to which **section 72** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

- (4) The interest applies—

- (a) until the interest expires or is terminated; and 5
- (b) with any other necessary modifications; and
- (c) despite any change in status of the land in the property.

74 Registration of ownership

- (1) This section applies in relation to the fee simple estate in a joint cultural redress property vested under this subpart. 10

- (2) The Registrar-General must, in accordance with an application received from an authorised person,—

- (a) create a computer freehold register for each undivided one-sixth share of the fee simple estate in the property in the name of each of—
 - (i) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; 15
and
 - (ii) the trustees of the Ngāi Te Rangi Settlement Trust; and
 - (iii) the trustees of the Tapuika Iwi Authority Trust; and
 - (iv) the trustees of Te Kapu o Waitaha; and
 - (v) the trustees of the Te Tāhuhu o Tawakeheimoa Trust; and 20
 - (vi) the trustees of the Te Tāwharau o Ngāti Pūkenga Trust; and
- (b) record on each computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.

- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a computer freehold register. 25

- (4) A computer freehold register must be created under this section as soon as is reasonably practicable after the vesting date, but no later than—

- (a) 24 months after the vesting date; or
- (b) any later date that may be agreed in writing by the Crown and the persons in whose names the register is to be created. 30

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

75 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a joint cultural redress property under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition. 35

- (2) If the reservation of a joint cultural redress property under **section 67(3) or 68(3)** is revoked in relation to all or part of the property, then the vesting is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.
- 76 Recording application of Part 4A of Conservation Act 1987 and sections of this subpart** 5
- (1) The Registrar-General must record on a computer freehold register for a joint cultural redress property that—
- (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 10
- (b) the land is subject to **sections 70, 72(3), and 75(2)**.
- (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) If the reservation under **section 67(3) or 68(3)** is revoked for— 15
- (a) all of the property, then the Director-General must apply in writing to the Registrar-General to remove from the computer freehold registers for the property the notifications that—
- (i) section 24 of the Conservation Act 1987 does not apply; and
- (ii) the property is subject to **sections 70, 72(3), and 75(2)**; or 20
- (b) part of the property, then the Registrar-General must ensure that the notifications referred to in **paragraph (a)** remain only on the computer freehold registers 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)**. 25
- 77 Application of other enactments to joint cultural redress properties**
- (1) The vesting of the fee simple estate in a joint 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. 30
- (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 joint cultural redress property.
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— 35
- (a) the vesting of the fee simple estate in a joint cultural redress property under this subpart; or

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

78 Application of Reserves Act 1977 to joint cultural redress properties

- (1) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a joint cultural redress property.
- (2) If the reservation under **section 67(3) or 68(3)** of a joint cultural redress property as a reserve is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25. 5

79 Joint cultural redress property that is reserve must not be mortgaged

The registered proprietors of a joint cultural redress property must not mortgage, or give a security interest in, all or any part of the property that, at any time after vesting under **section 67 or 68**, remains a reserve under the Reserves Act 1977. 10

80 Saving of bylaws, etc, in relation to joint cultural redress 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 joint cultural redress property before the property vested under **section 67 or 68**. 15
- (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. 20

81 Scenic reserve not to become Crown protected area

- (1) A joint cultural redress property is not a Crown protected area.
- (2) The Minister must not change the name of a joint cultural redress property under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the property, and section 16(10A) of that Act does not apply to the proposed change. 25
- (3) In this section, **Crown protected area** has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Part 3

30

Commercial redress

Subpart 1—Transfer of commercial properties and deferred selection properties

82 Interpretation

In this subpart,—

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commercial property means a property described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

deferred selection property means a property described in part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied 5

land holding agency means the land holding agency specified,—

- (a) for a commercial property, in part 3 of the property redress schedule; or
- (b) for a deferred selection property, in part 4 of the property redress schedule. 10

83 The Crown may transfer properties

- (1) To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—
 - (a) to transfer the fee simple estate in a commercial property or a deferred selection property to— 15
 - (i) the trustees of the Ngāi Te Rangi Settlement Trust; or
 - (ii) the trustees of the Ngā Pōtiki a Tamapahore Trust; and
 - (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (2) **Subsection (3)** applies to a commercial property or a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**. 20
- (3) As soon as is reasonably practicable after the date on which a commercial property or a deferred selection property is transferred under **subsection (1)**, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 18** (which relates to the cancellation of resumptive memorials). 25

84 Computer freehold registers for commercial properties and deferred selection properties

- (1) This section applies to each of the following properties that is to be transferred to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust under **section 83**: 30
 - (a) a commercial property;
 - (b) a deferred selection property.
- (2) However, this section applies only to the extent that— 35
 - (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 5
 - (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 85**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 10
- 85 Authorised person may grant covenant for later creation of computer freehold register**
- (1) For the purposes of **section 84**, the authorised person may grant a covenant for the later creation of a computer freehold register for any commercial property or deferred selection property. 15
- (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. 20
- 86 Application of other enactments**
- (1) This section applies to the transfer of the fee simple estate in a commercial property or a deferred selection property under **section 83**.
- (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. 25
- (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. 30
- (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. 35

- (6) In exercising the powers conferred by **section 83**, 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

5

Interpretation

87 Interpretation

In this subpart and **Schedule 5**,—

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

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- (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 15
- (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: 20
 - (i) the Crown;
 - (ii) a Crown entity;
 - (iii) a State enterprise;
 - (iv) the New Zealand Railways Corporation; and 25
- (e) a subsidiary or related company of a company or body referred to in **paragraph (d)**

dispose of, in relation to RFR land,—

- (a) means—
 - (i) to transfer or vest the fee simple estate in the land; or 30
 - (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but
- (b) to avoid doubt, does not include—
 - (i) to mortgage, or give a security interest in, the land; or 35
 - (ii) to grant an easement over the land; or

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

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

expiry date, in relation to an offer, means its expiry date under **sections 91(2)(a) and 92**

5

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

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 91**, to dispose of RFR land to the relevant trustees

10

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

relevant trustees means, for each entry of RFR land in the tables in part 3 of the attachments, the entity named in the column headed “Relevant governance entity”

15

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

20

(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 97(1)**; but

(d) to avoid doubt, does not include an administering body in which RFR land is vested—

25

(i) on the settlement date; or

(ii) after the settlement date, under **section 98(1)**

RFR period means the period of 174 years on and from the settlement date

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

30

88 Meaning of RFR land

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

(a) the land described in part 3 of the attachments that, on the settlement date,—

(i) is vested in the Crown; or

35

(ii) is held in fee simple by the Crown or the Bay of Plenty District Health Board; or

- (iii) is a reserve vested in the ~~Tauranga District Council~~ Tauranga City Council as the administering body, provided that on the application of section 25 or 27 of the Reserves Act 1977 the land would revert in the Crown; and
 - (b) any land obtained in exchange for a disposal of RFR land under **section 102(1)(c) or 103.** 5
- (2) Land ceases to be RFR land if—
 - (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the relevant trustees or their nominee (for example, under **section 83** in the case of a leaseback deferred selection property or under a contract formed under **section 95**); or 10
 - (ii) any other person (including the Crown or a Crown body) under **section 90(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— 15
 - (i) under any of **sections 99 to 106** (which relate to permitted disposals of RFR land); or
 - (ii) under any matter referred to in **section 107(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or 20
 - (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 116**; or
 - (d) for RFR land required for another Treaty of Waitangi settlement, notice is given in relation to the land under **section 89**; or 25
 - (e) the RFR period for the land ends.
- 89 RFR land required for another Treaty of Waitangi settlement**
- (1) The Minister for Treaty of Waitangi Negotiations must, for Te Puna Katikati RFR land that is required as cultural redress for the settlement of other historical Treaty claims, give notice to the following persons that the land ceases to be RFR land: 30
 - (a) the RFR landowner; and
 - (b) the trustees of the Ngāi Te Rangi Settlement Trust.
- (2) The notice may be given at any time before a contract is formed under **section 95** for the disposal of the land. 35
- (3) In this section,—

historical Treaty claim has the meaning given in section 2 of the Treaty of Waitangi Act 1975

Te Puna Katikati RFR land means any RFR land described in table 2 of part 3 of the attachments.

Restrictions on disposal of RFR land

90 Restrictions on disposal of RFR land

An RFR landowner must not dispose of RFR land to a person other than the relevant trustees or their nominee unless the land is disposed of— 5

- (a) under any of **sections 96 to 106**; or
- (b) under any matter referred to in **section 107(1)**; or
- (c) in accordance with a waiver or variation given under **section 116**; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the relevant trustees if the offer to the relevant trustees was— 10
 - (i) made in accordance with **section 91**; and
 - (ii) made on terms that were the same as, or more favourable to the relevant trustees than, the terms of the disposal to the person; and 15
 - (iii) not withdrawn under **section 93**; and
 - (iv) not accepted under **section 94**.

Relevant trustees' right of first refusal

91 Requirements for offer

- (1) An offer by an RFR landowner to dispose of RFR land to the relevant trustees must be by notice to the relevant trustees. 20
- (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 25
 - (c) a street address for the land (if applicable); and
 - (d) a street address, postal address, and fax number or electronic address for the relevant trustees to give notices to the RFR landowner in relation to the offer.

92 Expiry date of offer 30

- (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 relevant 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 relevant trustees receive notice of the offer if— 35

- (a) the relevant 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.

93 Withdrawal of offer 5

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

94 Acceptance of offer

- (1) The relevant trustees may, by notice to the RFR landowner who made an offer, accept the offer if— 10
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) The relevant trustees must accept all the RFR land offered, unless the offer permits them to accept less.

95 Formation of contract 15

- (1) If the relevant 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 relevant 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 relevant trustees. 20
- (3) Under the contract, the relevant trustees may nominate any person (the **nominee**) to receive the transfer of the RFR land.
- (4) The relevant 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. 25
- (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. 30
- (6) If the relevant trustees nominate a nominee, the relevant trustees remain liable for the obligations of the transferee under the contract.

Disposals to others but land remains RFR land

96 Disposal to the Crown or Crown bodies

- (1) An RFR landowner may dispose of RFR land to— 35

-
- (a) the Crown; or
- (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.
- 97 Disposal of existing public works to local authorities** 5
- (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— 10
- (a) the RFR landowner of the land; and
- (b) subject to the obligations of an RFR landowner under this subpart.
- 98 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. 15
- (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— 20
- (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*
- 99 Disposal in accordance with obligations under enactment or rule of law** 25
- An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.
- 100 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— 30
- (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 35

- (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.

101 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 5
- (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 10
 - (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. 15

102 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 20
 - (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. 25
- (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(e) of the Public Works Act 1981.

103 Disposal for reserve or conservation purposes 30

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.

104 Disposal for charitable purposes

An RFR landowner may dispose of RFR land as a gift for charitable purposes. 35

105 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 5
- (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 10
- (c) under section 93(4) of the Land Act 1948.

106 Disposal by Bay of Plenty District Health Board

The Bay of Plenty District Health Board (established by section 19(1) of the New Zealand Public Health and Disability Act 2000), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees of the Ngāi Te Rangi Settlement Trust that, in the Minister's opinion, the disposal will achieve, or assist in achieving, the district health board's objectives. 15

*RFR landowner obligations***107 RFR landowner's obligations subject to other matters** 20

- (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 25
 - (b) any interest or legal or equitable obligation—
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the relevant trustees; and
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and 30
 - (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***108 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. 5
- (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. 10
- (4) The notice must include the legal description of the land and the reference for the computer register.

109 Notice to relevant trustees of disposal of RFR land to others

- (1) An RFR landowner must give the relevant trustees notice of the disposal of RFR land by the landowner to a person other than the relevant trustees or their nominee. 15
- (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 20
 - (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 90**; and
 - (f) if the disposal is to be made under **section 90(d)**, a copy of any written contract for the disposal. 25

110 Notice to LINZ of land ceasing to be RFR land

- (1) **Subsections (2) and (3)** apply 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— 30
 - (i) the relevant trustees or their nominee (for example, under **section 83** in the case of a leaseback deferred selection property or under a contract formed under **section 95**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 90(d)**; or 35

- (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 99 to 106**; or
 - (ii) under any matter referred to in **section 107(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 116**. 5
 - (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. 10
 - (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.
 - (4) **Subsections (5) and (6)** apply if the Minister for Treaty of Waitangi Negotiations gives notice under **section 89** that any RFR land contained in a computer register ceases to be RFR land. 15
 - (5) The RFR landowner must, as soon as practicable after receiving the notice under **section 89**, give the chief executive of LINZ notice that the land has ceased to be RFR land. 20
 - (6) The notice must include—
 - (a) the legal description of the land; and
 - (b) the reference for the computer register for the land; and
 - (c) a copy of the notice given under **section 89**.

111 Notice requirements 25

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

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

Right of first refusal recorded on computer registers

112 Right of first refusal to be recorded on computer registers for RFR land 30

 - (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 35

- (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— 5
 - (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 108** that a computer register has been created for the RFR land or that the land has become RFR land, for 10
 - 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 relevant trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving 15
 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 88**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the 20
 - land).

113 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 110(2)**, issue to the Registrar-General a certificate that includes—
 - (a) the legal description of the land; and 25
 - (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 relevant trustees as soon as is reasonably practicable after issuing the certificate. 30
- (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 112** for the land described in the certificate. 35

114 Removal of notifications when notice given under section 89

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under **section 110(5)**, issue to the Registrar-General a certificate that includes—
 - (a) the legal description of the land; and 5
 - (b) the reference for the computer register for the land; and
 - (c) a copy of the notice given under **section 89**; 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 of the Ngāi Te Rangi Settlement Trust as soon as is reasonably practicable after issuing the certificate. 10
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove from the computer register identified in the certificate any notification recorded under **section 112** for the land described in the certificate. 15

115 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 112**; and 20
 - (b) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the relevant 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 112** from any computer register identified in the certificate. 25

*General provisions applying to right of first refusal***116 Waiver and variation**

- (1) The relevant trustees may, by notice to an RFR landowner, waive any or all of the rights the relevant trustees have in relation to the landowner under this subpart. 30
- (2) The relevant 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. 35

117 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.

118 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if the RFR holder— 5
 - (a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and
 - (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give notices to each RFR landowner that— 10
 - (a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and
 - (b) specify the date of the assignment; and
 - (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and 15
 - (d) specify 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 relevant trustees, with any necessary modifications. 20
- (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 relevant trustees under this subpart, because— 25

 - (a) they are the relevant trustees; or
 - (b) they have previously been assigned those rights and obligations under this section.

Schedule 1

Historical claims

s 14(3)

Part 1

Claims that relate exclusively to Ngāi Te Rangi, Ngā Pōtiki, or representative entity

Wai 42 (K Bluegum and D Murray, Katikati and Te Puna Blocks (Athenree Forest claim))	
Wai 42c (D Murray (Ngāi Tamawhariua claim))	
Wai 159 (I Berkett, Tuhua Island (Te Urungawera) claim)	10
Wai 162 (R Ohia, Tahuwhakatiki Trust claim)	
Wai 209 (J Gray, Ottawa Kaiate Trust claim)	
Wai 211 (M Ellis and H Burton, Whareroa Blocks claim (Ngāi Tukairangi))	
Wai 228 (T Kuka, Matakana Island claim)	
Wai 266 (S Tawhiao, Matakana Island claim)	15
Wai 342 (T Heke-Kaiawha, Ngāti He lands claim)	
Wai 353 (P Nicholas, Mt Maunganui and Tauranga City land claim (Ruawahine and Ngāi Tukairangi))	
Wai 360 (L Waka, Matapihi Ohuki No. 3 claim)	
Wai 465 (L Grey, Maungatapu and Kaitemako claim (Kaitemako B&C))	20
Wai 489 (T Faulkner, Whareroa Blocks claim (Ngāti Kuku))	
Wai 522 (K Bluegum, Western Bay of Plenty claim (Ngāi Tamawhariua))	
Wai 540 (K Ngātai, Ngāi Te Rangi whanui claim)	
Wai 546 (T Stockman and P Ihaka, Ngāti Tapu Tribal Lands claim)	
Wai 636 (W McLeod, Papamoa No. 2 Section 6B No. 1A Block claim)	25
Wai 668 (W Te Kani, M Ellis, and H Burton, Ngāi Tukairangi Block claim (Ngāi Tukairangi Trust))	
Wai 715 (J White, Matakana Island Succession claim)	
Wai 717 (M Duncan, Ngā Potiki Hapu Estate (Tauranga) claim)	
Wai 755 (T Stockman, Rangiwaea Island Blocks (Tauranga) claim (Te Whānau a Tauwhao/Te Ngare))	30
Wai 807 (D Tata and others, Motiti Island claim (Te Whānau a Tauwhao))	
Wai 817 (N Hirama, Whareroa 2G No. 1A Block (Tauranga) claim)	
Wai 854 (J Toma, Lot No 7. Tuingara (Matakana Island, Tauranga) claim (Ngāi Tamawhariua ki Matakana))	35

Wai 938 (T Wicks, Ngāi Tauwhao Tauranga Moana claim)	
Wai 947 (H Ngatai, Ngāti Kuku Tauranga Moana land confiscation and alienation claim)	
Wai 963 (K Ngatai, Ngāi Tūkairangi Western Bay of Plenty claim)	
Wai 1061 (W McLeod, Ngāti Kāhu Mangatawa No. 2 Block claim)	5
Wai 1078 (H Palmer, Ngāi Te Rangi (Rotorua Inquiry) claim)	
Wai 1328 (M Duncan, Ngā Pōtiki Land Banking Policy claim)	
Wai 1355 (M Kakau, Kakau Whānau claim (Papamoa 2))	
Wai 1774 (R Ellis, Otauna block claim (Ngāti Tapu hapū of Ngāi Te Rangi))	
Wai 1785 (E Potene, Te Whānau a Roretana Te Whānau a Tauwhao claim (Hapū of Ngāi Te Rangi))	10
Wai 1792 (T Te Kawana, T Wepiha, and K Hawkes, Wepiha Whānau claim (Ngā Pōtiki hapū of Ngāi Te Rangi))	
Wai 2252 (C Pakuru, Ngāti Te Ngare Lands (Pakuru) claims (Ngāti Te Ngare hapū of Ngāi Te Rangi))	15
Wai 2263 (P Wharekawa, Waitangi Tribunal claim (Ngāi Tamawhariua, Ngāi Tuwhiwhia, and Ngāti Tauiti of Ngāi Te Rangi))	

Part 2

Other claims

Wai 47 (W Ohia, Pukenga Land claim (Ngāi Te Rangi, Ngāti Ranginui, Ngāti Pukenga))	20
Wai 365 (R Tooke, Matakana Island claim (Matakana Island))	
Wai 383 (C Bidois, Katikati Te Puna Purchase Claim (lodged 13 September 1993, withdrawn 23 July 1998))	
Wai 580 (T Faulkner, M Ellis, and others, Otamataha Lands claim (Otamataha))	25
Wai 603 (W Te Kani, Tauranga Moana—Public Works Takings and Crown Activities claim (Papakanui Trust))	
Wai 645 (E Ngatai, Tauranga Moana Maori Trust Board Act claim (Tauranga Moana Maori Trust Board))	
Wai 701 (C Bidois and M Ellis, Katikati and Te Puna Blocks (Athenree Forest) claim)	30
Wai 1462 (Tuhua Island claim)	
Wai 1793 (T R Te Keeti, Wairoa and Valley Roads Lands claim (Ngāti Pango, Ngāti Kuku, Ngāti Kahu, and Ngāti Tamahapai))	
Wai 2042 (N Whānau, Nikora Whānau Lands claim (Tauwhao hapū, Coromandel and Tauranga))	35

Wai 2265 (K Marsden and T Black, Kaitimako B Block claim (Ngāti Pukenga, Ngāi Te Rangi, and Ngāti He))

Schedule 2

Statutory areas

s 22

Part 1

Areas subject to statutory acknowledgement of Ngāi Te Rangi 5

Statutory area	Location
Aongatete	As shown on OTS-078-18
Waiau River	As shown on OTS-078-15
Uretara Stream	As shown on OTS-078-17
Waiorooro ki Maketu, being the area within the marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011) from Waiorooro Stream to Parakiri (recorded name being Omanu Beach)	As shown on OTS-078-13

Part 2

Area subject to statutory acknowledgment of Ngā Pōtiki

Statutory area	Location
Waiorooro ki Maketu, being the following:	As shown on OTS-078-13
(a) the area within the marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011 from Parakiri (recorded name being Omanu Beach) to Wairakei:	
(b) the area between mean high-water springs and mean low-water springs from Te Tumu to Maketu	

Part 3

Areas subject to statutory acknowledgment of both Ngāi Te Rangi and Ngā Pōtiki 10

Statutory area	Location
Waitao Stream	As shown on OTS-078-24
Kaiate / Te Rere a Kawau Stream (recorded name being Kaiate Stream)	As shown on OTS-078-26
Waiorooro ki Maketu, being the area within the marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011) from Wairakei to Te Tumu	As shown on OTS-078-13

Schedule 3

Cultural redress properties

ss 39, 50, 52(1)

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Karewa Island	<i>South Auckland Land District— Western Bay of Plenty</i> 3.57 hectares, approximately, being Karewa East and West Blocks. All Gazette 1972, p 2023. Subject to survey. As shown on OTS-078-09. <u>3.9246 hectares, more or less, being Section 1 SO 478914. All Gazette 1972, p 2023.</u>	Subject to being a nature reserve, as referred to in section 40(4) .
Motuotau Island	<i>South Auckland Land District— Tauranga City</i> 2.50 hectares, approximately, being Motuotau No 1 and No 2. All computer freehold register SA96/199. Subject to survey. As shown on OTS-078-08. <u>2.7046 hectares, more or less, being Section 1 SO 480376. All computer freehold register SA96/199.</u>	Subject to being a scenic reserve, as referred to in section 41(3). Subject to an unregistered concession to Massey University for a penguin monitoring programme.
Otara Maunga property	<i>South Auckland Land District— Western Bay of Plenty</i> 6.70 hectares, approximately, being Part Section 3 SO 450796. Part Proclamation 10017. Subject to survey. 3.30 hectares, approximately, being Part Section 15 Block I Maketu Survey District. Part Gazette 1914, p 4268. Subject to survey. As shown on OTS-078-11. <u>10.0000 hectares, more or less, being Section 1 SO 481324. Part Proclamation 10017 and part Gazette 1914, p 4268.</u>	Subject to being a scenic reserve, as referred to in section 42(4) .
Waitao Stream property	<i>South Auckland Land District— Western Bay of Plenty</i> 3.08 hectares, approximately, being Crown Land SO 46647, SO 46648, and SO 46649. Part Proclamation S259951. Subject to survey.	Subject to being a scenic reserve, as referred to in section 43(3) .

Name of property	Description	Interests
	As shown on OTS-078-27. <u>3.5151 hectares, more or less, being Sections 1, 2, 4, and 6 SO 487704. Part Proclamation S259951.</u>	
<i>Property jointly vested in fee simple to be administered as reserve</i>		
Name of property	Description	Interests
Kauri Point property	South Auckland Land District—Western Bay of Plenty District 0.5612 hectares, more or less, being Sections 5, 6, 7, 8 and 9 Block VII Village of Te Kauri. Part Gazette notice H391600. 7.9 hectares, approximately, being Part Allotments 134 and 137 Tahawai Parish. Part Gazette notice H391600. Subject to survey. 1.0327 hectares, more or less, being Section 1 SO 58410. All Gazette 1991, p 3873. 7.9 hectares, approximately, being Part Section 1 Block VI Katikati Survey District. Part Gazette notice H088181. Subject to survey. As shown on OTS-078-33. <u>17.3675 hectares, more or less, being Section 1 SO 498381. All Gazette notices H391600 and H088181.</u>	Subject to being a historic reserve, as referred to in section 44(4).

Schedule 4

Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves

ss 65, 71, 72(2), 73(1)

Name of property	Description	Interests
Ōtanewainuku	<i>South Auckland Land District—Western Bay of Plenty</i> 123.8969 hectares, more or less, being Section 1 SO 468244. Part <i>Gazette</i> 1947, p 481, 1920, p 2119, 1879, p 781, and 1884, p 238.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 67(6). Subject to an unregistered guiding permit with concession number BP-23723-GUI to Golden Fern Trust. Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.
Pūwhenua	<i>South Auckland Land District—Western Bay of Plenty</i> 66.6000 hectares, more or less, being Section 1 SO 466075. Part computer freehold register SA68A/371 and part <i>Gazette</i> 1940, p 1059.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Together with a right of way easement created by easement instrument 9415471.1. Together with a right of way easement created by easement instrument 9415486.1. Together with a right of way easement created by easement instrument 9418923.1. Together with a right of way easement created by easement instrument 9419109.1. Together with a right of way easement created by easement instrument 9420594.1. Together with a right of way easement created by easement instrument 9420663.1. Together with a right of way easement created by easement instrument 9505068.1.

Schedule 5

Notices in relation to RFR land

ss 87, 111, 118(3)

1 Requirements for giving notice

A notice by or to an RFR landowner, the trustees of the Ngāi Te Rangi Settlement Trust, or the trustees of the Ngā Pōtiki a Tamapahore Trust under **sub-part 2 of Part 3** must be— 5

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust, for a notice given by those trustees; and 10
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—
 - (i) for a notice to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust, specified for those trustees in accordance with the deed of settlement, or in a later notice given by those trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of those trustees; or 15 20
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 91**, or in a later notice given to the trustees of the Ngāi Te Rangi Settlement Trust or the trustees of the Ngā Pōtiki a Tamapahore Trust, or identified by those trustees as the current address, fax number or electronic address of the RFR landowner; and 25
- (c) for a notice given under **section 108 or 110**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and
- (d) given by—
 - (i) delivering it by hand to the recipient's street address; or 30
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number; or
 - (iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite **clause 1**, a notice given in accordance with **clause 1(a)** may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 22(1)(a) and (b) of the Electronic Transactions Act 2002. 35

3 Time when notice received

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

Legislative history

2 May 2016

Introduction (Bill 127–1)

24 May 2016

First reading and referral to Māori Affairs Committee