

Te Here ā Nuku (Nelson Tenth's) Bill

Government Bill

As reported from the Finance and Expenditure Committee

Commentary

Recommendation

The Finance and Expenditure Committee has examined Te Here ā Nuku (Nelson Tenth's) Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

The primary purpose of Te Here ā Nuku (Nelson Tenth's) Bill is to give effect to parts of the decision in the private law case of *Stafford v Attorney-General*, as reflected in the Resolution Agreement between the Crown and the trustees (the “Resolution Agreement”). The bill would enable the transfer of legal title in the relevant lands in the Nelson, Tasman / Te Tai-o-Aorere, and Golden Bay / Mohua areas from the Crown, as former trustee, to the trustees of Te Here ā Nuku Trust. It also provides for the specific application of certain provisions of the National Parks Act 1980, the Reserves Act 1977, and the Public Works Act 1981 to trust land.

“Te Here ā Nuku Trust” refers to the trust that the High Court in *Stafford v Attorney-General* [2024] NZHC 3110 found to have existed since 1845 and that is continued by trust deed dated 16 December 2025, in accordance with the order of the High Court.

We note that other parts of the Resolution Agreement do not require legislation. This includes the one-off \$420 million payment made by the Crown to Te Here ā Nuku Trust to address the shortfall of land that cannot be returned because it is no longer owned by the Crown, together with interest in recognition of the fact that Ngā Uri, the customary owners, were excluded from the use and enjoyment of those lands for 180 years.

Importantly, the bill does not itself alter the ultimate ownership of the relevant trust lands nor provide for the transfer of any value. The beneficial interests and ownership

in the trust land remain with the beneficiaries of the trust, as found by the court and recognised by the Crown through the Resolution Agreement.

About the litigation and Resolution Agreement

On 17 December 2025, the Attorney-General and Mr Rore Stafford signed a Resolution Agreement to settle the long-running *Stafford v Attorney-General* litigation (also known as the *Wakatū* case). The litigation relates to early land transactions in the Nelson, Tasman / Te Tai-o-Aorere, and Golden Bay / Mohua areas (known in the 1840s as Blind Bay and Massacre Bay, respectively).

Here, we provide a brief overview of the history as it relates to the bill. A more detailed history is set out in the preamble to the bill.

The Nelson Tenthhs

In the 1840s, the New Zealand Company purchased 151,000 acres of land in the Nelson, Tasman / Te Tai-o-Aorere, and Golden Bay / Mohua areas—known as the Spain Award area—subject to one-tenth, or 15,100 acres, being reserved for the benefit of Māori customary owners (the Nelson Tenthhs). Additionally, the vendors' pā, urupā (burial grounds) and cultivations (Occupation Lands) were to be excluded from the grant of land to the Company.

The Crown failed to reserve and exclude the full amount of land as agreed. There is a shortfall of approximately 11,715 acres of land that should have been reserved, and of other land that should have been excluded from the land granted.

Supreme Court decision and High Court decision

In 2010, Mr Stafford, on behalf of the former owners, initiated private law proceedings in the High Court against the Crown in respect of the Nelson Tenthhs issues. The plaintiff alleged the existence and breach of private-law fiduciary and trust duties owed by the Crown to the descendants of the original beneficiaries of the Nelson Tenthhs scheme. The core of the claim was the Crown's failure to reserve land for the benefit of the customary owners as promised.

In 2017, the Supreme Court declared that the Crown owed enforceable fiduciary duties to reserve 15,100 acres for the benefit of the customary owners and to exclude the Occupation Lands from land granted to the New Zealand Company.

In 2024, the High Court found that the Crown had breached its fiduciary duties to the customary owners by failing to reserve the entire 15,100 acres of land and not excluding all Occupation Lands as promised. The High Court found that all remaining core Crown land within the Spain Award Area, totalling just over 8,000 acres, is held on trust for the benefit of the customary owners and has been so held since 1845. This means that the land is and has always been the private property of the individual beneficiaries of a private trust.

Resolution Agreement

In August 2025, following the findings of the High Court, the Crown and Mr Stafford entered private negotiations to try to resolve the proceedings out of court.

The Resolution Agreement entered into on 16 December 2025 recognises that the relevant land is, and has been, since 1845, held by the Crown on trust for the beneficiaries and that title to the land should transfer to the replacement trustees without delay.

Abel Tasman National Park

We heard concern from submitters about the effect the bill may have on public access to and enjoyment of parts of the Abel Tasman National Park. We wish to emphasise that Part 3 requires the Trust to enter a licence with the Department of Conservation (DOC) to enable the continued operation of the Abel Tasman National Park (Great Walk) for a minimum of 25 years. Towards the end of the 25-year period, there will be a review of access and licensing arrangements.

We also note that the Court has found that this land has always belonged to the trust, and that this is not similar to a “Treaty settlement” as has been suggested in some public commentary.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation’s design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Land may be excluded from licence area

Clause 28 would enable the trustees to exclude land from Te Here ā Nuku national park land, and sets out conditions for doing so. Clause 28(3) would require that any exclusion, and the activities to be undertaken in the excluded areas, must not unreasonably interfere with the rights of the Department of Conservation (DOC) under the licence.

We recommend inserting subclause (4) into clause 28 to ensure that existing authorisations, such as concessions, continue to apply to land that is excluded from national park land (subject also to the provisions set out in clauses 48 to 50).

Obligations for improvements on national park land

Clauses 30 to 33 of the bill deal with the responsibilities relating to improvements previously owned by the Crown that are located in Te Here ā Nuku national park land. Te Here ā Nuku national park land is defined in clause 22.

Clause 30(3) states that the kawenata will include provisions detailing how the trustees will work with DOC in relation to improvements it is responsible for, asset plans, and ageing improvements. Clause 7 defines “kawenata” as the “covenant that must be entered into in the terms described in the Resolution Agreement”.

We recommend amending clause 30(3) to also require the kawenata to include provisions addressing compliance with, and enforcement of, the obligations of any third party, or future third party, to maintain its improvements on Te Here ā Nuku national park land. This would clarify that during the term of the licence, DOC must maintain any existing improvements that are transferred to the trustees. It would also clarify that DOC can enforce obligations on third parties in relation to third-party improvements.

Maintenance of and obligations relating to improvements on reserve land

Clauses 96 and 97 of the bill deal with the maintenance, retirement, and replacement of improvements previously owned by the Crown on Te Here ā Nuku reserve land. Te Here ā Nuku reserve land is defined in clause 52.

We recommend inserting clause 96(3)(c) to require the kawenata or a relationship agreement to include provisions relating to compliance with and enforcement of the obligations of any third party to maintain its improvements on Te Here ā Nuku reserve land.

Revenue derived from Te Here ā Nuku national park land

Clause 101(1) would require DOC to use any revenue it derives from managing Te Here ā Nuku reserve land to manage that reserve or other Te Here ā Nuku reserve land. However, there is no corresponding requirement for when DOC is managing Te Here ā Nuku national park land and adjacent foreshore areas.

We recommend inserting clause 50A to create a corresponding requirement for DOC revenue derived from Te Here ā Nuku national park land and adjacent foreshore areas. We also recommend requiring DOC to provide trustees with documentation that confirms it has complied with this obligation.

Kaiteretere foreshore reserve

Clause 63 provides for the administration of the Kaiteretere foreshore reserve. Currently, there is no option for the trustees to issue concessions over the Kaiteretere foreshore reserve.

We recommend inserting clause 63(1A)(a) to enable the trustees to choose to use the process set out in Part 3B of the Conservation Act 1987, despite section 59A of the Reserves Act. We also recommend inserting clause 63(1A)(b) to allow the trustees to delegate the role of running that concession process to DOC (with the trustees retaining final decision-making powers as appropriate).

Control and management arrangements

Several clauses (such as clauses 69, 74, 76, and 80) set out how the bill would affect “control and manage” arrangements for specific Te Here ā Nuku reserve lands.

We recommend amending the bill to insert clause 76A to provide a general provision relating to control and management arrangements. This would include the ability for:

- entities that control and manage reserve land to relinquish their role after two years, with one year’s notice
- the trustees to elect to take over responsibility for managing the land, with three months’ notice
- parties to mutually agree to a different time frame than the two years following transfer in which entities would continue to control and manage the relevant land.

Trustees may revoke, reclassify, or change administering body

Clause 79 would enable trustees to revoke or reclassify the reserve status of land or change the administering body of any Te Here ā Nuku reserve land (unless otherwise specified; some named reserves have specific requirements). In this event, subclauses (4) to (6) detail how certain third-party rights would be maintained. We recommend amending clause 79(6) to make clear that this includes third-party rights and future third-party rights.

Directions to entities other than Department of Conservation

Clause 83 states that, if the trustees issue directions to entities other than DOC, the directions must be consistent with this legislation and with the Reserves Act. We recommend inserting a new subclause, 83(2), to make clear that the trustees must not issue directions that are within the scope of a local authority’s enforcement or regulatory powers under the Reserves Act or any other legislation.

Remedy for private property encroaching on trust land

Clauses 105 and 106 of the bill set out the status of certain transferred properties (and specifically that they will cease to be conservation areas under the Conservation Act or reserves under the Reserves Act).

We are aware of private property located within Abel Tasman National Park that encroaches over trust land. To remedy this encroachment, we recommend inserting clause 106A to remove the trust land’s national park status under the National Parks Act so that the trustees and landowner can resolve the encroachment issues between themselves. This provision is intended to apply only to the “Anchorage property” described in Part 3 of Schedule 1 of the Resolution Agreement.

Transfer of improvements and water infrastructure

Clause 114(1) of the bill as introduced provides that when the legal title of land is transferred to the trustees, all improvements in, on, or over that property are also

transferred to the trustees except for the improvements specified in clause 114(2). Clause 114(2) excludes:

- chattels and equipment (other than those owned by Kaiteriteri Recreation Reserve Board)
- improvements of a third party provided for in, or permitted by, a third-party right
- improvements referred to in a Ministry of Education lease for that property.

The Tasman District Council submitted that there was uncertainty about the ongoing ownership of “Three Waters infrastructure” (that is, infrastructure for drinking water, wastewater, and stormwater) where it has been installed on or in land owned by the trust.

We agree that councils should continue to own Three Waters infrastructure. To achieve this, we recommend amending clause 114(2) to exclude Three Waters infrastructure from the application of clause 114(1). We also recommend inserting new clause 114(3) to define the term for the purposes of this provision.

Modifications applying to certain land

Subpart 1 of Part 6 (clauses 122 to 127) sets how the Public Works Act 1981 would apply to Te Here ā Nuku trust land. These clauses state that, generally, compulsory acquisition powers under the Public Works Act can only be used in respect of Te Here ā Nuku trust land for roading or emergency purposes. However, there is provision for an “interest in trust land less than a fee simple estate” to be taken for a term of less than 35 years, subject to the consent of the Attorney-General, who must be satisfied as to the tests set out in clause 125(4). We propose some amendments to clause 124, as discussed below.

Protecting trust land from compulsory acquisition

Clause 124 contains provisions for trust land that is, or was formerly, part of Te Here ā Nuku national park land and specified reserves. We understand that clause 11.4.3 of the Resolution Agreement provides that the Crown must explore, in good faith, the possibility of legislating for the further protection of trustee land. In particular, the Resolution Agreement seeks to protect the following trust land from compulsory acquisition:

- Part Abel Tasman National Park
- Milnthorpe Park Scenic Reserve
- Part Auckland Point
- Parklands Primary School
- Te Waikoropupu Springs Scenic Reserve
- Kaiteriteri Recreation Reserve.

We recommend inserting new subclause 124(4) to provide that the land protected from compulsory acquisition comprises the reserves specified in clause 11.4.3, and to insert the names of that trust land explicitly into the legislation.

Declaring public land in the Spain Award area as a specified reserve

As well as providing enhanced protections for the reserves listed above, we understand that some reserves within the Spain Award area may need to be added (or removed) from this list in the future.

Rather than requiring a full legislative process to add (or remove) further specified reserves to this list, we recommend inserting clause 124(5). Our proposed amendment would enable the Governor-General, by Order in Council (and on the recommendation of the Attorney-General), to declare as a specified reserve any other area to which the Spain Award area is relevant that has been set apart for any public purpose. We understand that this has been agreed between the trustees and the Attorney-General.

To ensure there are appropriate safeguards, we recommend inserting a further subclause, 124(6), that would prevent the Attorney-General from making a recommendation unless the trustees and the Minister for Land Information have agreed in writing that it is appropriate that the area be a specified reserve.

Access to redacted Resolution Agreement

We note that the bill “incorporates by reference” the Resolution Agreement. In particular, the bill refers extensively to Schedule 1 which details the full schedule of trust land. We also note that the Resolution Agreement states that “Schedule 1 is subject to change, on agreement between the Crown and the Trustees, if a material error or issue is identified and amendment is required.” Clause 12.7 of the Resolution Agreement sets how the parties can agree amendments.

We were concerned that there did not appear to be an explicit requirement in the bill or in the Resolution Agreement to publish changes to the Resolution Agreement.

We were advised that the bill does require changes to Schedule 1 of the Resolution Agreement to be published, through the relationship between clauses 7 and 135. The clause 7 definition of “Resolution Agreement” includes “any amendments of, and attachments to, the Resolution Agreement or its schedules or amendments.” Therefore, the requirement in clause 135 that the trustees must make a redacted copy of the Resolution Agreement available would apply to any amendments to Schedule 1.

We consider that access to Schedule 1, and any amendments to it, could be better provided for. We recommend amending clause 135 to make clear that any amendments to the Resolution Agreement and the land schedule set out in Schedule 1 must also be made available. Our amendment would also require the Crown Law Office to make the Resolution Agreement and the Schedule 1 land schedule available on its website.

Appendix

Committee process

Te Here ā Nuku (Nelson Tenth's) Bill was referred to this committee on 25 June 2026. The House instructed us to report the bill back no later than 29 July 2026.

We called for submissions on the bill with a closing date of 6 July 2026. We received and considered submissions from 344 interested groups and individuals. We heard oral evidence from 15 submitters at hearings via videoconference. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

Advice on the bill was provided by the Crown Law Office, Te Puni Kōkiri | Ministry of Māori Development, and the Department of Conservation. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Ryan Hamilton (Chairperson)

Dan Bidois

Hon Barbara Edmonds

Francisco Hernandez

Nancy Lu

Hon Dr Deborah Russell

Tom Rutherford

Todd Stephenson

Rawiri Waititi

Dr David Wilson

Hon Dr Megan Woods

Rachel Boyack participated in our consideration of this bill.

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Chris Bishop

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Preamble

Horopaki

I te 17 o Tīhema 2025, i whakaae a Rore Pat Stafford, ngā kaitarahitī o te Taratī o Te Here ā Nuku, me te Rōia Matua ki te whakatatū i te kōkiritanga ture tūmataiti mō te whenua o Ngā Uri, ngā kaupupuri mana whenua tuku iho, kei Te Tauihu o te Waka a Māui, arā ko te pito whakateraki o Te Waipounamu. Ko te whenua nei ka takoto ki waenganui i Whakatū me Te Aorere, kei reira hoki Te Tai-o-Aorere me Mohua (i mōhiotia ko Blind Bay, ko Massacre Bay i te ngahuru tau 1840).

Te hokonga whenua o mua

I waenganui i ngā tau 1839 me 1841, i whakarite kāinga kirinoho te New Zealand Company i Whakatū whakawhiti atu ki Mohua me Te Tai-o-Aorere. Hei wāhanga mō ngā whakaritenga mō taua kāinga kirinoho, i whakaae te Kamupene kia rāhuitia te kotahi hau tekau o taua rohe mō ngā kaupupuri mana whenua tuku iho o Whakatū, o Te Tai-o-Aorere me Mohua, hei wāhanga utu i te whenua i hokona e te Kamupene. Āpiti atu, ko te whenua i nōhia kētia, arā, ko ngā pā, ngā mahinga kai, me ngā urupā, ka whakarāwahotia i te hokonga hei whakamahinga motuhake mō Ngā Uri anake. Heoi, i muri mai i te hainatanga o Te Tiriti o Waitangi/the Treaty of Waitangi i te tau 1840, me te whakaturetanga o te Land Claims Ordinance Act 1841, kāore he mana ā-ture o te hokonga ki te kore e whakaūngia e te Karauna.

I kopoua a Kaikōmihana William Spain ki te whakatewhatewha i te hokonga. I te tau 1845, ka tūtohungia e Spain kia whakawhiwhia te 151,000 eka ki te New Zealand Company, heoi me rāhui i waho i te karāti te 15,100 eka mō ngā kaupupuri mana whenua tuku iho, hāunga anō hoki rā ngā whenua i nōhia kētia i waho hoki i te karāti. I rāhui whenua, i whakarāwaho whenua hoki te Karauna e ai ki ngā tūtohu a Spain, engari kīhai te Karauna i rāhui, i whakarāwaho i te karāti, i pupuri rānei hei whenua rāhui, i te takiwā e tata ana ki te 11,715 eka te rahi.

Ngā whakahaerenga ā-ture

I te tau 2010, i kōkiritia e Rore Pat Stafford me ētehi atu, tae atu ki ngā Proprietors of Wakatū, hei kanohi mō Ngā Uri, he whakahaerenga ā-ture ki te Kōti Matua (CIV-2010-442-181). I whai ngā kaitono kia whakatauria, kia whakapuakina hoki ko tā te Karauna he takahi i ana haepapa tiaki ā-ture tūmataiti hei kaitarahitī mō ngā pānga o ngā kaupupuri mana whenua tuku iho o te whenua i hokona e te New Zealand Company.

Ka oti aua whakahaerenga i te whakapuakitanga a te Kōti Mana Nui i Proprietors of Wakatū v Attorney-General [2017] NZSC 17, he haepapa ka taea te whakauruhi ā te Karauna kia rāhuitia te 15,100 eka hei painga mō Ngā Uri, ngā kaupupuri mana whenua tuku iho, ā, āpiti atu, kia whakarāwahotia ngā pā, ngā urupā, me ngā mahinga kai i ngā whenua i riro i te Karauna i raro i te tohu a Spain. Ko ngā haepapa a te Karauna he mea e āhei ana te whakauruhi ā-ture i raro i te ture tūmataiti. I whakahokia te whakahaerenga ki te Kōti Matua ki te whakatau i ngā take mō te taunaha, te wawao, me te whakatika.

I muri mai i te whakawātanga kōti i te tau 2023, ko tā te Kōti Matua, i *Stafford v Attorney-General* [2024] NZHC 3110 (te **Whakataunga Kōti Matua 2024**) i whakatau ai—

- (a) i takahia e te Karauna ana haepapa tiaki i te korenga ōna i rāhui i ngā Whakatekau e tika ana, ā, i te hokonga atu o te whenua e whai ana i ngā pānga whaitika; ā, 5
- (b) kei te mana tonu te taratitanga i ngā whenua Karauna kei roto i te rohe o tā Spain tohu hei painga mō Ngā Uri, ngā kaipupuri mana whenua tuku iho; ā,
- (c) me tuku moni te Karauna hei utu, e eke ana ki te wāriu tauhokohoko o nāiane i mō te whenua e tika ana kia whakarāwahotia i ngā whenua i hokona i raro i te Tohu a Spain; ā, 10
- (d) me utu moni anō hei whakaata i te wāriu o te whaihua o te whakamahi i te whenua kia hāngai ki te wāriu tauhokohoko o nāiane.

Te whakakapi i te Karauna hei kaitarahitī

I muri mai i tā te Kōti Matua i whakatau ai i te tau 2024, ka whakaae te Karauna me ngā Kaitono kia whakakapingia te Karauna hei kaitarahitī. I te marama o Hūrae i te tau 2025, i unuhia e te Kōti Matua te Karauna hei kaitarahitī o te Tenth's Trust, ā, i kopoua ngā tātanga 14 i whakaingoaia hei kaiwhakakapi i te Karauna, hei “kaitarahitī whakakapi” o Te Taratī o Te Here ā Nuku (mā te Minitī Nama 23 o te 24 Hūrae i te tau 2025, i te whakahaerenga CIV-2010-442-000181, i raro i ngā wehenga 112 me te 114 o te Trusts Act 2019). He mea tuhi ō rātou ingoa ki te **wehenga 7**, ko rātou ngā tātanga nā rātou, i te mea i kopoua rātou e te Kōti Matua hei kaitarahitī whakakapi i te Karauna, i whakatatū te Whakaaetanga Tatūnga. 15 20

Te Haere Tonutanga o Te Taratī o Te Here ā Nuku

Hui katoa, nā ngā whakataunga a ngā kōti mai i te tau 2010 i whakatakoto ai i te tūāpapa e haere tonu ai Te Taratī o Te Here ā Nuku hei taratī mana whiriwhiri mai rā anō i te tau 1845. Ko ngā rawa o te taratī, ko ki te 15,100 eka o ngā whenua Karauna me ngā whenua i nōhia kētia i mua i roto mai i ngā roherohenga o tā Spain tohu. 25

E whakaae ana te Karauna me tāmata, ngā whenua o te taratī e eke ana ki te 15,100 eka whenua te rahi me ngā whenua te rahi me ngā whenua i nōhia kētia i mua i roto i aua roherohenga, tuatahi, mā te whakaae ko ngā whenua e puritia tonutia ana e te Karauna i roto i aua roherohenga he whenua e puritia tonutia ana e te Karauna i roto i aua roherohenga he whenua e puritia tonutia ana ā-taratī mō Ngā Uri; ā, i puritia ā-taratī e te ~~Karauna~~ Karauna he moni mō ngā whenua taratī kāore e puritia tonutia ana e te Karauna, he tohu hoki tēnei o te wāriu o te whakamahinga whaihua o te whenua mai rā anō i te tau 1845; ā, ko te tuarua, mā te whakawhiti i ngā whenua me ngā moni i puritia e te ~~Karauna~~ Karauna hei kaitarahitī, ki ngā kaitarahitī i kopoua e te Kōti Matua hei whakakapi mō te Karauna hei kaitarahitī. 30 35

Whakataunga: Whakaaetanga Tatūnga

I whakaae a Rore Pat Stafford, te Rōia Matua me ngā kaitarahitī kia whakatatū i te kōkiritanga ā-ture mā te Whakaaetanga Tatūnga i whakaotia i te 17 o Tihema 2025. E 40

whakaae ana te Karauna ki ngā whakatau a te kōti, arā, ko ngā whenua i roto i tā Spain Tohu, ko tōna tikanga me rāhui, me whakarāwaho rānei i te hokonga, kua puritia e te Karauna ki tētehi taratī hei painga mō Ngā Uri.

Nā konā, e whakaae ana te Karauna ki te whakawhiti i te taitara ā-ture o taua whenua ki ngā kaitarahitī o Te Here ā Nuku (i runga anō i te whakaaetanga kia wetekina ētehi pito whenua i te taratī), ā, kua whakawhitia ki ngā kaitarahitī i te moni i puritia ā-taratī e te Karauna mō ngā whenua taratī kāore e puritia tonutia ana e te Karauna, hei tohu hoki mō te whakamahinga whaihua kua ngaro i te whenua i raro i te taratī mai rā anō i te tau 1845.

Background 10

On 17 December 2025, Rore Pat Stafford, the trustees of Te Here ā Nuku Trust, and the Attorney-General agreed to settle private law litigation concerning land of Ngā Uri, the customary owners, within Te Taihū o te Waka a Māui the northernmost region of the South Island. The land lies between Nelson and Te Aorere, and includes Tasman Bay / Te Tai-o-Aorere and Golden Bay / Mohua (known in the 1840s as Blind Bay and Massacre Bay, respectively).

Historic land purchase

Between 1839 and 1841, the New Zealand Company planned a settlement across Nelson, Golden Bay / Mohua, and Tasman Bay / Te Tai-o-Aorere. As part of the preparation for that settlement, the Company agreed that one-tenth of the area that was to be included in the purchase was to be reserved for the customary owners in Nelson, Tasman / Te Tai-o-Aorere, and Golden Bay / Mohua, in part payment for the land purchased by the Company. In addition, the occupied land, being areas used for pā, cultivation areas, and urupā, was to be set aside from the sale for the sole use of Ngā Uri. However, after the signing of te Tiriti o Waitangi/the Treaty of Waitangi in 1840 and the enactment of the Land Claims Ordinance Act 1841, the purchase had no legal effect unless validated by the Crown.

Commissioner William Spain was appointed to investigate the purchase. In 1845, Spain recommended that 151,000 acres be granted to the New Zealand Company, subject to reserving from the grant 15,100 acres for the customary owners and excluding the occupied land from the grant. The Crown reserved land and excluded some, in accordance with Spain's recommendations, but failed to reserve and exclude from the grant, or to retain as reserves, an area totalling approximately 11,715 acres.

Legal proceedings

In 2010, Rore Pat Stafford and others, including the Proprietors of Wakatū, acting on behalf of Ngā Uri, filed legal proceedings in the High Court (CIV-2010-442-181). The applicants sought findings and declarations that the Crown had breached its private law fiduciary duties as a trustee of the interests of the customary owners of the land purchased by the New Zealand Company.

Those proceedings culminated in the Supreme Court's declaration in *Proprietors of Wakatū v Attorney-General* [2017] NZSC 17 that the Crown owed enforceable fiduciary duties to reserve 15,100 acres for the benefit of Ngā Uri as the customary

owners and, in addition, to exclude pā, urupā, and cultivations from the land obtained by the Crown under the Spain Award. The Crown's duties were legally enforceable in private law. The proceeding was remitted to the High Court to determine matters of liability, defence, and relief.

After a trial in 2023, the High Court, in *Stafford v Attorney-General* [2024] NZHC 3110 (the **2024 High Court judgment**), made findings that—

- (a) the Crown had breached its fiduciary obligations by failing to reserve sufficient Tenth and had alienated land charged with equitable interests; and
- (b) Crown land within the area of the Spain Award remains impressed with a trust for the benefit of Ngā Uri, the customary owners; and
- (c) a monetary payment by the Crown is required, representing the current market value of land that should have been excluded from the land sold under the Spain Award; and
- (d) a further monetary payment is required, representing the value of the beneficial use of the land in accordance with current market value.

Replacement of the Crown as trustee

Following the 2024 High Court judgment, the Crown and the applicants agreed that the Crown be replaced as the trustee. In July 2025, the High Court removed the Crown as trustee of the Tenth Trust and appointed 14 named persons to replace the Crown as “replacement trustees” of the Te Here ā Nuku Trust (in Minute No 23 of 24 July 2025 in proceedings CIV-2010-442-000181, under sections 112 and 114 of the Trusts Act 2019). Their names are recorded in **section 7** as the persons who, by virtue of their appointment by the High Court as the trustees replacing the Crown, executed the Resolution Agreement.

Continuation of Te Here ā Nuku Trust

Together, the judgments of the courts since 2010 have provided the foundation for Te Here ā Nuku Trust to be continued as a discretionary trust that has existed since 1845. The trust land comprised 15,100 acres of Crown land and former occupied lands within the boundaries of the Spain Award.

The Crown acknowledges that the trust land, comprising 15,100 acres of land and former occupied lands within those boundaries must be restored first, by recognising that the land still held by the Crown within those boundaries is held on trust for Ngā Uri and that the Crown held money on trust in lieu of trust land no longer held by the Crown, and representing the value of the beneficial use of the land since 1845; and second, by the transfer of the land and money the Crown held as trustee to the trustees appointed by the High Court to replace the Crown as trustee.

Settlement: Resolution Agreement

Rore Pat Stafford, the Attorney-General, and the trustees agreed to settle the litigation through the Resolution Agreement entered into on 17 December 2025. The Crown accepts the findings of the courts that the land within the Spain Award area that

should have been reserved or excluded from sale has been held on trust by the Crown for the benefit of Ngā Uri.

Accordingly, the Crown agrees to transfer the legal title to that land to the trustees of Te Here ā Nuku (subject to any agreement that certain land be released from the trust), and has transferred to the trustees money that the Crown held on trust in lieu of trust land no longer held by the Crown and representing the lost beneficial use of the land that has been subject to trust since 1845. 5

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is Te Here ā Nuku (Nelson Tenth's) Act **2026**. 10

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1

Preliminary provisions

3 Purpose

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The purposes of this Act are—

- (a) to continue, as a discretionary trust, the trust that the High Court held has existed since 1845 in respect of land within the Spain Award area (see *Stafford v Attorney-General* [2024] NZHC 3110); and
- (b) to include provisions to transfer, to the trustees, legal title to land of the Crown within the Spain Award area; and 20
- (c) to provide for arrangements in relation to Te Here ā Nuku national park land and Te Here ā Nuku reserve land; and
- (d) to implement those matters agreed under the Resolution Agreement that require statutory authorisation, or for which it is desirable that they be given statutory authorisation. 25

4 Provisions to take effect on commencement of this Act

- (1) Unless stated otherwise, the provisions of this Act take effect on the day they come into force under **section 2**.
- (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— 30
 - (a) the provision to have full effect on that date; or
 - (b) a power to be exercised under the provision on that date; or
 - (c) a duty to be performed under the provision on that date.

5 Act binds the Crown

This Act binds the Crown.

*Interpretation provisions***6 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 matters set out in the Resolution Agreement. 5

7 Interpretation

In this Act, unless the context requires otherwise,—

2009 Bylaws means the Abel Tasman National Park Bylaws 2009

Abel Tasman National Park management plan and **management plan** mean the Abel Tasman National Park management plan made under the National Parks Act 1980 and dated 2008 10

adjacent foreshore areas has the meaning given in **section 22**

administering body has the meaning given in section 2(1) of the Reserves Act 1977 15

authorised licence activities has the meaning given in **section 22**

authorised Ngā Uri activities has the meaning given in **section 22**

board, unless otherwise defined, means the relevant ~~Conservation~~ conservation board established under the Conservation Act 1987

chattels and equipment means tangible movable items of personal property not fixed to land or a building, and includes tools, machinery, and electronic devices 20

commencement and **commencement date**, unless otherwise qualified, mean the commencement of this Act in accordance with **section 2**

concession has the meaning given in section 2(1) of the Conservation Act 1987 25

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

conservation legislation means—

- (a) the Conservation Act 1987; and
- (b) the enactments listed in Schedule 1 of that Act 30

corporate trustee has the meaning given in **section 14(3)**

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

delayed disclosure information means information about trust land that—

- (a) was not given by the Crown to the trustees in the course of giving initial disclosure information as required by clause 7.1 of the Resolution Agreement; but 35

(b) was given by the Crown to the trustees before 27 February 2026

delayed release land has the meaning given in **section 8(1)**

Department means the department of State that, for the time being, administers the Conservation Act 1987, National Parks Act 1980, and Reserves Act 1977

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Director-General means the Director-General of Conservation

disclosure information means information given or required for initial disclosure or delayed disclosure, as the case may be

expiry date has the meaning given in **section 8(5)**

final package means—

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(a) Te Here ā Nuku trust land, as described in Schedule 1 of the Resolution Agreement; and

(b) monetary payments provided for under the Resolution Agreement

foreshore administering committee has the meaning given in **section 22**

former unformed road means the land that has vested in the Crown under **section 115** or is transferred to the Crown under **section 116**

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future third-party rights means any rights, interests, and other lawfully created rights or interests matters that relate to future trust land identified and agreed through the process referred to in clause 7.12.2 of the Resolution Agreement

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future trust land means land that is within the meaning of clause 7.12 of the Resolution Agreement

improvements means improvements of any kind on trust land, including buildings, sealed yards and paths, fences, subsoil structures and services, but not including chattels or equipment

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initial disclosure information has the meaning given in clause 2.1.8 of the Resolution Agreement

initial Te Here ā Nuku national park land has the meaning given in **section 22**

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

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Kaka Point has the meaning given in **section 52**

kawenata means the covenant that must be entered into in the terms described in Schedule 4 of the Resolution Agreement

Kaiteretere foreshore reserve has the meaning given in **section 52**

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land means trust land

licence means the licence—

- (a) applying over Te Here ā Nuku national park land, as required by **section 26**; and
- (b) that is in a form consistent with Appendix 2 to Schedule 4 of the Resolution Agreement; and
- (c) includes, as long as the trustees and Department agree, a new, an extended, and a varied licence, and any other agreed arrangement to replace the licence

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LINZ means Land Information New Zealand

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

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Minister means the Minister responsible for administering—

- (a) the ~~Conservation~~ conservation legislation, for the purposes of **Parts 3 and 4**; and
- (b) Land Information legislation for the purposes of **subpart 1 of Part 6**

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Ngā Tūpuna o Ngā Uri means the tūpuna named in Schedule 3 of the trust deed or as that list is amended from time to time in accordance with the requirements of clause 4 of Schedule 4 of that trust deed

Ngā Uri means the descendants of Ngā Tūpuna o Ngā Uri listed in Schedule 3 of the trust deed or as that list is amended from time to time in accordance with the requirements of clause 4 of Schedule 4 of that trust deed

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Ngā Uri member means a member of Ngā Uri, regardless of the age of a member

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

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operational year means the period of 12 months ending on June 30, unless otherwise agreed

other authorisations means authorisations granted by—

- (a) the Director-General acting under any conservation legislation; or
- (b) the Minister of Conservation acting under any conservation legislation

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other entity has the meaning given in **section 52**

other Te Here ā Nuku reserve land and **other reserve land** have the meaning given in **section 52**

other trust land means a property described in Part 3 of Schedule 1 of the Resolution Agreement

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proceedings means any or all of the following:

- (a) the proceeding against the Crown filed in the High Court as CIV-2010-442-181:

- (b) the appeal filed in the Court of Appeal as CA436/2012:
- (c) the appeal filed in the Supreme Court as SC13/2015:
- (d) the claims remitted by the Supreme Court to the High Court for liability, loss, and remedy to be determined in accordance with the Supreme Court's judgment of 28 February 2017, including any case stated to the Māori Appellate Court: 5
- (e) any appeals from the High Court's decision on any remaining questions:
- (f) any other related claims brought before any court, tribunal, or other jurisdiction, including the Māori Land Court and the Waitangi Tribunal, as well as any arbitration or mediation process, or any formally constituted ~~inquiry of commission of inquiry~~ 10

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

regional council has the meaning given in section 5(1) of the Local Government Act 2002 15

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

released trust land means—

- (a) the trust land described in Schedule 3 of the Resolution Agreement; and
- (b) any trust land described in a notice given to the Crown by the trustees under **section 8** that the trustees wish to be released from the trust 20

Reserves Act bylaws has the meaning given in **section 52**

Resolution Agreement—

- (a) means the Resolution Agreement dated 17 December 2025 and signed by— 25
 - (i) the Honourable Judith Collins, Attorney-General, for and on behalf of the Crown; and
 - (ii) Rore Pat Stafford as plaintiff and as trustee; and
 - (iii) each of the other Te Here ā Nuku trustees, for and on behalf of the beneficiaries of Te Here ā Nuku Trust; and 30
- (b) includes—
 - (i) the schedules of, and attachments to, the Resolution Agreement; and
 - (ii) any amendments of, and attachments to, the Resolution Agreement or its schedules or attachments 35

Spain Award means the award of land confirmed as being sold to the New Zealand Company, as set out by Commissioner Spain in the report referred to in the definition of Spain Award area

Spain Award area means the area—

- (a) referred to in the William Spain Report entitled “Report on the New Zealand Company’s ~~Purpose~~ Purchase of Nelson District” dated 31 March 1845; and
- (b) as represented in the mapping relied on by the High Court in proceeding CIV-2010-442-181; and
- (c) as set out in the joint statement of John Stewart Wallace and James Brent Parker recording their agreement of 14 August 2023 on the location of the Spain Award area boundary

Stafford claims means any claim, including contingent, prospective, actual, or alleged claims against the Crown, by any person relating to or arising from the facts and circumstances underlying the proceedings filed in the High Court as CIV-2010-442-181, including claims preserved by section 25(6) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act-2024 2014

Te Here ā Nuku national park land has the meaning given in **section 22**

Te Here ā Nuku reserve land has the meaning given in **section 52**

Te Here ā Nuku Trust and **trust** have the meaning given in **section 12**

Te Here ā Nuku trust deed means Te Here ā Nuku trust deed dated 16 December 2025 as set out in Schedule 6 of the Resolution Agreement

Te Here ā Nuku trust land and **trust land** mean—

- (a) all the land impressed with Te Here ā Nuku Trust and described in Schedule 1 of the Resolution Agreement; and
- (b) any future trust land

Te Taero a Kereopa has the meaning given in **section 52**

third-party rights means the rights, interests, and other lawfully created matters that relate to—

- (a) ~~trust land for which initial disclosure information was given~~, as noted in column 3 of Schedule 1 of the Resolution Agreement; or
- (b) trust land for which delayed disclosure information has been given, as contained in that information and set out in a list notified to the trustees by the Crown not later than 27 February 2026; ~~or~~
- (c) ~~future trust land for which disclosure is given to the trustees as part of the negotiation process referred to in clause 7.12.2 of the Resolution Agreement~~

transfer date means the date on which the fee simple estate in a property is transferred to the trustees

transfer property means 1 or more of the following:

- (a) other trust land, initial Te Here ā Nuku national park land, and Te Here ā Nuku reserve land (*see* Schedule 1 of the Resolution Agreement); and
- (b) future trust land; and
- (c) a former unformed road

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trust deed means the trust deed set out in Schedule 6 of the Resolution Agreement

trustees and Te Here ā Nuku trustees mean—

- (a) the following persons named in the High Court (Minute No 23) of Edwards J, dated 24 July 2025, in their capacity as trustees of Te Here ā Nuku Trust from time to time:
 - (i) Rore Pat Stafford:
 - (ii) Jamie Tuuta:
 - (iii) Kerensa Johnston:
 - (iv) George Stafford:
 - (v) Riria Te Kanawa:
 - (vi) Roma Hippolite:
 - (vii) Hone McGregor:
 - (viii) Olivia Hall:
 - (ix) Jeremy Banks:
 - (x) Nicole Akuhata:
 - (xi) Hēmi Sundgren:
 - (xii) Rōpata Taylor:
 - (xiii) Russell (Barney) Thomas:
 - (xiv) Peter Meihana; and
- (b) includes any subsequent trustees named as trustees of Te Here ā Nuku Trust from time to time in accordance with clause 4 of the trust deed; and
- (c) includes a corporate trustee, if appointed

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trust fund means the property that the trustees or their nominee hold, or is held, from time to time on the trusts of the trust deed, including—

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- (a) the final package; and
- (b) any other property that the trustees may subsequently purchase, receive (including income) or otherwise acquire from themselves or another person, firm, or corporation, or the Crown for the purpose and objects of the trust

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working day means a day that is not—

- (a) a Saturday or Sunday; or
- (b) Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Labour Day, or Te Rā Aro ki a Matariki/Matariki Observance Day; or 5
- (c) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday; or
- (d) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year; or
- (e) a day that is observed as the anniversary ~~on~~ in the province of— 10
 - (i) Wellington; or
 - (ii) Nelson.

8 Trust land released from trust

- (1) At any time or times not later than the expiry date, the trustees may—
 - (a) notify the Crown of any trust land that they wish to release from the trust (**delayed release land**); and 15
 - (b) transfer the legal (if applicable) and equitable estate in that land to the Crown.
- (2) The trustees must do everything required of them—
 - (a) to release the relevant land from the trust; and 20
 - (b) to transfer the legal (if applicable) and equitable estate in the released land to the Crown.
- (3) Any land released under this section—
 - (a) must be released in the same condition and state that it was in at the date of the Resolution Agreement, except as to any matters outside the control of the trustees; and 25
 - (b) continues to have the same status as applied before its release under this section.
- (4) The costs incurred by the trustees in performing their obligations under this section must be paid by the Crown. 30
- (5) In this section, **expiry date** means,—
 - (a) in relation to trust land described in Schedule 1 of the Resolution Agreement, the date that is 24 months after the commencement date; and
 - (b) in relation to future trust land, the date that is 24 months after the date on which land is identified as future trust land. 35

*Discharge of Stafford claims***9 Stafford claims discharged**

- (1) On and ~~from the~~after 17 December 2025, all claims determined by the ~~Court~~courts in the proceedings are fully and finally settled (*see* the definition of proceedings in **section 7**), ~~are fully and finally settled~~. 5
- (2) The Crown is discharged and released from all obligations and liabilities in respect of—
 - (a) the Stafford claims; or
 - (b) any other claim relating to the operation of the New Zealand Company or the Crown in respect of the Nelson Tenth's scheme; or 10
 - (c) any claim against the Crown as trustee of the trust.
- (3) Despite any other enactment or rule of law, on and after the commencement date, no court, tribunal, or other judicial body has jurisdiction to consider or further consider, or make a finding or order in relation to—
 - (a) any claim referred to in **subsection (2)**; or 15
 - (b) this Act; or
 - (c) the Resolution Agreement.
- (4) **Subsection (3)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation, implementation, or enforcement of this Act or the Resolution Agreement. 20

10 No claims against trustees

No person has a claim against—

- (a) Rore Pat Stafford or any other trustee for entering into the Resolution Agreement; or
- (b) the trustees for using the money paid by the Crown to the trustees on 1 December 2025 to satisfy debts incurred by the trustees or Rore Pat Stafford before 17 December 2025, including debts through litigation funding arrangements relating to the Stafford claims. 25

11 Nature of relief and final package

- (1) The relief provided to Ngā Uri for the discharge of the Stafford claims is the recognition by the Crown, through the Resolution Agreement and as recorded in the Preamble, that it held money and holds land on trust for Ngā Uri. 30
- (2) The land and money comprising the final package was, before the signing of the Resolution Agreement, property beneficially owned by Ngā Uri and held by the Crown on trust for Ngā Uri. 35
- (3) The money payments provided for under the Resolution Agreement and paid by the Crown to the trustees on 18 December 2025 was a transfer of trust property to the trustees by the Crown as former trustee of that property.

- (4) The transfer of a transfer property under this Act to the trustees effects a transfer of legal title to that transfer property by the Crown as former trustee of that property.

Part 2

Te Here ā Nuku Trust

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12 Meaning of Te Here ā Nuku Trust

In this Act, **Te Here ā Nuku Trust** and **trust** mean the trust that the High Court in *Stafford v Attorney-General* [2024] NZHC 3110 found to have existed since 1845 and is continued by trust deed dated 16 December 2025, in accordance with the order of the High Court.

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13 Continuation and name of trust

- (1) The continuation of Te Here ā Nuku Trust by the trust deed gives effect to the trust found by the High Court to have existed since 1845 (*see Stafford v Attorney-General* [2024] NZHC 3110).

- (2) Te Here ā Nuku Trust is—

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- (a) a discretionary trust; and
- (b) enforceable in accordance with the terms of the trust deed.

14 Power to appoint corporate trustee

- (1) The trustees may, at any time, appoint a corporate trustee.
- (2) If a corporate trustee is appointed, any trustee appointed in accordance with the trust deed becomes a director of the corporate trustee and the provisions applying to that individual as a trustee apply to the individual as a director of the corporate trustee.
- (3) In this section, **corporate trustee** means an entity incorporated to act as a corporate trustee of Te Here ā Nuku Trust.

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15 Purposes of Te Here ā Nuku Trust

- (1) The primary purpose of Te Here ā Nuku Trust is to ensure the collective and intergenerational well-being of Ngā Uri, including by enhancing and caring for the trust fund.
- (2) The trustees may take any action required to settle, receive, hold, manage, and administer the trust fund as an endowment on behalf of, and for the collective benefit of, present and future Ngā Uri members, including—
- (a) promoting the collective educational, spiritual, economic, health, and social or cultural well-being, and the development and advancement, of Ngā Uri; and

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- (b) promoting the kaitiakitanga of all trust land and other land within Nelson, ~~Tasman/Te Tai-o-Aorere, and Golden Bay/Mohua~~ Tasman / Te Tai-o-Aorere, and Golden Bay / Mohua; and
- (c) supporting the ongoing care, maintenance, establishment of, and enhancement ~~pf~~ of places of physical, cultural, or spiritual significance to Ngā Uri within Nelson, ~~Tasman/Te Tai-o-Aorere, and Golden Bay/Mohua~~ Tasman / Te Tai-o-Aorere, and Golden Bay / Mohua (including specified trust land); and 5
- (d) supporting strategies, whether led and implemented by the trustees or any other entity,— 10
- (i) designed to build communities of tikanga practice for Ngā Uri in Nelson, ~~Tasman/Te Tai-o-Aorere, and Golden Bay/Mohua~~ Tasman / Te Tai-o-Aorere, and Golden Bay / Mohua; and
- (ii) that supports the reconnection of the members of Ngā Uri to one another and to the trust and its land in Nelson, ~~Tasman/Te Tai-o-Aorere, and Golden Bay/Mohua~~ Tasman / Te Tai-o-Aorere, and Golden Bay / Mohua; and 15
- (e) undertaking commercial activities to support the purpose of the trust; and
- (f) funding any other agency or entity, consistent with the purpose of the trust; and 20
- (g) for any other purpose that the trustees, from time to time, consider to be beneficial to Ngā Uri.
- 16 Beneficiaries of trust**
- The beneficiaries of the trust are the descendants of Ngā Tūpuna o Ngā Uri. 25
- Other matters relevant to Te Here ā Nuku Trust*
- 17 Declaration that land and money held on single trust**
- (1) Despite the judgment of the High Court in *Stafford v Attorney-General* [2024] NZHC 3110,—
- (a) the Tenth land and occupation land, which is the land to which legal title is transferred to the trustees under this Act, is general land that does not have a particular character; and 30
- (b) there is no distinction between money held by the Trust that could, historically, have been derived from Tenth land, and money that could have been derived from occupation land. 35
- (2) In this section and **section 18**, the terms **Tenth land** and **occupation land** have the meanings given by the High Court in *Stafford v Attorney-General* [2024] NZHC 3110.

18 Exclusive jurisdiction of High Court

The High Court has exclusive jurisdiction on all matters relating to Te Here ā Nuku Trust and trust land.

19 Treatment of Te Here ā Nuku Trust under Te Ture Whenua Maori Act 1993

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- (1) For the purposes of section 236(1)(c) of Te Ture Whenua Maori Act 1993, Te Here ā Nuku Trust must not be treated as a trust constituted in respect of General land owned by Māori.

- (2) **General land owned by Māori** has the meaning given in section 4 of Te Ture Whenua Maori Act 1993.

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20 Amendment to Income Tax Act 2007

- (1) This section amends section HF 2 of the Income Tax Act 2007.

- (2) After section HF 2(8), insert:

Te Here ā Nuku Trust

- (9) Te Here ā Nuku Trust, a discretionary trust held by the High Court in *Stafford v Attorney-General* [2024] NZHC 3110 to have been in existence since 1845 and continued by the trust deed dated 16 December 2025, is eligible to make an election.

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- (3) **Subsection (2)** applies for the 2025–26 and later income years.

21 Limit on duration of trust does not apply

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

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

- (i) Te Here ā Nuku Trust may exist in law; or

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

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- (b) do not apply to a document entered into to give effect to the Resolution Agreement 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.

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- (2) However, if Te Here ā Nuku Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Part 3**Trust land: Te Here ā Nuku national park land****22 Interpretation**

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In this Part, unless the context requires otherwise,—

adjacent foreshore areas means the areas that are—

- (a) adjacent to Te Here ā Nuku national park land; and
- (b) part of the Abel Tasman Scenic Reserve administered by the foreshore administering committee

authorised licence activities means the activities provided for in the Fifth Schedule of the licence 5

authorised Ngā Uri activities means any activities that are—

- (a) authorised in writing by the trustees; and
- (b) undertaken by the trustees or by Ngā Uri in accordance with **section 25**

foreshore administering committee— 10

- (a) means the committee appointed by the Minister under section 9 of the Reserves Act 1977 in relation to the adjacent foreshore ~~area~~ areas; and
- (b) includes any successor committee or body

initial Te Here ā Nuku national park land means the property described in Part 1 of Schedule 1 of the Resolution Agreement 15

Te Here ā Nuku national park land means all or ~~the~~ part of the initial Te Here ā Nuku national park land that is held in the name of the trustees and that forms part of Abel Tasman National Park.

23 Transfer of legal title of initial Te Here ā Nuku national park land to trustees 20

- (1) This section applies to the initial Te Here ā Nuku national park land (being part of the Abel Tasman National Park) that is transferred to the trustees under **section 103**.
- (2) Immediately before the transfer of that land, the land ceases to be a national park under the National Parks Act 1980. 25
- (3) Immediately after the transfer of that land, the land—
 - (a) is held as Te Here ā Nuku national park land under this Act; and
 - (b) is declared to be national park and forms part of Abel Tasman National Park; and
 - (c) unless otherwise expressly provided by this Act, is subject to the National Parks Act 1980 as if it were constituted under that Act. 30

National Parks Act 1980 to apply

24 Application of National Parks Act 1980

- (1) The National Parks Act 1980 applies to Te Here ā Nuku national park land for as long as the licence is in effect, but subject to— 35
 - (a) the terms of this Act; and

- (b) the modifications to the National Parks Act 1980 by this Act (*see* **section 51**); and
- (c) the terms of the licence; and
- (d) the kawenata.

Additional purposes of National Parks Act 1980

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- (2) In addition to the general purposes set out in section 4(1) and (2) of the National Parks Act 1980, the provisions of that Act apply for the purpose of acknowledging and upholding—
 - (a) the status of Te Here ā Nuku national park land as private land, as provided for by this Act; and
 - (b) the use of that land for Te Here ā Nuku national park land purposes (as provided for in this Part).

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Duration of application of National Parks Act 1980

- (3) The National Parks Act 1980 ceases to apply to Te Here ā Nuku national park land or part of it on the day that the licence terminates for Te Here ā Nuku national park land or the relevant part of that land in accordance with the terms of the licence and the Resolution Agreement.
- (4) However, despite **subsection (3)**, the lawful rights and interests existing on that date that relate to Te Here ā Nuku national park land continue to apply according to their terms and conditions with any necessary modification until the right or interest expires or is terminated in accordance with the terms and conditions of that right or interest.

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25 Te Here ā Nuku national park land is private land

- (1) Te Here ā Nuku national park land is private land owned by the trustees on behalf of Ngā Uri.
- (2) The trustees and Ngā Uri, as the owners of Te Here ā Nuku national park land, have and must always have access to, and use of, Te Here ā Nuku national park land for their own purposes.
- (3) **Subsections (1) and (2)** apply despite—
 - (a) the trustees' grant of the licence; and
 - (b) anything in the National Parks Act 1980; and
 - (c) the status of the land as part of a national park; and
 - (d) the national park management plan and 2009 Bylaws continuing to apply in modified form.
- (4) However, this section is subject to the following conditions:
 - (a) the Department must be able to exercise, without unreasonable interference, its rights provided for in the licence; and

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- (b) any use of Te Here ā Nuku national park land by the trustees or Ngā Uri for authorised Ngā Uri activities—
 - (i) must not unreasonably interfere with the rights of the Department under the licence; and
 - (ii) must be sensitive to the environment in which the authorised Ngā Uri activities are proposed (including conservation activities and making provision for public access to and over Te Here ā Nuku national park land); and
- (c) before activities are undertaken by the trustees or Ngā Uri on or over Te Here ā Nuku national park land, the trustees must authorise the activities in writing as authorised Ngā Uri activities and provide copies of the authorisations to the Department, subject to **subsection (6)**; and
- (d) the authorised Ngā Uri activities may not occur within the areas referred to in **section 27** without the agreement of the Department.
- (5) The kawenata must provide a process by which—
 - (a) the trustees are to provide prior notice to the Department of proposed authorised Ngā Uri activities; and
 - (b) the trustees and the Department can best provide for the proposed authorised Ngā Uri activities; and
 - (c) the trustees and Department will discuss any matters of concern.
- (6) This section does not—
 - (a) require the trustees to consent to, or be responsible for, the use of Te Here ā Nuku national park land by Ngā Uri in the same manner as applies to the general public; or
 - (b) affect the fact that, in such circumstances, Ngā Uri have the same rights and obligations as apply to the general public.

Licence to the Crown

26 Licence to the Crown for authorised licence activities

- (1) The trustees must grant a licence to the Crown through the Minister of Conservation and the Director-General.
- (2) The licence is to commence on the transfer date for a period of 25 years.
- (3) The area to which the licence must apply is Te Here ā Nuku national park land, subject to any exclusion of land under **section 28**.
- (4) The purpose, scope, and form of the licence are further described in Schedule 4 of the Resolution Agreement.

*Excluded areas***27 Areas of Te Here ā Nuku national park land exclusive to Department**

- (1) The licence provides for the Department to have exclusive possession of certain areas of Te Here ā Nuku national park land so that these areas are inaccessible to any other person, including the trustees and Ngā Uri. 5
- (2) The areas subject to this limitation as at the transfer date are described in the licence, but may be amended through the process agreed and described in the kawenata.

28 Land may be excluded from licence area

- (1) If the trustees wish to exclude land from Te Here ā Nuku national park land to undertake, or authorise Ngā Uri to undertake, activities within discrete areas of Te Here ā Nuku national park land for the use and benefit of Ngā Uri, the trustees must— 10
- (a) give notice to the Department that discrete areas of the national park land are to become excluded areas (the **excluded areas**) and confirming that those areas— 15
- (i) are removed from the area described in the licence; and
- (ii) cease to be Te Here ā Nuku national park land; and
- (iii) cease to be national park and part of the Abel Tasman National Park; and 20
- (b) publish in the *Gazette* a notice confirming the matters set out in **paragraph (a)**.
- (2) However, before giving notice under **subsection (1)** that the trustees require that an area of Te Here ā Nuku national park land is to become an excluded area, the trustees must give the Department at least 3 months' notice of their intention and discuss the proposal with the Department during that period. 25
- (3) The exclusion of areas from Te Here ā Nuku national park land and the activities to be undertaken in the excluded areas must not unreasonably interfere with the Department's rights under the licence, including public access over, and use of, Te Here ā Nuku national park land and facilities. 30
- (4) However, despite **subsection (1)**, the lawful rights and interests existing on that date that relate to the excluded areas continue to apply according to their terms and conditions with any necessary modifications until the right or interest expires or is terminated in accordance with the terms and conditions of that right or interest. 35

*Adjacent foreshore land***29 Foreshore areas adjacent to Te Here ā Nuku national park land**

- (1) The adjacent foreshore areas are held as part of the Abel Tasman Scenic Reserve.
- (2) ~~Activities on adjacent foreshore areas directly interact with, and impact on, Te Here ā Nuku national park land.~~ 5
- (3) If the foreshore administering committee (the **committee**) agrees, the trustees may enter into a relationship agreement with the committee that provides for and acknowledges that—
- (a) the activities on adjacent foreshore areas directly interact with, and impact on, Te Here ā Nuku national park land; and 10
 - (b) the trustees and the committee must have a relationship based on good faith, respect, transparency, and open-minded collaboration; and
 - (c) the committee recognises, and provides for, the impact that decisions made in relation to the adjacent foreshore areas could have on the adjacent Te Here ā Nuku national park land; and 15
 - (d) the trustees need to be involved at an early stage in, and have an opportunity to contribute to, decisions on managing impacts on the adjacent Te Here ā Nuku national park land.

Improvements and liabilities 20**30 Improvements-Obligations for improvements on national park land**

- (1) The Department must, for the term of the licence, maintain the improvements on Te Here ā Nuku national park land, ~~to the appropriate standard, as set out in the following (the **departmental standard**):~~
- (a) ~~the Tracks and Outdoor Visitor Structures: Standards New Zealand Handbook;~~ 25
 - (b) ~~the Department's Hut Service Standard;~~
 - (c) ~~any replacement standard agreed with the trustees.~~
- (1A) The improvements referred to in **subsection (1)** must be maintained to the appropriate standard, as set out in the following (the **departmental standard**)— 30
- (a) the Tracks and Outdoor Visitor Structures: Standards New Zealand Handbook;
 - (b) the Department's Hut Service Standard;
 - (c) any replacement standard agreed with the trustees. 35

- (2) The Department may, at its option, repair or replace any improvements of a like nature in the same location, following discussion with the trustees as provided for in the kawenata.
- (3) ~~The kawenata will include provisions in relation to how the trustees and the Department will interact in relation to improvements, including in relation to asset plans, and discussions on how to approach aging improvements.~~ 5
- (3) The kawenata is to include provisions—
- (a) as to how the trustees and the Department will work together in relation to improvements, including asset plans, and discussions on how to deal with ageing improvements; and 10
- (b) relating to compliance with, and enforcement of, the obligations of any third party to maintain its improvements on Te Here ā Nuku national park land in accordance with the terms and conditions of a lawful right or interest (including a third-party right or future third-party right) granted to that third party. 15
- (4) For the purposes of this section (except **subsection (3)(b)**) and **sections 31 to 33**, **improvement** means an improvement in, on, or over Te Here ā Nuku national park land that transfers to the trustees under **section 114(1)**.
- 31 If improvements no longer required**
- (1) The Department may notify the trustees that it wishes to retire a particular improvement. 20
- (2) The Department must secure the agreement of the trustees (which must not be unreasonably withheld) to retire an improvement.
- (3) The trustees may require that—
- (a) the improvement be left in a state that complies with the departmental standard (*see* **section 30(1)**); and 25
- (b) the Department complies with the process described in **section 32** in respect of the relevant improvement.
- (4) When an improvement is retired in accordance with this section, the Department is no longer required to maintain the improvement to the departmental standard. 30
- (5) The Department must obtain the agreement of the trustees before dealing with improvements—
- (a) other than in the circumstances set out in **subsections (2) to (4)**; and
- (b) if improvements are not within the scope of **section 30(1) or (2)**. 35
- (6) Except where **subsection (4)** applies, at the end of the licence term, the Department must ensure that the improvements meet the ~~Department's~~ departmental standard.

32 Department's responsibilities at end of licence term

- (1) This section applies to the Department's responsibilities—
- (a) at the end of the term of the licence:
 - (b) if an improvement is retired in accordance with **section 31**.
- (2) Within a reasonable time after an improvement is retired or after the end of the term of the licence, the Department must remove, enclose, or otherwise manage any improvement that the Department and trustees agree are a health and safety risk or that create an environmental liability. 5
- (3) If the Department and trustees agree that an improvement must be removed, enclosed, or otherwise managed under **subsection (2)**, the Department must make good any damage caused to Te Here ā Nuku national park land in the course of removing, enclosing, or otherwise managing the relevant improvement. 10
- (4) The Department is not required to reinstate any Te Here ā Nuku national park land after an improvement has been removed, enclosed, or otherwise managed, but the Department must leave the land in a clean and tidy condition. 15

33 Asset plans and annual report

As part of the annual operational planning process the Department must—

- (a) provide an asset plan to the trustees and the trustees and Department will discuss the plan in accordance with the process set out in the kawenata; and 20
- (b) provide an annual report to the trustees, setting out relevant information about the improvements on Te Here ā Nuku national park land, including a description, with relevant details, of—
 - (i) the maintenance that was undertaken in the previous year or years; 25
 - and
 - (ii) the maintenance required in the succeeding year or years.

34 Liabilities

For the term of the licence, or if liability arose during the term of the licence, the Crown, through the Department, has liability for the following matters as they relate to Te Here ā Nuku national park land: 30

- (a) liability associated with public access to Te Here ā Nuku national park land; and
- (b) liability for health and safety matters relating to authorised licence activities on Te Here ā Nuku national park land; and 35
- (c) liability for the actions on Te Here ā Nuku national park land of the Department, its contractors, persons it invites to the onto Te Here ā Nuku national park land, or the general public; and

- (d) liability for contamination in or on Te Here ā Nuku national park land that—
 - (i) occurred before the transfer date; or
 - (ii) was caused by the Department during the term of the licence; and
- (e) liability for fire, if the fire begins on Te Here ā Nuku national park land or other public conservation land and the Department, its contractors, persons it invites on to Te Here ā Nuku national park land, or a member of the public, causes the fire; and 5
- (f) any other liability that would ordinarily be incurred by the Department as the administering agency of national park land. 10

35 Limits to Department's liability

- (1) Despite **section 34**, the Department will not be responsible for a liability that arises as a result of the use of Te Here ā Nuku national park land by the trustees, their agents, contractors, persons invited onto Te Here ā Nuku national park land by the trustees, or Ngā Uri (to the extent that their actions were authorised by the trustees). 15
- (2) **Subsection (1)** does not apply if the use of any Te Here ā Nuku national park land by the trustees, their agents, contractors, invited persons, or Ngā Uri is of the same or similar nature to the lawful and reasonable use of a national park by the general public. 20

National Park management plan

36 Management plan

- The Abel Tasman National Park management plan continues to apply to Te Here ā Nuku national park land for as long as the licence is in effect, subject to— 25
- (a) this Act; and
 - (b) any modifications to the application of the management plan necessary to give effect to this Act; and
 - (c) the terms of the licence; and
 - (d) the kawenata. 30

37 New or amended management plan

- (1) If the Abel Tasman National Park management plan is replaced or amended, the new or amended Abel Tasman National Park management plan applies to Te Here ā Nuku national park land, but only—
 - (a) to the extent that it is agreed to by the trustees; and 35
 - (b) for as long as the licence is in effect.

- (2) In recognition that Te Here ā Nuku national park land is private land (*see section 25(1) and (2)*), nothing in a new or amended Abel Tasman National Park management plan may prevent the access to, or use of, that land by the trustees or Ngā Uri, for authorised Ngā Uri activities.

- (3) **Subsection (2)** is subject to **section 25**. 5

38 Preparation of new or amended management plan

- (1) This section applies—
- (a) if, under Part 5 of the National Parks Act 1980, the Director-General and board propose to replace or amend the Abel Tasman National Park management plan, to the extent that the replacement or amendment would apply to Te Here ā Nuku national park land; but 10
 - (b) only for as long as the licence is in effect.
- (2) In addition to the requirements of section 47 of the National Parks Act 1980 and the roles of the Director-General and board,—
- (a) the trustees' agreement to the form of the draft new or amended management plan (to the extent that it relates to Te Here ā Nuku national park land) is required before the plan is released for public notification; and 15
 - (b) the trustees may appoint a member to the hearing panel to hear any submissions on the new or amended draft management plan; and
 - (c) the trustees' agreement is required to the final form of the management plan (to the extent that ~~is~~ it relates to Te Here ā Nuku national park land) before it takes effect over Te Here ā Nuku national park land. 20
- (3) In addition, the trustees may participate in the approval process in the manner set out in the kawenata.
- (4) This section does not prevent the Department from preparing and approving a new or amended management plan for any parts of the Abel Tasman National Park that are not within Te Here ā Nuku national park land. 25
- (5) The kawenata will include a process for the trustees and the Department to explore how they might achieve an integrated approach to the management of Te Here ā Nuku national park land and to the wider Abel Tasman National Park. 30

2009 Bylaws

39 Application of Abel Tasman National Park Bylaws 2009

The 2009 Bylaws and any other relevant bylaws continue to apply in respect of Te Here ā Nuku national park land, but only for as long as the licence is in effect and subject to— 35

- (a) this Act; and

- (b) modifications to the application of the 2009 Bylaws necessary to give effect to this Act; and
- (c) the terms of the licence; and
- (d) the kawenata.

40 New or amended bylaws 5

- (1) Any new or amended bylaws may apply to Te Here ā Nuku national park land, but only—
 - (a) to the extent that they are agreed to by the trustees; and
 - (b) for as long as the licence is in effect.
- (2) The trustees must have a formal role in preparing and approving any new or amended bylaws that are to apply to Te Here ā Nuku national park land, as provided for in the kawenata. 10
- (3) In recognition that Te Here ā Nuku national park land is private land (as provided for in **section 25(1) and (2)**), nothing in any new or amended bylaws may prevent access to, or use of, that land for authorised Ngā Uri activities. 15
- (4) **Subsection (3)** is subject to **section 25**.

Operational management of Te Here ā Nuku national park land

41 General operational matters

The Department must undertake operational management over Te Here ā Nuku national park land for as long as the licence is in effect in accordance with the requirements under— 20

- (a) the National Parks Act 1980, subject to this Act and as modified by this Act (*see* **section 51**); and
- (b) the terms of the licence; and
- (c) the kawenata; and 25
- (d) the annual operational plan.

42 Purpose and preparation of annual operational plan

- (1) The purpose of the annual operational plan is to provide for how the Department's activities and those of the trustees are to be undertaken within Te Here ā Nuku national park land for the agreed operational period, including— 30
 - (a) setting out in detail how the Department will undertake authorised licence activities in the coming year (*see* **subsection (3)**); and
 - (b) identifying any other activities, as agreed to by the trustees, to be undertaken on Te Here ā Nuku national park land but not contemplated in the licence; and 35

- (c) identifying opportunities for Ngā Uri to participate in the operational management of Te Here ā Nuku national park land and in other areas of the Abel Tasman National Park; and
 - (d) identifying and describing the trustees' plans and proposals for activities, including authorised Ngā Uri activities, on Te Here ā Nuku national park land for the coming year. 5
- (2) To that end, the trustees and the Department must meet not later than 3 months before the start of each operational period for the purpose of developing and agreeing the annual operational plan.
- (3) The trustees must not unreasonably withhold their agreement as to how the authorised licence activities specified in the licence are to be carried out. 10
- (4) In this section, the **agreed operational period** means a period of 1 year or other period that the trustees and Department agree.

43 Limitations on Department's activities

- (1) The Department may undertake— 15
- (a) authorised licence activities on Te Here ā Nuku national park land but only as provided for by the licence and the annual operational plan; and
 - (b) additional authorised activities (as provided for in **section 42(1)(b)**) and emergency activities (as provided for in **section 44**).
- (2) However, at times other than in the course of setting the annual operational plan, the Department may request the trustees' agreement for other activities to be undertaken on Te Here ā Nuku national park land that are not included in the annual operational plan. 20
- (3) If the Department seeks to use the option described in **subsection (2)**, it must follow the process provided in the kawenata. 25

44 Emergency circumstances

The Department must follow the processes provided for in the kawenata if an emergency circumstance arises on Te Here ā Nuku national park land that requires the Department to undertake operational management activities urgently without it being reasonably possible to obtain the agreement of the trustees; for example, if— 30

- (a) the circumstances have implications for health and safety or carry other significant risks:
- (b) the circumstances require immediate closure of any area, including any track, hut, or campsite. 35

*Annual report of Department***45 Department to report annually to trustees**

- (1) The Department must provide an annual report to the trustees not later ~~that~~ than 3 months after the end of each operational year.
- (2) The report must deal with the following matters: 5
 - (a) the activities undertaken by the Department on Te Here ā Nuku national park land; and
 - (b) how any relevant issues under this Act, the licence, or the kawenata have been achieved or complied with in the relevant year; and
 - (c) any issues that have arisen and how they are being, or are to be, resolved; and 10
 - (d) any other matters relating to this Act, the licence, or the kawenata that are also relevant to the Department.

46 Department to make own budget and funding decisions

The Department retains the discretion to make its own decisions over its budget and funding allocation functions. 15

*Review***47 Review of licence arrangements**

- (1) On or about the date that is 22 years after the transfer date, the trustees and the Department must begin a review of the arrangements under the licence. 20
- (2) The purpose and scope of the review is to provide the opportunity for the trustees and the Department—
 - (a) to discuss how effective the arrangements under the licence have been; and
 - (b) to discuss whether, following the expiry of the 25-year licence term, they wish— 25
 - (i) to extend the term of, or vary, the licence; or
 - (ii) to enter into a new licence or other arrangement following the expiry of the current term; and
 - (c) if the trustees and the Department wish to enter into a new, extended, or varied licence or other arrangement, to discuss the terms of that new, extended, or varied licence or other arrangement. 30
- (3) The trustees and the Department must both agree before any decision is made to extend or vary the current licence or to enter into a new licence or other arrangement in relation to Te Here ā Nuku national park land, but neither the trustees or the Department is required to give reasons for any decision made under this section. 35

- (4) The trustees and the Department may make their decisions under **subsection (3)** at their sole discretion and on any grounds.

Concessions and other authorisations

48 Responsibility for granting concessions and other authorisations

- (1) Subject to the limitations described in **sections 49 and 50** and despite the status of Te Here ā Nuku national park land as private land, the Minister and Director-General are responsible for granting, in relation to Te Here ā Nuku national park land, the following concessions and authorisations: 5
- (a) concessions under the following Acts, as modified by this Act:
- (i) section 49 of the National Parks Act 1980; and 10
- (ii) Part 3B of the Conservation Act 1987; and
- (b) other authorisations under the conservation legislation (as modified by this Act).
- (2) Except as otherwise provided in this Act, the other statutory responsibilities of the Minister and Director-General under conservation legislation continue to apply, as far as they are relevant, to concessions and other authorisations relating to Te Here ā Nuku national park land. 15

49 Transitional arrangements

- (1) This section applies to any lawful concessions or other authorisations that are third-party rights (the **current concessions and other authorisations**)— 20
- (a) granted under any conservation legislation applying in relation to Te Here ā Nuku national park land; and
- (b) in effect on the transfer date.
- (2) Current concessions and other authorisations—
- (a) continue to have effect until they expire or are terminated in accordance with the terms and conditions of that right or interest; but 25
- (b) must not be amended, varied, or extended, except with the prior agreement of the trustees.
- (3) The parties to a current concession or other authorisation continue to be the Minister or the Director-General, as the case may be, and the holder of a concession or other authorisation. 30

50 Conditions applying to grant of concessions and other authorisations

On and after the transfer date, the following conditions modify the application of the National Parks Act 1980, the Conservation Act 1987, and other conservation legislation, in respect of Te Here ā Nuku national park land, for the purposes of this Act: 35

- (a) the Minister and Director-General may grant a concession or other authorisation over that land but only with the prior agreement of the trustees:
- (b) a concession or other authorisation over that land may be granted under the Fast-track Approvals Act 2024 or any other legislation but only with the prior agreement of the trustees: 5
- (c) the trustees are entitled to exercise their roles, as provided in the kawenata, in—
 - (i) the process applying to the granting of concessions and other authorisations; and 10
 - (ii) managing any current concessions or other authorisations.

50A Revenue derived from Te Here ā Nuku national park land

- (1) For the term of the licence, any revenue (or at least an equivalent amount) that the Department derives from activities on Te Here ā Nuku national park land or the adjacent foreshore areas must be expended in the Abel Tasman National Park including Te Here ā Nuku national park land. 15
- (2) Each year, the Department must provide documentation to the trustees as part of the annual operational planning process to confirm that the obligation under subsection (1) has been complied with.

Modifications 20

51 Modifications to certain provisions of National Parks Act 1980

The application of the following provisions of the National Parks Act 1980 to Te Here ā Nuku national park land is modified in the manner, and to the effect, provided for in specific provisions in this Act ~~this Act, and subject to any specific provisions in this Act~~, as follows: 25

Indigenous plants and animals to be preserved

- (a) the power conferred by section 5 of the National Parks Act 1980 may be exercised, in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees. Section 5 of that Act does not apply if the authorised Ngā Uri activities include to cut, destroy, or take any indigenous plant or part of an indigenous plant: 30

Introduction of biological organisms

- (b) the power conferred by section 5A of the National Parks Act 1980 may be exercised in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees: 35

Exclusion of land from national park

- (c) section 11 of the National Parks Act 1980 does not prevent the removal of national park status from Te Here ā Nuku national park land if—

- (i) the licence no longer applies; or
- (ii) the trustees exercise the power to exclude areas from Te Here ā Nuku national park land (*see section 28*):

Specially protected areas in national parks

- (d) the power conferred by section 12 of the National Parks Act 1980 may be exercised in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees: 5

Permits for access to specially protected areas

- (e) the power conferred by section 13 of the National Parks Act 1980 may be exercised in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees: 10

Wilderness areas

- (f) the powers conferred by section 14 of the National Parks Act 1980 may be exercised in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees: 15

Amenities areas

- (g) the power conferred by section 15 of the National Parks Act 1980 may be exercised in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees:

Plans of national parks 20

- (h) any plan that is created under section 16 of the National Parks Act 1980 to apply to the Abel Tasman National Park must identify Te Here ā Nuku national park land:

Functions of Authority

- (i) the functions of the New Zealand Conservation Authority described in section 18 of the National Parks Act 1980 apply to Te Here ā Nuku national park land, but only to the extent that the functions are consistent with this Act: 25

Functions of boards

- (j) the functions of boards described in section 30 of the National Parks Act 1980 apply to Te Here ā Nuku national park land, but only to the extent that the functions are consistent with this Act: 30

Rangers

- (k) the power conferred by, and requirements prescribed in, section 40 of the National Parks Act 1980 are to be read as applying to Te Here ā Nuku national park land, including a power for the Minister to appoint members of Ngā Uri as honorary rangers over Te Here ā Nuku national park land, using the process set out in the kawenata: 35

Delegation of Minister's powers and functions

- (l) the powers of delegation conferred by section 41 of the National Parks Act 1980 may be exercised in favour of the trustees in relation to Te Here ā Nuku national park land:

Delegation of Director-General's powers and functions 5

- (m) the powers of delegation conferred by section 42 of the National Parks Act 1980 may be exercised in favour of the trustees in relation to Te Here ā Nuku national park land:

Parks to be administered by Department

- (n) despite section 43 of the National Parks Act 1980, Te Here ā Nuku national park land must be administered in accordance with this Act and the National Parks Act 1980 as modified by this Act: 10

General policy for parks

- (o) a statement of general policy for national parks under section 44 of the National Parks Act 1980 that applies to Te Here ā Nuku national park land must acknowledge, and must not derogate from, this Act: 15

Conservation management strategies

- (p) a conservation management strategy made under section 44A of the National Parks Act 1980 that applies to Te Here ā Nuku national park land must acknowledge, and must not derogate from, this Act: 20

Management plans

- (q) the provisions in sections 45 to 48 of the National Parks Act 1980 in relation to the preparation, amendment, review, and approval of management plans that apply to Te Here ā Nuku national park land are subject to any specific provisions on management plans for those processes that are set out in this Act (*see **sections 36 to 38** on management plans*): 25

Concessions

- (r) the provisions in section 49 of the National Parks Act 1980 and Part 3B of the Conservation Act 1987 in relation to concessions over Te Here ā Nuku national park land are subject to any specific provisions on concessions in this Act (*see **sections 48 to 50***): 30

Accommodation within parks

- (s) section 50 of the National Parks Act 1980 does not prevent the use of Te Here ā Nuku national park land by Ngā Uri, subject to— 35
- (i) the conditions specified in **section 25**; and
 - (ii) any relevant provisions of this Act:

Farming within parks and other activities in parks

- (t) the powers conferred by sections 51 and 51A of the National Parks Act 1980 may be exercised in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees:

Roads within park

5

- (u) the power conferred by section 55(2) of the National Parks Act 1980 may be exercised in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees:

Bylaws

- (v) the power conferred by section 56 of the National Parks Act 1980 may be exercised in relation to Te Here ā Nuku national park land, but only with the prior written agreement of the trustees (*see sections 39 and 40*):

Financial provisions

- (w) Part 6 of the National Parks Act 1980 does not apply to the licence fee required under the licence or other revenue or payment received by the trustees in respect to Te Here ā Nuku national park land:

Offences and infringement offences

- (x) Parts 7 and 7A of the National Parks Act 1980 do not apply to authorised Ngā Uri activities that are authorised and undertaken in accordance with this Act:

Records of title in respect of national parks

- (y) despite the requirements of section 76 of the National Parks Act 1980, a record of title must be raised in respect of Te Here ā Nuku national park land in the name of the Crown and transferred to the trustees under **section 103**.

Part 4**Trust land subject to Reserves Act 1977****52 Interpretation**

In this Part, unless the context requires otherwise,— 30

Kaiteriteri-Kaiterere foreshore reserve means the land defined as ~~Section 18 SQ 9~~, Section 1 SO 627184, Section 1 SO 357770, and Section 2 SO 631415, Nelson Land District

Kaka Point means the property described by that name in subpart B of Part 2 of Schedule 1 of the Resolution Agreement 35

other entity means, in relation to any Te Here ā Nuku reserve land, a board, any trustees, the local authority, a society, an association, a voluntary organisa-

tion, or a person or group of persons, whether incorporated or unincorporated, appointed to control and manage that Te Here ā Nuku reserve land

other Te Here ā Nuku reserve land and **other reserve land** mean a property that is described in subpart B of Part 2 of Schedule 1 of the Resolution Agreement 5

Reserves Act bylaws means any existing bylaws prepared and approved under the Reserves Act 1977 and relevant to any Te Here ā Nuku reserve land

Te Here ā Nuku reserve land means land that is subject to the Reserves Act 1977, being—

- (a) each of the following properties described under that name in subpart A 10
of Part 2 of Schedule 1 of the Resolution Agreement:
 - (i) Tōtaranui; and
 - (ii) Kaiteretere; and
 - (iii) Milnthorpe; and
 - (iv) Te Waikoropupū; and 15
 - (v) Te Taero a Kereopa A; and
 - (vi) Te Taero a Kereopa B; and
 - (vii) Te Taero a Kereopa C; and
- (b) other Te Here ā Nuku reserve land; and
- (c) as the context requires, all or part of each property described in **para-** 20
graphs (a) and (b) that is held in the names of the trustees and that remains a reserve under the Reserves Act 1977

Te Taero a Kereopa means, collectively, the following 3 reserves:

- (a) Te Taero a Kereopa A (being Boulder Bank Scenic Reserve); and
- (b) Te Taero a Kereopa B (being Boulder Bank Recreation Reserve); and 25
- (c) Te Taero a Kereopa C.

Application of other Acts

53 Conservation legislation

- (1) The Acts comprising the conservation legislation apply to Te Here ā Nuku 30
reserve land except as otherwise expressly provided by this Act.
- (2) However, this Act prevails over those Acts to the extent necessary to give effect to the provisions of this Act.

Subpart 1—Specific reserves

*Tōtaranui***54 Tōtaranui**

- (1) This section applies to Tōtaranui (being part of the Abel Tasman National Park) transferred to the trustees under **section 103**. 5
- (2) Immediately before the transfer of Tōtaranui to the trustees, the property ceases to be a national park and part of the Abel Tasman National Park under the National Parks Act 1980.
- (3) Immediately after the transfer, Tōtaranui is declared a reserve and classified as a recreation reserve for the purposes of section 17 of the Reserves Act 1977, and is subject to— 10
 - (a) this Act; and
 - (b) the Reserves Act 1977 (subject to this Act and as modified by **section 102**); and
 - (c) the kawenata. 15

55 Application of management plan and 2009 Bylaws

- (1) The Abel Tasman National Park management plan and the 2009 Bylaws apply to the Abel Tasman National Park, including as amended or replaced in accordance with this Act.
- (2) Despite the fact that Tōtaranui is a recreation reserve, the relevant provisions of the Abel Tasman National Park management plan and the 2009 Bylaws continue to apply to Tōtaranui while Tōtaranui remains a reserve, as if the management plan and bylaws had been approved under the Reserves Act 1977, but subject to— 20
 - (a) this Act; and 25
 - (b) any modifications of the management plan or bylaws necessary to give effect to this Act; and
 - (c) the kawenata.
- (3) After discussion with the Department, as provided for in the kawenata, the trustees may give notice in the *Gazette* that 1 or both of the following, as in force, no longer apply: 30
 - (a) the Abel Tasman National Park management plan:
 - (b) the 2009 Bylaws.

56 Administration of Tōtaranui

- (1) On and after the transfer date, of Tōtaranui under ~~**section 103**~~, the Department must administer Tōtaranui while it remains a reserve under the Reserves Act 1977. 35

- (2) However, the trustees must give the Department at least 3 months' notice in writing if they elect that they or their nominee will, on a specified date, take over the administration of Tōtaranui under the Reserves Act 1977.
- (3) If the reserve status of Tōtaranui is revoked, the trustees must allow the walking and camping activities associated with the Abel Tasman coastal track to continue while the licence is in effect. 5
- (4) To enable the Department to administer Tōtaranui, and for as long as the Department is doing so,—
- (a) the Department has exclusive possession, at no cost to the Department, of certain discrete areas and facilities described in paragraphs 4.63(a) to (f) of Schedule 4 of the Resolution Agreement; and 10
- (b) if the Department from time to time proposes to alter any of those areas or facilities, the Department must seek and obtain the agreement of the trustees to that alteration, using the process set out in the kawenata.
- 57 Use of specified areas** 15
- (1) The trustees may identify discrete areas in, or buildings in or on, Tōtaranui that Ngā Uri may, from time to time, use for their own purposes with the trustees' authorisation.
- (2) **Subsection (1)** is subject to **section 56(4)** and the process set out in the kawenata. 20
- (3) The trustees must give prior notice to the Department if the trustees propose that Ngā Uri use any part of Tōtaranui, or any buildings in or on Tōtaranui, taking into account operational requirements, including the public booking arrangements that operate at Tōtaranui.
- (4) The use of any part of Tōtaranui or any buildings in or on Tōtaranui by Ngā Uri must not unreasonably interfere with the Department's ability to operate the Abel Tasman coastal track, camping, and recreational activities in and through Tōtaranui. 25
- (5) The trustees and the Department must work together to design and agree a process to be included in the kawenata that enables use of Tōtaranui by Ngā Uri while respecting the booking and other operational arrangements of the Department. 30
- (6) This section does not—
- (a) require the trustees to consent to, or be responsible for, the use of Tōtaranui by Ngā Uri in the same manner as applies to the general public; or 35
- (b) affect the fact that, in such circumstances, Ngā Uri ~~has~~have the same rights and obligations as apply to the general public.

*Kaiteretere***58 Kaiteretere**

- (1) This section applies to Kaiteretere (being part of Kaiteriteri Recreation Reserve) transferred to the trustees under **section 103**.
- (2) Immediately before the transfer of Kaiteretere, the reservation of Kaiteretere as a recreation reserve subject to the Reserves Act 1977 is revoked. 5
- (3) Immediately after the transfer, Kaiteretere is declared a reserve and classified as a recreation reserve for the purposes of section 17 of the Reserves Act 1977, and is subject to—
 - (a) this Act; and 10
 - (b) the Reserves Act 1977 (subject to this Act and as modified by **section 102**); and
 - (c) the relationship agreement between the trustees and the Kaiteriteri Mountain Bike Club Incorporated (the **Club**), if the trustees and the Club agree (*see* **section 64**); and 15
 - (d) the kawenata.

59 Administration of Kaiteretere

- (1) On and after the transfer date, the trustees or their nominee are the administering body of Kaiteretere under the Reserves Act 1977.
- (2) The trustees may appoint a committee or other body to be the administering body of Kaiteretere. 20
- (3) While Kaiteretere remains a reserve, any revenue derived from it must be paid to the trustees or their nominee to be expended on the reserve or on other reserves or land in the vicinity of Kaiteretere that the trustees own or administer, or otherwise, as the trustees see fit. 25
- (4) On and from the transfer date, the trustees are successors to the Crown and the Kaiteriteri Recreation Reserve Board (the **reserve board**) as grantor or grantee, as the case may be, of any concessions, agreements, or other arrangements (that are third-party rights) relating to Kaiteretere (but they have no liability for acts and omissions that occurred before the transfer date). 30
- (5) On, or at any time after, the transfer date, the trustees ~~may~~must establish a company, partnership, or other entity or structure (a **commercial entity**) to conduct the campground, shops, and other commercial and operational activities (**commercial activities**) on Kaiteretere.

60 Assets and liabilities of ~~Kaiteriteri Recreation Reserve Board~~ reserve board 35

- (1) On and after the transfer date,—

- (a) the assets (including all improvements, chattels and equipment and any other property of any kind) and ~~the liabilities of the Kaiteriteri Recreation Reserve Board (the reserve board)~~ reserve board, to the extent that they relate to Kaiteretere, transfer to the commercial entity; and
- (b) contracts and other legal arrangements of the reserve board— 5
 - (i) transfer to the commercial entity; and
 - (ii) are binding on, and legally enforceable against, by, or in favour of, the commercial entity.
- (2) Any liability for acts and omissions of the reserve board occurring before the transfer date does not transfer to the commercial entity. 10
- (3) The assets and liabilities referred to in **subsection (1)(a)** exclude assets and other property on the Kaiteretere foreshore reserve.
- (4) **Subsection (1)(b)** applies as if the contracts or other arrangements had been entered into by, made with, given to or by, or addressed to, the commercial entity. 15

61 Employees

On and after the transfer date, each employee of the reserve board ceases to be that board's employee and becomes an employee of the commercial entity (a **transferred employee**), subject to the following terms:

- (a) the employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those that applied to that person's employment immediately before the transfer date; and 20
- (b) for the purposes of any legislation, determination, contract, or agreement relating to the employment of a transferred employee, the transfer referred to in **paragraph (a)** does not, of itself, break the employment of that person and the period of employment by the reserve board is to be treated as a period of employment with the commercial entity; but 25
- (c) a transferred employee is not entitled to any payment or other benefit solely on the ground that— 30
 - (i) the position held by the employee with the reserve board has ceased to exist; or
 - (ii) the employee has ceased to be an employee of the reserve board as a result of being a transferred employee.

62 Rights and obligations of commercial entity 35

- (1) A commercial entity, when it is carrying out commercial activities on Kaiteretere, and while Kaiteretere remains a reserve under the Reserves Act 1977, has the same rights and obligations under the Reserves Act 1977 as if it were the administering body of Kaiteretere.

- (2) The commercial entity does not require authorisation under the Reserves Act 1977 to undertake the following:
- (a) activities that are the same as or similar to those carried out by the reserve board before the transfer date; and
 - (b) any new commercial activities, as long as they enable members of the public to enjoy and benefit from Kaiteretere, or are activities carried out for the convenience of persons using Kaiteretere.

63 Kaiteretere foreshore reserve

- (1) On and after the transfer date, the trustees or their nominee are the administering body of the Kaiteretere foreshore reserve (**foreshore reserve**), as if the foreshore reserve were vested in the trustees under section 26 of the Reserves Act 1977.
- (1A) Despite section 59A of the Reserves Act 1977, the trustees may—
- (a) elect to use the concession process under Part 3B of the Conservation Act 1987; or
 - (b) delegate responsibility for that concession process to the Department, while retaining final decision-making under that process, as appropriate.
- (2) If the trustees decide to revoke the reserve status of Kaiteretere, that decision will not apply to the foreshore reserve, which remains a reserve under the Reserves Act 1977, with the trustees or their nominee continuing to be the administering body of the foreshore reserve for as long as they are prepared to undertake that role.
- (3) However, if the trustees relinquish the role of administering body of the foreshore reserve, the Department or an administering body appointed by the Minister of Conservation is to be the administering body of the foreshore reserve.
- (3A) If **subsection (3)** applies, the Department or administering body must assume the role of grantor or grantee of any concession, agreement, or other arrangement on and after the date that the Department or administering body begins to administer the foreshore reserve.
- (4) ~~Any revenue derived from the foreshore reserve must be paid to the trustees or their nominee,—~~
- (a) ~~who may expend it on the foreshore reserve, Kaiteretere, or other reserves or land in the vicinity of Kaiteretere that the trustees administer or own, as long as the funds are used to provide a public benefit; but~~
 - (b) ~~if the trustees or their nominee relinquish the role of administering body of the foreshore reserve, on and from the date that they relinquish the role, the revenue derived from the foreshore reserve must be held and applied in accordance with Part 4 of the Reserves Act 1977.~~
- (4) Any revenue derived from the foreshore reserve must be paid to the trustees or their nominee, who may expend it on the foreshore reserve, Kaiteretere, or

other reserves or land in the vicinity of Kaiteretere that the trustees administer or own, as long as the funds are used to provide a public benefit.

- (5) If the trustees or their nominee relinquish the role of administering body of the foreshore reserve, on and after the date that they do so, the revenue derived from the foreshore reserve must be held and applied by the Department or an administering body in accordance with Part 4 of the Reserves Act 1977. 5

64 Kaiteriteri Mountain Bike Club Inc

If the ~~Kaiteriteri Mountain Bike Club Incorporated (the Club)~~ the Club agrees, the trustees intend to enter into a relationship agreement with the Club—

- (a) in relation to the Club operating the mountain bike area within ~~the Kaiteretere Recreation Reserve~~; and 10
- (b) to reflect the relevant provisions of this Act.

Te Waikoropupū

65 Te Waikoropupū

- (1) This section applies to Te Waikoropupū (being Te Waikoropupū Scenic Reserve) transferred to the trustees under **section 103**. 15
- (2) Immediately before the transfer of Te Waikoropupū, the reservation of Te Waikoropupū as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (3) Immediately after the transfer, Te Waikoropupū is declared a reserve and classified as a scenic reserve for the purposes of section 19(1)(a) of the Reserves Act 1977, and is subject to— 20
- (a) this Act; and
- (b) the Reserves Act 1977 (subject to this Act and as modified by **section 102**); and
- (c) the kawenata. 25

66 Administration of Te Waikoropupū

- (1) On and after the transfer date, the Department must administer Te Waikoropupū while it remains a reserve under the Reserves Act 1977.
- (2) However, the trustees must give the Department at least 3 months' notice in writing if they elect that they or their nominee, on a specified date, will take over the administration of Te Waikoropupū under the Reserves Act 1977. 30
- (3) Nothing in the Reserves Act 1977, bylaws, or other instrument made under that Act prevents the trustees from authorising Ngā Uri to access Te Waikoropupū for customary purposes.
- (4) The trustees must authorise those customary activities and confirm to the Department that those authorisations have been granted. 35

67 Water conservation order not affected by transfer

Despite anything in **sections 65 and 66**, the Te Puna Waiora o Te Waikoropupū Springs and Wharepapa Arthur Marble Aquifer Water Conservation Order 2023 continues to apply in accordance with its terms.

Milnthorpe

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68 Milnthorpe

- (1) This section applies to Milnthorpe (being part of Milnthorpe Park Scenic Reserve) transferred to the trustees under **section 103**.
- (2) Immediately before the transfer of Milnthorpe, the reservation of Milnthorpe as a scenic reserve subject to the Reserves Act 1977 is revoked. 10
- (3) Immediately after the transfer, Milnthorpe is declared a reserve and classified as a scenic reserve for the purposes of section ~~19(1)(a)~~ 19(1)(b) of the Reserves Act 1977, and is subject to—
 - (a) this Act; and
 - (b) the Reserves Act 1977 (subject to this Act and as modified by **section 102**); and 15
 - (c) a relationship agreement between the trustees and the Milnthorpe Park Society Incorporated (the **Society**) if the trustees and the Society agree (*see section 69(3)*); and
 - (d) the kawenata. 20

69 Administration of Milnthorpe

- (1) Immediately before the transfer of Milnthorpe, the appointment of the ~~Society~~ Milnthorpe Park Society Incorporated (the **Society**) to control and manage Milnthorpe is revoked.
- (2) On and after the transfer date, the Society is the administering body of Milnthorpe under the Reserves Act 1977, as if appointed to control and manage that reserve under that Act while Milnthorpe retains its reserve status.— 25
 - (a) ~~Milnthorpe retains its reserve status; and~~
 - (b) ~~the Society agrees to undertake the administration of Milnthorpe in accordance with any relationship agreement with, or directions from, the trustees.~~ 30
- (3) ~~If the Society agrees, the trustees intend to enter into a relationship agreement with the Society in relation to the administration of Milnthorpe to reflect the relevant provisions of this Act.~~
- (4) The trustees must give the Society at least 3 months' notice in writing if the trustees elect that they or their nominee will, on a specified date, take over the administration of Milnthorpe under the Reserves Act 1977. 35

- (5) The Society must comply with any directions from the trustees that are consistent with this Act and the Reserves Act 1977 (subject to this Act and as modified by **section 102**) in relation to administering Milnthorpe.
- (6) ~~If the Society at any time wishes to relinquish the role of administering body of Milnthorpe, the trustees or their nominee must take over the administration of Milnthorpe.~~ 5

Te Taero a Kereopa

70 Te Taero a Kereopa

- (1) This section applies to the 3 properties comprising Te Taero a Kereopa, each of which is transferred to the trustees under **section 103**. 10
- (2) Immediately before the transfer of the properties, the reservation of the properties as reserves, subject to the Reserves Act 1977, is revoked.
- (3) Immediately after the transfer,—
- (a) Te Taero a Kereopa A is declared a reserve and classified as a scenic reserve for the purposes of section 19(1)(a) of the Reserves Act 1977; and 15
- (b) Te Taero a Kereopa B is declared a reserve and classified as a recreation reserve for the purposes of section 17 of the Reserves Act 1977; and
- (c) Te Taero a Kereopa C is declared a reserve and classified as a local purpose (harbour improvement) reserve ~~for harbour improvement~~ for the purposes of section 23 of the Reserves Act 1977. 20
- (4) Each of the reserves referred to in **subsection (3)** is subject to—
- (a) this Act; and
- (b) the Reserves Act 1977 (subject to this Act and as modified by **section 102**); and 25
- (c) the kawenata.

71 Administration of Te Taero a Kereopa

- (1) On and after the transfer date, the Department must administer Te Taero a Kereopa for as long as each of the reserves remains a reserve subject to the Reserves Act 1977. 30
- (2) However, the trustees must give the Department at least 3 months' notice in writing if they elect that they or their nominee will, on a specified date, take over the administration under the Reserves Act 1977 of a reserve named in this section.

Subpart 2—Transfer of other Te Here ā Nuku reserve land

72 Transfer of other reserve land

- (1) This section applies to other Te Here ā Nuku reserve land that is transferred to the trustees under **section 103**.
- (2) Immediately before the transfer of a property, the reservation of the property as a reserve subject to the Reserves Act 1977 is revoked. 5
- (3) Immediately after the transfer of the property, that property is declared a reserve under the Reserves Act 1977 and classified under that Act for the purposes specified for that property in the third column of subpart B of Part 2 of Schedule 1 of the Resolution Agreement, and is subject to— 10
 - (a) this Act; and
 - (b) the Reserves Act 1977 (subject to this Act and as modified by **section 102**); and
 - (c) in the case of an other entity,—
 - (i) any relationship agreement entered into by the trustees and that other entity: 15
 - (ii) any directions from the trustees that are consistent with this Act and the Reserves Act 1977 (subject to this Act and as modified by **section 102**); and
 - (d) the kawenata. 20

*Kaka Point***73 Kaka Point**

On and after the transfer date, the trustees or their nominee are the administering body of Kaka Point (being Kaka Point Historic Reserve) under the Reserves Act 1977. 25

*Administration***74 Administration of other Te Here ā Nuku reserve land**

- (1) While ~~the~~ other Te Here ā Nuku reserve land that was administered by the Department or other entity immediately before the transfer date remains a reserve under the Reserves Act 1977, the Department or other entity must, on and after the transfer date, administer that other reserve land under the Reserves Act 1977 (subject to this Act and as modified by **section 102**). 30
- (2) However, the trustees must give the Department or other entity at least 3 months' notice in writing if ~~the trustees~~ they elect that they or their nominee will, on a specified date, take over the administration of that other reserve land under the Reserves Act 1977. 35

Subpart 3—Further provisions applying to all Te Here ā Nuku reserve land

75 Application of this subpart

The provisions of this subpart apply to all reserves transferred to the trustees under **section 103**, unless—

5

- (a) otherwise expressly provided by this Act; or
- (b) expressly modified in relation to a particular reserve.

76 Appointments to control and manage

- (1) Immediately before the transfer date, any current appointments to control and manage Te Here ā Nuku reserve land cease to apply. 10
- (2) On the transfer date, an other entity holding an appointment to control and manage any Te Here ā Nuku reserve land immediately before that date is appointed to control and manage the same Te Here ā Nuku reserve land, subject to—
 - (a) this Act; and 15
 - (b) the Reserves Act 1977 (subject to this Act and as modified by **section 102**); and
 - (c) any relationship agreement with, or directions from, the trustees.
- (3) **Section 74** applies to appointments under this section.
- (4) **Subsection (2)** does not apply if the trustees elect that they or their nominee take over the administration of a reserve under **section 74(2)**. 20
- (5) **Subsection (2)** does not apply to Kaiteretere or Kaka Point, both of which are to be administered by the trustees in accordance with **section 59 or 73** respectively.

76A When trustees may take over administration

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- (1) If an other entity is appointed to control and manage Te Here ā Nuku reserve land under this Part, that entity must continue to control and manage the relevant land for 2 years after the transfer date, unless—
 - (a) the trustees give 3 months' notice in writing that they will take over the administration of the relevant land; or 30
 - (b) another time frame is agreed in writing by the trustees and the entity concerned.
- (2) After the end of the 2-year period referred to in **subsection (1)**, an administering body may give 1 year's notice in writing of its intention to relinquish the administering role (but subject to the trustees' 3 months' notice period under **subsection (1)(a)**). 35

- (3) The trustees must give 3 months' notice in writing if, at any time after the transfer date, they elect to take over responsibility for administering the land.
- (4) If an other entity appointed under this Part to control and manage any Te Here ā Nuku reserve land wishes to relinquish that role, the trustees or their nominee must take over the administration of that land. 5
- 77 ~~Other requirements~~ General requirement for administering reserves**
- In addition to the other requirements for administering Te Here ā Nuku reserve land under this Act, the Department and other entities must administer and care for every reserve that they are responsible for in a prudent and responsible manner. 10
- 78 Role of commercial entity on other Te Here ā Nuku reserve land**
- In the case of Te Here ā Nuku reserve land administered by the trustees (or their nominee), the trustees may do 1 or both of the following:
- (a) appoint a commercial entity to be the administering body (*see section 59(5)*): 15
- (b) appoint the commercial entity to undertake commercial activities that may be undertaken or authorised on a reserve of the same classification.
- 79 Trustees may revoke, reclassify, or change administering body**
- (1) In relation to Te Here ā Nuku reserve land, the trustees may, in accordance with this Act, give notice in the *Gazette*— 20
- (a) to revoke the reserve status of the whole or part of that land:
- (b) after discussing the matter with the Department, to reclassify the reserve status of that land (in whole or in part) to an appropriate reserve classification:
- (c) to change the administering body of that land. 25
- (2) A decision made under **subsection (1)** is at the sole discretion of the trustees, who are not required—
- (a) to give reasons for, or justify, the decision; or
- (b) to comply with any statutory process for revoking the reserve status, reclassifying the reserve, or changing the administering body, including the requirements of sections 24 and 25 (except section 25(2)) of the Reserves Act 1977. 30
- (3) The trustees and the Department or other entity must agree to include in the kawenata or in any relationship agreement a process for discussing any matters relating to the partial revocation of a reserve. 35
- (4) If the trustees or their nominee become the administering body in accordance with this Act, the trustees or their nominee must assume the role of grantor or grantee on and ~~from~~after the date that a power under this section is exercised,

but without bearing any liability for acts or omissions done before that date in relation to a relevant concession, agreement, or other arrangement.

- (5) If the reserve status of any Te Here ā Nuku reserve land is revoked under **subsection (1)**, existing concessions, agreements, or other legal arrangements continue to have effect (with the necessary modifications) until the end of their term or earlier termination in accordance with the terms and conditions of that right or interest. 5
- (6) ~~**Subsections (4) and (5)** apply if there are current concessions, agreements, or other arrangements (that are third-party rights) relating to Te Here ā Nuku reserve land for which the trustees propose to exercise a power under this section to revoke the reserve status or change the administering body (so that the trustees or their nominee becomes the administering body).~~ 10
- (6) **Subsections (4) and (5)** apply in relation to lawful rights and interests, including third-party rights and future third-party rights, existing on that date that relate to Te Here ā Nuku reserve land. 15

80 Timing for giving of notices

Notices relating to revocation

- (1) In relation to Kaiteretere and Tōtaranui, the trustees must not give notice in relation to revoking the reserve status of those reserves earlier than 2 years after the transfer date (but this limitation does not apply to reclassifying a reserve or changing an administering body). 20
- (2) For the remainder of Te Here ā Nuku reserve land, notice may be given to revoke the reserve status at any time after the transfer date, in accordance with this Act.
- (3) In relation to a proposed revocation of the reserve status of any of the reserves listed in **section 81**, the trustees must— 25
- (a) give the Minister at least 3 months' ~~advance~~-notice of their intention to revoke the reserve status of 1 or more of the relevant reserves; and
 - (b) request the Minister to provide them with the Minister's views on their proposal. 30
- (4) In relation to Te Here ā Nuku reserve land (other than the reserves listed in **section 81**), the trustees must— 35
- (a) give the Department or other entity at least 3 months' ~~advance~~-notice in writing if they intend to revoke the reserve status of any of those reserves; and
 - (b) discuss the intent of the proposal and any transitional issues that may arise in the course of the revocation process with the Department.

Notices reclassifying or changing administering body

Notices reclassifying reserves or changing administering body

- (5) The trustees must—
- (a) give the Department or other entity at least 3 months' ~~advance~~ notice in writing of a proposal to change the administering body of Te Here ā Nuku reserve land in accordance with this Act; and 5
 - (b) discuss the proposal with the Department or other entity before making a decision to reclassify any Te Here ā Nuku reserve land in accordance with this Act.

81 Proposals to revoke reserve status of certain reserves

- (1) This section applies if the trustees seek to revoke the reserve status of any of the following reserves: 10
- (a) Council Caves Scenic Reserve:
 - (b) Grove Scenic Reserve:
 - (c) Hanson Winter Scenic Reserve:
 - (d) Paines Ford Scenic Reserve: 15
 - (e) Washbourne Scenic Reserve:
 - (f) Te Taero a Kereopa:
 - (g) Te Waikoropupū.
- (2) In relation to the reserves listed in **subsection (1)**, the trustees must—
- (a) give notice to the Minister in accordance with **section 80(3)**; and 20
 - (b) in making a decision on whether to revoke reserve status, have regard to—
 - (i) the views expressed by the Minister; and
 - (ii) the particular conservation and other values of the relevant reserves; and 25
 - (iii) how those values will be recognised or protected after their reserve status is revoked.
- (3) The reserves listed in—
- (a) **subsection (1)(a) to (e)** are described in subpart B of Part 2 of Schedule 1 of the Resolution Agreement; and 30
 - (b) **subsection (1)(f) and (g)** are described in subpart A of Part 2 of Schedule 1 of the Resolution Agreement.

82 Appointment of rangers

- (1) At any time after the transfer date, the trustees may, under section 8(9) of the Reserves Act 1977, appoint members of Ngā Uri to be rangers on Te Here ā Nuku reserve land that is administered by the trustees. 35

- (2) The kawenata must include provisions relating to the appointment of members of Ngā Uri to be rangers over Te Here ā Nuku reserve land and other land administered by the Department.
- (3) *See **section 102(b)*** for further provisions relating to the appointment of members of Ngā Uri as rangers on Te Here ā Nuku reserve land administered by the Department. 5

83 Directions to other entity

- (1) If the trustees elect to issue directions under this Act to an other entity acting as an administering body of Te Here ā Nuku reserve land, the directions—
- (a) may be issued at any time; but 10
 - (b) must be consistent with—
 - (i) this Act; and
 - (ii) the Reserves Act 1977 (subject to this Act and as modified by **section 102**).
- (2) However, the trustees must not issue directions under this section that are within the scope of the regulatory or enforcement powers conferred on the relevant local authority by or under the Reserves Act 1977 or any other legislation. 15

84 Decision-making by trustees

- (1) This section applies—
- (a) if the Minister or Department has decision-making functions under the Reserves Act 1977 in relation to Te Here ā Nuku reserve land; but 20
 - (b) only as long as the reserve land is not a reserve administered by the Department.
- (2) Unless otherwise expressly provided by this Act, those decision-making functions must be exercised by the trustees rather than by the Minister or Department. 25
- (3) However, **subsection (2)** does not—
- (a) apply if the trustees decide that the Minister or Department is to retain those decision-making functions; or
 - (b) affect the 2013 delegations to territorial authorities under the Reserves Act 1977, which may continue to be exercised subject to this Act and until they are revoked by the trustees. 30

85 Names of reserves to continue

- (1) Unless otherwise expressly provided for by this Act, the name applying to Te Here ā Nuku reserve land immediately before the transfer date continues to apply to that land after the transfer, unless the trustees change the name by giving notice of the change in the *Gazette* in accordance with the process set out in section 16(10) of the Reserves Act 1977. 35

- (2) If the trustees give notice under **subsection (1)**, the requirement in section 16(10A) of the Reserves Act 1977 does not apply.

86 Trustees may create exclusive reserve areas for Ngā Uri purposes

- (1) If the trustees elect to set aside discrete areas of Te Here ā Nuku reserve land for the exclusive use of the trustees or Ngā Uri (the **exclusive reserve areas**), they must give notice of the proposal to the Department or other entity. 5
- (2) The trustees may authorise activities within the exclusive reserve areas for use by Ngā Uri, such as customary activities or the construction of buildings or other facilities for the use and benefit of Ngā Uri.
- (3) The kawenata, or a relationship agreement with an other entity, must provide a process to deal with the continuing administration by the Department or other entity over the exclusive reserve areas and over the wider Te Here ā Nuku reserve land. 10
- (4) This section does not—
- (a) have the effect of the trustees or Ngā Uri assuming the role of an administering body; or 15
 - (b) require the trustees or Ngā Uri to comply with the Reserves Act 1977 when authorising or undertaking activities that are provided for under **subsection (2)**.
- (5) Before giving notice under **subsection (1)**, the trustees must enter into discussions with the Department or other entity in relation to the proposed exclusive reserve areas and activities that are proposed to be authorised under **subsection (2)**. 20
- (6) This section is subject to **section 56(4)** and the process set out in the kawenata. 25

87 Continuing application of current management plans and bylaws

- (1) Any current management plan or Reserves Act bylaw that applied to a Te Here ā Nuku reserve land on the transfer date continues to apply while the land continues to have reserve status, subject to—
- (a) this Act; and 30
 - (b) any modification to the application of the management plan or bylaw as necessary to give effect to this Act; and
 - (c) the kawenata; and
 - (d) in the case of an other entity, any relationship agreement with, or directions from the trustees to the other entity. 35
- (2) The trustees may (but are not required to) amend, prepare or approve a new management plan or bylaw under the Reserves Act 1977 in relation to any Te Here ā Nuku reserve land.

- (3) Any new or amended management plan or bylaw that are proposed to apply to Te Here ā Nuku reserve land may be prepared or approved, but only with the agreement of the trustees.
- 88 Concessions and other authorisations relating to Te Here ā Nuku reserve land** 5
- (1) Despite the status of Te Here ā Nuku reserve land as private land, the Minister, Director-General, or other entity continues to be responsible for granting the following concessions and other authorisations in relation to Te Here ā Nuku reserve land:
- (a) concessions under the following Acts, as far as applicable: 10
- (i) the Reserves Act 1977 as modified by this Act; and
- (ii) Part 3B of the Conservation Act 1987; and
- (b) other authorisations under any other conservation legislation.
- (2) The Minister, Director-General, Department, or other entity retain their functions and powers under the Reserves Act 1977 and Part 3B of the Conservation Act 1987 or other conservation legislation in relation to applications for concessions or other authorisations. 15
- 89 Trustees may declare and classify trust land as reserve**
- (1) The trustees may, by notice in the *Gazette*,—
- (a) declare any trust land (~~including any land to which **section 103** applies~~) to be a reserve under the Reserves Act 1977; and 20
- (b) classify the reserve status of that land (in whole or in part) to an appropriate reserve classification.
- (2) The trustees are not required to comply with any of the requirements of the Reserves Act 1977 when they use the powers set out in **subsection (1)**. 25
- (3) The trustees (or their nominee) are to be the administering body under the Reserves Act 1977 of a reserve declared under this section.
- (4) A reserve that is declared and classified under **subsection (1)** is Te Here ā Nuku reserve land for the purposes of this Act, subject to—:
- (a) this Act; and 30
- (b) the Reserves Act 1977 (subject to this Act and as modified by **section 102**).
- (5) The provisions of this Act that apply to Te Here ā Nuku reserve land (including in relation to the revocation or reclassification of a reserve) apply to a reserve declared or classified under **subsection (1)**. 35

90 Modification of certain legislation

The legislation referred to in this section, to the extent that it is relevant to concessions and other authorisations on Te Here ā Nuku reserve land, is modified as follows:

- (a) the Minister, Director-General, or other entity may grant concessions or other authorisations, but only with the prior written agreement of the trustees: 5
- (b) applications for concessions and other authorisations may be granted over Te Here ā Nuku reserve land under the following legislation, but only with the prior written agreement of the trustees: 10
 - (i) the Fast-track Approvals Act 2024:
 - (ii) any other relevant legislation:
- (c) the trustees must have roles in the processes relating to concessions or other authorisations, as provided for in the kawenata or in any relationship agreement: 15
- (d) the trustees and the Department or other entity must work together to ensure that the kawenata or any relationship agreement sets out a clear and straightforward process for applicants seeking a concession or other authorisation:
- (e) current concessions or authorisations that apply to Te Here ā Nuku reserve land (and are third-party rights)— 20
 - (i) continue until the end of their term or earlier termination in accordance with the terms and conditions of that right or interest; but
 - (ii) must not be amended, varied, or extended without the prior written agreement of the trustees: 25
- (f) the trustees must be involved, as appropriate, in managing the current concessions and authorisations, as provided for in the kawenata:
- (g) the parties to current concessions or authorisations continue to be the Minister, Director-General or other entity, and the ~~concessionaire or holder of an authorisation~~ holder of a concession or other authorisation. 30

*Use of reserves by trustees or Ngā Uri***91 Te Here ā Nuku reserve land is private land**

- (1) Te Here ā Nuku reserve land is private land owned by the trustees on behalf of Ngā Uri. 35
- (2) The trustees and Ngā Uri must have access to, and be able to use, Te Here ā Nuku reserve land for their own purposes.
- (3) **Subsection (1)** applies despite any statutory provision, management plan, or bylaws.

92 Use of Te Here ā Nuku reserve land by trustees and Ngā Uri

- (1) The use of Te Here ā Nuku reserve land by the trustees or Ngā Uri must not unreasonably interfere with the administration of the reserve land and must be sensitive to the nature of the environment in which the activities are proposed to occur (including for conservation and public access activities). 5
- (2) Before the trustees or Ngā Uri may undertake activities on Te Here ā Nuku reserve land, the trustees must authorise in writing the activities that may be undertaken on that reserve land.
- (3) Authorisations granted under **subsection (2)** must be made available to the Department or other entity on reasonable request. 10
- (4) However, authorisation is not required if Ngā Uri use or have access to Te Here ā Nuku reserve land in the same way members of the general public have a right to use or access that land.
- (5) The kawenata or a relationship agreement must also provide for the matters included in this section. 15
- (6) As long as the matters set out in **subsections (1) to (5)** are complied with, use of Te Here ā Nuku reserve land by the trustees or Ngā Uri is not prevented by anything in—
 - (a) the Reserves Act 1977; or
 - (b) the management plan for the relevant reserve; or 20
 - (c) Reserves Act bylaws or any new or amended bylaws made for the relevant reserve.

*Gifted land***93 Interpretation**

- (1) In this section and **section 94**, **gifted land** means the following sites: 25
 - (a) Aranui Park Scenic Reserve:
 - (b) Boundary Bay Scenic Reserve:
 - (c) Hanson Winter Scenic Reserve:
 - (d) Kaka Point Historical Reserve:
 - (e) WF Moss Scenic Reserve: 30
 - (f) Part Snowden's Bush Scenic Reserve:
 - (g) Wall Street Kaiteriteri Scenic Reserve:
 - (h) Washbourne Scenic Reserve:
 - (i) Parts Kaiteriteri Recreation Reserve.
- (2) The sites listed in **subsection (1)(a) to (h)** are described in subpart B of Part 2 of Schedule 1 of the Resolution Agreement, and the site referred to in **sub-** 35

section (1)(i) is described as Kaiteretere in subpart A of Part 2 of Schedule 1 of the Resolution Agreement.

94 Trustees' obligations in respect of gifted land

If the trustees exercise the power under **section 79** to revoke, in part or in whole, the reserve status of any gifted land, the trustees must have regard to the original purpose of the gift, to the extent that the purpose of the gift can be ascertained. 5

Operational management

95 Operational management of reserves

- (1) Operational management of Te Here ā Nuku reserve land may be undertaken by the Department or an other entity, but only with the written agreement of the trustees, whether that is given in general terms or in relation to a specific reserve. 10
- (2) The operational management of Te Here ā Nuku reserve land must be undertaken in accordance with— 15
 - (a) this Act; and
 - (b) the kawenata; and
 - (c) an annual operational plan or process set out in—
 - (i) ~~in~~ the kawenata; or
 - (ii) ~~in~~ any relationship agreement with an other entity; or 20
 - (iii) ~~in~~ directions from the trustees to an other entity.
- (3) No later than 3 months before the start of each operational year, the trustees and the Department must meet to develop and agree the annual operational plan for the activities on reserves administered by the Department on Te Here ā Nuku reserve land (the **annual reserves operational plan**). 25
- (4) The annual reserves operational plan must—
 - (a) set out in detail for the coming operational year the Department's proposed operational activities and asset planning for the reserves that the Department administers; and
 - (b) identify any asset planning or maintenance that is required or proposed as well as any matters of concern in relation to any particular reserves; and 30
 - (c) provide an opportunity for the Department and the trustees to discuss and agree their proposed approach to the operational management of the relevant reserves for the following year. 35
- (5) The Department or other entity undertaking operational management in relation to Te Here ā Nuku reserve land must maintain decision-making over its own budgets and funding allocation.

- (6) To avoid doubt, the trustees and the Department may agree a shorter or longer period of time than a year for an operational cycle.

Improvements

96 ~~Ownership and maintenance~~ Maintenance of improvements

- (1) The Department or other entity must maintain the improvements on Te Here ā Nuku reserve land ~~it administers~~— 5
- (a) to a reasonable and ~~an~~ appropriate standard that is consistent with the standard to which the Department maintains the improvements on other reserves that it administers in the area; and
 - (b) in the case of the Department, in accordance with this Act, the kawenata, and the annual reserves operational plan; and 10
 - (c) in the case of an other entity, in accordance with this Act and any relationship agreement with, or directions from, the trustees to the other entity.
- (2) The Department or other entity may, at its discretion, repair or replace improvements of a like nature in the same location, after discussing the matter with the trustees, as provided for in the kawenata or any relationship agreement. 15
- (3) The kawenata or a relationship agreement must include provisions as to—
- (a) how the trustees and the Department or other entity must ~~interact~~work together in relation to the improvements; and 20
 - (b) how to approach managing ~~aging~~ageing improvements; and
 - (c) compliance with, and enforcement of, the obligations of any third party to maintain its improvements on Te Here ā Nuku reserve land in accordance with the terms and conditions of a lawful right or interest (including a third-party right or future third-party right) granted to the third party. 25
- (4) For the purposes of this section (other than **subsection (3)**) and **sections 97 and 99**, **improvement** means an improvement in, on, or over Te Here ā Nuku reserve land that is transferred to the trustees under **section 114(1)**.

97 Retirement of improvements 30

- (1) The Department or other entity may notify the trustees that it no longer intends to use a particular improvement.
- (2) The Department or other entity must secure the agreement of the trustees (which must not be unreasonably withheld) to retire the identified improvement. 35
- (3) The trustees may require that—
- (a) the improvement be in a state that complies with the standard referred in **section 96(1)(a)** before it is retired; and

- (b) the Department or other entity complies with the process set out in **section 99(2) and (3)**.
- (4) When an improvement is retired in accordance with this section, the Department or other entity is no longer required to maintain the improvement to the standard referred to in **section 96(1)(a)**. 5
- (5) The Department or other entity must obtain the agreement of the trustees before dealing with improvements,—
 - (a) other than in the circumstances described in **subsections (2) to (4)**; or
 - (b) if the improvements are not within the scope of **section 96(1) or (2)**.

Liabilities and obligations

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98 Department or other entity retains liability in relation to Te Here ā Nuku reserve land

- (1) The Department or other entity retains liability for the following matters relating to Te Here ā Nuku reserve land that the Department or other entity administers or that arose while the Department or other entity administered that land: 15
 - (a) liabilities associated with members of the public having access to that reserve land:
 - (b) health and safety matters related to the role of the Department or other entity in relation to that reserve land:
 - (c) the actions of the Department or other entity, its contractors, ~~invitees~~ persons it invites onto Te Here ā Nuku reserve land, and members of the public on that reserve land: 20
 - (d) contamination that occurred before the transfer date or was caused by the Department or other entity:
 - (e) ~~fire that starts within that reserve land or other public conservation land and was caused by the Department, other entity, or a member of the public:~~ 25
 - (e) liability for fire if the fire begins on Te Here ā Nuku reserve land or other public conservation land and the Department, other entity, the Department's or other entity's contractors, persons it invites onto Te Here ā Nuku reserve land, or a member of the public causes the fire: 30
 - (f) other liabilities that would ordinarily be incurred by the Department or other entity as the administering body of that reserve land.
- (2) Despite **subsection (1)**, the Department or other entity is not responsible for liabilities that arise from the use of Te Here ā Nuku reserve land by the trustees, their agents, contractors, or invitees, or by Ngā Uri (to the extent that their use was authorised by the trustees), unless their use was the same or of a similar nature to the lawful and reasonable use of a reserve by the general public. 35

99 Obligations in event of revocation, etc

- (1) This section applies in the following circumstances:
 - (a) the reserve status of a reserve is revoked:
 - (b) the administration of a reserve is transferred to the trustees or a new entity: 5
 - (c) an improvement ~~or other asset~~ is retired in accordance with **section 97**.
- (2) If the trustees so require, the Department or other entity, within a reasonable period of time, must remove, enclose, or otherwise manage improvements to the reasonable satisfaction of the trustees that the Department or other entity agrees are a health and safety risk or create an environmental liability. 10
- (3) If the trustees and Department or other entity agree that the improvement must be removed, enclosed, or otherwise managed, the Department or other entity—
 - (a) must make good any damage caused to Te Here ā Nuku reserve land after that operation; but
 - (b) is not obliged to reinstate the land, other than to leave it in a clean and tidy condition. 15

*Annual report and revenue***100 Department and other entity to report to trustees**

- (1) Not later than 3 months after the end of an operational year, the Department or other entity must provide an annual report to the trustees for the reserves Te Here ā Nuku reserve land that the Department or other entity has administered. 20
- (2) The report must set out the following:
 - (a) the activities undertaken by the Department or other entity on Te Here ā Nuku reserve land administered by the Department or other entity; and
 - (b) how the relevant matters required under this Act, the kawenata, a relationship agreement with an other entity, or any directions from the trustees to an other entity, ~~or a relationship agreement with an other entity~~ have been achieved or complied with in the relevant year; and 25
 - (c) any issues that have arisen and how they have been, or are planned to be, resolved; and 30
 - (d) any other matters relevant to this Act, the kawenata, any direction from the trustees to an other entity, or any relationship agreement with an other entity.

101 Revenue derived from Te Here ā Nuku reserve land

- (1) While the Department is managing a reserve on Te Here ā Nuku reserve land, any revenue derived from that reserve must be used in the management of that reserve or other reserves on Te Here ā Nuku reserve land. 35

- (2) If an other entity is administering a reserve on Te Here ā Nuku reserve land, any revenue derived from that reserve must be used in the management of that reserve or of other reserves on Te Here ā Nuku reserve land.
- (3) If the trustees, their nominee, or the commercial entity take on the role of administering a reserve on Te Here ā Nuku reserve land, any revenue derived from that reserve must be paid to the trustees to expend on that reserve, on land owned or administered by the trustees in the vicinity of that reserve, on Te Here ā Nuku reserve land, or for any other purpose.

Modifications to Reserves Act 1977

102 Modification of certain provisions of Reserves Act 1977 10

The application of the following provisions of the Reserves Act 1977 to reserves transferred under Part 5 is modified in the manner, and to the effect, provided for in specific provisions in this Act as follows:

Purpose of this Act

- (a) section 3 of the Reserves Act 1977 includes acknowledging and upholding the status of Te Here ā Nuku reserve land as private land, as provided for by this Act, and the use of that land for reserve purposes, as set out in this Act: 15

Rangers

- (b) the power conferred by, and requirements prescribed in, section 8 of the Reserves Act 1977 must be read as applying to Te Here ā Nuku reserve land, including the power for the Minister to appoint members of Ngā Uri as honorary rangers over Te Here ā Nuku reserve land, using the process set out in the kawenata: 20

Committees

- (c) the power conferred by section 9 of the Reserves Act 1977 may be exercised in relation to Te Here ā Nuku reserve land, but only with the prior written agreement of the trustees: 25

Delegation of Minister's powers

- (d) the powers conferred by section 10 of the Reserves Act 1977 may be exercised in favour of the trustees in relation to Te Here ā Nuku reserve land, and the trustees may exercise the powers delegated to territorial authorities, including the delegations made in 2013 under the Reserves Act 1977 and any additional delegations made to local authorities under that Act: 30

Minister's powers

- (e) the powers conferred by section 12 of the Reserves Act 1977 may be exercised in relation to Te Here ā Nuku reserve land, but only with the prior written agreement of the trustees: 35

- Governor-General may declare reserve to be national reserve*
- (f) the power conferred by section 13 of the Reserves Act 1977 may be exercised in relation to Te Here ā Nuku reserve land, but only with the prior written agreement of the trustees:
- Authorisation of exchange of reserves for other land* 5
- (g) the powers conferred by sections 15 and 15AA of the Reserves Act 1977 may be exercised in relation to Te Here ā Nuku reserve land, but only with the prior written agreement of the trustees:
- General policy*
- (h) a statement of general policy for reserves prepared and approved under section 15A of the Reserves Act 1977 and that applies to Te Here ā Nuku reserve land, must acknowledge this Act and must not derogate from it. A reference to general policy includes a reference to an equivalent or successor document that is provided for by any amended conservation legislation: 10
15
- Classification of reserves*
- (i) the reserve classifications that applied to Te Here ā Nuku reserve land before the transfer date also apply after the transfer date, but the trustees may—
- (i) rename a reserve in accordance with the process set out in section 16(10) of the Reserves Act 1977; and 20
- (ii) reclassify a reserve in the manner set out in or under this Act:
- Change of classification and purpose of reserves*
- (j) the trustees may reclassify reserves in accordance with the relevant provisions of this Act and, under section 24A of the Reserves Act 1977, may, by notice in the *Gazette*, change the purpose for which a reserve that is a local purpose reserve is classified, without complying with the processes under section 24A of the Reserves Act 1977: 25
- Effect of revocation of reserve or change of classification or purpose*
- (k) section 25 of the Reserves Act 1977, other than subsection (2), does not apply to a revocation or change of classification made under this Act: 30
- Vesting of reserves*
- (l) despite the fact that Te Here ā Nuku reserve land is transferred under this Act and not vested under section 26 of the Reserves Act 1977, the trustees have— 35
- (i) the powers of an administering body as if the reserve were vested under section 26 of the Reserves Act 1977; and
- (ii) the powers of a local authority under the Reserves Act 1977, which apply as if that reserve were vested in a local authority:

Control and management of reserves

- (m) sections 28 to 39B of the Reserves Act 1977 do not apply to Te Here ā Nuku reserve land:

Functions of administering body

- (n) section 40 of the Reserves Act 1977 must be read as including an obligation on the administering body to acknowledge and uphold— 5
- (i) the status of Te Here ā Nuku reserve land as private land, as provided for under this Act; and
- (ii) the use of that land for reserve purposes, as set out in this Act:

Conservation management strategies

- (o) a conservation management strategy applying under section 40A of the Reserves Act 1977 to Te Here ā Nuku reserve land, and a reference to an equivalent or successor strategy that is provided through any amended or replacement conservation legislation, is subject to the relevant provisions of this Act: 10 15

Conservation management plans in respect of reserves administered by Department

- (p) any management plan applying under section 40B of the Reserves Act 1977 to Te Here ā Nuku reserve land is subject to the relevant provisions of this Act, and a reference to a management plan includes a reference to any equivalent or a successor document that is provided for in or under any amended conservation legislation: 20

Management plans

- (q) the application of a management plan under section 41 of the Reserves Act 1977 to Te Here ā Nuku reserve land is subject to the relevant provisions in this Act: 25

General powers of Minister and of administering body

- (r) sections 42 to 64 of the Reserves Act 1977 are subject to the provisions of this Act, including the prohibition on granting concessions, rights, or other authorisations over Te Here ā Nuku reserve land without the prior written agreement of the trustees: 30

Recreation reserves set apart for racecourse purposes, farming, and afforestation

- (s) to the extent that sections 65 to 77A of the Reserves Act 1977 are applicable under this Act, they are subject to this Act, but do not apply to the trustees in relation to Te Here ā Nuku reserve land: 35

Financial provisions

- (t) to the extent that sections 78 to 85A of the Reserves Act 1977 are applicable under this Act, they are subject to this Act but do not apply to the trustees in relation to Te Here ā Nuku reserve land:

Financial statements and audit

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- (u) section 88 of the Reserves Act 1977 does not apply to the trustees in relation to Te Here ā Nuku reserve land:

Offences

- (v) sections 93 to 105 of the Reserves Act 1977 do not apply to, or restrict the use of, Te Here ā Nuku reserve land by the trustees or Ngā Uri, as long as the use is for activities referred to in, and authorised by, the trustees under, **sections 86 or 92**:

10

Infringement offences

- (w) sections 105A to 105O of the Reserves Act 1977 do not apply to, or restrict the use of, Te Here ā Nuku reserve land by the trustees or Ngā Uri, as long as the use is for activities referred to in, and authorised by, the trustees under, **section 86 or 92**:

15

Bylaws

- (x) the application of bylaws made under sections 106 to 108 of the Reserves Act 1977 to Te Here ā Nuku reserve land is subject to the relevant provisions of this Act:

20

Mining

- (y) section 109 of the Reserves Act 1977 does not permit mining on reserves on Te Here ā Nuku reserve land without the prior written agreement of the trustees.

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Part 5**Trust land: transfer of legal title and registration****103 Transfer of legal title**

- (1) To give effect to the recognition of the trust by this Act and the Resolution Agreement, and to reflect the equitable ownership of the trust since 1845, the Crown (acting by and through the authorised person) is authorised to— 30
- (a) transfer the fee simple estate in a transfer property to the trustees; and
- (b) sign a transfer instrument or other document, or do anything else as necessary to effect the transfer.
- (2) The Crown must transfer the fee simple estate in a property described in Schedule 1 of the Resolution Agreement to the trustees no later than 40 working days after the commencement date, unless otherwise agreed in writing by— 35
- (a) no fewer than 2 trustees, 1 of whom must be the chairperson; and

- (b) the authorised person.
- (3) In this section and **sections 107, 116, and 118**, **authorised person** means a person authorised by the Solicitor-General.
- 104 Matters to be specified in transfer instrument**
- (1) The transfer instrument required under **section 103(1)(b)** for each transfer property must specify the following matters: 5
- (a) that Part 4A of the Conservation Act 1987 does not apply to the property and must not be noted on the record of title; and
 - (b) that section 11 of the Crown Minerals Act 1991 does not apply to the property and must not be noted on the record of title; and 10
 - (c) that if there is an RFR memorial noted on any record of title, it must be removed; and
 - (d) any other matters to be noted on the record of title for a property, for example,—
 - (i) that the relevant land is subject to the Te Here ā Nuku (Nelson Tenth) Act **2026**: 15
 - (ii) that the land is held for the purposes of a national park subject to the National Parks Act 1980:
 - (iii) that the land is held for the purposes of a scenic reserve subject to the Reserves Act 1977. 20
- (2) The Registrar-General must, when registering the transfer of the land, record on, or remove from, any record of title for the land the relevant matters specified in the transfer instrument.
- (3) In this section, **RFR memorial** has the meaning given in **section ~~113(5)~~ 113(4)**. 25

Conservation legislation ceases to apply to certain properties

105 Reserves Act 1977 ceases to apply to certain properties

- (1) This section applies to the following that are transferred to the trustees under **section 103**:
- (a) a property described in subpart A of Part 3 of Schedule 1 of the Resolution Agreement; and 30
 - (b) future trust land that is a reserve subject to the Reserves Act 1977.
- (2) Immediately before the transfer of the property, the reservation of the property as a reserve subject to the Reserves Act 1977 is revoked.

106 Certain properties cease to be conservation areas 35

- (1) This section applies to the following that are transferred to the trustees under **section 103**:

- (a) a property described in subpart B of Part 3 of Schedule 1 of the Resolution Agreement~~and~~; and
 - (b) future trust land that is a conservation area under the Conservation Act 1987.
- (2) Immediately before the transfer, the property ceases to be— 5
 - (a) a conservation area under the Conservation Act 1987; and
 - (b) in the case of the Conservation Park–Onekaka River, part of that park.
- (3) In this section, **Conservation Park–Onekaka River** means the property described by that name in subpart B of Part 3 of Schedule 1 of the Resolution Agreement. 10

106A Certain land ceases to be national park land

- (1) This section applies to the Anchorage property (being part of the Abel Tasman National Park) that is transferred to the trustees under **section 103**.
- (2) Immediately before the transfer, the property ceases to be part of a national park under the National Parks Act 1980. 15
- (3) In this section, **Anchorage property** means the property described by that name in Part 3 of Schedule 1 of the Resolution Agreement.

General provisions applying to transfer properties

107 Records of title for transfer properties

- (1) This section applies to each transfer property that is to be transferred to the trustees under **section 103**. 20
- (2) However, this section applies only to the extent that—
 - (a) the property is not all of the land that is contained in a record of title for a fee simple estate; or
 - (b) there is no record of title for the fee simple estate in all or part of the property. 25
- (3) However, the trustees may, by written notice to the authorised person, request that **subsection (2)** not apply to any of the following properties:
 - (a) Central Takaka School:
 - (b) Clifton Terrace School: 30
 - (c) Hope School:
 - (d) Kaiteretere:
 - (e) Marahau Outdoor Education Centre:
 - (f) Parklands School:
 - (g) Part Auckland Point School: 35
 - (h) Victory Primary School.

- (4) The Registrar-General, in accordance with a written application by an authorised person, must—
- (a) create a record of title for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
 - (c) omit any statement of purpose.
- (5) **Subsection (4)** is subject to the property being adequately defined to support the creation of a record of title.
- (6) In **subsection (5)**, a property is adequately defined if—
- (a) the property is shown on an approved survey plan with a unique appellation and area; and
 - (b) the plan complies with the Cadastral Survey Act 2002 or any former enactment in force when the plan was prepared.
- (7) In this section,—
- (a) each of the properties named in **subsection (3)(a) to (c) and (e) to (h)** is the property described under that name in subpart D of Part 3 of Schedule 1 of the Resolution Agreement; and
 - (b) **Kaiteretere** means the property described by that name in subpart A of Part 2 of Schedule 1 of the Resolution Agreement.

108 Registration of instruments if Minister of Conservation is grantor or grantee

- (1) ~~This section applies to the following land while the Crown administers that land:~~
- (a) ~~Te Here ā Nuku national park land;~~
 - (b) ~~Te Here ā Nuku reserve land.~~
- (2) ~~Any interest in that land must be dealt with for the purposes of registration as if the Crown were the registered owner of the land.~~
- (3) ~~However, **subsection (2)** does not affect the registration of the easement in gross referred to in **section 115(4)**.~~
- (1) This section applies to trust land while it is owned by the trustees.
- (2) If an interest that affects trust land is granted to or by a party other than the trustees, when the interest is presented for registering it must be certified that the trustees or their lawyer agree to its registration.
- (3) Despite the trustees being the registered owner of the land, the Registrar-General may register an interest in land that affects trust land, as long as the interest has been certified in accordance with **subsection (2)**.

- (4) The Registrar-General is entitled to rely on the certification given under **subsection (2)**.

109 Third-party or future third-party rights to continue

- (1) A transfer property transferred to the trustees under **section 103** is subject to, or has the benefit of, any third-party rights ~~and or~~ future third-party rights. 5
- (2) **Subsection (3)** applies to any third-party rights ~~and or~~ future third-party rights affecting the property immediately before the fee simple estate in the land is transferred under **section 103(1)**.
- (3) The rights referred to in **subsection (2)** continue to affect the land as if the land had not been transferred, unless otherwise expressly provided by this Act as being cancelled, modified, or discontinued under this Act. 10
- (4) If other trust land or future trust land is subject to an interest (other than an interest in land that is a third-party right or future third-party right), the interest continues as if the owner of the property were the grantor of the interest.

Other enactments

15

110 Application of other enactments

- (1) ~~This section applies~~ **Subsections (2) to (8)** apply to the transfer to the trustees of the fee simple estate in a transfer property under **section 103**.
- (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 Resolution Agreement. 20
- (3) Part 4A of the Conservation Act 1987 does not apply to the transfer.
- (4) 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 giving effect to, the transfer. 25
- (5) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this Act, of the reserve status of a transfer property.
- (6) Section 11 of the Crown Minerals Act 1991 does not apply to the transfer.
- (7) For the purposes of the Marine and Coastal Area (Takutai Moana) Act 2011, all land transferred to the trustees under **section 103** must be treated as specified freehold land. 30
- (8) In exercising the powers conferred by **section 103**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 35
- (9) **Subsection (4)** ~~also applies to~~—
- (a) to land that may be excluded from Te Here ā Nuku national park land in accordance with **section 28**; and

- (b) to Te Here ā Nuku reserve land if the reserve status is revoked for part of that land in accordance with this Act.

Crown protected areas

111 Names of Crown protected areas discontinued

- (1) **Subsection (2)** applies to a transfer property, or the part of a transfer property, that, immediately before its transfer under **section 103**, was all or part of a Crown protected area. 5
- (2) The official geographic name of the Crown protected area is discontinued in respect of the property, or part of the property, and the Board must amend the Gazetteer accordingly. 10
- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the NZGB Act.

112 Certain properties not Crown protected areas

Te Here ā Nuku national park land and Te Here ā Nuku reserve land are not Crown protected areas under the NZGB Act, despite anything in that Act. 15

Right of first refusal (RFR)

113 Transfer properties not RFR land

- (1) This section applies to a transfer property that is to be transferred to the trustees under **section 103**.
- (2) The land is not RFR land (*see* **section 104(1)(c) and (2)**). 20
- (3) This section applies despite any provision in a Te Tau Ihu ~~Treaty~~ Settlement Act.
- (4) In this section,—
- RFR land** has the meaning given to that term in a Te Tau Ihu Settlement Act
- RFR memorial** means a memorial recorded on a record of title for RFR land under subpart 4 of Part 3 of a Te Tau Ihu Settlement Act 25
- Te Tau Ihu Settlement Act** means any or all of the following Settlement Acts:
- (a) Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014:
- (b) Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014: 30
- (c) Ngati Toa Rangatira Claims Settlement Act 2014.

*Improvements***114 Improvements**

- (1) On the date that a transfer property transfers to the trustees under **section 103**, all improvements in, on, or over that property are transferred to the trustees. 5
- (2) **Subsection (1)** does not apply to—
- (a) chattels and equipment (other than those owned by the Kaiteriteri Recreation Reserve Board); or
 - (b) improvements of a third party provided for in, or permitted by, a third-party right or future third-party right (*see* **section 109(1)**); or 10
 - (c) improvements referred to in a Ministry of Education lease for that property; or
 - (d) Three Waters infrastructure.
- (3) In this section, **Three Waters infrastructure** means drinking water, wastewater, and stormwater infrastructure, including pipes, channels, storage and supply assets, and underground services. 15

*Unformed roads***115 Unformed road in Tōtaranui**

- (1) The Tōtaranui unformed road—
- (a) ceases to be road; and 20
 - (b) is vested in the Crown as Crown land subject to the Land Act 1948.
- (2) As soon as is reasonably practicable after the land becomes Crown land, the land must be transferred to the trustees under **section 103**.
- (3) Immediately after the transfer under **subsection (2)**, the Tōtaranui unformed road is— 25
- (a) declared a reserve and classified as a recreation reserve for the purposes of section 17 of the Reserves Act 1977; and
 - (b) for the purposes of this Act, becomes part of Tōtaranui and the reserve referred to in **section 54(3)**.
- (4) **Subsections (1) to (3)** do not take effect until the trustees have provided the Crown with a registrable easement in gross within Tōtaranui. 30
- (5) Despite the provisions of this Act and the Reserves Act 1977 (as modified by this Act), the easement—
- (a) is enforceable on its terms; and
 - (b) is to be treated as if it were granted in accordance with the Reserves Act 1977. 35

- (6) Section 11 and Part 10 of the Resource Management Act 1991 do not apply so as to give effect to the vesting referred to in **subsection (1)(b)**.

- (7) In this section,—

Tōtaranui means the property described under that name in subpart A of Part 2 of Schedule 1 of the Resolution Agreement

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Tōtaranui unformed road means the unformed road within the property described as Tōtaranui and subject to survey.

116 Transfer of other unformed roads

- (1) This section applies to any land within a property transferred to the trustees under this Act and that comprises any unformed legal road (the **unformed road**). 10
- (2) An authorised person may give written notice to the relevant unitary authority (the **Authority**) to require the Authority to transfer the unformed road to the Crown without consideration, and the Authority must transfer that road.
- (3) The Crown must publish a notice in the *Gazette* declaring that any unformed road referred to in a notice given under **subsection (2)** has been transferred to the Crown and that it ceases to be a road and is deemed to be Crown land subject to the Land Act 1948. 15
- (4) As soon as is reasonably practicable after the unformed road becomes Crown land, that land must be transferred to the trustees under **section 103**. 20
- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply so as to give effect to the transfer referred to in **subsection (2)**.
- (6) The Authority may transfer the unformed road to the Crown despite any other enactment that would otherwise regulate or apply to that transfer.

Further provisions applying to national park or reserve land 25

117 Transfer of national park or reserve land if trustees change

- (1) This section applies to enable the fee simple estate in Te Here ā Nuku national park land or Te Here ā Nuku reserve land to be transferred if there is a change of trustees.
- (2) The registered owners of land referred to in **subsection (1)** may transfer the fee simple estate in the land if— 30
- (a) the transferors are or were the trustees of the Te Here ā Nuku Trust; and
 - (b) the transferees are the trustees of the same trust following the appointment of a new trustee or after a trustee's appointment has ceased; and
 - (c) the instrument of transfer is accompanied by a certificate given by the transferees or their lawyer certifying that **paragraphs (a) and (b)** apply. 35

118 Recording of change in classification

- (1) If the trustees publish a notice in the *Gazette* declaring trust land to be a reserve or changing the classification of any Te Here ā Nuku reserve land under this Act, an authorised person or the trustees must provide the Registrar-General with a copy of the notice as soon as is reasonably practicable after the publication of that notice. 5
- (2) When the Registrar-General receives the copy of the notice, the Registrar-General must, as soon as is reasonably practicable, record the reserve status or change of reserve classification on the relevant record of title.

When notations removed 10

119 Land ceasing to be national park land

- (1) This section applies to Te Here ā Nuku national park land.
- (2) If all of Te Here ā Nuku national park land ceases to be national park land, the trustees must apply in writing to the Registrar-General to remove from the record of title for the property the notations that the property is subject to, under— 15
 - (a) the National Parks Act 1980; and
 - (b) Te Here ā Nuku (Nelson Tenth's) Act **2026**.
- (3) If only part of Te Here ā Nuku national park land ceases to be national park land, the Registrar-General must, ~~as soon as is reasonably practicable,~~ ensure that the notations required under **subsection (2)** remain on the record of title only for the part of the property that remains Te Here ā Nuku national park land. 20
- (4) The Registrar-General must, as soon as is reasonably practicable, comply with an application received in accordance with **subsection (2)**. 25

120 Land ceasing to be Te Here ā Nuku reserve land

- (1) This section applies to Te Here ā Nuku reserve land.
- (2) If the reservation of a property under **Part 4** is revoked,— 30
 - (a) for all of the property, the trustees must apply in writing to the Registrar-General to remove from the record of title for the property the notations that the property is subject to— 30
 - (i) the Reserves Act 1977; and
 - (ii) Te Here ā Nuku (Nelson Tenth's) Act **2026**; but
 - (b) ~~if for only part of the property ceases to be Te Here ā Nuku reserve land,~~ the Registrar-General must, ~~as soon as is reasonably practicable,~~ ensure that the notations referred to in **paragraph (a)** remain on the record of title only for the part of the property that remains a reserve. 35

- (3) The Registrar-General must, as soon as is reasonably practicable, comply with an application received in accordance with **subsection (2)(a)**.

Delayed release land

121 Transfer of delayed release land to the Crown

- (1) This section applies to any delayed release land to be transferred from the trustees to the Crown. 5
- (2) If the land is subject to the National Parks Act 1980 or the Reserves Act 1977, the trustees may transfer that land back to the Crown despite any other enactment or rule of law.
- (3) If any record of title for the property has a notation recorded on it that the within land is subject to the Te Here ā Nuku (Nelson Tenth's) Act **2026**, the transfer instrument for that land must specify that the notation must be removed. 10
- (4) When the transfer of the land is registered, the Registrar-General must remove from any record of title for the land any notation that the land is subject to the Te Here ā Nuku (Nelson Tenth's) Act **2026**. 15
- (5) In this section, **delayed release land**, has the meaning given in **section 8(1)**.

Part 6
Miscellaneous

Subpart 1—Application of Public Works Act 1981 20

122 Application of Public Works Act 1981

- (1) This subpart applies to Te Here ā Nuku trust land that—
- (a) has been transferred to the trustees; but
 - (b) has not been released from the trust.
- (2) Parts 2 and 2A of the Public Works Act 1981 apply to that land only to the extent provided in this subpart. 25

123 Restrictions on compulsory acquisition of fee simple estate or lesser interest in trust land

- (1) There can be no compulsory acquisition of trust land, except as provided for in this subpart for— 30
- (a) roads; or
 - (b) emergency circumstances.
- (2) If land is necessary for roading purposes or as a response to a national or local emergency, the fee simple estate or an interest in land less than a fee simple

estate in any trust land may be acquired or taken under Part 2 or 2A of the Public Works Act 1981 for those purposes and in accordance with this subpart.

- (3) If the acquisition or taking of the fee simple estate or interest in land less than a fee simple estate is for the purpose of responding to a national or local emergency, the engagement and agreement process with the trustees must be reasonable having regard to the context of the particular emergency. 5
- (4) **Subsections (2) and (3)** apply only if the fee simple estate or interest in land less than a fee simple estate has not been able to be acquired by agreement with the trustees under Part 2 of the Public Works Act 1981 or otherwise.
- (5) This subpart applies if the purpose of acquiring or taking trust land or an interest in trust land relates to a public work, Government work, or local work. 10

124 Modifications applying to certain land

- (1) Despite **section 123**, the fee simple estate in any trust land that is or was formerly part of Te Here ā Nuku national park land ~~and specified reserves~~, a specified reserve, or specified land cannot be compulsorily acquired or taken under Part 2 or 2A of the Public Works Act 1981 for roading or emergency purposes. 15
- (2) The fee simple estate or an interest in land less than a fee simple estate in any trust land that is or was formerly Te Here ā Nuku national park land ~~or a specified reserve~~, a specified reserve, or specified land cannot be compulsorily acquired or taken under Part 2 of the Public Works Act 1981 for the purposes of a national park, a reserve, or other conservation purpose. 20
- (3) An interest in trust land less than a fee simple estate may be compulsorily acquired or taken under Part 2 of the Public Works Act 1981, subject to the following provisions: 25
 - (a) any lease, easement, or other interest must be for a term of less than 35 years (including renewals):
 - (b) the provisions of this subpart relating to the compulsory acquisition or taking of trust land for roading purposes apply to the compulsory acquisition or taking of an interest in trust land less than a fee simple estate for roading purposes with the necessary modifications. 30
- (4) The specified land is named in clause 11.4.3 of the Resolution Agreement, namely Milnthorpe Park Scenic Reserve, Part Auckland Point, Parklands Primary School, Te Waikoropupū Springs Scenic Reserve, and Kaiteriteri Recreation Reserve. 35
- (5) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, declare that any other area to which the Spain Award is relevant that has been set apart for any public purpose to be a specified reserve.

- (6) The Attorney-General must not make a recommendation for the purposes of **subsection (5)** unless the trustees and the Minister for Land Information have agreed in writing that it is appropriate that the area be a specified reserve.
- (7) An order under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

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125 Consent of Attorney-General required before giving or serving notice

- (1) The Minister for Land Information or the local authority (or any other body with the relevant powers under the Public Works Act 1981) must obtain the Attorney-General's consent before deciding to compulsorily acquire or take a fee simple, or less than fee simple, estate in trust land. 10
- (2) Before giving their consent, the Attorney-General must consider—
- (a) the relevant history of the land, including the litigation; and
 - (b) the Resolution Agreement; and
 - (c) the purposes of this Act.
- (3) The Attorney-General may request all the information relating to the proposed acquisition or taking that was provided to the Minister or local authority. 15
- (4) Before agreeing to a proposed compulsory acquisition of a fee simple estate in trust land, the Attorney-General must be satisfied that—
- (a) exceptional circumstances in the national or regional interest necessitate the acquisition of that land; and 20
 - (b) all other options involving acquiring or taking other land have been exhausted; and
 - (c) the taking of trust land is a last resort.

126 Effect of trustees disposing of trust land

This subpart ceases to apply if the trustees dispose of the fee simple estate in any trust land or an interest in trust land less than a fee simple estate, unless the disposal is to a subsidiary of the trustees, a successor entity, or other entity holding land for the benefit of the beneficiaries. 25

127 Objections by trustees

The trustees may object to a notice of intention to take trust land or acquire an interest in trust land less than a fee simple estate in accordance with Part 2 or 2A of the Public Works Act 1981, which applies for that purpose with the necessary modifications. 30

Subpart 2—Application and amendment of existing planning documents

128 Interpretation

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In this subpart,—

nature of the trust land includes, but is not limited to,—

- (a) the relevant history of the land, including the proceedings; and
- (b) the Resolution Agreement

planning document includes—

- (a) any of the following under the Resource Management Act 1991: 5
 - (i) a plan:
 - (ii) a proposed plan:
 - (iii) a regional policy statement:
 - (iv) a proposed regional policy statement:
- (b) a change or variation to any document mentioned in **paragraph (a)**: 10
- (c) a document issued under planning legislation that has a similar purpose or effect as a document mentioned in **paragraph (a) or (b)**

planning legislation includes the Resource Management Act 1991 or any enactment passed in substitution for that Act or part of that Act;

standard planning process means the process in Schedule 1 of the Resource Management Act 1991 and any corresponding process in any enactment passed in substitution for that Act or part of that Act, whichever is in force at the relevant time. 15

129 **Process for amending-existing planning documents**

- (1) This section applies to ~~existing~~ planning documents that apply to trust land. 20
- (2) The trustees may, by notice in writing, request any relevant local authority to amend its ~~existing~~ planning documents to reflect that the trust land is no longer constituted as national park land or reserve land.
- (3) The local authority must, without using the standard planning process ~~in Schedule 1 of the Resource Management Act 1991 or other planning legislation~~ to amend its planning documents, amend its planning documents in accordance with this section within 3 months after being given notice by the trustees, or within a longer period as may be agreed with the trustees. 25
- (4) The local authority must—
 - (a) ~~ensure that there are no unduly restrictive planning provisions in place such as those that reflected the former national park or reserve status of the trust land; and~~ 30
 - (b) ~~ensure that the planning documents applied to the trust land are appropriate for the nature of the trust land; and~~
 - (c) ~~in undertaking that process,—~~ 35
 - (i) ~~engage with the trustees to develop those planning provisions together; and~~

- (ii) ~~make those decisions in a manner that reflects both the existing planning legislation and this Act; and~~
 - (iii) ~~apply the least restrictive provisions that are feasible in the circumstances, reflecting both the existing planning legislation and this Act.~~ 5
- (4) The local authority must ensure that the provisions of the planning documents that apply to the trust land are appropriate for the nature of the trust land and the least restrictive provisions that are available in the circumstances.
- (5) The local authority must carry out a planning assessment that—
 - (a) informs its decision on the appropriate planning provisions; and 10
 - (b) is at a level of detail that corresponds to the scale and significance of the proposed changes.
- (6) In deciding what planning provisions should apply to the trust land, the local authority must—
 - (a) consider its planning assessment and the reasonably foreseeable use of the trust land; and 15
 - (b) engage with the trustees to develop together the planning assessment and those planning provisions; and
 - (c) make those decisions in a manner that reflects both the planning legislation and this Act. 20
- (7) The local authority must—
 - (a) make the changes to the planning documents; and
 - (b) within 5 working days after making those changes,—
 - (i) give public notice of the changes; and
 - (ii) make available on its internet site a summary of its planning assessment and a summary of its reasons for applying the particular planning provisions to the land. 25

Subpart 3—Statutory immunity

130 Immunity related to Crown's breach of warranty

- (1) This section relates to the Crown's warranty to the trustees in clause 7.2 of the Resolution Agreement, which required the Crown to provide all disclosure information by 27 February 2026. 30
- (2) The Crown failed to comply with the disclosure obligation.
- (3) The trustees are immune from liability in any civil or criminal proceedings arising from the Crown's failure to provide to the trustees all disclosure information by 27 February 2026. 35

- (4) The immunity covers, for example, an act or omission at a property that the trustees own through transfer if that act or omission is attributable to a matter that the Crown failed to disclose by 27 February 2026.

Subpart 4—Rateability of certain trust land

131 Application of Local Government (Rating) Act 2002 5

- (1) This section applies to trust land that, before its transfer under this Act, was fully non-rateable, being land that was within the meaning of clause 1 of Part 1 of Schedule 1 of the Local Government (Rating) Act 2002 (a National Park, reserve, conservation area, wildlife management reserve, wildlife refuge, or wildlife sanctuary). 10
- (2) Despite the status of any trust land to which this section applies being revoked or changed under this Act, that trust land is not rateable.
- (3) **Subsection (2)** applies only if, and for as long as, there continues to be the same or a similar benefit to the general public from the land as there was before the revocation or change of status. 15

Subpart 5—Geographic names

132 Official geographic names

- (1) In this subpart, **Board** and **official geographic name** have the meanings given in section 4 of the NZGB Act.
- (2) A name specified in the second column of the following table is the official geographic name of the feature or locality within the area of Te Here ā Nuku trust land that is named in the first column and described in the third column of the table. 20

Existing name	New official geographic name	Geographic feature
Kaiteriteri	Kaiteretere	Locality
Kaiteriteri Beach	Kaiteretere Beach	Beach
Kaiteriteri Inlet	Kaiteretere Inlet	Bay
Little Kaiteriteri (local use)	Little Kaiteretere	Beach

- (3) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the commencement of this Act by virtue of a determination of the Board made under section 19 of the NZGB Act. 25

133 Publication of official geographic names

- (1) The Board must, as soon as practicable after the commencement of this Act, give public notice in accordance with section 21(2) and (3) of the NZGB Act of each official geographic name that takes effect under **section 132**. 30
- (2) The notice must state that—

- (a) each name became an official geographic name on the date of commencement of this Act; and
- (b) each official geographic name may be altered only with the written consent of the trustees of Te Here ā Nuku Trust.

134 Subsequent alteration of official geographic names 5

- (1) The official geographic name of a feature to which **section 132** applies may be altered.
- (2) In making a determination to alter an official geographic name of a feature named in **section 132**, the Board—
 - (a) need not comply with sections 16, 17, 18, 19(1), or 20 of the NZGB Act; 10
but
 - (b) must have the written agreement of the trustees to the alteration.
- (3) The Board must give public notice of a determination made under this section in accordance with section 21(2) and (3) of the NZGB Act.

Subpart 6—Other matters 15

135 Access to redacted Resolution Agreement

- (1) The trustees must, on written request from any person, make a redacted copy of the Resolution Agreement (including amendments made to it from time to time) available free of charge ~~on an internet site maintained by or on behalf of the trustees.~~ 20
 - (a) on an internet site maintained by or on behalf of the trustees; and
 - (b) on an internet site maintained by or on behalf of the Crown Law Office.
- (2) The right of access to the Resolution Agreement under this section applies to the extent that any content of the Resolution Agreement that is not redacted and withheld in accordance with **subsection (3)**. 25
- (3) The Attorney-General and the trustees ~~jointly agree~~ have jointly agreed to redact and withhold from any person certain content of the Resolution Agreement, as at 25 June 2026.

136 Notices

- (1) A notice given or required to be given under this Act must be— 30
 - (a) in writing and signed by the person giving the notice, but if a notice is given by the trustees it is effective if signed by at least 2 of the trustees, 1 of whom is the chairperson; and
 - (b) addressed to the recipient at its address or email address—
 - (i) as stipulated in clause 12.6 of the Resolution Agreement; or 35
 - (ii) if the recipient has given notice of a new address or email address, at the most recent address, ~~of change of address,~~ or email address.

- (2) A notice must be given by—
- (a) personal delivery (including by courier) to the recipient's street address; or
 - (b) pre-paid post and addressed to the recipient's postal address; or
 - (c) electronic mail to the recipient's email address. 5
- (3) A notice is to be treated as having been received—
- (a) at the time of delivery, if personally delivered; or
 - (b) on the 6th day after posting, if posted; or
 - (c) on the day of transmission, if sent by electronic mail.
- (4) If a notice is, or is treated as being, received after 5 pm on a working day or at any time on a non-working day, it is to be treated as having been received on the next working day. 10

Legislative history

22 June 2026

Introduction (Bill 328–1)

25 June 2026

First reading and referral to Finance and Expenditure Committee