

Pire Whakataunga Kerēme a Ngā Hapū o Ngāti Ranginui

(Divided from Te Pire Whakatika Hapa o Te Ohu Iwi Tauranga Moana me Te Pire Whakataunga i ngā Kereme a Ngā Hapū o Ngāti Ranginui)

Pire Kāwanatanga

E ai ki tā te Komiti Whiriwhiri Take Māori i pūrongo ai

Ngā kōrero

Tūtohunga

Kua arohae haengia e Te Komiti Whiriwhiri Take Māori te Pire Whakataunga Kerēme a Ngā Hapū o Ngāti Ranginui, ā, e tūtohi nei kia whakamanatia. E tūtohi nei mātou i ngā menamana katoa e ai ki te katoa.

Wāwahitanga o te pire takitini

Ka ahu mai tēnei pire i tētahi pire takitini i hua mai i te piringa o ētahi pire e rua. Ko te pire takitini ko Te Pire Whakatika Hapa o Te Ohu Iwi Tauranga Moana me te Pire Whakataunga a Ngā Hapū o Ngāti Ranginui. I whakaaroarohia te pire takitini e tētahi komiti whiriwhiri take i te tau 2017, ā, e tāria ana tāna pānuitanga tuaruatanga i te Whare.

Nō nā tata nei, tukuna ai e te Whare te pire takitini ki a mātou e whakaaroarohia ai ngā pepa menamana e rua e wehea ai ki ngā pire e rua. I wehea e mātou te pire i te 3 o Āperira 2024. Ko tērā atu o ngā pire i hua i te wehenga ko te Pire Whakatika Hapa o Te Ohu Iwi Tauranga Moana, ka pūrongotia motuhaketia e mātou.

Mō te Tauranga Moana Iwi Collective Redress Bill

Ko tā te Pire Whakatika Hapa o Te Ohu Iwi Tauranga Moana he whakarite puretumu takitini ki te Ohu Iwi Tauranga Moana (OITM). Ka hua mai a OITM i Ngā Hapū o Ngāti Ranginui, i a Ngāi Te Rangi, me Ngāti Pūkenga. Whakaritea ai a OITM i te tau 2010 ki te whiriwhiri puretumu takitini mō ngā wāhi whai take ka tuarohia e ngā iwi e toru nei. Ko ngā whakataunga puretumu ki tēnā, ki tēnā iwi kei ā rātou whakaatanga whakataunga motuhake.

Kua whakamōhiotia mātou kāore a Ngāi Te Rangi e tautoko i te Pire Whakatika Hapa a te OITM e kōkiri ana ki tāna pānuitanga tuarua i tēnei wā. Mā te whakawehe i te pire i te wāhanga komiti whiriwhiri e kokea tonutia ai tēnei pire i te tāringa o te Pire Whakatika Hapa a OITM i tāna pānuitanga tuarua.

Mō Ngāti Ranginui

E ai ki te Tatauranga 2018, 11,967 tāngata ka whai whakapapa ki a Ngāti Ranginui. Ko ā rātou take tawhito mō te Tiriti o Waitangi e pā ana ki te pakanga me te raupatu i Tauranga, tā te Karauna hoko i ētahi whenua, te whakahaerenga me ngā rawa o ngā ture whenua māori, me te ture whenua Māori me ngā tangohanga whenua mahinga tūmatawhānui i te rautau rua tekau. Ko te nui o te whakataunga ko te \$38 mīriona.

I waitohua tā Ngāti Ranginui whakaaetanga whakataunga i te tau 2012, ā, i āpitihia hoki tā rātou ture whakataunga ki te pire takitini. I te tau 2022, i kōrero atu a Ngāti Ranginui ki te Karauna mō te whakaterenga o te whakatau i tā rātou take kerēme.

I whakamōhiotia mai mātou i whakaae ngā iwi ka noho ki te maru o OITM, arā, ko Ngāi Te Rangi me Ngāti Pūkenga, ki te wāwāhitanga o te pire e kōkiri tonutia ai tā Ngāti Ranginui ture. Ka puritia tonutia te Pire Whakatika Hapa a OITM mō tāna pānuitanga tuarua.

Nō nā tata nei, ka waitohua e te Karauna me Ngāti Ranginui te whakaaetanga ki te menamana i te Pire Whakataunga a Ngā Hapū o Ngāti Ranginui kia hāngai ai ki ngā panonitanga o ngā whakahaerenga ā-ture.

Pepa Menamana 18

Ka whakataki te Pepa Menamana 18 i te wāwāhitanga o te pire takitini ki ngā pire e rua. Ko tētahi ko te Whakataunga Pire a Ngā Hapū o Ngāti Ranginui. I whakatakina e te pepa menamana kia uru mai ko:

- Ngā Wāhanga 4 ki te 6 me ngā Whakamārama 4 ki 6 o te pire takitini
- Te taitara hou me ngā wāhanga whakataki (ngā wāhanga 1 me te 2 hou).

Pepa Menamana 19

Ko tā te Pepa Menamana 19 he whakaputa anō i te pire takitini e ai ki tā te Komiti Whiriwhiri Take Māori pūrongotanga ki te Whare i te tau 2017, ā, ka whakaū hoki i ngā panonitanga i whakaurua atu. Ahakoa kāore e āta kitea ngā panonitanga nō te tau 2017, ka uru atu ko ngā panonitanga i tūtohia ki te Wāhanga 4 ki te 6 ka:

- whakarite i te whakawehenga o te pire takitini
- whakahou whakapuakanga ki te ture kua panoni nō te tau 2017, tae atu rā ki te:
 - Land Transfer Act 2017
 - Trusts Act 2019
 - Legislation Act 2019
 - Education and Training Act 2020

- tango ritenga i te Wāhanga 6 (mō ngā whenua e hāngai ana) kāore e whai hāngaitanga ināianei
- panoni i ngā kupu whenua ōkawa ki te “notification” kia “notation” me “computer freehold register” kia “record of title”
- tango whakapuakanga ki ngā District Health Boards (kua kore ināianei)
- āpiti i Te Rā Aro ki a Matariki
- āpiti i tētahi whakapuakanga ki te Whakaaetanga Tiaki Taonga ki te Wāhanga 5 kia uru ai ngā panonitanga ki te āhua o te whanaungatanga ā-puretumu ki ngā rangapū ahurea, tuku ihotanga.

Hei whakamāramatanga ki tēnei kōrero whakamutunga, ka aro i a mātou ko te pepa e mōhiotia nei ko te Whakaaetanga Tiaki Taonga, he whakataunga tōpūtanga takitini i whakawhanakehia i te tau 2017. I whakakapi mai i te rauemi ahurea, tuku ihotanga i mōhiotia rā ko te Taonga Tūturu Protocol, arā, i motuhake rā ki te Manatū Taonga. Ko tā te whakaaetanga hou nei he aro ki te whanaungatanga ki ētahi atu anō rangapū i te rāngai ahurea, tuku ihotanga. Koianei ko te rauemi matua i ngā whiringa whakataunga take tiriti. I whakatakoto atu, otirā, i whakaaetia atu e Ngāti Ranginui.

Arohaenga ā-ture

Hei wāhanga o ā mātou whakaaroarotanga o ngā menamana i whakatakina, kua arohaetia e mātou te hāngaitanga ki te mātāpono o te ture kounga. Kāore ō mātou te take e pā ana ki te hanganga mai o te ture e tau ai ki te aroaro o te Whare.

Menamana ki te pire

E tūtohi nei mātou i ētahi momo menamana e rua ki te pire, e rārangi mai ana ki raro iho. Tuatahi, e tūtohi ana mātou i ngā panonitanga nā te Komiti Whiriwhiri Take Māori nō te tau 2017 i tāna pūrongo ki te Whare mō ngā whakaaroarotanga ki te Pire Whakatika Hapa a te Ohu Iwi Tauranga Moana Iwi me te Pire Whakataunga Kerēme a Ngā Hapū o Ngāti Ranginui. Ka kōrerotia ēnei menamana i te pūrongo a tērā komiti.

Tuarua, e tūtohi nei mātou ētahi menamana iti, ā-hanganga nei i whakatakina ki a mātou hei wāhanga o te Pepa Menamana 19. Pērā i kōrerotia ai i runga ake, ka whakarite ēnei menamana i te wāwāhitanga o te pire takitini kia rua ngā pire, ā, me te whakauru atu i ētahi panonitanga ā-hanganga nei ki te whakahou i ngā ture me ētahi atu whakapuakanga kua huri nō te tau 2017.

Tāpiritanga

Hātepe komiti

I whakatakotoria te Pire Whakatika Hapa o Te Ohu Iwi Tauranga Moana me Te Pire Whakataunga i ngā Kereme a Ngā Hapū o Ngāti Ranginui (te pire takitini) ki te Whare i te Noema 2015, ā, i tukuna ki te Komiti Whiriwhiri Take Māori o te Pāremata 51 i te 13 Aperira 2016. E whitu ngā tāpaetanga kōrero i whiwhi, i whakaarohia hoki e te komiti, tae atu ki ngā tāpaetanga kōrero ā-waha e rima. I pūrongotia ki te Whare i te 3 Maehe 2017.¹

I whakaohongia anō te pire takitini i te Pāremata 54 i te 6 Tihema 2023.

I te 21 Maehe 2024, ka whakaae te Whare kia whakakorea te take o te rā mō te pānuitanga tuarua o te pire takitini, ā, kia tukuna mai te pire takitini, otirā ngā Pepa Menemana Nama 18, Nama 19 hoi, ki a mātou hei whakaarohanga mā mātou.

E toru ngā tāpaetanga kōrero i karangahia e mātou mō te pire me ngā pepa mene-mana, ā, ko te rā katinga ko te 28 Maehe 2024. I whiwhi, i whakaarohia hoki e mātou tētahi tāpaetanga kōrero nā tētahi rōpū whai pānga.

I te 3 Aperira 2024, i wāwāhia e mātou te pire takitini kia puta ko te Pire Whakatika Hapa o Te Ohu Iwi Tauranga Moana me Te Pire Whakataunga i ngā Kereme a Ngā Hapū o Ngāti Ranginui. I pūrongotia wehetia e mātou te pire tuatahi.

Nā Te Arawhiti ngā kupu tohutohu mō te pire. Nā Te Tari o te Manahautū i homai he kupu tohutohu mō te kounga ā-ture o te pire. Nā Te Tari Tohutohu Pāremata i āwhina ki te tuhi i te pire.

Ngā mema o te komiti

Dan Bidois (Heamana)

Hōnore Marama Davidson

Greg Fleming

Shanan Halbert

Dana Kirkpatrick

Hana-Rawhiti Maipi-Clarke

Rima Nakhle

Tino Hōnore Adrian Rurawhe

¹ Kei te pae tukutuku Pāremata te pūrongo pire, kei <https://selectcommittees.parliament.nz/v/6/3fab14cb-9bb2-4a1c-ae95-432fdc8ccfce>. I muri tonu mai i te pūrongo pire, i te 5 Aperira 2017, i whakahuataki rā te komiti i tētahi huinga whakamāramatanga mō te pire hei whakamārama i ētahi take. Ka pūrongotia te whakamārama ki te Whare i te 14 Akuhata 2017. Kei te pae tukutuku Pāremata te pūrongo pire, kei <https://selectcommittees.parliament.nz/v/6/739d5f71-a0b4-437e-beaf-bb417b1a3344>.

Ngā rauemi e hāngai ana

Kei te pae tukutuku Pāremata ngā tuhinga i whiwhi hei kupu tohutohu, hei kōrero taunaki hoki.

Ngā Hapū o Ngāti Ranginui Claims Settlement Bill

(Divided from Te Pire Whakatika Hapa o Te Ohu Iwi Tauranga Moana me Te Pire Whakataunga i ngā Kereme a Ngā Hapū o Ngāti Ranginui)

Government Bill

As reported from the Māori Affairs Committee

Commentary

Recommendation

The Māori Affairs Committee has examined the Ngā Hapū o Ngāti Ranginui Claims Settlement Bill and recommends that it be passed. We recommend all amendments unanimously.

Division of omnibus bill

This bill comes from an omnibus bill that was made up of two component bills. The omnibus bill was the Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill. The omnibus bill was considered by a select committee in 2017 and was awaiting its second reading in the House.

The House recently referred the omnibus bill to us so that we could consider two amendment papers that would divide it into its two component bills. We divided the bill on 3 April 2024. The other bill resulting from the division is the Tauranga Moana Iwi Collective Redress Bill, on which we are reporting separately.

About the Tauranga Moana Iwi Collective Redress Bill

The Tauranga Moana Iwi Collective Redress Bill seeks to provide collective redress for the Tauranga Moana Iwi Collective (TMIC). TMIC is made up of Ngā Hapū o Ngāti Ranginui, Ngāi Te Rangi, and Ngāti Pūkenga. TMIC was formed in 2010 to negotiate collective redress for the areas of interest that the three iwi share. Settlement redress for each iwi is in their individual deed of settlement.

We have been advised that Ngāi Te Rangi does not support the TMIC Redress Bill advancing through its second reading at this time. Dividing the bill at select

committee allows this bill to proceed while the TMIC Redress Bill continues to await its second reading.

About Ngāti Ranginui

According to the 2018 Census, 11,967 people affiliate to Ngāti Ranginui. Their historical Treaty of Waitangi claims relate to war and raupatu (confiscation) in Tauranga, Crown purchasing of certain land, the operation and effects of native land laws, and Māori land legislation and public works taking in the 20th century. The settlement is worth \$38 million.

Ngāti Ranginui's deed of settlement was signed in 2012 and their settlement legislation was included in the omnibus bill. In 2022, Ngāti Ranginui approached the Crown about finalising their treaty settlement as soon as possible.

We were advised that the other iwi who are party to the TMIC, Ngāi Te Rangi and Ngāti Pūkenga, agree to the bill being divided so that the Ngāti Ranginui legislation can proceed. The TMIC Redress Bill would continue to be held for second reading.

The Crown and Ngāti Ranginui recently signed a deed to amend the Ngā Hapū o Ngāti Ranginui Deed of Settlement to reflect the proposed change in legislative approach.

Amendment Paper No 18

Amendment Paper No 18 proposed the division of the omnibus bill into two bills. One is this Ngā Hapū o Ngāti Ranginui Claims Settlement Bill. The amendment paper proposed that the new bill be made up of:

- Parts 4 to 6 and Schedules 4 to 6 of the omnibus bill
- new title and commencement clauses (new clauses 1 and 2).

Amendment Paper No 19

Amendment Paper No 19 reproduces the omnibus bill as it was reported from the Māori Affairs Committee to the House in 2017 and accepts the changes that were tracked into it. While it does not show the changes recommended in 2017, it tracks in other recommended changes to Parts 4 to 6 that would:

- facilitate the division of the omnibus bill
- update references to legislation that has changed since 2017, including:
 - the Land Transfer Act 2017
 - the Trusts Act 2019
 - the Legislation Act 2019
 - the Education and Training Act 2020
- remove provisions from Part 6 (about contingent properties) that are no longer necessary

- change the technical land terms “notification” to “notation” and “computer freehold register” to “record of title”
- update other technical property matters
- remove references to District Health Boards (which have been disestablished)
- include Te Rā Aro ki a Matariki / Matariki Observance Day
- add a reference to Whakaaetanga Tiaki Taonga into Part 5 to reflect changes to the form of relationship redress with culture and heritage sector agencies.

In explanation of this last point, we note that the document known as Whakaaetanga Tiaki Taonga is the collective relationship agreement that was developed in 2017. It replaced the previous culture and heritage relationship instrument known as the Taonga Tūturu Protocol, which was solely with the Ministry of Culture and Heritage. The new agreement provides for relationships with more agencies in the culture and heritage sector. It is now the preferred redress instrument in treaty settlement negotiations. It has been offered to, and accepted by, Ngāti Ranginui.

Legislative scrutiny

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

Amendments to the bill

We recommend two types of amendments to the bill, as tracked in below. First, we recommend the changes proposed by the Māori Affairs Committee in 2017 when it reported to the House on its consideration of the Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill. These amendments are discussed in that committee’s report.

Second, we recommend minor and technical amendments that were proposed to us as part of Amendment Paper No 19. As discussed above, these amendments facilitate the division of the omnibus bill into two bills and make technical changes to update legislative and other references that have changed since 2017.

Appendix

Committee process

The Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill (the omnibus bill) was introduced to the House in November 2015 and was referred to the Māori Affairs Committee of the 51st Parliament on 13 April 2016. The committee received and considered seven submissions, including five oral submissions. It reported to the House on 3 March 2017².

The omnibus bill was reinstated in the 54th Parliament on 6 December 2023.

On 21 March 2024, the House agreed that the order of the day for the second reading of the omnibus bill be discharged, and that the omnibus bill be referred to us for consideration of Amendment Papers Nos 18 and 19.

We invited three submissions on the bill and amendment papers, with a closing date of 28 March 2024. We received and considered a submission from one interested group.

On 3 April 2024, we divided the omnibus bill into the Tauranga Moana Iwi Collective Redress Bill and the Ngā Hapū o Ngāti Ranginui Claims Settlement Bill. We report separately on the former bill.

Advice on the bill was provided by Te Arawhiti. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Dan Bidois (Chairperson)

Hon Marama Davidson

Greg Fleming

Shanan Halbert

Dana Kirkpatrick

Hana-Rawhiti Maipi-Clarke

Rima Nakhle

Rt Hon Adrian Rurawhe

² The bill report can be found on the Parliament website at <https://selectcommittees.parliament.nz/v/6/3fab14cb-9bb2-4a1c-ae95-432fdc8ccfce>. Shortly after the bill report, on 5 April 2017, the committee opened a briefing on the bill so that it could clarify some points. It reported to the House on the briefing on 14 August 2017. The briefing report can be found on the Parliament website at <https://selectcommittees.parliament.nz/v/6/739d5f71-a0b4-437e-beaf-bb417b1a3344>.

Related resources

The documents 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 Paul Goldsmith

Ngā Hapū o Ngāti Ranginui Claims Settlement Bill

Government Bill

Contents

		Page
<u>1</u>	<u>Title</u>	<u>6</u>
<u>2</u>	<u>Commencement</u>	<u>6</u>
1	Title	6
2	Commencement	6

.

Part 4

Preliminary matters and settlement of historical claims

Preliminary matters

76	Purpose	6
77	Provisions to take effect on settlement date	7
78	Act binds the Crown	7
79	Outline	7

Acknowledgements and apology of the Crown

80	Acknowledgements and apology	8
81	Acknowledgements	9
82	Apology	11

Interpretation provisions

83	Interpretation of Parts 4 to 6 <u>this Act</u> generally	12
84	Interpretation	12
85	Meaning of Ngā Hapū o Ngāti Ranginui	15
86	Meaning of historical claims	16

Historical claims settled and jurisdiction of courts, etc, removed

87	Settlement of historical claims final	18
----	---------------------------------------	----

	<i>Amendment to Treaty of Waitangi Act 1975</i>	
88	Amendment to Treaty of Waitangi Act 1975	19
	<i>Resumptive memorials no longer to apply</i>	
89	Certain enactments do not apply	19
90	Resumptive memorials to be cancelled	19
	<i>Miscellaneous matters</i>	
91	Rule against perpetuities <u>Limit on duration of trusts</u> does not apply	20
92	Access to deed of settlement	21
	Part 5	
	Cultural redress	
	Subpart 1—Protocol	
93	Interpretation	21
	<i>General provisions applying to protocol</i>	
94	Issuing, amending, and cancelling protocol	22
95	Protocol subject to rights, functions, and duties	22
96	Enforcement of protocol	22
97	Limitation of rights	23
	Subpart 2—Official geographic names	
98	Interpretation	23
99	Official geographic names	23
100	Publication of official geographic names	23
101	Subsequent alteration of official geographic names	23
	Subpart 3—Naming of reserves and control and management of reserve	
102	Te Wharepoti / Margaret Jackson Wildlife Management Reserve	24
103	Te Wahapū o Te Hopuni Wildlife Management Reserve	24
104	Official geographic names, publication, and subsequent alteration	24
	Subpart 4—Vesting of cultural redress properties	
105	Interpretation	25
	<i>Properties vested in fee simple to be administered as reserves</i>	
106	Ohauti	25
107	Omanawa River property	26
108	Tahawai	26
109	Te Awa o Ngāumuwhahine	26
110	Te Hopuni	26
111	Te Rī o Ruahine	27
112	Te Rī o Tamarāwaho	27
113	Te Wai o Ngāumuwhahine	27
114	Waikareao Estuary property	27

Ngā Hapū o Ngāti Ranginui Claims Settlement Bill

115	Waimanu ki uta	28
116	Wainui River property	28
117	Waireia	28
	<i>Properties vested in fee simple subject to conservation covenants</i>	
118	Oraeroa	28
119	Te Kaki	29
	<i>School property vested in fee simple subject to lease</i>	
120	Omokoroa School property	29
	<i>General provisions applying to vesting of cultural redress properties</i>	
121	Properties vest subject to or together with interests	29
122	Interests that are not interests in land	29
123	Registration of ownership	30
124	Application of Part 4A of Conservation Act 1987	30
125	Matters to be recorded on computer freehold register <u>record of title</u>	31
126	Application of other enactments	31
127	Names of Crown protected areas discontinued	32
	<i>Further provisions applying to reserve properties</i>	
128	Application of other enactments to reserve properties	32
129	Subsequent transfer of reserve land	33
130	Transfer of reserve land in Te Rī o Tamarāwaho or Te Rī o Ruahine to new administering body	33
131	Transfer of reserve land in other properties to new administering body	34
132	Transfer of reserve land to trustees of existing administering body if trustees change	35
133	Reserve land not to be mortgaged	35
134	Saving of bylaws, etc, in relation to reserve properties	35
	Subpart 5—Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves	
135	Interpretation	35
136	Application of this subpart	36
137	Ōtānewainuku	36
138	Pūwhenua	37
139	Joint management body for Ōtānewainuku and Pūwhenua Scenic Reserves	37
140	Restriction on transfer of joint cultural redress property	38
141	Provisions of other Acts with same effect for joint cultural redress property	38

General provisions applying to vesting of joint cultural redress properties

142	Properties vest subject to or together with interests	39
143	Interests in land for joint cultural redress properties	39
144	Interests that are not interests in land	39
145	Registration of ownership	39
146	Application of Part 4A of Conservation Act 1987	40
147	Recording application of Part 4A of Conservation Act 1987 and sections of this subpart	40
148	Application of other enactments to joint cultural redress properties	41
149	Application of Reserves Act 1977 to joint cultural redress properties	41
150	Joint cultural redress property that is reserve must not be mortgaged	42
151	Saving of bylaws, etc, in relation to joint cultural redress properties	42
152	Scenic reserve not to become Crown protected area	42

**Part 6
Commercial redress**

153	Interpretation	42
	Subpart 1—Transfer of commercial redress properties, commercial properties, and deferred selection property	
154	The Crown may transfer properties	43
155	Computer freehold registers <u>Records of title</u> for commercial redress properties, commercial properties, and deferred selection property	43
156	Authorised person may grant covenant for later creation of computer freehold register <u>record of title</u>	44
157	Application of other enactments	44
158	Application of enactment to Part Te Puna School site and adjoining land	45

Subpart 2—Māori reservation properties

159	Application of this subpart	45
160	Setting apart as Māori reservations and terms of trust	46
161	Application of enactments to Māori reservation properties	46

~~Subpart 3—Provisions applying to purchased contingent properties~~

162	Application of this subpart	47
163	Transfer of purchased contingent properties	47
164	Easements over purchased contingent properties	48

Subpart 4—Right of first refusal over RFR land

Interpretation

165	Interpretation	48
-----	----------------	----

Ngā Hapū o Ngāti Ranginui Claims Settlement Bill

166	Meaning of RFR land	49
167	RFR land required for another Treaty of Waitangi settlement	50
	<i>Restrictions on disposal of RFR land</i>	
168	Restrictions on disposal of RFR land	51
	<i>Trustees' right of first refusal</i>	
169	Requirements for offer	51
170	Expiry date of offer	51
171	Withdrawal of offer	52
172	Acceptance of offer	52
173	Formation of contract	52
	<i>Disposals to others but land remains RFR land</i>	
174	Disposal to the Crown or Crown bodies	52
175	Disposal of existing public works to local authorities	53
176	Disposal of reserves to administering bodies	53
	<i>Disposals to others where land may cease to be RFR land</i>	
177	Disposal in accordance with obligations under enactment or rule of law	53
178	Disposal in accordance with legal or equitable obligations	53
179	Disposal under certain legislation	53
180	Disposal of land held for public works	54
181	Disposal for reserve or conservation purposes	54
182	Disposal for charitable purposes	54
183	Disposal to tenants	54
184	Disposal by Housing New Zealand Corporation	55
185	Disposal by Bay of Plenty DHB Health New Zealand	55
	<i>RFR landowner obligations</i>	
186	RFR landowner's obligations subject to other matters	55
	<i>Notices about RFR land</i>	
187	Notice to LINZ of RFR land with computer register <u>record of title</u> after settlement date	56
188	Notice to trustees of disposal of RFR land to others	56
189	Notice to LINZ of land ceasing to be RFR land	56
190	Notice requirements	57
	<i>Right of first refusal recorded on computer registers <u>records of title</u></i>	
191	Right of first refusal to be recorded on computer registers <u>records of title</u> for RFR land	57
192	Removal of notifications <u>notations</u> when land to be transferred or vested	58
193	Removal of notifications <u>notations</u> when land required for another Treaty of Waitangi settlement	59

194	Removal of notifications <u>notations</u> when RFR period ends	59
	<i>General provisions applying to right of first refusal</i>	
195	Waiver and variation	59
196	Disposal of Crown bodies not affected	60
197	Assignment of rights and obligations under this subpart	60
		
	Schedule 4	61
	Cultural redress properties	
	Schedule 5	65
	Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves	
	Schedule 6	67
	Notices in relation to RFR land	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngā Hapū o Ngāti Ranginui Claims Settlement Act **2015**.

2 Commencement

This Act comes into force on the day after Royal assent. 5

1 Title

~~This Act is the Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Act **2015**.~~

2 Commencement

~~This Act comes into force on the day after the date on which it receives the Royal assent.~~ 10

.

Part 4

Preliminary matters and settlement of historical claims

Preliminary matters 15

76 Purpose

The purpose of ~~Parts 4 to 6~~ this Act is—

- (a) to record the acknowledgements and apology given by the Crown to Ngā Hapū o Ngāti Ranginui in the deed of settlement; and

- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngā Hapū o Ngāti Ranginui.

77 Provisions to take effect on settlement date

- (1) The provisions of ~~Parts 4 to 6~~ this Act take effect on the settlement date unless stated otherwise. 5
- (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—
 - (a) the provision to have full effect on that date; or
 - (b) a power to be exercised under the provision on that date; or
 - (c) a duty to be performed under the provision on that date. 10

78 Act binds the Crown

~~Parts 4 to 6~~ bind This Act binds the Crown.

79 Outline

- (1) This section is a guide to the overall scheme and effect of ~~Parts 4 to 6~~ this Act, but does not affect the interpretation or application of the other provisions of ~~Parts 4 to 6~~ this Act or of the deed of settlement. 15
- (2) This Part—
 - (a) sets out the purpose of ~~Parts 4 to 6~~ this Act; and
 - (b) provides that the provisions of ~~Parts 4 to 6~~ this Act take effect on the settlement date unless a provision states otherwise; and 20
 - (c) specifies that the Act binds the Crown; and
 - (d) records the text of the acknowledgements and apology given by the Crown to Ngā Hapū o Ngāti Ranginui, as recorded in the deed of settlement; and
 - (e) defines terms used in ~~Parts 4 to 6~~ this Act, including key terms such as Ngā Hapū o Ngāti Ranginui and historical claims; and 25
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for—
 - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and 30
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the ~~law against perpetuities~~ limit on the duration of a trust; and 35
 - (v) access to the deed of settlement.

- (3) **Part 5** provides for cultural redress, including—
- (a) cultural redress that does not involve the vesting of land, namely,—
 - (i) a protocol for taonga tūturu on the terms set out in the documents schedule; and
 - (ii) the provision of official geographic names; and 5
 - (iii) the naming of reserves and the control and management of a reserve; and
 - (b) cultural redress requiring vesting in the trustees of the fee simple estate in certain properties, namely,—
 - (i) the vesting in the trustees of cultural redress properties; and 10
 - (ii) the joint vesting in the trustees, and in the trustees of each settlement trust of 5 other iwi, of 2 properties (ngā pae maunga) to be administered as reserves by a joint management body appointed by the new owners.
- (4) **Part 6** provides for commercial redress, including— 15
- (a) authorisation for the transfer of commercial redress properties, commercial properties, and a deferred selection property to the trustees to give effect to the deed of settlement; and
 - (b) the setting apart of certain commercial redress properties as Māori reservations; and 20
 - ~~(c) provisions that apply to purchased contingent properties and relate to their transfer under the deed of settlement; and~~
 - (d) a right of first refusal in relation to RFR land.
- (5) There are 3 schedules, as follows:
- (a) **Schedule 4** describes the cultural redress properties: 25
 - (b) **Schedule 5** describes 2 properties (ngā pae maunga) jointly vested in fee simple to be administered as reserves:
 - (c) **Schedule 6** sets out provisions that apply to notices given in relation to RFR land.

Acknowledgements and apology of the Crown 30

80 Acknowledgements and apology

- (1) **Section 81** records the text of the acknowledgements given by the Crown to Ngā Hapū o Ngāti Ranginui in the deed of settlement.
- (2) **Section 82** records the text of the apology given by the Crown to Ngā Hapū o Ngāti Ranginui in the deed of settlement. 35
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.

81 Acknowledgements

- (1) The Crown acknowledges it has failed to deal in a satisfactory way with grievances raised by successive generations of Ngāti Ranginui and that recognition of these grievances is long overdue.
- (2) The Crown acknowledges that it was ultimately responsible for the outbreak of war in Tauranga in 1864, and the resulting loss of life, and its actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown also acknowledges that—
 - (a) Crown troops killed members of Ngāti Ranginui hapū and wounded others at Pukehinahina and Te Ranga in 1864; and
 - (b) Ngāti Ranginui were faithful to the rules of engagement they set down prior to the battle at Pukehinahina and provided aid to wounded Crown troops.
- (3) The Crown acknowledges that the Raupatu/confiscation of Ngāti Ranginui lands at Tauranga and the subsequent Tauranga District Lands Acts 1867 and 1868 were unjust and a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown also acknowledges that—
 - (a) it returned some land to Ngāti Ranginui hapū in the form of individualised title rather than Māori customary title; and
 - (b) by awarding land within the rohe of Ngāti Ranginui hapū to other Māori as reward for assisting the Crown, the Crown exacerbated tensions between the iwi of Tauranga Moana.
- (4) The Crown further acknowledges that the Raupatu/confiscation and the subsequent Tauranga District Lands Acts 1867 and 1868—
 - (a) had a devastating effect on the welfare and economy of Ngāti Ranginui hapū and deprived those hapū of wāhi tapu, access to natural resources, and opportunities for development at Tauranga; and
 - (b) prevented Ngāti Ranginui from exercising Mana and Rangatiratanga over land and resources within the Tauranga Moana.
- (5) The Crown acknowledges that it failed to actively protect Ngāti Ranginui interests in lands they wished to retain when it initiated the purchase of Te Puna and Katikati blocks in 1864 without investigating the rights of Ngāti Ranginui hapū to these lands and completed the purchase in 1871 despite Ngāti Ranginui opposition, and this failure was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that—
 - (a) it inflicted a scorched earth policy in its assaults on Ngāti Ranginui during the bush campaign; and
 - (b) this destruction of Ngāti Ranginui Kāinga and cultivations further devastated the welfare and economy of Ngāti Ranginui hapū; and

- (c) many Ngāti Ranginui were forced to flee their traditional Kāinga and were unable to return for many years.
- (7) The Crown further acknowledges its conduct was unreasonable and unnecessary and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5
- (8) The operation and impact of the native land laws, in particular the awarding of land to individuals rather than to iwi and hapū, made the lands of Ngāti Ranginui hapū more susceptible to fragmentation, alienation, and partition, and this contributed to the undermining of the tribal structures of Ngāti Ranginui hapū, which were based on collective hapū custodianship of land. The Crown acknowledges that its failure to protect these tribal structures was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10
- (9) The Crown acknowledges a number of flaws in the way that its agent conducted some of its land purchasing operations at Tauranga in 1886, such as—
- (a) inducing named owners to sign blank receipts upon which the details of blocks were later added; and 15
 - (b) misrepresenting single payments for particular blocks as multiple payments across many blocks or as payments for a different block; and
 - (c) claiming to have made payments for blocks that were not made.
- (10) The Crown further acknowledges that, although it dismissed the land agent responsible, there is no evidence that it took steps to redress harm caused by these flaws. 20
- (11) The Crown acknowledges that, between 1953 and 1974, it empowered the Māori Trustee to compulsorily acquire Ngāti Ranginui land interests which the Crown considered uneconomic, and this was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles and deprived some Ngāti Ranginui of a direct link to their turangawaewae. 25
- (12) The Crown acknowledges that it failed to ensure that Ngāti Ranginui were left with sufficient land for their present and future needs and this failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 30
- (13) The Crown acknowledges the contribution made by Ngāti Ranginui to the nation's defence when Ngāti Ranginui men volunteered for the 28th Māori Battalion and served overseas during the Second World War.
- (14) The Crown acknowledges that the Raupatu/confiscation at Tauranga and many of its subsequent policies have contributed to Ngāti Ranginui hapū enduring long periods of social deprivation at Tauranga, many members of Ngāti Ranginui hapū leaving their rohe, and those living within their rohe suffering worse housing conditions and health, economic, and educational outcomes than other New Zealanders. 35

- (15) The Crown acknowledges that the Crown's takings of Ngāti Ranginui lands for public works are a significant grievance for the hapū of Ngāti Ranginui. The Crown also acknowledges that—
- (a) it took land of importance to Ngāti Ranginui hapū; and
 - (b) some public works projects severed sections of land belonging to Ngāti Ranginui hapū, creating sections with little or no economic use; and
 - (c) some Ngāti Ranginui land owners waited a number of years for compensation to be paid by the Crown.
- (16) The Crown acknowledges that the compulsory status changes to Māori land titles carried out under the Māori Affairs Amendment Act 1967 weakened the connection of many Ngāti Ranginui to their turangawaewae.
- (17) The Crown acknowledges—
- (a) the significance of the land, forests, harbours, and waterways of Tauranga Moana to the hapū of Ngāti Ranginui as a physical and spiritual resource over which Ngāti Ranginui hapū acted as kaitiaki; and
 - (b) that the clearing of forests, development of the Port of Tauranga, the development of the Mangapapa hydro scheme and the collapse of the Ruahihi Canal, and the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana have resulted in environmental degradation of Tauranga Moana which remains a source of great distress to the hapū of Ngāti Ranginui.

82 Apology

- (1) The Crown makes this apology to Ngāti Te Wai, Pirirākau, Ngāti Taka, the Wairoa hapū of Ngāti Rangī, Ngāti Pango, and Ngāti Kahu, Ngāti Hangarau, Ngāi Tamarāwaho, Ngāi Te Ahi and Ngāti Ruahine, the hapū of Ngāti Ranginui, to your tūpuna and to your descendants.
- (2) The Crown unreservedly apologises for not having honoured its obligations to the hapū of Ngāti Ranginui under te Tiriti o Waitangi/the Treaty of Waitangi and profoundly regrets its failure to appropriately acknowledge the Mana and Rangatiratanga of Ngāti Ranginui for many generations.
- (3) The relationship between Ngāti Ranginui and the Crown, which should have been defined by the mutual respect and partnership inherent in te Tiriti o Waitangi/the Treaty of Waitangi, was instead blighted by the injustices of war, Raupatu, the bush campaign, and the severe deprivation that flowed from these Crown actions. The Crown apologises for its actions and the burden carried by generations of Ngāti Ranginui who have suffered the consequences of war and raupatu which they continue to feel today.
- (4) The Crown deeply regrets that over time its actions severed Ngāti Ranginui hapū from their traditional lands, deprived them of opportunities for development, caused significant harm to the social and economic development of the Ngāti Ranginui, undermined the well-being of the iwi and its hapū, damaged

their autonomy and ability to exercise customary rights and responsibilities, and marginalised them within their own rohe.

- (5) Through this apology the Crown seeks atonement for the wrongs of the past and to establish a new relationship with the hapū of Ngāti Ranginui based upon mutual trust, co-operation, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 5

Interpretation provisions

83 Interpretation of ~~Parts 4 to 6~~ this Act generally

It is the intention of Parliament that the provisions of ~~Parts 4 to 6~~ this Act are interpreted in a manner that best furthers the agreements expressed in the deed of settlement. 10

84 Interpretation

In ~~Parts 4 to 6~~ this Act, unless the context otherwise requires,—

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

attachments means the attachments to the deed of settlement

commercial property has the meaning given in **section 153**

commercial redress property has the meaning given in **section 153**

computer register—

(a) ~~has the meaning given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002; and~~ 20

(b) ~~includes, where relevant, a certificate of title issued under the Land Transfer Act 1952~~

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

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

cultural redress property has the meaning given in **section 105**

deed of settlement—

(a) means the deed of settlement dated 21 June 2012 and signed by—

(i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and 30

(ii) Peri Kohu, Matakokiri Tata, Horimatua George Evans, Piripi Winiata, Kimiora Rawiri, Tatai Allen, Gerry Gardiner, Tawharangi Nuku, Colin Bidois, Nepia Bryan, Te Pio Kawe, Lance Waaka, Te Ruruanga Te Keeti, and Bob Leef for and on behalf of Ngā Hapū o Ngāti Ranginui; and 35

- (iii) Kimiora Rawiri, Te Pio Kawe, Te Ruruanga Te Keeti, Rob Urwin, Shadrach Rolleston, Lance Waaka, Caine Taiapa, and Horimatua George Evans as the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
- (b) includes— 5
- (i) the schedules of, and attachments to, the deed; and
- (ii) any amendments to the deed or its schedules and attachments, ~~including the amendments made by the deed to amend dated 26 September 2014~~
- deferred selection property** has the meaning given in **section 153** 10
- Director-General** means the Director-General of Conservation
- documents schedule** means the documents schedule of the deed of settlement
- early release commercial property** means a property described in part 3 of the property redress schedule—
- (a) that did not become a commercial redress property under clause 6.7 of the deed of settlement before the commencement of ~~Parts 4 to 6~~ this Act; and 15
- (b) for which the requirements for transfer under the deed of settlement have been satisfied
- general matters schedule** means the general matters schedule of the deed of settlement 20
- hapū entity**, in relation to a property or redress under ~~Parts 4 to 6~~ this Act, means the person or persons (including trustees)—
- (a) who represent a hapū of Ngāti Ranginui, as determined by the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust: 25
- (b) to whom, therefore, the property may be on-transferred or the rights and obligations relating to the redress may be assigned under ~~Parts 4 to 6~~ this Act or the deed of settlement
- hapū of Ngāti Ranginui** means each of the following hapū to the extent it is composed of individuals described by **section 85(1)(a)**: 30
- (a) Ngāi Tamarāwaho:
- (b) Ngāi Te Ahi:
- (c) Ngāti Hangarau:
- (d) Ngāti Ruahine:
- (e) Ngāti Taka: 35
- (f) Ngāti Te Wai:
- (g) Pirirākau:
- (h) Wairoa hapū, including Ngāti Kahu, Ngāti Pango, and Ngāti Rangi

historical claims has the meaning given in section 86	
interest means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property	
joint cultural redress property has the meaning given in section 135	
LINZ means Land Information New Zealand	5
local authority has the meaning given in section 5(1) of the Local Government Act 2002	
member of Ngā Hapū o Ngāti Ranginui means an individual referred to in section 85(1)(a)	
Ngā Hapū o Ngāti Ranginui Settlement Trust means the trust of that name established by a trust deed dated 19 June 2012	10
property redress schedule means the property redress schedule of the deed of settlement	
purchased contingent property has the meaning given in section 162	
<u>record of title has the meaning given in section 5(1) of the Land Transfer Act 2017</u>	15
Registrar-General means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952	
<u>Registrar-General has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017</u>	20
representative entity means—	
(a) the trustees; and	
(b) any person (including any trustee) acting for or on behalf of—	
(i) the collective group referred to in section 85(1)(a) ; or	
(ii) 1 or more members of Ngā Hapū o Ngāti Ranginui; or	25
(iii) 1 or more of the whānau, hapū, or groups referred to in section 85(1)(c)	
reserve has the meaning given in section 2(1) of the Reserves Act 1977	
reserve property has the meaning given in section 105	
RFR means the right of first refusal provided for by subpart 4 of Part 6	30
RFR land has the meaning given in section 166	
settlement date means the date that is 20 working days after the date on which Parts 4 to 6 <u>this Act</u> comes into force	
Te Tāhuhu o Tawakeheimoa Trust has the meaning given in section 13 of the Ngāti Rangiwewehi Claims Settlement Act 2014	35
tikanga means customary values and practices	

trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Ngā Hapū o Ngāti Ranginui Settlement Trust

working day means a day other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day: 5
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday:
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year: 10
- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington.

85 Meaning of Ngā Hapū o Ngāti Ranginui

- (1) In ~~Parts 4 to 6~~ this Act, **Ngā Hapū o Ngāti Ranginui**— 15

- (a) means the collective group composed of individuals who are descended from a tupuna or ancestor of Ngā Hapū o Ngāti Ranginui; and
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals. 20

- (2) In this section and **section 86**,—

area of interest means the areas shown as the Ngāti Ranginui area of interest and the Ngāti Ranginui coastal area of interest in part 1 of the attachments

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

- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources

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

- (a) birth; or
- (b) legal adoption; or 30
- (c) Māori customary adoption in accordance with Ngā Hapū o Ngāti Ranginui tikanga

tupuna or ancestor of Ngā Hapū o Ngāti Ranginui means an individual who—

- (a) exercised customary rights by virtue of being descended from Ranginui or a recognised ancestor of any of the following groups: 35
 - (i) Pirirākau, whose recognised ancestors include Tutereinga and Maungapohatu (also known as Te Ua Maungapohatu):

- (ii) Ngāti Taka, whose recognised ancestors include Te Ua Maunga-pohatu:
 - (iii) Wairoa hapū, including the following groups:
 - (A) Ngāti Rangi, whose recognised ancestors include Pakaru-wakanui: 5
 - (B) Ngāti Kahu, whose recognised ancestors include Herewini Te Kaiamo and Perahia:
 - (C) Ngāti Pango, whose recognised ancestors include Te Poria and Pango:
 - (iv) Ngāti Hangarau: 10
 - (v) Ngāi Tamarāwaho, whose recognised ancestors include Tahuriwakanui:
 - (vi) Ngāi Te Ahi, whose recognised ancestors include Ngaruinga and Tamahika:
 - (vii) Ngāti Ruahine: 15
 - (viii) Ngāti Te Wai; and
 - (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840.
- 86 Meaning of historical claims**
- (1) In ~~Parts 4 to 6~~ this Act, **historical claims**— 20
 - (a) means the claims described in **subsection (2)**; and
 - (b) includes the claims described in **subsection (3)**; but
 - (c) does not include the claims described in **subsection (4)**.
 - (2) The historical claims are every claim that Ngā Hapū o Ngāti Ranginui or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 25
 - (a) is founded on a right arising—
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law (including aboriginal title or customary law); or 30
 - (iv) from a fiduciary duty; or
 - (v) otherwise; and
 - (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by or on behalf of the Crown; or
 - (ii) by or under legislation. 35
 - (3) The historical claims include—

-
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngā Hapū o Ngāti Ranginui or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
- (i) Wai 42(a)—Ngāti Kahu, Ngāti Rangī, and Ngāti Pango claim:
 - (ii) Wai 227—Pirirākau claim: 5
 - (iii) Wai 362—Ngāti Ruahine claim:
 - (iv) Wai 370—Ngāi Te Ahi claim:
 - (v) Wai 659—Ngāi Tamarāwaho claim:
 - (vi) Wai 672—Ngāti Hangarau, and Ngamanawa Incorporation claim
Wai 503: 10
 - (vii) Wai 727—Ngāti Taka claim:
 - (viii) Wai 1931—Ngāi Tamarāwaho claim:
 - (ix) Wai 2264—Management of the Wairoa River (Pihema) claim; and
- (b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngā Hapū o Ngāti Ranginui or a representative entity: 15
- (i) Wai 42(b)—Ngāti Ranginui land claim:
 - (ii) Wai 42(d)—Ngāti Ranginui land claim:
 - (iii) Wai 47—Ngāti Pukenga, Ngāi Te Rangī, and Ngāti Ranginui land
and resources claim: 20
 - (iv) Wai 86—Waikareao Estuary claim:
 - (v) Wai 208—Bethlehem school site claim:
 - (vi) Wai 336—The Ancestral Lands and Energy Companies Act 1992
claim:
 - (vii) Wai 360—Matapihi Ohuki No. 3 claim: 25
 - (viii) Wai 465—Maungatapu and Kaitemako claim:
 - (ix) Wai 580—Otamataha Land claim:
 - (x) Wai 611—Ngāti Ranginui interests claim:
 - (xi) Wai 707—Parish of Te Puna claim:
 - (xii) Wai 708—Tauranga Harbour (Pirirākau) claim: 30
 - (xiii) Wai 853—Local Government Act claim:
 - (xiv) Wai 1793—Wairoa and Valley Roads lands claim.
- (4) However, the historical claims do not include—
- (a) a claim that a member of Ngā Hapū o Ngāti Ranginui, or a whānau, hapū, or group referred to in **section 85(1)(c)**, had or may have that is 35
founded on a right arising by virtue of being descended from an ancestor who is not a tupuna or ancestor of Ngā Hapū o Ngāti Ranginui; or

- (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**.
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date. 5

Historical claims settled and jurisdiction of courts, etc, removed

87 Settlement of historical claims final

- (1) The historical claims are settled.
- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims. 10
- (3) **Subsections (1) and (2)** do not limit—
 - (a) ~~the deed of settlement; or~~
 - (b) ~~the collective deed.~~
- (3) **Subsections (1) and (2)** do not limit the deed of settlement. 15
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—
 - (a) the historical claims; or 20
 - (b) the deed of settlement; or
 - (c) ~~Parts 4 to 6~~this Act; or
 - (d) the redress provided under the deed of settlement or ~~Parts 4 to 6~~; or this Act.
 - (e) ~~each of the following, to the extent it relates to Ngā Hapū o Ngāti Ranginui:~~ 25
 - (i) ~~the collective deed;~~
 - (ii) ~~the collective Act;~~
 - (iii) ~~the redress provided under the collective deed or the collective Act.~~ 30
- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement, ~~the collective deed, Parts 4 to 6, or the collective~~ or this Act.
- (6) In this section,—
 - ~~collective Act~~ means **Parts 1 to 3 of the Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2015** 35

~~collective deed~~ means the collective deed defined in ~~section 8~~ of the collective Act.

Amendment to Treaty of Waitangi Act 1975

88 Amendment to Treaty of Waitangi Act 1975

- (1) This section amends the Treaty of Waitangi Act 1975. 5
- (2) In Schedule 3, insert in its appropriate alphabetical order “**Parts 4 to 6 of the Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2015, section 87(4) and (5)**”.

Resumptive memorials no longer to apply

89 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply—
 - (a) to a cultural redress property; or
 - (b) to a joint cultural redress property on and from its vesting date under **subpart 5 of Part 5**; or
 - (c) to a commercial redress property; or 15
 - (d) to an early release commercial property; or
 - (e) to a commercial property or the deferred selection property on and from the date of its transfer to the trustees; or
 - (f) ~~to a purchased contingent property on and from its transfer date under subpart 3 of Part 6; or~~ 20
 - (g) to the RFR land; or
 - (h) for the benefit of Ngā Hapū o Ngāti Ranginui or a representative entity.
- (2) The enactments are—
 - (a) Part 3 of the Crown Forest Assets Act 1989:
 - (b) ~~sections 211 to 213 of the Education Act 1989;~~ 25
 - (b) sections 568 to 570 of the Education and Training Act 2020;
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986:
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975. 30

90 Resumptive memorials to be cancelled

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the ~~computer register record of title~~ for, each allotment that—
 - (a) is all or part of— 35

- (i) a cultural redress property; or
 - (ii) a joint cultural redress property; or
 - (iii) a commercial redress property; or
 - (iv) an early release commercial property; or
 - (v) a commercial property; or 5
 - (vi) the deferred selection property; or
 - ~~(vii) a purchased contingent property; or~~
 - (viii) the RFR land; and
 - (b) is subject to a resumptive memorial recorded under an enactment listed in **section 89(2)**. 10
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—
- (a) the settlement date, for a cultural redress property, a commercial redress property, an early release commercial property, or the RFR land; or
 - (b) the vesting date of the property under **subpart 5 of Part 5**, for a joint 15 cultural redress property; or
 - (c) the date of transfer of the property to the trustees, for a commercial property or the deferred selection property; ~~or~~
 - ~~(d) the transfer date of the property under **subpart 3 of Part 6**, for a purchased contingent property.~~ 20
- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
- (a) register the certificate against each ~~computer register record of title~~ identified in the certificate; and 25
 - (b) cancel each memorial recorded under an enactment listed in **section 89(2)** on a ~~computer register record of title~~ identified in the certificate, but only in respect of each allotment described in the certificate.

Miscellaneous matters

- 91 Rule against perpetuities—Limit on duration of trusts does not apply** 30
- (1) ~~The rule against perpetuities and the provisions of the Perpetuities Act 1964~~A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—
- (a) ~~do~~does not prescribe or restrict the period during which—
 - (i) the Ngā Hapū o Ngāti Ranginui Settlement Trust may exist in law; 35
 - or

- (ii) the trustees may hold or deal with property or income derived from property; and
- (b) ~~do~~does not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective. 5
- (2) However, if the Ngā Hapū o Ngāti Ranginui Settlement Trust is, or becomes, a charitable trust, ~~the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law~~ the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019. 10

92 Access to deed of settlement

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

- (a) for inspection free of charge, and for purchase at a reasonable price, ~~at the head office of the Ministry of Justice~~ that Office in Wellington between 9 am and 5 pm on any working day; and 15
- (b) free of charge on an Internet site maintained by or on behalf of ~~the Ministry of Justice~~ that Office. 20

Part 5

Cultural redress

Subpart 1—Protocol

93 Interpretation

In this subpart,—

protocol— 25

- (a) means ~~the taonga tūturu protocol issued under section 94(1)(a)~~ Appendix B of the Whakaaetanga Tiaki Taonga; and

- (b) includes any amendments made under **section 94(1)(b)(2)**

responsible Minister means—

- (a) the Minister for Arts, Culture and Heritage; or 30
- (b) any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol:

Whakaaetanga Tiaki Taonga means the document entered into under clause 5.1 of the deed of settlement (in the form set out in part 1 of the documents schedule). 35

*General provisions applying to protocol***94 Issuing, amending, and cancelling protocol**

- (1) ~~The responsible Minister—~~
- ~~(a) must issue a protocol to the trustees on the terms set out in part 1 of the documents schedule; and~~ 5
 - ~~(b) may amend or cancel that protocol.~~
- (1) Appendix B of the Whakaaetanga Tiaki Taonga must be treated as having been issued by the responsible Minister on the terms set out in part 1 of the documents schedule.
- (2) The responsible Minister may amend or cancel the protocol at the initiative of— 10
- (a) the trustees; or
 - (b) the responsible Minister.
- (3) The responsible Minister may amend or cancel the protocol only after consulting, and having particular regard to the views of, the trustees. 15

95 Protocol subject to rights, functions, and duties

The protocol does not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability— 20
 - (i) to introduce legislation and change Government policy; and
 - (ii) to interact with or consult a person the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of the responsible Minister or a department of State; 25

or
- (c) the legal rights of Ngā Hapū o Ngāti Ranginui or a representative entity.

96 Enforcement of protocol

- (1) The Crown must comply with the protocol while it is in force.
- (2) If the Crown fails to comply with the protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950. 30
- (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with the protocol.
- (4) To avoid doubt,— 35
- (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of the protocol; and

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

97 Limitation of rights

- (1) The protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu. 5
- (2) In this section, **taonga tūturu**—
- (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
- (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 2—Official geographic names 10

98 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act 15

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

99 Official geographic names

- (1) A name specified in the first column of the table in clause 5.17.1 of the deed of settlement is the official geographic name of the feature described in the second and third columns of that table. 20
- (2) A name specified in the second column of the table in clause 5.17.2 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.
- (3) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act. 25

100 Publication of official geographic names

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 99**. 30
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date.

101 Subsequent alteration of official geographic names

- (1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board— 35
- (a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but

- (b) must have the written consent of the trustees.
- (2) To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the Act.

Subpart 3—Naming of reserves and control and management of reserve

- 102 Te Wharepoti / Margaret Jackson Wildlife Management Reserve** 5
- (1) This section applies to Margaret Jackson Wildlife Management Reserve, meaning the land comprising 3.4805 hectares, more or less, being Part Allotment 92 Te Papa Parish (all ~~computer freehold register~~ record of title SA5A/642), as shown on deed plan OTS–078–017.
 - (2) The name of the reserve is changed to Te Wharepoti / Margaret Jackson Wildlife Management Reserve. 10
 - (3) The trustees are the administering body of the reserve as if they were appointed to control and manage the reserve under section 35 of the Reserves Act 1977.
- 103 Te Wahapū o Te Hopuni Wildlife Management Reserve**
- The name of Jess Road Wildlife Management Reserve is changed to Te Wahapū o Te Hopuni Wildlife Management Reserve. 15
- 104 Official geographic names, publication, and subsequent alteration**
- (1) The new name given to a reserve under **section 102 or 103** is to be treated as if—
 - (a) it were an official geographic name that takes effect on the settlement date; and 20
 - (b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.
 - (2) The Board must, as soon as practicable after the settlement date,—
 - (a) give public notice of each new name in accordance with section 21(2)(a) and (b) and (3) of the Act; but 25
 - (b) state in the notice that the new name became an official geographic name on the settlement date.
 - (3) The official geographic name of a reserve named under this section must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply. 30
 - (4) In this section,—

Act means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 35

Board has the meaning given in section 4 of the Act

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

Subpart 4—Vesting of cultural redress properties

105 Interpretation

In this subpart,—

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 4**: 5

Properties vested in fee simple to be administered as reserves

- (a) Ohauti:
- (b) Omanawa River property:
- (c) Tahawai: 10
- (d) Te Awa o Ngāumuwahine:
- (e) Te Hopuni:
- (f) Te Rī o Ruahine:
- (g) Te Rī o Tamarāwaho:
- (h) Te Wai o Ngāumuwahine: 15
- (i) Waikareao Estuary property:
- (j) Waimanu ki uta:
- (k) Wainui River property:
- (l) Waireia:

Properties vested in fee simple subject to conservation covenants 20

- (m) Oraeroa:
- (n) Te Kaki:

School property vested in fee simple subject to lease

- (o) Omokoroa School property

reserve property means each of the properties named in **paragraphs (a) to (l)** of the definition of cultural redress property. 25

Properties vested in fee simple to be administered as reserves

106 Ohauti

- (1) Ohauti ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Ohauti vests in the trustees. 30
- (3) Ohauti is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Ohauti Scenic Reserve.

107 Omanawa River property

- (1) The Omanawa River property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Omanawa River property vests in the trustees.
- (3) The Omanawa River property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 5
- (4) The reserve is named Omanawa River Scenic Reserve.

108 Tahawai

- (1) Tahawai (being part of Kaimai Mamaku Conservation Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987. 10
- (2) The fee simple estate in Tahawai vests in the trustees.
- (3) Tahawai is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Tahawai Scenic Reserve.

109 Te Awa o Ngāumuwahine 15

- (1) Te Awa o Ngāumuwahine (being part of Kaimai Mamaku Conservation Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Awa o Ngāumuwahine vests in the trustees.
- (3) Te Awa o Ngāumuwahine is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. 20
- (4) The reserve is named Te Awa o Ngāumuwahine Recreation Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 2.6 of the documents schedule. 25
- (6) Despite the provisions of the Reserves Act 1977, the easement—
 - (a) is enforceable in accordance with its terms; and
 - (b) is to be treated as having been granted in accordance with that Act.

110 Te Hopuni

- (1) The vesting of Te Hopuni in Bay of Plenty Regional Council is cancelled. 30
- (2) The reservation of Te Hopuni as a reserve subject to the Reserves Act 1977 is revoked.
- (3) Te Hopuni ceases to be subject to the Tauranga Foreshore Vesting and Endowment Act 1915.
- (4) The fee simple estate in Te Hopuni vests in the trustees. 35

- (5) Te Hopuni is declared a reserve and classified as a local purpose reserve, for the purpose of a cultural centre, subject to section 23 of the Reserves Act 1977.
- (6) The reserve is named Te Hopuni Local Purpose (Cultural Centre) Reserve.

111 Te Rī o Ruahine

- (1) Te Rī o Ruahine ceases to be a conservation area under the Conservation Act 1987. 5
- (2) The fee simple estate in Te Rī o Ruahine vests in the trustees.
- (3) Te Rī o Ruahine is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Te Rī o Ruahine Scenic Reserve. 10

112 Te Rī o Tamarāwaho

- (1) Te Rī o Tamarāwaho ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Rī o Tamarāwaho vests in the trustees.
- (3) Te Rī o Tamarāwaho is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 15
- (4) The reserve is named Te Rī o Tamarāwaho Scenic Reserve.

113 Te Wai o Ngāumuwahine

- (1) Te Wai o Ngāumuwahine (being part of Kaimai Mamaku Conservation Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987. 20
- (2) The fee simple estate in Te Wai o Ngāumuwahine vests in the trustees.
- (3) Te Wai o Ngāumuwahine is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Te Wai o Ngāumuwahine Recreation Reserve. 25
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 2.6 of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement—
 - (a) is enforceable in accordance with its terms; and 30
 - (b) is to be treated as having been granted in accordance with that Act.

114 Waikareao Estuary property

- (1) The Waikareao Estuary property ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Waikareao Estuary property vests in the trustees. 35

- (3) The Waikareao Estuary property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Waikareao Estuary Recreation Reserve.

115 Waimanu ki uta

- (1) Waimanu ki uta (being part of Kaimai Mamaku Conservation Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987. 5
- (2) The fee simple estate in Waimanu ki uta vests in the trustees.
- (3) Waimanu ki uta is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Waimanu ki uta Recreation Reserve. 10
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 2.7 of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement—
 - (a) is enforceable in accordance with its terms; and 15
 - (b) is to be treated as having been granted in accordance with that Act.

116 Wainui River property

- (1) The reservation of the Wainui River property (being Wainui River Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Wainui River property vests in the trustees. 20
- (3) The Wainui River property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Wainui River Scenic Reserve.

117 Waireia

- (1) Waireia ceases to be a conservation area under the Conservation Act 1987. 25
- (2) The fee simple estate in Waireia vests in the trustees.
- (3) Waireia is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Waireia Recreation Reserve.

Properties vested in fee simple subject to conservation covenants 30

118 Oraeroa

- (1) Oraeroa (being part of Kaimai Mamaku Conservation Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Oraeroa vests in the trustees.

- (3) **Subsections (1) and (2)** do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Oraeroa on the terms and conditions set out in part 2.4 of the documents schedule.
- (4) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977. 5

119 Te Kaki

- (1) Te Kaki ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Kaki vests in the trustees.
- (3) **Subsections (1) and (2)** do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Te Kaki on the terms and conditions set out in part 2.5 of the documents schedule. 10
- (4) The covenant is to be treated as a conservation covenant for the purposes of—
- section 77 of the Reserves Act 1977; and
 - section 27 of the Conservation Act 1987.

School property vested in fee simple subject to lease 15

120 Omokoroa School property

- (1) The fee simple estate in the Omokoroa School property vests in the trustees.
- (2) **Subsection (1)** does not take effect until the trustees have provided the Crown with a registrable lease of the Omokoroa School property on the terms and conditions set out in part 2.1 of the documents schedule. 20

General provisions applying to vesting of cultural redress properties

121 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in **Schedule 4**.

122 Interests that are not interests in land 25

- (1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in **Schedule 4** and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property. 30
- (3) The interest applies—
- until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and 35
 - with any other necessary modifications; and

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

123 Registration of ownership

- (1) This section applies to a cultural redress property vested in the trustees under this subpart.
- (2) **Subsection (3)** applies to a cultural redress property, but only to the extent that the property is all of the land contained in a ~~computer freehold register~~ record of title for a fee simple estate. 5
- (3) The Registrar-General must, on written application by an authorised person,—
 - (a) register the trustees as the ~~proprietors~~ owners of the fee simple estate in the property; and 10
 - (b) record any entry on the ~~computer freehold register~~ record of title, and do anything else, that is necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) **Subsection (5)** applies to a cultural redress property, but only to the extent that **subsection (2)** does not apply to the property. 15
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a ~~computer freehold register~~ record of title for the fee simple estate in the property in the name of the trustees; and
 - (b) record on the ~~computer freehold register~~ record of title any interests that are registered, ~~notified, or notifiable~~ noted, or to be noted and that are described in the application. 20
- (6) **Subsection (5)** is subject to the completion of any survey necessary to create a ~~computer freehold register~~ record of title.
- (7) A ~~computer freehold register~~ record of title must be created under this section as soon as is reasonably practicable after the settlement date, but no later than— 25
 - (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustees. 30
- (8) In this section, **authorised person** means a person authorised by—
 - (a) the chief executive of the Ministry of Education, for the Omokoroa School property;
 - (b) the Director-General, for all other properties.

124 Application of Part 4A of Conservation Act 1987

- (1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the

Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.
- (3) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.

125 Matters to be recorded on ~~computer freehold register~~ record of title 10

- (1) The Registrar-General must record on the ~~computer freehold register~~ record of title for—
 - (a) a reserve property—
 - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and 15
 - (ii) that the land is subject to **sections 124(3) and 129**; and
 - (b) any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.
- (2) A ~~notification~~ notation made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act. 20
- (3) For a reserve property, if the reservation of the property under this subpart is revoked for—
 - (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the ~~computer freehold register~~ record of title for the property the ~~notifications~~ notations that— 25
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
 - (ii) the property is subject to **sections 124(3) and 129**; or
 - (b) part of the property, the Registrar-General must ensure that the ~~notifications~~ notations referred to in **paragraph (a)** remain only on the ~~computer freehold register~~ record of title for the part of the property that remains a reserve. 30
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)(a)**. 35

126 Application of other enactments

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

- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property. 5
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.
- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— 10
 - (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
 - (b) any matter incidental to, or required for the purpose of, the vesting.

127 Names of Crown protected areas discontinued

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area. 15
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly. 20
- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Further provisions applying to reserve properties

- #### 128 Application of other enactments to reserve properties 25
- (1) The trustees are the administering body of a reserve property.
 - (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.
 - (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act. 30
 - (4) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.
 - (5) A reserve property must not have a name assigned to it, or have its name changed, under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name. 35

129 Subsequent transfer of reserve land

- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.
- (2) The fee simple estate in the reserve land in Te Rī o Tamarāwaho or Te Rī o Ruahine may be transferred only to a hapū entity or the trustees of Te Tāhuhu o Tawakeheimoa Trust and only in accordance with **section 130 or 132**. 5
- (3) The fee simple estate in the reserve land in any other property may be transferred to any other person only in accordance with **section 131 or 132**.
- (4) In this section and **sections 130 to 133**, **reserve land** means the land that remains a reserve as described in **subsection (1)**. 10

130 Transfer of reserve land in Te Rī o Tamarāwaho or Te Rī o Ruahine to new administering body

- (1) This section applies to the reserve land in Te Rī o Tamarāwaho or Te Rī o Ruahine. 15
- (2) The registered ~~proprietors~~ owners of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to a hapū entity or the trustees of Te Tāhuhu o Tawakeheimoa Trust (the **new owners**).
- (3) The Minister of Conservation must give written consent to the transfer if the registered ~~proprietors~~ owners— 20
 - (a) satisfy the Minister that the new owners are able to—
 - (i) comply with the requirements of the Reserves Act 1977; and
 - (ii) perform the duties of an administering body under that Act; and
 - (b) provide to the Minister a certificate given by the registered ~~proprietors~~ owners, or the registered ~~proprietors' solicitor~~ owners' lawyer, verifying that the new owners are a hapū entity or the trustees of Te Tāhuhu o Tawakeheimoa Trust. 25
- (4) The Registrar-General must, upon receiving the required documents, register the new owners as the ~~proprietors~~ owners of the fee simple estate in the reserve land. 30
- (5) The required documents are—
 - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and 35
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and

- (c) any other document required for the registration of the transfer instrument.
- (6) The new owners, from the time of their registration under this section,—
 - (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer. 5
- (7) A transfer that complies with this section need not comply with any other requirements.

131 Transfer of reserve land in other properties to new administering body

- (1) This section applies to the reserve land in any reserve property other than Te Rī o Tamarāwaho or Te Rī o Ruahine. 10
- (2) The registered ~~proprietors~~ owners of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).
- (3) The Minister of Conservation must give written consent to the transfer if the registered ~~proprietors~~ owners satisfy the Minister that the new owners are able to— 15
 - (a) comply with the requirements of the Reserves Act 1977; and
 - (b) perform the duties of an administering body under that Act.
- (4) The Registrar-General must, upon receiving the required documents, register the new owners as the ~~proprietors~~ owners of the fee simple estate in the reserve land. 20
- (5) The required documents are—
 - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and 25
 - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
 - (c) any other document required for the registration of the transfer instrument. 30
- (6) The new owners, from the time of their registration under this section,—
 - (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer. 35
- (7) A transfer that complies with this section need not comply with any other requirements.

132 **Transfer of reserve land to trustees of existing administering body if trustees change**

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

- (a) the transferors of the reserve land are or were the trustees of a trust; and 5
- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' ~~solicitor~~ lawyer, verifying that **paragraphs (a) and (b)** apply. 10

133 **Reserve land not to be mortgaged**

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

134 **Saving of bylaws, etc, in relation to reserve properties** 15

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a reserve property before the property was vested in the trustees under this subpart. 20
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

Subpart 5—Ngā pae maunga: properties jointly vested in fee simple to be administered as reserves

135 **Interpretation** 25

In this subpart, unless the context otherwise requires,—

joint cultural redress property means each of the following properties, and each property means the land described by that name in **Schedule 5**:

- (a) Ōtanewainuku;
- (b) Pūwhenua 30

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

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

Te Kapu o Waitaha has the meaning given in section 9 of the Waitaha Claims Settlement Act 2013 35

Te Tāwharau o Ngāti Pūkenga Trust ~~means the trust of that name established by a trust deed dated 24 March 2013~~ has the meaning given in section 11 of the Ngāti Pūkenga Claims Settlement Act 2017

vesting date means the date specified under **section 136**.

- 136 Application of this subpart** 5
- (1) This subpart takes effect on and from a date specified by Order in Council made on the recommendation of the Minister of Conservation.
 - (2) The Minister must not make a recommendation unless and until—
 - (a) legislation is enacted to settle the historical claims of ~~the iwi described in subsection (3)~~ **Ngāi Te Rangi**; and 10
 - (b) that legislation, ~~in each case,~~ provides for the vesting, on a date specified by Order in Council, of the fee simple estate in Ōtanewainuku and Pūwhenua as undivided equal shares in the persons described in **sections 137(2) and 138(2)** as tenants in common.
 - (3) ~~The iwi are—~~ 15
 - (a) ~~Ngāi Te Rangi;~~
 - (b) ~~Ngāti Pūkenga.~~
 - (3) An order made under **subsection (1)** is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).
- 137 Ōtanewainuku** 20
- (1) Ōtanewainuku ceases to be a conservation area under the Conservation Act 1987.
 - (2) The fee simple estate in Ōtanewainuku vests as undivided one-sixth shares in the following as tenants in common:
 - (a) a share vests in the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and 25
 - (b) a share vests in the trustees of the Ngāi Te Rangi Settlement Trust; and
 - (c) a share vests in the trustees of the Tapuika Iwi Authority Trust; and
 - (d) a share vests in the trustees of Te Kapu o Waitaha; and
 - (e) a share vests in the trustees of Te Tāhuhu o Tawakeheimoa Trust; and 30
 - (f) a share vests in the trustees of Te Tāwharau o Ngāti Pūkenga Trust.
 - (3) Ōtanewainuku is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
 - (4) The reserve is named Ōtanewainuku Scenic Reserve.
 - (5) The joint management body established by **section 139** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the 35

reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

- (6) **Subsections (1) to (5)** do not take effect until the persons described in **subsection (2)** have provided the Crown with a registrable easement in gross for a right of way over Ōtanewainuku on the terms and conditions set out in part 2.8 of the documents schedule. 5
- (7) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and
 - (b) is to be treated as having been granted in accordance with that Act.

138 Pūwhenua 10

- (1) Pūwhenua ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Pūwhenua vests as undivided one-sixth shares in the following as tenants in common:
- (a) a share vests in the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and 15
 - (b) a share vests in the trustees of the Ngāi Te Rangi Settlement Trust; and
 - (c) a share vests in the trustees of the Tapuika Iwi Authority Trust; and
 - (d) a share vests in the trustees of Te Kapu o Waitaha; and
 - (e) a share vests in the trustees of Te Tāhuhu o Tawakeheimoa Trust; and
 - (f) a share vests in the trustees of Te Tāwharau o Ngāti Pūkenga Trust. 20
- (3) Pūwhenua is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Pūwhenua Scenic Reserve.
- (5) The joint management body established by **section 139** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act. 25

139 Joint management body for Ōtanewainuku and Pūwhenua Scenic Reserves

- (1) A joint management body is established for Ōtanewainuku Scenic Reserve and Pūwhenua Scenic Reserve. 30
- (2) The following are appointers for the purposes of this section:
- (a) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
 - (b) the trustees of the Ngāi Te Rangi Settlement Trust; and
 - (c) the trustees of the Tapuika Iwi Authority Trust; and 35
 - (d) the trustees of Te Kapu o Waitaha; and
 - (e) the trustees of Te Tāhuhu o Tawakeheimoa Trust; and

- (f) the trustees of Te Tāwharau o Ngāti Pūkenga Trust.
- (3) Each appointer may appoint 1 member to the joint management body.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
- (a) the full name, address, and other contact details of the member; and 5
- (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment.
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer. 10
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (8) However, the first meeting of the body must be held no later than 2 months after the vesting date. 15

140 Restriction on transfer of joint cultural redress property

- (1) The registered ~~proprietors-owners~~ of an undivided share in the fee simple estate in a joint cultural redress property must not transfer the undivided share.
- (2) However, the registered ~~proprietors-owners~~ may transfer the undivided share if— 20
- (a) the transferors of the share are or were the trustees of a trust; and
- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
- (c) the instrument to transfer the share is accompanied by a certificate given by the transferees, or the transferees' ~~solicitor~~ lawyer, verifying that 25
- paragraphs (a) and (b) apply.**

141 Provisions of other Acts with same effect for joint cultural redress property

- (1) This section applies if a provision in ~~Parts 4 to 6~~ this Act has the same effect as a provision in another Act for 1 of the following properties: 30
- (a) Ōtanewainuku:
- (b) Pūwhenua.
- (2) The provisions must be given effect to only once, as if they were 1 provision.

*General provisions applying to vesting of joint cultural redress properties***142 Properties vest subject to or together with interests**

Each joint cultural redress property vests under this subpart subject to, or together with, any interests listed for the property in **Schedule 5** or granted in relation to the property before the vesting date.

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143 Interests in land for joint cultural redress properties

(1) This section applies to a joint cultural redress property while all or part of the property remains a reserve under the Reserves Act 1977 (the **reserve land**).

(2) If the property is affected by an interest that is an interest in land and the interest is listed for the property in **Schedule 5** or granted in relation to the property before the vesting date, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

10

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

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(4) However, **subsections (2) and (3)** do not affect the registration of the easement referred to in **section 137(6)**.

144 Interests that are not interests in land

(1) This section applies if a joint cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in **Schedule 5**, or that is granted in relation to the property before the vesting date, and for which there is a grantor, whether or not the interest also applies to land outside the joint cultural redress property.

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(2) The interest applies as if the owners of the joint cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies.

25

(3) If all or part of the joint cultural redress property is reserve land to which **section 143** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

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(4) The interest applies—

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

145 Registration of ownership

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

- (2) The Registrar-General must, in accordance with an application received from an authorised person,—
- (a) create a ~~computer freehold register~~ record of title for each undivided one-sixth share of the fee simple estate in the property in the name of each of—
 - (i) the trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust; and
 - (ii) the trustees of the Ngāi Te Rangi Settlement Trust; and
 - (iii) the trustees of the Tapuika Iwi Authority Trust; and
 - (iv) the trustees of Te Kapu o Waitaha; and
 - (v) the trustees of Te Tāhuhu o Tawakeheimoa Trust; and
 - (vi) the trustees of Te Tāwharau o Ngāti Pūkenga Trust; and
 - (b) record on each ~~computer freehold register~~ record of title any interests that are registered, notified, or notifiable noted, or to be noted and that are described in the application.
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a ~~computer freehold register~~ record of title.
- (4) A ~~computer freehold register~~ record of title must be created under this section as soon as is reasonably practicable after the vesting date, but no later than—
- (a) 24 months after the vesting date; or
 - (b) any later date that may be agreed in writing by the Crown and the persons in whose names the ~~register~~ record of title is to be created.
- (5) In this section, **authorised person** means a person authorised by the Director-General.
- 146 Application of Part 4A of Conservation Act 1987**
- (1) The vesting of the fee simple estate in a joint cultural redress property under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition.
 - (2) If the reservation of a joint cultural redress property under **section 137(3) or 138(3)** is revoked in relation to all or part of the property, then the vesting is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.
- 147 Recording application of Part 4A of Conservation Act 1987 and sections of this subpart**
- (1) The Registrar-General must record on a ~~computer freehold register~~ record of title for a joint cultural redress property that—

- (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
- (b) the land is subject to **sections 140, 143(3), and 146(2)**.
- (2) A ~~notification~~notation made under **subsection (1)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act. 5
- (3) If the reservation under **section 137(3) or 138(3)** is revoked for—
 - (a) all of the property, then the Director-General must apply in writing to the Registrar-General to remove from ~~the computer freehold registers any record of title~~ for the property the ~~notifications~~notations that— 10
 - (i) section 24 of the Conservation Act 1987 does not apply; and
 - (ii) the property is subject to **sections 140, 143(3), and 146(2)**; or
 - (b) part of the property, then the Registrar-General must ensure that the ~~notifications~~notations referred to in **paragraph (a)** remain only on the ~~computer freehold registers any record of title~~ for the part of the property that remains a reserve. 15
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)(a)**.

148 Application of other enactments to joint cultural redress properties

- (1) The vesting of the fee simple estate in a joint cultural redress property under this subpart does not— 20
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a joint cultural redress property. 25
- (3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
 - (a) the vesting of the fee simple estate in a joint cultural redress property under this subpart; or 30
 - (b) any matter incidental to, or required for the purpose of, the vesting.

149 Application of Reserves Act 1977 to joint cultural redress properties

- (1) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a joint cultural redress property. 35
- (2) If the reservation under **section 137(3) or 138(3)** of a joint cultural redress property as a reserve is revoked under section 24 of the Reserves Act 1977 in

relation to all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.

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

The registered ~~proprietors~~ owners of a joint cultural redress property must not mortgage, or give a security interest in, all or any part of the property that, at any time after vesting under **section 137 or 138**, remains a reserve under the Reserves Act 1977. 5

151 Saving of bylaws, etc, in relation to joint cultural redress properties

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a joint cultural redress property before the property vested under **section 137 or 138**. 10
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977. 15

152 Scenic reserve not to become Crown protected area

- (1) A joint cultural redress property is not a Crown protected area.
- (2) The Minister must not change the name of a joint cultural redress property under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the property, and section 16(10A) of that Act does not apply to the proposed change. 20
- (3) In this section, **Crown protected area** has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Part 6 Commercial redress 25

153 Interpretation

In **subparts 1 to 3 and 2**,—

commercial property means a property described in part 4AA of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied 30

commercial redress property means—

- (a) a property described in table 1 or 2 in part 4 of the property redress schedule; and
- (b) a property described in part 3 of the property redress schedule that became a commercial redress property under clause 6.7 of the deed of settlement before the commencement of ~~Parts 4 to 6~~ this Act 35

deferred selection property means the Harrisfield Drive property defined in paragraph 6.1 of the general matters schedule, but only if the requirements for its transfer under the deed of settlement have been satisfied

land holding agency means,—

- (a) for a property described in **paragraph (a)** of the definition of commercial redress property, the land holding agency specified for the property in part 4 of the property redress schedule: 5
- (b) for a property described in **paragraph (b)** of that definition, ~~the Ministry of Justice~~ LINZ: 10
- (c) for a commercial property, the Ministry of Education: 10
- (d) for the deferred selection property, ~~the Ministry of Justice~~ LINZ.

Subpart 1—Transfer of commercial redress properties, commercial properties, and deferred selection property

154 The Crown may transfer properties

- (1) To give effect to the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to— 15
 - (a) transfer the fee simple estate in a commercial redress property, a commercial property, or the deferred selection property to the trustees; and
 - (b) sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer. 20
- (2) **Subsection (3)** applies to—
 - (a) a commercial property that is subject to a resumptive memorial recorded under any enactment listed in **section 89(2)**; and
 - (b) the deferred selection property if it is subject to a resumptive memorial recorded under any enactment listed in **section 89(2)**. 25
- (3) As soon as is reasonably practicable after the date on which the commercial property or the deferred selection property is transferred to the trustees, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 90** (which relates to the cancellation of resumptive memorials). 30

155 ~~Computer freehold registers~~ Records of title for commercial redress properties, commercial properties, and deferred selection property

- (1) This section applies to each of the following properties that is to be transferred to the trustees under **section 154**: 35
 - (a) a commercial redress property:
 - (b) a commercial property:
 - (c) the deferred selection property.

- (2) However, this section applies only to the extent that—
- (a) the property is not all of the land contained in a ~~computer freehold register~~ record of title for a fee simple estate; or
 - (b) there is no ~~computer freehold register for~~ record of title for the fee simple estate in all or part of the property. 5
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a ~~computer freehold register~~ record of title for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the ~~computer freehold register~~ record of title any interests that are registered, ~~notified, or notifiable~~ noted, or to be noted and that are described in the application; but 10
 - (c) omit any statement of purpose from the ~~computer freehold register~~ record of title. 15
- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a ~~computer freehold register~~ record of title. 15
- (5) In this section and **sections 156 and 158**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.
- 156 Authorised person may grant covenant for later creation of computer freehold register record of title** 20
- (1) For the purposes of **section 155**, the authorised person may grant a covenant for the later creation of a ~~computer freehold register for~~ record of title for the fee simple estate in any commercial redress property, commercial property, or deferred selection property. 25
- (2) Despite the Land Transfer Act ~~1952~~ 2017,—
- (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a ~~computer interest register~~ record of title that records an interest; and
 - (b) the Registrar-General must comply with the request. 30
- 157 Application of other enactments**
- (1) This section applies to the transfer to the trustees of the fee simple estate in a commercial redress property, a commercial property, or the deferred selection property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition. 35
- (3) The transfer does not—

- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
- (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer. 5
- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.
- (6) In exercising the powers conferred by **section 154**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer. 10
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.

158 Application of enactment to Part Te Puna School site and adjoining land

- (1) The land contained in ~~computer freehold register record of title~~ SA64A/555 became subject to section 241 of the Resource Management Act 1991 because of the amalgamation condition endorsed on plan DPS 79918. That application of section 241 to the land ceases. 15
- (2) The authorised person for the commercial redress property described as Part Te Puna School site must apply in writing to the Registrar-General to remove the ~~notification notation~~ of that section from ~~computer freehold register record of title~~ SA64A/555. 20
- (3) The application must be made before a ~~computer freehold register record of title~~ is created for the property under **section 155**. 25
- (4) The Registrar-General must, before creating a ~~computer freehold register record of title~~ for the property under **section 155**, comply with an application received in accordance with this section. 25

Subpart 2—Māori reservation properties

159 Application of this subpart

- (1) This subpart applies to a Māori reservation property after the transfer of the property to the trustees. 30
- (2) In this subpart, **Māori reservation property**—
 - (a) means a commercial redress property described in table 1 in part 4 of the property redress schedule that has an asterisk next to the property's address in the fourth column of the table; but 35
 - (b) for 17 Moffat Road, means only the part of the property shown as A on the plan of the property in part 4 of the attachments.

160 Setting apart as Māori reservations and terms of trust

- (1) A Māori reservation property is set apart as a Māori reservation, as if it were set apart under section 338(1) of Te Ture Whenua Māori Act 1993,—
- (a) for the purposes of marae and associated papakāinga housing; and
 - (b) to be held on trust for the benefit of Ngā Hapū o Ngāti Ranginui. 5
- (2) The terms of trust on which a Māori reservation property is held include the following:
- (a) the property is inalienable except for a transfer under **subsection (3)**;
 - (b) the property will be held to restore and preserve land holdings within the rohe of Ngā Hapū o Ngāti Ranginui to— 10
 - (i) recognise and support the relationship of Ngā Hapū o Ngāti Ranginui, and their culture and traditions, with their ancestral lands; and
 - (ii) support the use of the land by whānau of Ngā Hapū o Ngāti Ranginui for traditional purposes: 15
 - (c) the property will be held to recognise and take account of the importance of the land in providing economic and infrastructure support for marae and associated papakāinga housing (whether on the land or elsewhere) for Ngā Hapū o Ngāti Ranginui.
- (3) A Māori reservation property may be transferred, subject to the existing terms of trust, to the hapū entity of the hapū of Ngāti Ranginui listed for the property in the third column of table 1 in part 4 of the property redress schedule. 20
- (4) The Registrar-General need not create a separate ~~computer freehold register for~~ record of title for a fee simple estate in any Māori reservation property that is only part of the land contained in a ~~computer freehold register~~ record of title for a fee simple estate. 25

161 Application of enactments to Māori reservation properties

- (1) Part 17 of Te Ture Whenua Māori Act 1993, and any regulations made under section 338(15) of that Act, do not apply to a Māori reservation property.
- (2) The Māori Land Court has the jurisdiction, on application by the owners of a Māori reservation property, to set out or vary additional terms of trust on which the property is held. 30
- (3) The chief executive of Te Puni Kōkiri may, on the recommendation of the Māori Land Court, by notice in the *Gazette*—
- (a) exclude any part of the land from the Māori reservation in a Māori reservation property; or
 - (b) cancel the Māori reservation. 35

- (4) Sections 18(1)(c) and (d), 19(1)(a), 20, 24, 26, 194, and 342 of Te Ture Whenua Māori Act 1993 apply to a Māori reservation property as if the property were Māori freehold land under that Act.
- (5) Section 108(9) of the Resource Management Act 1991 applies to a Māori reservation property as if the property were Māori land under Te Ture Whenua Māori Act 1993. 5
- (6) For the purposes of the Local Government (Rating) Act 2002, a Māori reservation property is to be treated as land used for the purposes of a marae.

Subpart 3—Provisions applying to purchased contingent properties

162 Application of this subpart 10

- (1) This subpart applies to a **purchased contingent property**, meaning a property described in the table in part 9 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied.
- (2) In this subpart, **transfer date**, for a purchased contingent property, means the day on which the transfer of the property settles in accordance with part 9 of the property redress schedule. 15

163 Transfer of purchased contingent properties

- (1) Immediately before the transfer of a purchased contingent property in accordance with part 9 of the property redress schedule,—
 - (a) the reservation of any part of the property that is a reserve subject to the Reserves Act 1977 is revoked; and 20
 - (b) any part of the property that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.
- (2) Upon the transfer of the purchased contingent property, the property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977. 25
- (3) **Sections 124, 125, 126(3), 127 to 129, and 131 to 134** apply to the purchased contingent property—
 - (a) as if it were a cultural redress property that is a reserve property; and
 - (b) with effect on and from the property's transfer date and as if a reference to the settlement date were to that transfer date; and 30
 - (c) with any other necessary modifications.
- (4) **Sections 154 to 156 and section 157 (except section 157(2))** apply to the purchased contingent property—
 - (a) as if it were a commercial redress property and the land holding agency were the Department of Conservation; and 35
 - (b) as if, for the purposes of **section 154(2) and (3)**, it were the deferred selection property; and

- (e) ~~with effect on and from the property's transfer date; and~~
- (d) ~~with any other necessary modifications.~~
- (5) ~~If the purchased contingent property is to transfer to a hapū entity in accordance with paragraph 9.14 of the property redress schedule, the provisions referred to in **subsections (3) and (4)** are also modified to apply as if the hapū entity were the trustees.~~ 5

164 Easements over purchased contingent properties

- (1) ~~This section applies to any easement that is required to be granted over a purchased contingent property to fulfil the terms of transfer of the property.~~
- (2) ~~Despite the provisions of the Reserves Act 1977, the easement—~~ 10
 - (a) ~~is enforceable in accordance with its terms; and~~
 - (b) ~~is to be treated as having been granted in accordance with that Act.~~

Subpart 4—Right of first refusal over RFR land

Interpretation

165 Interpretation 15

In this subpart and **Schedule 6**,—

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

- (a) for a company, control of the composition of its board of directors; and
- (b) for another body, control of the composition of the group that would be its board of directors if the body were a company 20

Crown body means—

- (a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and
- (b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and 25
- (c) the New Zealand Railways Corporation; and
- (d) a company or body that is wholly owned or controlled by 1 or more of the following:
 - (i) the Crown: 30
 - (ii) a Crown entity:
 - (iii) a State enterprise:
 - (iv) the New Zealand Railways Corporation; and
- (e) a subsidiary or related company of a company or body referred to in **paragraph (d)** 35

dispose of, in relation to RFR land,—

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

expiry date, in relation to an offer, means its expiry date under **sections 169(2)(a) and 170**

notice means a notice given under this subpart 15

offer means an offer by an RFR landowner, made in accordance with **section 169**, to dispose of RFR land to the trustees

public work has the meaning given in section 2 of the Public Works Act 1981

related company has the meaning given in section 2(3) of the Companies Act 1993 20

RFR landowner, in relation to RFR land,—

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
- (b) means a Crown body, if the body holds the fee simple estate in the land; and
- (c) includes a local authority to which RFR land has been disposed of under **section 175(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date under **section 176(1)**

RFR period means the period of 174 years on and from the settlement date 30

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

166 Meaning of RFR land

- (1) In this subpart, **RFR land** means—
 - (a) the land described in part 3 of the attachments that, on the settlement date, is—
 - (i) vested in the Crown; or

- (ii) held in fee simple by the Crown, ~~Housing New Zealand Corporation, or Bay of Plenty DHB, Kāinga Ora—Homes and Communities, or Health New Zealand~~; and
- (b) any land obtained in exchange for a disposal of RFR land under **section 180(1)(c) or 181**. 5
- (2) Land ceases to be RFR land if—
- (a) the fee simple estate in the land transfers from the RFR landowner to—
- (i) the trustees or their nominee (for example, under a contract formed under **section 173**); or
- (ii) any other person (including the Crown or a Crown body) under **section 168(d)**; or 10
- (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
- (i) under any of **sections 177 to 185** (which relate to permitted disposals of RFR land); or 15
- (ii) under any matter referred to in **section 186(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or
- (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 195**; or 20
- (d) the Minister for Treaty of Waitangi Negotiations has given notice under **section 167** that the land ceases to be RFR land; or
- (e) the RFR period ends.
- 167 RFR land required for another Treaty of Waitangi settlement** 25
- (1) The Minister for Treaty of Waitangi Negotiations must, for Te Puna Katikati RFR land that is required as cultural redress for the settlement of other historical Treaty claims, give notice to the following persons that the land ceases to be RFR land:
- (a) the RFR landowner; and 30
- (b) the trustees.
- (2) The notice may be given at any time before a contract is formed under **section 173** for the disposal of the land.
- (3) In this section,—
- historical Treaty claim** has the meaning given in section 2 of the Treaty of Waitangi Act 1975 35
- Te Puna Katikati RFR land** means any RFR land described in table 3 in part 3 of the attachments.

*Restrictions on disposal of RFR land***168 Restrictions on disposal of RFR land**

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

- (a) under any of **sections 174 to 185**; or 5
- (b) under any matter referred to in **section 186(1)**; or
- (c) in accordance with a waiver or variation given under **section 195**; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees if the offer to the trustees was—
 - (i) made in accordance with **section 169**; and 10
 - (ii) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
 - (iii) not withdrawn under **section 171**; and
 - (iv) not accepted under **section 172**.

Trustees' right of first refusal 15**169 Requirements for offer**

- (1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees.
- (2) The notice must include—
 - (a) the terms of the offer, including its expiry date; and 20
 - (b) the legal description of the land, including any interests affecting it, and the reference for any ~~computer register~~ record of title for the land; and
 - (c) a street address for the land (if applicable); and
 - (d) a street address, postal address, and fax number or electronic address for the trustees to give notices to the RFR landowner in relation to the offer. 25

170 Expiry date of offer

- (1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the trustees receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the trustees receive notice of the offer 30 if—
 - (a) the trustees received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and
 - (c) the earlier offer was not withdrawn. 35

171 Withdrawal of offer

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

172 Acceptance of offer

- (1) The trustees may, by notice to the RFR landowner who made an offer, accept the offer if— 5
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less. 10

173 Formation of contract

- (1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer.
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees. 15
- (3) Under the contract, the trustees may nominate any person (the **nominee**) to receive the transfer of the RFR land.
- (4) The trustees may nominate a nominee only if—
 - (a) the nominee is lawfully able to hold the RFR land; and 20
 - (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify—
 - (a) the full name of the nominee; and
 - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee. 25
- (6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

*Disposals to others but land remains RFR land***174 Disposal to the Crown or Crown bodies** 30

- (1) An RFR landowner may dispose of RFR land to—
 - (a) the Crown; or
 - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with ~~section 143(5) or 206 of the Education Act 1989~~ section 563 of the Education and Training Act 2020. 35

175 Disposal of existing public works to local authorities

- (1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981 to a local authority, as defined in section 2 of that Act.
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes— 5
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

176 Disposal of reserves to administering bodies

- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977. 10
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become—
 - (a) the RFR landowner of the land; or
 - (b) subject to the obligations of an RFR landowner under this subpart. 15
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

Disposals to others where land may cease to be RFR land 20

177 Disposal in accordance with obligations under enactment or rule of law

An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.

178 Disposal in accordance with legal or equitable obligations

- An RFR landowner may dispose of RFR land in accordance with— 25
- (a) a legal or an equitable obligation that—
 - (i) was unconditional before the settlement date; or
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or 30
 - (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.

179 Disposal under certain legislation

- An RFR landowner may dispose of RFR land in accordance with— 35

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or
- (c) section 355(3) of the Resource Management Act 1991; or
- (d) an Act that— 5
 - (i) excludes the land from a national park within the meaning of the National Parks Act 1980; and
 - (ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977. 10

180 Disposal of land held for public works

- (1) An RFR landowner may dispose of RFR land in accordance with—
 - (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or 15
 - (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
 - (c) section 117(3)(a) of the Public Works Act 1981; or
 - (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or 20
 - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Māori Land Court under section 134 of Te Ture Whenua Māori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981. 25

181 Disposal for reserve or conservation purposes

An RFR landowner may dispose of RFR land in accordance with—

- (a) section 15 of the Reserves Act 1977; or
- (b) section 16A or 24E of the Conservation Act 1987. 30

182 Disposal for charitable purposes

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

183 Disposal to tenants

The Crown may dispose of RFR land—

- (a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted— 5
- (i) before the settlement date; or
- (ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or
- (c) under section 93(4) of the Land Act 1948.
- 184 Disposal by ~~Housing New Zealand Corporation~~** 10
- ~~Housing New Zealand Corporation or any of its subsidiaries may dispose of RFR land to any person if the Corporation has given notice to the trustees that, in the Corporation's opinion, the disposal is to give effect to, or to assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing.~~ 15
- 185 Disposal by Bay of Plenty DHB Health New Zealand**
- Bay of Plenty DHB, Health New Zealand (established by section 11(1) of the Pae Ora (Healthy Futures) Act 2022), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees that, in the Minister's opinion, the disposal will achieve, or assist in achieving, the DHB's Health New Zealand's objectives. 20
- RFR landowner obligations*
- 186 RFR landowner's obligations subject to other matters**
- (1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to— 25
- (a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
- (b) any interest, or legal or equitable obligation, that— 30
- (i) prevents or limits an RFR landowner's disposal of RFR land to the trustees; and
- (ii) the RFR landowner cannot satisfy by taking reasonable steps; and
- (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) ~~Reasonable steps,~~ **Reasonable steps,** for the purposes of **subsection (1)(b)(ii)**, do not include steps to promote the passing of an enactment. 35

*Notices about RFR land***187 Notice to LINZ of RFR land with ~~computer register~~ record of title after settlement date**

- (1) If a ~~computer register~~ record of title is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the ~~register~~ record of title has been created. 5
- (2) If land for which there is a ~~computer register~~ record of title becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a ~~computer register~~ record of title is first created for the RFR land or after the land becomes RFR land. 10
- (4) The notice must include the legal description of the land and the reference for the ~~computer register~~ record of title.

188 Notice to trustees of disposal of RFR land to others 15

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal.
- (3) The notice must include— 20
 - (a) the legal description of the land, including any interests affecting it; and
 - (b) the reference for any ~~computer register~~ record of title for the land; and
 - (c) the street address for the land (if applicable); and
 - (d) the name of the person to whom the land is being disposed of; and
 - (e) an explanation of how the disposal complies with **section 168**; and 25
 - (f) if the disposal is to be made under **section 168(d)**, a copy of any written contract for the disposal.

189 Notice to LINZ of land ceasing to be RFR land

- (1) **Subsections (2) and (3)** apply if land contained in a ~~computer register~~ record of title is to cease being RFR land because— 30
 - (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under a contract formed under **section 173**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 168(d)**; or 35

- (b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—
 - (i) under any of **sections 177 to 185**; or
 - (ii) under any matter referred to in **section 186(1)**; or
 - (c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 195**. 5
 - (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land. 10
 - (3) The notice must include—
 - (a) the legal description of the land; and
 - (b) the reference for the ~~computer register record of title~~ for the land; and
 - (c) the details of the transfer or vesting of the land.
 - (4) **Subsections (5) and (6)** apply if the Minister for Treaty of Waitangi Negotiations gives notice under **section 167** that any RFR land contained in a ~~computer register record of title~~ ceases to be RFR land. 15
 - (5) The RFR landowner must, as soon as practicable after receiving the Minister’s notice, give the chief executive of LINZ notice that the land has ceased to be RFR land. 20
 - (6) The notice must include—
 - (a) the legal description of the land; and
 - (b) the reference for the ~~computer register record of title~~ for the land; and
 - (c) a copy of the notice given under **section 167**.

190 Notice requirements 25

Schedule 6 applies to notices given under this subpart by or to—

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

Right of first refusal recorded on ~~computer registers records of title~~

191 Right of first refusal to be recorded on ~~computer registers records of title~~ for RFR land 30

 - (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the ~~computer registers records of title~~ for,—
 - (a) the RFR land for which there is a ~~computer register record of title~~ on the settlement date; and 35

- (b) the RFR land for which a ~~computer register record of title~~ is first created after the settlement date; and
 - (c) land for which there is a ~~computer register record of title~~ that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable— 5
 - (a) after the settlement date, for RFR land for which there is a ~~computer register record of title~~ on the settlement date; or
 - (b) after receiving a notice under **section 187** that a ~~computer register record of title~~ has been created for the RFR land or that the land has become RFR land, for any other land. 10
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each ~~computer register record of title~~ for the RFR land identified in the certificate that the land is— 15
 - (a) RFR land, as defined in **section 166**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land). 20

192 **Removal of ~~notifications~~ notations when land to be transferred or vested**

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 189(2)**, issue to the Registrar-General a certificate that includes—
 - (a) the legal description of the land; and 25
 - (b) the reference for the ~~computer register record of title~~ for the land; and
 - (c) the details of the transfer or vesting of the land; and
 - (d) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate. 30
- (3) If the Registrar-General receives a certificate issued under this section, ~~he or she~~ the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the ~~computer register record of title~~ identified in the certificate any ~~notification~~ notation recorded under **section 191** for the land described in the certificate. 35

193 Removal of ~~notifications~~ notations when land required for another Treaty of Waitangi settlement

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under **section 189(5)** that land ceases to be RFR land, issue to the Registrar-General a certificate that includes— 5
 - (a) the legal description of the land; and
 - (b) the reference for the ~~computer register~~ record of title for the land; and
 - (c) a copy of the notice given under **section 167**; and
 - (d) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate. 10
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove from the ~~computer register~~ record of title identified in the certificate any ~~notification~~ notation recorded under **section 191** for the land described in the certificate. 15

194 Removal of ~~notifications~~ notations when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—
 - (a) the reference for each ~~computer register~~ record of title for that RFR land that still has a ~~notification~~ notation recorded under **section 191**; and 20
 - (b) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any ~~notification~~ notation recorded under **section 191** from any ~~computer register~~ record of title identified in the certificate. 25

*General provisions applying to right of first refusal***195 Waiver and variation** 30

- (1) The trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this subpart.
- (2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it. 35

196 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

197 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if the RFR holder— 5
- (a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and
 - (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give notices to each RFR landowner that— 10
- (a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and
 - (b) specify the date of the assignment; and
 - (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and 15
 - (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and **Schedule 6** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.
- (4) In this section,— 20
- constitutional document** means the trust deed or other instrument adopted for the governance of the RFR holder
- RFR holder** means the 1 or more persons who have the rights and obligations of the trustees under this subpart, because—
- (a) they are the trustees; or 25
 - (b) they have previously been assigned those rights and obligations under this section.

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Schedule 4

Cultural redress properties

ss 105, 121, 122

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Ohauti	<i>South Auckland Land District—Western Bay of Plenty District</i> 86.2200 hectares, more or less, being Lot 3 DPS 33047. All computer freehold register record of title SA31B/747 for the fee simple estate.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to a right of way easement over part marked A on DPS 33047, specified in easement certificate H521206.4. <u>The easement specified in easement certificate H521206.4 is subject to (now) section 243(a) of the Resource Management Act 1991.</u>
Omanawa River property	<i>South Auckland Land District—Western Bay of Plenty District</i> 198.0000 hectares, more or less, being Section 1 SO 60416. Part <i>Gazette</i> 1865, p 187.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Tahawai	<i>South Auckland Land District—Western Bay of Plenty District</i> 9.04 hectares, approximately, being Part Lot 9 DP 5099. Part <i>Gazette</i> 1982, p 1932. 0.96 hectares, approximately, being Part Section 3 Block XI Aongatete Survey District. Part <i>Gazette</i> 1982, p 4169. Subject to survey. As shown on OTS-078-016. <u>10.0000 hectares, more or less, being Section 2 SO 471064. Part <i>Gazette</i> 1982, p 1932, and part <i>Gazette</i> 1982, p 4169.</u>	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to unregistered hunting permits.
Te Awa o Ngāumuwahine	<i>South Auckland Land District—Western Bay of Plenty District</i> 55.0 hectares, approximately, being Part Section 10 Block III Opoutihi Survey District. Part computer freehold register SA137/53. Subject to survey. As shown on OTS-078-021. <u>55.0000 hectares, more or less, being Section 3 SO 493915.</u>	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 109(5). Subject to an unregistered guiding permit with concession number BP-23723-GUI to Golden Fern Trust. Subject to unregistered possum control permits.

Name of property	Description	Interests
Te Hopuni	<u>Part record of title SA137/53 for the fee simple estate.</u> <i>South Auckland Land District—Western Bay of Plenty District</i> 0.37 hectares, approximately, being Part Allotment 237 Te Puna Parish. Balance Gazette 1908, p 1249. Subject to survey. As shown on OTS-078-011.	Local purpose (cultural centre) reserve subject to section 23 of the Reserves Act 1977.
Te Rī o Ruahine	<u>0.3690 hectares, more or less, being Section 1 SO 470595. Balance Gazette 1908, p 1249.</u> <i>South Auckland Land District—Western Bay of Plenty District</i> 37.97 hectares, approximately, being Part Section 22 Block XV Otanewainuku Survey District. Part Gazette 1947, p 481. 59.62 hectares, approximately, being Parts Section 23 Block XV Otanewainuku Survey District. Part Gazette 1920, p 2116. Subject to survey. As shown on OTS-078-008. <u>97.2590 hectares, more or less, being Sections 1 and 2 SO 471596. Part Gazette 1947, p 481 and part Gazette 1920, p 2116.</u>	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Te Rī o Tamarāwaho	<i>South Auckland Land District—Western Bay of Plenty District</i> 76.0808 hectares, more or less, being Section 1 Block III Rotorua Survey District. Part Gazette 1920, p 2107.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Te Wai o Ngāumuwahine	<i>South Auckland Land District—Western Bay of Plenty District</i> 60.0 hectares, approximately, being Part Lots 22, 23, 24, and 25 DP-5099 and Part Waimanu 1F. Part Gazette 1982, p 1932. Subject to survey. As shown on OTS-078-012. <u>60.0000 hectares, more or less, being Section 2 SO 493915. Part Gazette 1982, p 1932.</u>	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 113(5). Subject to an unregistered guiding permit with concession number BP-23723-GUI to Golden Fern Trust. Subject to unregistered hunting permits.

Name of property	Description	Interests
Waikareao Estuary property	<i>South Auckland Land District—Tauranga City</i> 0.6 hectares, approximately, being part marginal strip adjoining Lot 15 DPS 3403 Huria A22 and A23 and parts Huria E and Ngai Tamarawaho Crescent. Subject to survey. As shown on OTS-078-010. <u>0.4698 hectares, more or less, being Sections 1 and 3 SO 471646.</u>	Subject to unregistered possum control permits. Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to an unregistered licence with concession number BP-22916-OTH (dated 28 August 2008, with variation 34648-OTH dated 20 August 2012) to Tauranga City Council.
Waimanu ki uta	<i>South Auckland Land District—Western Bay of Plenty District</i> 80.00 hectares, approximately, being Part Waimanu 1F. Part Gazette 1982, p 1932. Subject to survey. As shown on OTS-078-004. <u>80.0000 hectares, more or less, being Section 1 SO 493915. Part Gazette 1982, p 1932.</u>	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 115(5). Subject to an unregistered guiding permit with concession number BP-23723-GUI to Golden Fern Trust. Subject to unregistered hunting permits. Subject to unregistered possum control permits.
Wainui River property	<i>South Auckland Land District—Western Bay of Plenty District</i> 47.7782 hectares, more or less, being Allotment 335 Apata Parish. All Gazette 1974, p 945. 47.8155 hectares, more or less, being Section 5 SO 458725. Balance record of title 627536 that records an interest.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered national plant pest control trial.
Waireia	<i>South Auckland Land District—Western Bay of Plenty District</i> 121.4056 hectares, more or less, being Waimanu 1B. Part Proclamation 1853.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to unregistered hunting permits. Subject to historic grazing associated with a give-and-take fencing arrangement.

Properties vested in fee simple subject to conservation covenants

Name of property	Description	Interests
Oraeroa	<i>South Auckland Land District—Western Bay of Plenty District</i> 10.00 hectares, approximately, being Part Lot 9 DP 5099. Part Gazette 1982, p 1932. Subject to survey. As shown on OTS-078-015. <u>10.0000 hectares, more or less, being Section 1 SO 471064. Part Gazette 1982, p 1932.</u>	Subject to the conservation covenant referred to in section 118(3). Subject to unregistered hunting permits.
Te Kaki	<i>South Auckland Land District—Western Bay of Plenty District</i> 3.6 hectares, approximately, being Part Section 10 Block XIV Otanewainuku Survey District. Part Gazette 1922, p 3069. Subject to survey. As shown on OTS-078-009. <u>3.5850 hectares, more or less, being Section 1 SO 471798. Part Gazette 1922, p 3069.</u>	Subject to the conservation covenant referred to in section 119(3). Subject to unregistered hunting permits.

School property vested in fee simple subject to lease

Name of property	Description	Interests
Omokoroa School property	<i>South Auckland Land District—Tauranga City</i> 3.1976 hectares, more or less, being Lot 2 DPS 88133. All computer freehold register record of title SA69D/461 for the fee simple estate.	Subject to the lease referred to in section 120(2). Subject to a consent notice pursuant to section 221(1) of the Resource Management Act 1991. Document B668716.2.

Schedule 5

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

ss 135, 142–144

Name of property	Description	Interests
Ōtanewainuku	<i>South Auckland Land District—Western Bay of Plenty District</i> 123.8969 hectares, more or less, being Section 1 SO 468244. Part <i>Gazette</i> 1947, p 481, 1920, p 2119, 1879, p 781, and 1884, p 238.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to the right of way easement in gross referred to in section 137(6). Subject to an unregistered guiding permit with concession number BP-23723-GUI to Golden Fern Trust <u>52399-GUI (dated 27 July 2017, with variation dated 22 January 2019) assigned to New Zealand Photography Workshops Limited.</u> Subject to an unregistered guiding permit with concession number NM-34405-GUI to Black Sheep Touring Company Limited.
Pūwhenua	<i>South Auckland Land District—Western Bay of Plenty District</i> 66.6000 hectares, more or less, being Section 1 SO 466075. Part computer <u>freehold register record of title SA68A/371 for the fee simple estate and part <i>Gazette</i> 1940, p 1059.</u>	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Together with a right of way easement created by easement instrument 9415471.1 <u>(affects the land formerly Lot 4 DPS 85782).</u> Together with a right of way easement created by easement instrument 9415486.1 <u>and partially surrendered by instrument 11244258.1 (affects the land formerly Lot 4 DPS 85782).</u> Together with a right of way easement created by easement instrument 9418923.1 <u>(affects the land formerly Lot 4 DPS 85782).</u> Together with a right of way easement created by easement instrument 9419109.1 <u>(affects the land formerly Lot 4 DPS 85782).</u> Together with a right of way easement created by easement instrument 9420594.1 <u>(affects the land formerly Lot 4 DPS 85782).</u> Together with a right of way easement created by easement instrument 9420663.1 <u>(affects the land formerly Lot 4 DPS 85782).</u> Together with a right of way easement created by easement

instrument 9505068.1 (affects the
land formerly Lot 4 DPS 85782).

Together with a right of way
easement created by easement
instrument 11283353.1 (affects the
land formerly Lot 4 DPS 85782).

Schedule 6

Notices in relation to RFR land

ss 165, 190, 197(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under **subpart 4 of Part 6** must be— 5

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, for a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, fax number, or electronic address,— 10
 - (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or 15
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 169**, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and 20
- (c) for a notice given under **section 187 or 189**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and
- (d) given by—
 - (i) delivering it by hand to the recipient's street address; or 25
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number; or
 - (iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite **clause 1**, a notice that must be given in writing and signed, as required by **clause 1(a)**, may be given by electronic means as long as the notice is given with an electronic signature that satisfies ~~section 22(1)(a) and (b) of the Electronic Transactions Act 2002~~ section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017. 30

3 Time when notice received

- (1) A notice is to be treated as having been received— 35
- (a) at the time of delivery, if delivered by hand; or

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

5

Legislative history

3 April 2024

Divided from Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill (Bill 84–2) by Māori Affairs Committee as Bill 84–3B