Heretaunga Tamatea Claims Settlement Act 2018

Public Act	2018 No 14
Date of assent	26 June 2018
Commencement	see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Heretaunga Tamatea Claims Settlement Act 2018.

2 Commencement

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

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

Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Heretaunga Tamatea in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Heretaunga Tamatea.

4 Provisions to take effect on settlement date

(1) The provisions of this Act take effect on the settlement date unless stated otherwise.

(2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—

- (a) the provision to have full effect on that date; or
- (b) a power to be exercised under the provision on that date; or
- (c) a duty to be performed under the provision on that date.

5 Act binds the Crown

This Act binds the Crown.

6 Outline

(1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.

(2) This Part—

- (a) sets out the purpose of this Act; and
- (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and
- (c) specifies that the Act binds the Crown; and
- (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Heretaunga Tamatea, as recorded in the deed of settlement; and
- (e) defines terms used in this Act, including key terms such as Heretaunga Tamatea and historical claims; and
- (f) provides that the settlement of the historical claims is final; and
- (g) provides for—
  - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
  - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
  - (iii) the effect of the settlement on certain memorials; and
  - (iv) the exclusion of the law against perpetuities; and
  - (v) access to the deed of settlement.

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

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

(i) a statutory acknowledgement by the Crown of the statements made by Heretaunga Tamatea of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for the specified areas; and

(ii) an overlay classification applying to certain areas of land; and

(iii) the provision of official geographic names; and

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

(c) the vesting of 2 properties in the trustees and the gifting back of those properties to the Crown.

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

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

(b) in subpart 2, the arrangements for licensed land; and

(c) in subpart 3, ensuring the right of access to protected sites; and

(d) in subpart 4, a right of first refusal.

(5) There are 6 schedules, as follows:

(a) Schedule 1 sets out the hapū of Heretaunga Tamatea:

(b) Schedule 2 sets out the historical claims relating to Heretaunga Tamatea:

(c) Schedule 3 describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:

(d) Schedule 4 describes the overlay areas to which the overlay classification applies:

(e) Schedule 5 describes the cultural redress properties:

(f) Schedule 6 sets out provisions that apply to notices given in relation to RFR land.

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

7 Summary of historical account, acknowledgements, and apology

(1) Section 8 summarises in English and te reo Māori the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.

(2) Sections 9 and 10 record in English and te reo Māori the text of the acknowledgements and apology given by the Crown to Heretaunga Tamatea in the deed of settlement.

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

8 Summary of historical account

(1) Heretaunga Tamatea was a community of proud and self-sustaining independent hapū with an economy and polity consistent with tikanga Māori and traditional practices of the time.

(2) In the late 1840s, Heretaunga Tamatea rangatira invited the Crown to acquire land in their rohe in the expectation of gaining economic opportunities from European settlement. During negotiations for its first land purchase in Heretaunga Tamatea in 1851, the Crown encouraged customary owners to accept a low price for their land in order to gain access to these anticipated benefits. Days before the Waipukurau deed was signed in 1851, Crown officials arranged for a large area to be added to the block without the knowledge of the area's occupants.

(3) During the 1850s, the Crown purchased large areas of land in Heretaunga Tamatea. In a number of instances the Crown acquired land secretly without seeking the consent of all customary owners. The Crown continued purchasing land despite being aware that its approach to negotiations was creating tensions among hapū and their rangatira, and in 1857 these tensions led to fighting in which a number of people, including leading rangatira, were killed. Following this, Heretaunga Tamatea rangatira made internal political arrangements to preserve their remaining lands, and by 1860 land sales in Heretaunga Tamatea had stopped.

(4) The Native Lands Act 1865 provided for title to Māori land, previously held in customary collective tenure, to be awarded to no more than 10 individual grantees as absolute owners (the "10-owner rule"). The hapū of Heretaunga Tamatea understood that individual grantees were to act as trustees for their wider communities. However, the Native Lands Act 1865 enabled the shares of individual grantees to be alienated without the consent of the other grantees or other right-holders not named on the title.

(5) The Native Lands Act 1865 did not prevent some settlers using practices such as extending credit to grantees, and then using those debts to acquire the freehold of grantees' shares. Some observers stated that many of the grantees who took goods on credit or signed mortgages were pressured to do so, or did not fully understand the potential ramifications of the documents they were signing. By such means, Heretaunga Tamatea hapū were soon dispossessed of further large areas of land. After 1865, the Crown and private parties also purchased a number of the areas that Māori had asked to be reserved from the sales of the 1850s. Other reserved areas became the subject of long-running disputes due to surveying errors or a failure to complete surveys.

(6) The Crown was slow to address the dispossession of hapū under the "10-owner rule" despite strong protests from the hapū of Heretaunga Tamatea. Those measures it did take provided little relief for the hapū of Heretaunga Tamatea because they were not retrospective, or did not apply where land had already been alienated.

(7) In the 1870s, Heretaunga Tamatea rangatira established the Repudiation movement, which sought to revoke earlier land transactions, and to address broader issues around the alienation of Māori-owned land by promoting collective decision making and political organisation. This movement was soon taken up by a number of other North Island tribes. In the 1880s and 1890s, the Kotahitanga movement adopted a similar approach, and in 1892 the first Māori Paremata (Parliament) was held at Waipatu near modern-day Hastings.

(8) By 1900, approximately 1.2 million acres out of 1.4 million acres of Heretaunga Tamatea land had passed from Māori ownership, mostly through purchases carried out by the Crown. In the early twentieth century, the Crown continued to purchase Māori-owned land in Heretaunga Tamatea, until by 1930 approximately 6% remained. Between 1895 and 1920, Heretaunga Tamatea rangatira repeatedly petitioned the Crown about the loss of Aorangi in the 1850s. In 1950, nearly a century after the first part of Aorangi was included in the Waipukurau purchase, the Maori Purposes Act provided for the payment of £50,000 compensation. During the twentieth century, Heretaunga Tamatea hapū and whānau have suffered social, economic, and cultural marginalisation, and today more than half of their people live outside the traditional rohe.

He whakarāpopototanga i ngā kōrero o mua

(1) He hapū rangatira ngā hapū motuhake o te hapori o Heretaunga Tamatea e kuhu ana i a rātau anō, me ā rātau pūnaha ōhanga, me ā rātau anō whakahaeretanga e hāngai ana ki ngā tikanga Māori o te wā.

(2) I ngā tau whakamutunga o ngā tau 1840, ka tono ngā rangatira o Heretaunga Tamatea kia riro i te Karauna he whenua i tō rātau rohe i runga i te whakaaro ko tōna tikanga he hua ā-ōhanga ka riro i a rātau i te nōhanga o aua whenua rā e te Pākehā. I ngā whakawhitinga kōrero mō te hokotanga tuatahitanga o ngā whenua i Heretaunga Tamatea i te tau 1851, ka akiaki te Karauna i te hunga nō rātau te mana whenua kia whakaae ki te utu iti mō ō rātau whenua e riro ai i a rātau ngā hua i manakotia ai. I ngā rā o mua tata i te hainatanga o te tīti mō Waipukurau i te tau 1851, ka whakarite ngā āpiha a te Karauna kia tāpirihia anō tētahi wāhanga nui ki te poraka me te korenga o ngā tāngata nō rātou kē taua whenua i mōhio.

(3) I ngā tau 1850 i hoko te Karauna i ētahi wāhanga nui o ngā whenua o Heretaunga Tamatea. I ētahi wā nā ngā mahi huna i riro ai i te Karauna ngā whenua me te kore i whai i te whakaaetanga a te hunga nō rātau te mana whenua. Ka haere tonu ngā mahi hoko whenua a te Karauna ahakoa e mōhio ana ia e ara ake ana ngā tohe i waenga i ngā hapū me ō rātau rangatira nā te āhua o ngā whakawhitinga kōrero, ā, i te tau 1857 ka huri ēnei tohe hai whawhai i hinga ai ētahi tāngata, tae atu hoki ki ētahi rangatira mananui. I muri mai i tēnei, ka oti i ngā rangatira o Heretaunga Tamatea he whakaritenga tōrangapū tara-ā-whare hai tiaki i ō rātau toenga whenua, ā, tae rawa ake ki te tau 1860 ka mutu ngā mahi hoko whenua ki Heretaunga Tamatea.

(4) Nā te Ture Whenua Māori o te tau 1865 i whakaū te tukunga o ngā taitara whenua Māori, i puritia ngātahitia ai e ngā mana whenua i mua, kia kaua ai e neke atu i te 10 tāngata takitahi hai kaipupuri pūmau i ngā pānga whenua (te ture e kīia nei ko te "10-owner rule"). I mahara ngā hapū o Heretaunga Tamatea ko aua kaipupuri takitahi rā ka tū kē hai kaitiaki mā ngā hapū whānui. Heoi anō, nā te Ture Whenua Māori o te tau 1865 i āhei ai te wetekanga o ngā pānga whenua o ngā kaipupuri taitara takitahi, me te korenga o te whakaaetanga a ērā atu kaipupuri taitara, a ērā atu rānei kāre ō rātau nei ingoa i tuhia ki te taitara engari he mana whenua ō rātau.

(5) Kāore te Ture Whenua Māori o te tau 1865 i aukati i tā ētahi tauhou whai i ngā tikanga pēnei i te whakarite kia noho nama ai te kaipupuri taitara, me te whakamahi i aua nama rā kia riro ā-herekore nei i a rātau ngā pānga whenua o ngā kaipupuri taitara. E kī ana ētahi kairangahau ko ngā kaipupuri taitara i noho nama nā te hoko rawa, nā te haina mōkete rānei, i ākina kia pērā, kāre rānei i tino mārama ki a rātau ngā hua tērā pea ka puta i te hainatanga o ngā pepa. Kāore i roa i muri mai, nā ērā tūāhuatanga, i riro atu anō ai ētahi atu wāhanga nui o ngā whenua o ngā hapū o Heretaunga Tamatea. I muri i te tau 1865, ka hoko hoki te Karauna me ētahi rōpū tūmataiti i ētahi wāhanga i tono rā te Māori kia rāhuitia i ngā hokotanga o ngā tau 1850. Ka noho ko ētahi atu wāhi rāhui hai kaupapa tohe ukiuki nā ngā hē ā-rūri whenua, i te korenga rānei o ētahi rūri whenua i whakaotihia.

(6) He pōturi te Karauna ki te whakatika i te rawakoretanga o ngā hapū i raro i te ture "10-owner", ahakoa te kaha o ngā tohe a ngā hapū o Heretaunga Tamatea. He iti noa iho te āwhina i riro i ngā hapū o Heretaunga Tamatea i ngā mahi i mahia ai e te Karauna he kore nō aua mahi i hoki atu ki ngā wā o mua, kāre rānei i hāngai ki ngā whenua kua whakawehea kētia.

(7) I ngā tau 1870, ka whakatūria e ngā rangatira o Heretaunga Tamatea te Komiti, i whai rā ki te whakakore i ngā take riro whenua o mua, ki te whakatika hoki i ngā take whānui e pā ana ki te wetekanga o ngā whenua o te Māori mā te whakatairanga i te whakatau ngātahi i ngā whiriwhiringa kōrero me te whakarite kaupapa tōrangapū. Kāre i roa i muri mai, ka whāia tēnei kaupapa e ētahi o ngā iwi o te Te Ika a Māui. I ngā tau 1880 me ngā tau 1890 ka āhua pērā anō te kaupapa o Te Kotahitanga, me te aha, i te tau 1892 ka tū te hui a te Pāremata Māori tuatahi ki Waipatu, e tata ana ki te Heretaunga o nāianei.

(8) Nō te taenga ki te tau 1900, kua riro i ngā ringaringa o te Māori ko tōna 1.2 miriona eka o ngā eka 1.4 miriona o ngā whenua o Heretaunga Tamatea, ā, ko te nuinga i riro nā ngā mahi hoko a te Karauna. I ngā tau tuatahi o te rautau rua tekau, ka hoko tonu te Karauna i ngā whenua o ngā Māori o roto o Heretaunga Tamatea, tae noa ki te tau 1930, ki te wā kua heke ki te 6 paihēneti noa iho e toe ana. I waenga i te tau 1895 me te tau 1920, he rite tonu tā ngā rangatira o Heretaunga Tamatea petihana ki te Karauna mō te rirohanga o Aorangi i ngā tau 1850. I te tau 1950, tata nei ki te kotahi rau tau i muri i te whakaurunga o te wāhanga tuatahi o Aorangi ki te hokotanga Waipukurau, ka puta i te ture Maori

Purposes Act te whakautu o te £50,000. I ngā tau o te rautau rua tekau, kua noho ngā hapū me ngā whānau o Heretaunga Tamatea hai papa ā-pāpori, ā-ōhanga, ā-ahurea anō hoki, me te aha, i ēnei rā, neke atu i te 50 paihēneti o ō rātau uri kai waho i tō rātau ake rohe e noho ana.

9 Acknowledgements

(1) The Crown acknowledges that, before 1840, Heretaunga Tamatea was a community of proud and self-sustaining independent hapū with an economy and polity consistent with tikanga Māori and traditional practices of the time.

(2) The Crown acknowledges the sterling efforts and struggles of the hapū of Heretaunga Tamatea in pursuit of their claims for redress and compensation against the Crown for the ensuing 175 years. The Crown pays tribute to all of those who worked on pursuing the Treaty claims of the hapū of Heretaunga Tamatea, and, in particular, to those who have not survived to see this settlement. The Crown hereby recognises the legitimacy of the historical grievances of the hapū of Heretaunga Tamatea and makes the following acknowledgements.

Heretaunga Tamatea has honoured its Treaty obligations

(3) The Crown acknowledges that as a Treaty partner the hapū of Heretaunga Tamatea have fulfilled their obligations under the Treaty of Waitangi.

(4) The Crown acknowledges that its acts and omissions have caused great harm to the relationship between the hapū of Heretaunga Tamatea and the Crown, and that there is a need for the Crown to restore its honour and to demonstrate its respect for the mana of Heretaunga Tamatea rangatira, whānau, and hapū.

(5) The Crown acknowledges the significant contribution the hapū of Heretaunga Tamatea have made to the wealth and development of Hawke's Bay and, in turn, to the nation in areas including the economy, education, farming, politics, culture and arts, public service, and business.

(6) The Crown acknowledges the sacrifice that the hapū of Heretaunga Tamatea have made for New Zealand's war efforts, and pays tribute to their service.

(7) The Crown acknowledges that despite the hapū of Heretaunga Tamatea fulfilling their Treaty obligations, the Crown has breached the Treaty of Waitangi and its principles in a number of respects.

(8) The Crown acknowledges that it has failed to address these long-standing grievances in an appropriate manner and that recognition of these grievances is long overdue.

Crown land purchases

(9) The Crown acknowledges that—

(a) the rangatira of Heretaunga Tamatea sought to establish mutually beneficial relationships with the Crown when they offered land for settlement in the late 1840s; and

(b) the hapū of Heretaunga Tamatea did not receive all the benefits of European settlement that the Crown said they could expect if they accepted the low prices the Crown offered to purchase their lands during negotiations in 1851 at Waipukurau, and later at a hui with the Governor in 1853; and

(c) it failed to properly survey many of the areas it had agreed would be reserved in Heretaunga Tamatea ownership when purchasing their land in the 1850s, and this caused significant harm for the hapū of Heretaunga Tamatea; and

(d) the hapū of Heretaunga Tamatea lost access to the rich resources of Whatumā many decades after the 1851 Waipukurau purchase, despite their testimony that they had received a verbal promise during those negotiations that Whatumā would be reserved, but which was not recorded in the Waipukurau deed; and

(e) it failed to ensure that adequate reserves were protected in the ownership of the hapū of Heretaunga Tamatea when it purchased land in the 1850s and this breached the Treaty of Waitangi and its principles.

(10) The Crown acknowledges that—

(a) in 1851 it failed to investigate the customary ownership of a 3 500-acre area known as Aorangi before arranging to include it in a large extension of the Waipukurau block days before the deed was signed; and

(b) it never obtained the consent of the customary owners to its acquisition of this portion of Aorangi; and

(c) it purchased a further 3 700 acres of Aorangi from a small number of customary owners in 1854, again without investigating customary ownership; and

(d) it failed to uphold an agreement it made with some customary owners in 1858 to return 1 870 acres of Aorangi; and

(e) all of these failures to actively protect the rights and interests of Heretaunga Tamatea Māori breached the Treaty of Waitangi and its principles.

(11) The Crown further acknowledges that,—

(a) despite repeated protests from the hapū of Aorangi, the Crown did not provide a measure of compensation until nearly a century after the Aorangi lands had been lost; and

(b) in the 1920s and 1930s, the hapū of Aorangi generously suspended their compensation claims because New Zealand was in depression; and

(c) the compensation paid in 1952 was based on the value of the land at the time the Crown sold it in the mid-1850s plus simple interest; and

(d) the loss of these lands, the long delay in the Crown's payment of compensation, and the amount of compensation paid have together caused profound distress to the hapū of Aorangi, which persists today.

(12) The Crown acknowledges that,—

(a) from 1854, it conducted negotiations that became known as "ngā hoko tāhae" or the "secret purchases" for a number of Heretaunga Tamatea blocks with small groups or individuals in Auckland and Wellington without adequately investigating the customary ownership of these blocks; and

(b) in some cases it persisted with purchase negotiations despite being aware that other customary owners opposed those transactions; and

(c) it continued to negotiate and make payments for some of these lands despite warnings that the tensions its purchase activities were creating were likely to lead to conflict between Māori who asserted interests in those blocks; and

(d) these tensions led to armed conflict in 1857 between Māori who asserted interests in those blocks, during which a number of Heretaunga Tamatea Māori died; and

(e) its conduct during purchase negotiations in these blocks did not meet its obligations under the Treaty of Waitangi and its principles to actively protect the interests of the hapū of Heretaunga Tamatea.

Native land laws

(13) The Crown acknowledges that—

(a) it did not consult the people of Heretaunga Tamatea before introducing native land laws that provided for the individualisation of land previously held in collective hapū tenure under Heretaunga Tamatea tikanga; and

(b) between 1866 and 1870, the Native Land Court awarded titles for over a hundred land blocks in Heretaunga Tamatea covering more than 330 000 acres to 10 or fewer owners in each case; and

(c) the hapū of Heretaunga Tamatea understood that the individuals named on these titles were to be trustees for their communities, but the native land laws did not prevent land in the Heretaunga and other blocks from being alienated without the consent of the wider community of customary owners who were thereby dispossessed of their interests in these lands; and

(d) this meant the operation of the native land laws in these blocks did not reflect the Crown's obligation to actively protect the interests of the hapū of Heretaunga Tamatea in land they may otherwise have wished to retain, and this was a breach of the Treaty of Waitangi and its principles.

(14) The Crown acknowledges that its failure to provide a legal means for the collective administration of the land of the hapū of Heretaunga Tamatea until 1894 was a breach of the Treaty of Waitangi and its principles.

(15) The Crown acknowledges that the operation and impact of the native land laws, particularly the awarding of land to individuals rather than to iwi or hapū, made Heretaunga Tamatea lands more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of the tribal structures of the hapū of Heretaunga Tamatea, which were based on the tribal custodianship of land. The Crown's failure to protect the tribal structures of the hapū of Heretaunga Tamatea was a breach of the Treaty of Waitangi and its principles.

Political engagement

(16) The Crown acknowledges the long-standing commitment of the rangatira and hapū of Heretaunga Tamatea Māori to peaceful political engagement with the Crown through such bodies as Te Whata a Te Herunga, the Rūnanga, the Repudiation movement, and Kotahitanga. The Crown further acknowledges that it failed repeatedly to address in an effective way the issues these movements raised with it.

Heretaunga Tamatea landlessness

(17) The Crown acknowledges that,—

(a) despite almost 85% of Heretaunga Tamatea lands being alienated by 1900, the Crown continued to acquire large quantities of land in the rohe over the next two decades; and

(b) the cumulative effect of Crown purchasing and the operation of the native land laws left the hapū of Heretaunga Tamatea virtually landless by about 1930; and

(c) the Crown's failure to ensure that the hapū of Heretaunga Tamatea retained sufficient land for their present and future needs had a devastating impact on the economic, social, cultural, and spiritual well-being and development of the hapū of Heretaunga Tamatea, and was a breach of the Treaty of Waitangi and its principles.

Environmental issues

(18) The Crown acknowledges that—

(a) the lakes, rivers, springs, and wetlands of Heretaunga Tamatea, such as Whatumā, Rūnanga and Poukawa, the Tūtaekurī, Ngaruroro, Maraetōtara, Tukituki, Waipawa, Mākāretu, and Pōrangahau / Tāurekaitai Rivers, and the Pekapeka swamplands are mahinga kai that are central to the well-being of the hapū of Heretaunga Tamatea; and

(b) the loss of traditional lands has limited the ability of the hapū of Heretaunga Tamatea to access these waterways, to gather traditional foods, and to provide the manaakitanga that is intrinsic to Heretaunga Tamatea; and

(c) the modification and degradation of the Heretaunga Tamatea environment due largely to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works have severely damaged traditional food resources and mahinga kai.

Te Reo Māori and education

(19) The Crown acknowledges that for too long the State education system failed to value Māori cultural understandings, and that this has had a detrimental impact on generations of Heretaunga Tamatea hapū and whānau. The Crown further acknowledges—

(a) that Crown-established schools caused significant harm to the children of Heretaunga Tamatea by punishing them for speaking their own language while at school; and

(b) the low expectations the State education system historically had for the achievements of Māori students; and

(c) the poor educational outcomes that have afflicted generations of Heretaunga Tamatea children.

Socio-economic issues

(20) The Crown acknowledges that its policies have contributed to the majority of the hapū of Heretaunga Tamatea now living outside of their traditional rohe.

(21) The Crown acknowledges that economic reforms introduced by the Crown in the 1980s led to significant unemployment among the hapū of Heretaunga Tamatea.

(22) The Crown acknowledges that the lands and resources of Heretaunga Tamatea have generated significant wealth during the 19th and 20th centuries. The Crown further acknowledges that the alienation of the hapū of Heretaunga Tamatea from their lands during this time has undermined their ability to share in that wealth, and has left them economically, socially, and culturally marginalised.

Ngā Whakaaetanga

(1) E whakaae ana te Karauna, i mua o te tau 1840, he hapū rangatira ngā hapū motuhake o Heretaunga Tamatea e kuhu ana i a rātau anō, me ā rātau pūnaha ōhanga, me ā rātau anō whakahaeretanga e hāngai ana ki ngā tikanga Māori o te wā.

(2) E whakaae ana te Karauna i tino whakapau kaha, i oke hoki ngā hapū o Heretaunga Tamatea ki te whai i te puretumutanga me te utu i te Karauna mō ngā tau 175 i muri mai. E mihi ana te Karauna ki ērā tāngata katoa i whai wāhi atu ki ngā mahi kerēme Tiriti a ngā hapū o Heretaunga Tamatea, otirā hoki, ki ērā kāre i te ora tonu ki te kite i tēnei whakataunga. Nō reira, e whakaae ana te Karauna ki te tika o ngā nawe tūturu o te hapū o Heretaunga Tamatea, ā, kua oti i a ia ēnei whakaaetanga e whai ake nei.

Kua ea i a Heretaunga Tamatea ngā herenga ki a ia i raro i te Tiriti

(3) E whakaae ana te Karauna i ea i ngā hapū o Heretaunga Tamatea, e tū nei hai hoa ā-Tiriti, ngā herenga ki a ia i raro i te Tiriti o Waitangi.

(4) E whakaae ana te Karauna nā ana mahi me ana hapa i tino kino ai te hononga i waenga i ngā hapū o Heretaunga Tamatea me te Karauna, ā, me whai te Karauna kia hoki mai anō tōna mana, ā, me whakaatu hoki i tōna whakaaro nui ki te mana o ngā rangatira, o ngā whānau me ngā hapū o Heretaunga Tamatea.

(5) E whakaae ana te Karauna kua whai wāhi nui ngā hapū o Heretaunga Tamatea ki te rangatiratanga me te whakawhanaketanga o te rohe, otirā, ki te motu, tae atu ki ngā wāhanga o te ōhanga, o te mātauranga, o te mahi ahuwhenua, o te tōrangapū, o te ahurea me ngā toi, o ngā mahi kāwanatanga me ngā mahi umanga.

(6) E whakaae ana te Karauna ki ngā utu i utua ai e ngā hapū o Heretaunga Tamatea i runga i te urunga o Niu Tireni ki ngā pakanga, ā, ka mihi ki ā rātau mahi.

(7) E whakaae ana te Karauna, ahakoa te whakaeatanga a ngā hapū o Heretaunga Tamatea i ngā herenga ki a ia i raro i te Tiriti, kua takahia e te Karauna te Tiriti o Waitangi me ōna mātāpono hoki i ōna wā.

(8) E whakaae ana te Karauna kāre i tika tāna whakatutuki i ngā nawe kua roa e kawea ana, ā, kua roa rawa te wā o te korenga i arohia o aua nawe.

Ngā Hokotanga a te Karauna i te Whenua

(9) E whakaae ana te Karauna—

(a) i te wā i tuku ngā rangatira o Heretaunga Tamatea i ētahi whenua hai kāinga mō te Pākehā i ngā tau whakamutunga o ngā tau 1840, i te whai rātau ki te whakaū i ngā hononga ki te Karauna kia whaihua ai ki ngā taha e rua;

(b) kāre i riro i ngā hapū o Heretaunga Tamatea ngā painga o te nohonga o te Pākehā, i kīia ai e te Karauna ka riro i a rātau mēnā ka whakaae rātau ki ngā utu iti nā te Karauna i tāpae ki te hoko whenua i ngā whakawhitinga kōrero i tū rā ki Waipukurau i te tau 1851, ā, ki tētahi atu hui i muri mai, i te taha o te Kāwana, i te tau 1853;

(c) kāre i tika tana rūri i te maha o ngā wāhi i kīia rā e ia ka noho tonu ki ngā ringaringa o Heretaunga Tamatea i te wā e hoko ana ia i ō rātau whenua i ngā tau 1850, ā, nā tērā, ka pā ngā raru nui ki ngā hapū o Heretaunga Tamatea;

(d) kāre i āhei tā ngā hapū o Heretaunga Tamatea toro atu ki ngā rawa mōmona o roto o Whatumā i ngā tekau-tau e hia i muri mai i te hokotanga o Waipukurau i te tau 1851, ahakoa tā rātau kōrero e kī nei i oati ā-wahatia rātau i ngā whakawhitinga kōrero ka rāhuitia a Whatumā, engari kāre nei i tuhia ki te tīti whenua mō Waipukurau; ā,

(e) i takahi ia i te Tiriti o Waitangi me ōna mātāpono i tana korenga i whai kia tiakina ngā wāhi rāhui i whakatapua hai whenua tūturu mō ngā hapū o Heretaunga Tamatea i te wā i hoko whenua ia i ngā tau 1850.

(10) E whakaae ana te Karauna—

(a) i te tau 1851, kāre ia i āta uiui nō wai te mana o te whenua e kīia nei ko Aorangi, e 3 500 eka te nui, i mua i tana whakauru i taua whenua rā ki tētahi tāpiritanga nui o te poraka o Waipukurau i ngā rā o mua i te hainatanga o te tīti whenua;

(b) kāre te hunga nō rātau te mana whenua i whakaae kia riro i a ia tēnei wāhanga o Aorangi;

(c) i hoko ia i ētahi atu eka o Aorangi, e 3 700 te nui, mai i ētahi tāngata ruarua o te hunga nō rātau te mana whenua i te tau 1854, ā, kāre tonu ia i āta kimi nō wai te mana whenua;

(d) kāre ia i ū ki te whakaaetanga i whakaritea ai e ia me ētahi o te hunga nō rātau te mana whenua i te tau 1858 kia whakahokia ngā eka 1 870 o Aorangi; ā,

(e) i takahi ia i te Tiriti o Waitangi me ōna mātāpono i te korenga o tana āta tiaki i te mana me ngā pānga o ngā Māori o Heretaunga Tamatea.

(11) E whakaae ana hoki te Karauna—

(a) ahakoa he rite tonu te porotēhi a ngā hapū o Aorangi, kāre te Karauna i utu i te paku aha tae noa ki te paunga o tōna rautau i muri i te rirohanga o ngā whenua ki Aorangi;

(b) i ngā tau 1920 me ngā tau 1930 i hīkina māhorahoratia e ngā hapū o Aorangi ā rātau kerēme paremata nā te mea e pāngia ana a Aotearoa e te paheketanga ohaoha;

(c) he mea ahu mai te paremata i utua i te tau 1952 i te wāriu o te whenua i te wā i hokona rā e te Karauna i ngā tau waenga o te tekau tau mai i 1850, me te huamoni more; ā,

(d) nā te ngaromanga o ēnei whenua, nā te whakatārewatanga rawa o tā te Karauna utu i te paremata, nā te rahinga hoki o te paremata i utua, i pā te kaha mamae ki ngā hapū o Aorangi e rangona tonutia ana ana i tēnei rā.

(12) E whakaae ana te Karauna—

(a) mai i te tau 1854, i whakahaeretia e ia ngā whakawhitinga kōrero mō ētahi o ngā poraka ki Heretaunga Tamatea, e kīia nei ko 'ngā hoko tāhae', me ētahi rōpū iti, me ētahi tāngata takitahi rānei i Tāmakimakaurau me Te Whanganui-a-Tara, me te kore i whakaoti pai i ngā uiuitanga i te mana whenua o ēnei poraka;

(b) i ētahi wā, i tohe tonu ia ki te whakawhiti kōrero mō te hoko ahakoa e mōhio ana ia i te whakahēngia aua take e ētahi atu tāngata nō rātau te mana whenua;

(c) i whakawhiti kōrero tonu ia, i utu tonu hoki ia mō ētahi o ēnei whenua ahakoa ngā whakatūpato e mea ana māna te kore ka huri ngā Māori e kī ana he pānga ō rātau ki aua poraka ki te whawhai ki a rātau anō, nā ngā tohe e puta ana i ngā mahi hoko a te Karauna;

(d) nā ēnei tohe ka tahuri ngā Māori i kī rā he pānga ō rātau ki aua poraka ki te riri tara-ā-whare i te tau 1857, ka mutu, i hinga ētahi o ngā Māori o Heretaunga Tamatea; ā,

(e) nā āna mahi i ēnei whakawhitinga kōrero mō te hoko i ēnei poraka, kāre ia i ū ki ana herenga e kī ana me āta tiaki i ngā pānga o ngā hapū o Heretaunga Tamatea i raro i te Tiriti o Waitangi me ōna mātāpono.

Ngā Ture Whenua Māori

(13) E whakaae ana te Karauna—

(a) kāre ia i kōrero ki ngā hapū o Heretaunga Tamatea i mua o tana whakatau i ngā ture whenua Māori e whakaae ana kia wehea ki te tangata takitahi ngā whenua i raro kē i te mana o ngā hapū i runga i ngā tikanga a Heretaunga Tamatea;

(b) i waenga i te tau 1866 me te tau 1870, neke atu i te kotahi rau ngā taitara poraka whenua o Heretaunga Tamatea, kai tua atu o te 330 000 eka te nui, i tukuna ai e te Kōti Whenua Māori ki ngā tāngata tekau, iti iho rānei i ia tukunga;

(c) ko ngā hapū o Heretaunga Tamatea i mahara ko ngā tāngata ko ō rātau ingoa i ngā taitara nei ka noho hai kaitiaki mā ō rātau hapū, engari kāre ngā ture whenua Māori i aukati i te wetekanga o ngā whenua o Heretaunga me ētahi atu poraka, me te korenga o te hunga nō rātau anō te mana whenua i whakaae, me te aha, ka tangohia ō rātau pānga ki aua whenua; ā,

(d) nā tērā, kāre te whakahaerenga o ngā ture whenua Māori i ēnei poraka i whakaata i ngā herenga i runga i te Karauna kia āta tiaki ia i ngā pānga o ngā hapū o Heretaunga Tamatea ki ngā whenua tērā pea i hiahia rātau ki te pupuri, ā, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

(14) E whakaae ana te Karauna nā tana kore i whakatakoto huarahi ā-ture kia taea ai te whakahaerenga o ngā whenua o ngā hapū o Heretaunga Tamatea te whakahaere ngātahi tae rawa ake ki te tau 1894, he takahi tēnā i te Tiriti o Waitangi me ōna mātāpono.

(15) E whakaae ana te Karauna nā te kawenga me ngā pānga o ngā ture whenua Māori, otirā, nā te rironga atu o ngā whenua ki ngā tāngata takitahi, kaua ki te iwi, ki te hapū rānei, i kaha ake ai te noho mōrearea o ngā whenua o Heretaunga Tamatea ki te roherohenga, ki te whakawehenga me te wetekanga. I whai wāhi ēnei take ki te ngahorotanga o te anga ā-iwi o ngā hapū o Heretaunga Tamatea, i ahu mai rā i te mana whenuatanga o te iwi. I takahi te Karauna i te Tiriti o Waitangi me ōna mātāpono i tana korenga i whai kia tiakina ngā anga ā-iwi o ngā hapū o Heretaunga Tamatea.

Ngā Whakapānga ā-Tōrangapū

(16) E whakaae ana te Karauna kua hia tau ngā rangatira me ngā hapū o Heretaunga Tamatea e ū ana kia rangimārie ngā whakapānga ā-tōrangapū ki te Karauna mā ngā rōpū pēnei i a Te Whata a Te Herunga, i ngā Rūnanga, i te Kōmiti me te Kotahitanga. E whakaae ana hoki te Karauna he rite tonu tana kore i whakaea i ngā take nā ēnei kaupapa i kawe ki tōna aroaro, kia whaikiko rā anō.

Te Whenua Koretanga o Heretaunga Tamatea

(17) E whakaae ana te Karauna—

(a) ahakoa, nō te taenga ki te tau 1900, kua tata ki te waru tekau mā rima paihēneti o ngā whenua o Heretaunga Tamatea i whakawehea ai, i te kapo tonu te Karauna i ētahi wāhanga nui o ngā whenua o te rohe i te rua tekau tau i whai mai;

(b) nā ngā pānga katoa i hua mai ai i ngā mahi hoko a te Karauna, me tana whakahaere i ngā ture whenua Māori, tae rawa ake ki te tau 1930, kua tata whenua kore ngā hapū o Heretaunga Tamatea; ā,

(c) nā te korenga o te Karauna i whakaū kia nui ngā whenua hai pupuritanga mā ngā hapū o Heretaunga Tamatea, hai whenua hoki mō ngā hiahia matua o nāianei, o āpōpō hoki, ka kino rawa atu ngā pānga ki tō rātau oranga ā-ōhanga, ā-pāpori, ā-ahurea, ā-wairua hoki, tae atu hoki ki te whanaketanga o ngā hapū o Heretaunga Tamatea, ā, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

He Take Taiao

(18) E whakaae ana te Karauna—

(a) ko ngā roto, ko ngā awa, ko ngā puna, ko ngā whenua reporepo o Heretaunga Tamatea, pēnei i a Whatumā, i a Rūnanga me Poukawa, i a Tūtaekurī, i a Ngaruroro, i a Maraetōtara, i a Tukituki, i a Waipawa, i a Mākāretu, i ngā awa o Pōrangahau / Tāurekaitai, i ngā whenua anō hoki o Pekapeka e kapi ana i te repo, ngā tino mahinga kai e ora ai ngā hapū o Heretaunga Tamatea;

(b) nā te rirohanga o ngā whenua taketake i herea ai te kaha o ngā hapū o Heretaunga Tamatea ki te toro atu ki ēnei wai ki te kohi i ngā kai māori, ki te whakaatu hoki, i tētahi o ngā āhuatanga pūmau o Heretaunga Tamatea, i te manaakitanga; ā,

(c) kua tino hē ngā pātaka kai taketake me ngā mahinga kai nā te tipuranga mai o ngā tarutaru me ngā riha, nā ngā para o ngā pāmu, o ngā wāhi ahumahi hoki, me ngā mahi whakatahenga i ahu mai i te whakarerekētanga me te whakakinotanga o te taiao o Heretaunga Tamatea.

Te Reo Māori me te Mātauranga

(19) E whakaae ana te Karauna kua roa rawa tā te pūnaha mātauranga ā-motu kore i whakaaro nui ki ngā mōhiotanga Māori, ā, kua pā kino tērā āhuatanga ki ngā

whakatipuranga o ngā hapū me ngā whānau o Heretaunga Tamatea. E whakaae ana hoki te Karauna—

(a) nā ngā kura i whakatūria ai e te Karauna, ka kino tonu te mamae i pā ki ngā tamariki o Heretaunga Tamatea nā te whiu i a rātau mō te kōrero i tō rātau ake reo i a rātau i te kura;

(b) i mua, he iti te whakapono o te pūnaha mātauranga ā-motu ki tā te ākonga Māori āhei ki te eke ki ngā taumata; ā,

(c) nā te kino o ngā hua ā-mātauranga, i rongo ai ngā whakatipuranga o ngā tamariki o Heretaunga Tamatea i te ngau kino.

Ngā Take Oha-pori

(20) E whakaae ana te Karauna i whai wāhi ana kaupapa here ki te take kai waho te nuinga o ngā tāngata o ngā hapū o Heretaunga Tamatea i tō rātau rohe taketake e noho ana.

(21) E whakaae ana te Karauna nā ngā whakahoutanga ā-ōhanga i whakaturehia rā e te Karauna i ngā tau 1980 i tino nui ai te koremahi i waenga i ngā hapū o Heretaunga Tamatea.

(22) E whakaae ana te Karauna he nui ngā rawa kua hua ake i ngā whenua me ngā rawa o Heretaunga Tamatea i ngā tau o te rautau tekau mā iwa, me te rautau rua tekau. E whakaae ana hoki te Karauna nā te whakawehenga o ngā hapū o Heretaunga Tamatea i ō rātau whenua i taua wā, kua kore rātau e whai wāhi atu ki aua hua rā, me te aha, noho pōhara kē ana rātau ā-ōhanga, ā-pāpori, ā-ahurea anō hoki.

10 Apology

The text of the apology offered by the Crown to the tīpuna, hapū, whānau, and mokopuna of Heretaunga Tamatea, as set out in the deed of settlement, is as follows:

"(a) The Crown is profoundly sorry that it has repeatedly failed to uphold the partnership envisaged by the Treaty and sought by the tīpuna of Heretaunga Tamatea since the 1840s. The Crown unreservedly apologises for its repeated breaches of the Treaty of Waitangi, and for "ngā mamae me ngā tūkino", or the pain and damage, that these breaches have caused to generations of Heretaunga Tamatea.

(b) The Crown regrets its many policies, acts, and omissions that have contributed to the whānau and hapū of Heretaunga Tamatea being left virtually landless. In the 1850s, the Crown used secret transactions and other divisive tactics to purchase huge areas of Heretaunga Tamatea land, often without the knowledge or consent of local customary owners. The Crown is deeply sorry that its purchasing tactics created tensions among your people that culminated in war, injury, and death.

(c) The Crown introduced land laws that facilitated the further dispossession of the hapū of Heretaunga Tamatea. At the beginning of the twentieth

century only a fraction of Heretaunga Tamatea lands remained in Māori ownership, yet the Crown continued to purchase land, often through measures that placed considerable pressure on individual owners. The Crown offers its profound apologies for its actions that alienated you from the whenua that had sustained your ancestors for generations, and deprived you of access to your lakes, rivers, wetlands, and springs.

(d) The Crown is deeply sorry that its breaches of the Treaty of Waitangi have severely limited your economic and social opportunities, eroded your tribal structures and undermined your well-being, in stark contrast to the benefits of partnership that the Crown led you to expect in the 1850s.

(e) The Crown regrets that it has failed to respond appropriately to the generations of Heretaunga Tamatea who have worked to obtain justice for their people. The Crown pays tribute to those who have not survived to see this settlement completed.

(f) The Crown apologises to the hapū of Aorangi for wrongfully depriving you of your land without your consent, for failing to return some of the land as it agreed, and for then selling the land that it did not rightly own. When the Crown finally admitted it had acquired the land without the consent of Aorangi hapū, it still took decades to pay even a measure of compensation. The Crown is deeply remorseful for the immense hurt its actions around Aorangi caused the owners of that land.

(g) Through this settlement and this apology, the Crown hopes to ease the burden of grievance and sorrow that the whānau and hapū of Heretaunga Tamatea have carried for generations. The Crown looks forward to restoring a relationship with the hapū of Heretaunga Tamatea that is built on trust, co-operation, and respect for each other and the Treaty of Waitangi and its principles."

Te Whakapāhatanga

E tāpaetia ana e te Karauna tēnei whakapāhatanga ki ngā tīpuna, ki ngā hapū, ki ngā whānau, ki ngā mokopuna hoki o Heretaunga Tamatea:

"(a) Inā kē te nui o te whakapāha a te Karauna i te rite tonu o tana kore i hāpai i te pātuitanga i manakohia ai e te Tiriti, i whāia ai hoki e ngā tīpuna o Heretaunga Tamatea mai i ngā tau 1840. E whakapāha mārika atu nei te Karauna, he rite tonu tāna takahi i te Tiriti o Waitangi, mō 'ngā mamae me ngā tūkino' i hua mai ai ki ngā whakatipuranga o Heretaunga Tamatea i ēnei takahitanga.

(b) E whakapāha ana te Karauna i te tini o ana kaupapa here, o ana mahi, o ana hapa nā reira i tata whenua kore ai ngā whānau me ngā hapū o Heretaunga Tamatea. I ngā tau 1850, i whakamahi ai te Karauna i ana whakaritenga muna me ētahi atu rautaki whakawehewehe ki te hoko i ētahi wāhanga nui rawa atu o ngā whenua o Heretaunga Tamatea, ka

mutu, i te nuinga o te wā, kāre ngā tāngata nō rātau te mana whenua i taua rohe i mōhio, kāre rānei i whakaae. E tino whakapāha ana te Karauna i runga i tana mōhio nā ana rautaki hoko i tutū ai te puehu i waenga i tō iwi, me te aha, ka hua ko te riri, ko te wharanga me te matenga o te tangata.

(c) I whakatauhia e te Karauna ngā ture whenua nā reira i kino kē atu ai te rawakoretanga o ngā hapū o Heretaunga Tamatea. I te tīmatanga o te rautau rua tekau, he wāhanga iti noa iho nō ngā whenua o Heretaunga Tamatea i ngā ringaringa tonu o te Māori, engari ka haere tonu ngā mahi hoko whenua a te Karauna, ka mutu, i ētahi wā, nā aua mahi i kaha pēhi ngā tāngata takitahi nō rātau ngā whenua. E tāpaetia ana e te Karauna ana whakapāha nui mō āna mahi nā reira i wehe ai koutou i te whenua i noho rā hai oranga mō ō koutou tīpuna mō ngā whakatipuranga e hia nei, i kore ai hoki tā koutou āhei ki te toro ki ō koutou roto, ki ō koutou awa, ki ō koutou whenua kueo me ō koutou puna.

(d) E tino whakapāha ana te Karauna, nā tāna takahi i te Tiriti o Waitangi i tino uaua ai tā koutou whai i ngā ara ā-ōhanga, ā-pāpori hoki, i ngahoro ai ō koutou anga ā-iwi, i raru ai tō koutou oranga, e tino taupatupatu nei ki ngā hua o te pātuitanga i mahara ai koutou ka riro i a koutou i runga i tā te Karauna i oati ai i ngā tau 1850.

(e) E whakapāha ana te Karauna i tana kore i whakautu tika ki ngā whakatipuranga o Heretaunga Tamatea kua whai nei i te tika mō tō rātau iwi. E mihi ana te Karauna ki ērā kāre i te ora tonu ki te kite i te otinga o tēnei whakataunga.

(f) E whakapāha ana te Karauna ki ngā hapū o Aorangi mō tāna tangohanga hētanga i ō koutou whenua me tā koutou kore whakaae, mō tāna kore whakahoki i te wāhanga whenua i whakaaetia, ā, mō tāna hokonga atu o te whenua kāre i a ia te mana hoko atu. Whakaae rawa mai te Karauna kua riro i a ia te whenua me te kore whiwhi whakaaetanga i ngā hapū o Aorangi, he maha ngā tekau tau i pau i mua i tana utu i tētahi wāhi iti noa o te paremata. E kaha hinapōuri ana te Karauna mō te kaha pāmamae ki ngā rangatira o taua whenua nā āna mahi e pā ana ki te whenua o Aorangi.

(g) E tūmanako ana te Karauna, mā tēnei whakataunga me tēnei whakapāhatanga, ka mahea ake te taumaha o ngā nawe me te mamae kua pīkaungia e ngā whānau me ngā hapū o Heretaunga Tamatea mō te hia whakatipuranga. E anga whakamua ana te Karauna ki te whakamārō ake i te taura hono ki ngā hapū o Heretaunga Tamatea e whiria ana ki ngā here o te whakapono, o te mahitahi, o te whakaaro nui o tētahi ki tētahi, o te Tiriti o Waitangi hoki me ōna mātāpono."

Interpretation provisions

11 Interpretation of Act generally

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

12 Interpretation

In this Act, unless the context otherwise requires,—

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

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

attachments means the attachments to the deed of settlement

Commissioner of Crown Lands means the Commissioner of Crown Lands appointed in accordance with section 24AA of the Land Act 1948

computer register—

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

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

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

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

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

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

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

cultural redress property has the meaning given in section 54

deed of recognition—

(a) means a deed of recognition issued under section 30 by—

(i) the Minister of Conservation and the Director-General; or

(ii) the Commissioner of Crown Lands; and

(b) includes any amendments made under section 30(4)

deed of settlement—

(a) means the deed of settlement dated 26 September 2015 and signed—

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

(ii) for and on behalf of Heretaunga Tamatea, by Elizabeth Valentine Munroe, Peter Alexander Paku, and Brian Charles Morris, being the mandated negotiators, and David Collins Tipene-Leach, Elizabeth Helen Graham, Margaret Akata McGuire, Penelope Hinehau WhitiWhiti, Tanira Hemana Te Rohu Te Au, John-Barry Heperi Smith, Brian Charles Morris, Peter Alexander Paku, Cordry Tawa Huata, Kevin Ronald Tamati, Henare Matua Kani, Kellie Anne-Marie Jessup, Tipene Heperi, Ngāmoa Hukapapa Gillies, Robert Lui Clarke, Erin Marie Sandilands, Leon Fredrick Hawea, Charmaine Elizabeth Pene, Ngahiwi Tomoana, Kohine Gwen Rata, Thomas Eruera Mulligan, Koreene Hariata Henry, and Waireamana Kara, being the persons representing He Toa Takitini; and

(iii) by Elizabeth Helen Graham, Cordry Tawa Huata, Erin Marie Sandilands, David Collins Tipene-Leach, Tanira Hemana Te Rohu Te Au, John-Barry Heperi Smith, Brian Charles Morris, Peter Alexander Paku, Margaret Akata McGuire, Kevin Ronald Tamati, Henare Matua Kani, Kellie Anne-Marie Jessup, Waireamana Kara, Ngāmoa Hukapapa Gillies, Robert Lui Clarke, Penelope Hinehau WhitiWhiti, Leon Fredrick Hawea, Charmaine Elizabeth Pene, Ngahiwi Tomoana, Kohine Gwen Rata, Thomas Eruera Mulligan, and Koreene Hariata Henry, being the trustees of the Heretaunga Tamatea Settlement Trust; and

(b) includes—

(i) the schedules of, and attachments to, the deed; and

(ii) any amendments to the deed or its schedules and attachments

deferred selection property has the meaning given in section 80

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

He Toa Takitini means the representative group that was mandated by Heretaunga Tamatea and unconditionally recognised by the Crown on 4 February 2011 and that was incorporated under the Incorporated Societies Act 1908 on 23 December 2013

Heretaunga Tamatea Settlement Trust means the trust of that name established by a trust deed dated 30 June 2015

historical claims has the meaning given in section 14

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

licensed land has the meaning given in section 80

LINZ means Land Information New Zealand

member of Heretaunga Tamatea means an individual referred to in section 13(1)(a)

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

overlay classification has the meaning given in section 35

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

Registrar-General means the Registrar-General of Land appointed in accordance with section 4 of the Land Transfer Act 1952

representative entity means—

(a) the trustees; and

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

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

(ii) 1 or more members of Heretaunga Tamatea; or

(iii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(c)

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

reserve property has the meaning given in section 54

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

RFR means the right of first refusal provided for by subpart 4 of Part 3

RFR land has the meaning given in section 98

settlement date means the date that is 40 working days after the date on which this Act comes into force

statutory acknowledgement has the meaning given in section 21

tikanga means customary values and practices

trustees of the Heretaunga Tamatea Settlement Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Heretaunga Tamatea Settlement Trust

working day means a day other than—

(a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day:

(b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday:

(c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:

(d) the days observed as the anniversaries of the provinces of Hawke's Bay and Wellington.

13 Meaning of Heretaunga Tamatea

(1) In this Act, **Heretaunga Tamatea**—

(a) means the collective group composed of individuals who are descended from an ancestor of Heretaunga Tamatea; and

(b) includes those individuals; and

(c) includes any whānau, hapū, or group to the extent that it is composed of those individuals, including the hapū set out in Schedule 1.

(2) In this section and section 14,—

ancestor of Heretaunga Tamatea means an individual who—

(a) exercised customary rights by virtue of being descended from 1 or more of the following—

(i) Rākaihikuroa:

(ii) Rākainui:

(iii) Te Whatuiāpiti:

(iv) any other recognised ancestor of a hapū referred to in Schedule 1; and

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

area of interest means the area shown as the Heretaunga Tamatea area of interest in part 1 of the attachments

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

(a) rights to occupy land; and

(b) rights in relation to the use of land or other natural or physical resources

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

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Heretaunga Tamatea tikanga.

14 Meaning of historical claims

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

(a) means the claims described in subsection (2); and

(b) includes the claims described in subsection (3); but

(c) does not include the claims described in subsection (4).

(2) The historical claims are every claim that Heretaunga Tamatea or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

(a) is founded on a right arising—

(i) from the Treaty of Waitangi or its principles; or

(ii) under legislation; or

(iii) at common law (including aboriginal title or customary law); or

(iv) from a fiduciary duty; or

(v) otherwise; and

(b) arises from, or relates to, acts or omissions before 21 September 1992—

(i) by or on behalf of the Crown; or

(ii) by or under legislation.

(3) The historical claims include—

(a) a claim to the Waitangi Tribunal that relates exclusively to Heretaunga Tamatea or a representative entity, including each of the claims set out in Part 1 of Schedule 2, to the extent that subsection (2) applies to the claim; and

(b) every other claim to the Waitangi Tribunal, including each of the claims set out in Part 2 of Schedule 2, to the extent that subsection (2) applies to the claim and the claim relates to Heretaunga Tamatea or a representative entity.

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

(a) a claim that a member of Heretaunga Tamatea, or a whānau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Heretaunga Tamatea; or

(b) a claim that is based on descent from a recognised ancestor of Ngāi Tahu ki Takapau, Ngāi Te Rangitotohu (also known as Rangitotohu), or Ngāi Toroiwaho to the extent that the claim is, or is founded on, a right arising by virtue of being descended from Rangitāne; or

(c) a claim of Ngāti Hinemanu to the extent that the claim relates to the interests of Ngāti Hinemanu that are derived through the ancestor Punakiao; or

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

(5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

(1) The historical claims are settled.

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

(3) Subsections (1) and (2) do not limit the deed of settlement.

(4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

(d) the redress provided under the deed of settlement or this Act.

(5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.

(6) Subsection (4) does not limit section 91.

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

(1) This section amends the Treaty of Waitangi Act 1975.

(2) In Schedule 3, insert in its appropriate alphabetical order:

Heretaunga Tamatea Claims Settlement Act 2018, sections 15(4) and (5), 90, and 93

Resumptive memorials no longer to apply

17 Certain enactments do not apply

(1) The enactments listed in subsection (2) do not apply—

(a) to a cultural redress property; or

(b) to a deferred selection property on and from the date of its transfer to the trustees; or

(c) to the licensed land; or

(d) to the RFR land; or

(e) for the benefit of Heretaunga Tamatea or a representative entity.

(2) The enactments are—

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

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

(c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:

(d) sections 27A to 27C of the State-Owned Enterprises Act 1986:

(e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

18 Resumptive memorials to be cancelled

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the computer register for, each allotment that—

(a) is all or part of—

(i) a cultural redress property:

(ii) a deferred selection property:

(iii) the licensed land:

(iv) the RFR land; and

(b) is subject to a resumptive memorial recorded under an enactment listed in section 17(2).

(2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—

(a) the settlement date, for a cultural redress property, the licensed land, or the RFR land; or

(b) the date of transfer of the property to the trustees, for a deferred selection property.

(3) Each certificate must state that it is issued under this section.

(4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—

(a) register the certificate against each computer register identified in the certificate; and

(b) cancel each memorial recorded under an enactment listed in section 17(2) on a computer register identified in the certificate, but only in respect of each allotment described in the certificate.

Miscellaneous matters

19 Rule against perpetuities does not apply

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

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

(i) the Heretaunga Tamatea Settlement Trust may exist in law; or

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

(b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

(2) However, if the Heretaunga Tamatea 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.

20 Access to deed of settlement

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

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

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

Part 2
Cultural redress

Subpart 1—Statutory acknowledgement and deeds of recognition

21 Interpretation

In this subpart,—

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

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

(a) made by Heretaunga Tamatea of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

(b) set out in part 2 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 22 in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 3, the general location of which is indicated on the deed plan for that area

statutory plan—

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

(b) includes a proposed plan, as defined in section 43AAC of that Act.

Statutory acknowledgement

22 Statutory acknowledgement by the Crown

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

23 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 24 to 26; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 27 and 28; and

(c) to enable the trustees and any member of Heretaunga Tamatea to cite the statutory acknowledgement as evidence of the association of Heretaunga Tamatea with a statutory area, in accordance with section 29.

24 Relevant consent authorities to have regard to statutory acknowledgement

(1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.

(3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

25 Environment Court to have regard to statutory acknowledgement

(1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.

(3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

26 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.

(2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.

(3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—

(a) in determining whether the trustees are persons directly affected by the decision; and

(b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.

(4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

27 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—

(a) a copy of sections 22 to 26, 28, and 29; and

(b) descriptions of the statutory areas wholly or partly covered by the plan; and

(c) the statement of association for each statutory area.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—

(a) part of the statutory plan; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

28 Provision of summary or notice to trustees

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

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

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

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

(3) The summary must be provided—

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

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

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

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

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

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

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

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

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

29 Use of statutory acknowledgement

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

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

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

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

(b) parties to proceedings before those bodies; or

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

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

(4) To avoid doubt,—

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

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

Deeds of recognition

30 Issuing and amending deeds of recognition

(1) This section applies in respect of the statutory areas listed in Part 2 of Schedule 3.

(2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3.1 of the documents schedule for the statutory areas administered by the Department of Conservation.

(3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part 3.2 of the documents schedule for the statutory areas administered by the Commissioner.

(4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deeds of recognition

31 Application of statutory acknowledgement and deed of recognition to river or stream

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

(a) applies only to—

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

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

(b) does not apply to—

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

(ii) an artificial watercourse.

(2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—

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

(b) does not apply to—

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

(ii) the bed of an artificial watercourse.

32 Exercise of powers and performance of functions and duties

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

(2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Heretaunga Tamatea with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.

(3) Subsection (2) does not limit subsection (1).

(4) This section is subject to—

(a) the other provisions of this subpart; and

(b) any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.

33 Rights not affected

(1) The statutory acknowledgement and a deed of recognition—

(a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and

(b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

(2) This section is subject to the other provisions of this subpart.

Consequential amendment to Resource Management Act 1991

34 Amendment to Resource Management Act 1991

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

(2) In Schedule 11, insert in its appropriate alphabetical order:

Heretaunga Tamatea Claims Settlement Act 2018

Subpart 2—Overlay classification

35 Interpretation

In this subpart,—

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

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

overlay area—

(a) means an area that is declared under section 36(1) to be subject to the overlay classification; but

(b) does not include an area that is declared under section 47(1) to be no longer subject to the overlay classification

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

protection principles, for an overlay area,—

(a) means the principles agreed by the trustees and the Minister of Conservation, as set out for the area in part 1 of the documents schedule; and

(b) includes any principles as they are amended by the written agreement of the trustees and the Minister of Conservation

specified actions, for an overlay area, means the actions set out for the area in part 1 of the documents schedule

statement of values, for an overlay area, means the statement—

(a) made by Heretaunga Tamatea of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and

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

36 Declaration of overlay classification and the Crown's acknowledgement

(1) Each area described in Schedule 4 is declared to be subject to the overlay classification.

(2) The Crown acknowledges the statements of values for the overlay areas.

37 Purposes of overlay classification

The only purposes of the overlay classification are—

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 39; and

(b) to enable the taking of action under sections 40 to 45.

38 Effect of protection principles

The protection principles are intended to prevent the values stated in the statement of values for an overlay area from being harmed or diminished.

39 Obligations on New Zealand Conservation Authority and Conservation Boards

(1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to an overlay area, the Authority or Board must have particular regard to—

(a) the statement of values for the area; and

(b) the protection principles for the area.

(2) Before approving a strategy or plan that relates to an overlay area, the New Zealand Conservation Authority or a Conservation Board must—

(a) consult the trustees; and

(b) have particular regard to the views of the trustees as to the effect of the strategy or plan on—

(i) any matters in the implementation of the statement of values for the area; and

(ii) any matters in the implementation of the protection principles for the area.

(3) If the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay area, the Authority must, before approving the strat-

egy, give the trustees an opportunity to make submissions in relation to those concerns.

40 Noting of overlay classification in strategies and plans

(1) The application of the overlay classification to an overlay area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.

(2) The noting of the overlay classification is—

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

(b) not an amendment to the strategy or plan for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

41 Notification in *Gazette*

(1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—

(a) the declaration made by section 36 that the overlay classification applies to the overlay areas; and

(b) the protection principles for each overlay area.

(2) An amendment to the protection principles, as agreed by the trustees and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.

(3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 42 or 43.

42 Actions by Director-General

(1) The Director-General must take action in relation to the protection principles that relate to an overlay area, including the specified actions.

(2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.

(3) The Director-General must notify the trustees in writing of any action intended to be taken.

43 Amendment to strategies or plans

(1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to an overlay area.

(2) The Director-General must consult relevant Conservation Boards before initiating the amendment.

(3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

44 Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:

(a) to provide for the implementation of objectives included in a strategy or plan under section 43(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:

(c) to create offences for breaches of regulations made under paragraph (b):

(d) to prescribe the following fines for an offence referred to in paragraph (c):

(i) a fine not exceeding $5,000; and

(ii) if the offence is a continuing one, an additional amount not exceeding $500 for every day on which the offence continues.

45 Bylaws

The Minister of Conservation may make bylaws for 1 or more of the following purposes:

(a) to provide for the implementation of objectives included in a strategy or plan under section 43(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:

(c) to create offences for breaches of bylaws made under paragraph (b):

(d) to prescribe the following fines for an offence referred to in paragraph (c):

(i) a fine not exceeding $5,000; and

(ii) if the offence is a continuing one, an additional amount not exceeding $500 for every day on which the offence continues.

46 Effect of overlay classification on overlay areas

(1) This section applies if, at any time, the overlay classification applies to any land in—

(a) a national park under the National Parks Act 1980; or

(b) a conservation area under the Conservation Act 1987; or

(c) a reserve under the Reserves Act 1977.

(2) The overlay classification does not affect—

(a) the status of the land as a national park, conservation area, or reserve; or

(b) the classification or purpose of the reserve.

47 Termination of overlay classification

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of an overlay area is no longer subject to the overlay classification.

(2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—

(a) the trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or

(b) the relevant area is to be, or has been, disposed of by the Crown; or

(c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands.

(3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—

(a) subsection (2)(c) applies; or

(b) there is a change in the statutory management regime that applies to all or part of the overlay area.

48 Exercise of powers and performance of functions and duties

(1) The overlay classification does not affect, and must not be taken into account by, any person exercising a power or performing a function or duty under an enactment or a bylaw.

(2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the values stated in the statement of values for an overlay area than that person would give if the area were not subject to the overlay classification.

(3) Subsection (2) does not limit subsection (1).

(4) This section is subject to the other provisions of this subpart.

49 Rights not affected

(1) The overlay classification does not—

(a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or

(b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay area.

(2) This section is subject to the other provisions of this subpart.

Subpart 3—Official geographic names

50 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

51 Official geographic names

(1) A name specified in the second column of the table in clause 5.23 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.

(2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.

52 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 51.

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

53 Subsequent alteration of official geographic names

(1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—

(a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but

(b) must have the written consent of the trustees.

(2) To avoid doubt, the Board must give public notice of a determination made under subsection (1) in accordance with section 21(2) and (3) of the Act.

Subpart 4—Vesting of cultural redress properties

54 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 5:

Properties vested in fee simple

(a) Blackhead property:

(b) Omahu property:

(c) Parimāhu Beach property:

Properties vested in fee simple to be administered as reserves

(d) Lake Hatuma property:

(e) Pūrimu Lake property

Hawke's Bay Fish and Game Council and **Council** mean the council established under section 26P of the Conservation Act 1987 for the Hawke's Bay region

Heretaunga Tamatea entity means an entity that satisfies the requirements of the definition of trust entity in clause 1.1 of the trust deed establishing the Heretaunga Tamatea Settlement Trust

joint management body means the joint management body for the Lake Hatuma property established by section 59

lake means—

(a) the space occupied from time to time by the waters of the lake at their highest level without overflowing its banks; and

(b) the airspace above the water; and

(c) the bed below the water

Lake Hatuma reserve land means all or the part of the Lake Hatuma property that remains a reserve under the Reserves Act 1977

Pūrimu Lake entity means—

(a) a Heretaunga Tamatea entity; or

(b) if approved by the trustees, a representative entity within the meaning of paragraph (b)(ii) or (iii) of the definition of representative entity in section 12

Pūrimu Lake reserve land means all or the part of the Pūrimu Lake property that remains a reserve under the Reserves Act 1977

reserve property means each of the properties named in paragraphs (d) and (e) of the definition of cultural redress property.

Properties vested in fee simple

55 Blackhead property

(1) The part of the Blackhead property that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.

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

56 Omahu property

(1) The Omahu property ceases to be a conservation area under the Conservation Act 1987.

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

57 Parimāhu Beach property

The fee simple estate in the Parimāhu Beach property vests in the trustees.

Properties vested in fee simple to be administered as reserves

58 Lake Hatuma property

(1) The Lake Hatuma property ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Lake Hatuma property vests in the trustees.

(3) The Lake Hatuma 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 Whatumā Recreation Reserve.

(5) The joint management body is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the joint management body (as if the body were trustees) under section 26 of that Act.

(6) The vesting does not give any rights to, or impose any obligations on, the trustees in relation to—

(a) the waters of Lake Hatuma; or

(b) the aquatic life of Lake Hatuma (other than plants attached to the bed of the lake).

59 Joint management body for Lake Hatuma property

(1) A joint management body is established for the Lake Hatuma property.

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

(a) the trustees of the Heretaunga Tamatea Settlement Trust; and

(b) the trustees of the Aorangi Māori Trust Board constituted by section 3 of the Maori Trust Boards Act 1955.

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

(4) A member is appointed only if the appointer gives written notice with the following details to the other appointers:

(a) the full name, address, and other contact details of the member; and

(b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.

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

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

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

(8) However, the first meeting of the body must be held no later than 2 months after the settlement date.

60 Administration of Lake Hatuma reserve land

(1) The appointers of the joint management body may jointly—

(a) agree that the joint management body no longer be the administering body of the Lake Hatuma reserve land; and

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

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

(a) the joint management body is no longer the administering body of the Lake Hatuma reserve land; and

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

(3) The Minister may, at his or her sole discretion, revoke the appointment of the joint management body as the administering body of the Lake Hatuma reserve land if requested in writing to do so by either of the appointers of the joint management body.

(4) Before making a decision under subsection (3), the Minister must consult the appointers of the joint management body.

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

(a) notify the appointers of the joint management body in writing of his or her decision; and

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

(i) the joint management body is no longer the administering body of the Lake Hatuma reserve land; and

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

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

(7) Subsections (1) to (5) apply only while the trustees are the owners of the Lake Hatuma reserve land.

(8) In this section, **appointers of the joint management body** means the persons referred to in section 59(2).

61 Pūrimu Lake property

(1) The reservation of the part of the Pūrimu Lake property (with recorded name Purimu Lake) that is a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The part of the Pūrimu Lake property that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.

(3) The fee simple estate in the Pūrimu Lake property vests in the trustees.

(4) The Pūrimu Lake property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(5) The reserve is named Pūrimu Recreation Reserve.

(6) The Hawke's Bay Fish and Game Council is the administering body of the reserve as if it were appointed under section 28 of the Reserves Act 1977.

(7) The vesting does not give any rights to, or impose any obligations on, the trustees in relation to—

(a) the waters of Pūrimu Lake; or

(b) the aquatic life of Pūrimu Lake (other than plants attached to the bed of the lake).

(8) To the extent that the Pūrimu Lake property has moveable boundaries, the boundaries are governed by the common law rules of accretion, erosion, and avulsion.

62 Improvements attached to Pūrimu Lake property

(1) This section applies to improvements attached to the Pūrimu Lake property (the **property**) as at the date of its vesting under section 61(3), and despite that vesting.

(2) Improvements owned by the Hawke's Bay Fish and Game Council immediately before the vesting—

(a) remain vested in the Council; and

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

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

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

(3) Improvements referred to in subsection (2) may, subject to any relevant statutory requirement, be removed or demolished by the Council at any time without

the consent of, and without charge by, the owners of the property or the administering body (if no longer the Council), but the Council must—

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

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

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

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

(b) if that person or body is deceased, dissolved, or otherwise no longer exists, or no longer has an interest in the improvement, vests in the person or body who, immediately before the vesting of the property by section 61(3), would have had a proprietary right to the improvement.

(5) Subsections (2) and (4) apply subject to any other enactment that governs the ownership of an improvement.

(6) Subsection (4) does not affect or limit any rights in relation to the property that may arise from the ownership of the improvement.

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

(8) Subsection (7) is subject to any other enactment that governs the use of the improvement concerned.

63 Future interests relating to Pūrimu Lake reserve land

(1) This section applies to the Pūrimu Lake reserve land, but only while the Hawke's Bay Fish and Game Council is the administering body of that land.

Interests in land

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

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

(b) renew or vary such an interest.

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

(4) The Council must—

(a) advise the trustees of any application received under subsection (3); and

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

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

Interests that are not interests in land

(6) The Council may—

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

(b) renew or vary such an interest.

Application of Reserves Act 1977

(7) The Reserves Act 1977, except section 59A of that Act, applies to the accepting, granting, or declining of any interests under subsection (2) or (6), or the renewing or varying of such interests.

Meaning of trustees

(8) In this section and section 64, **trustees** means, as relevant,—

(a) the trustees; or

(b) if the Pūrimu Lake reserve land has been transferred to a Pūrimu Lake entity, the registered proprietors of the land (*see* section 74).

64 Administration of Pūrimu Lake reserve land

(1) The trustees and the Hawke's Bay Fish and Game Council may jointly—

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Subsections (1) to (5) apply only while the trustees are the owners of the Pūrimu Lake reserve land.

General provisions applying to vesting of cultural redress properties

65 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in Schedule 5.

66 Interests in land for Lake Hatuma property

(1) This section applies to the Lake Hatuma reserve land, but only while the joint management body is the administering body of the land.

(2) Any interest in land that affects the Lake Hatuma reserve land must be dealt with for the purposes of registration as if the joint management body were the registered proprietor of the land.

(3) Subsection (2) continues to apply despite any subsequent transfer of the Lake Hatuma reserve land under section 75.

67 Interests that are not interests in land

(1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in Schedule 5, 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, except to the extent that subsection (3) or (4) applies.

(3) While the joint management body is the administering body of the Lake Hatuma reserve land, the interest applies as if the joint management body were the grantor of the interest in respect of the land.

(4) While the Hawke's Bay Fish and Game Council is the administering body of the Pūrimu Lake reserve land, the interest applies as if the Council were the grantor of the interest in respect of the land.

(5) The interest applies—

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

(b) with any other necessary modifications; and

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

68 Registration of ownership

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

(2) Subsection (3) applies to a cultural redress property, but only to the extent that the property is all of the land contained in a computer freehold register.

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

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

(b) record any entry on the computer freehold register and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.

(4) Subsection (5) applies to a cultural redress property, but only to the extent that subsection (2) does not apply to the property.

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

(a) create a computer freehold register for the fee simple estate in the property in the name of the trustees; and

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

(6) Subsection (5) is subject to the completion of any survey necessary to create a computer freehold register.

(7) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—

(a) 24 months after the settlement date; or

(b) any later date that may be agreed in writing by the Crown and the trustees.

(8) In this section, **authorised person** means—

(a) a person authorised by the chief executive of LINZ, for the Parimāhu Beach property:

(b) a person authorised by the chief executive of LINZ and a person authorised by the Director-General, for the Blackhead property:

(c) a person authorised by the Director-General, for all other properties.

69 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

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

(3) The marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of the Parimāhu Beach property is reduced to a width of 3 metres.

(4) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

(5) The trustees are appointed as the manager of the marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of the Omahu property as if that appointment were made under section 24H of that Act.

(6) Subject to section 24J of the Conservation Act 1987, the appointment under subsection (5) is only for as long as the trustees are the owners of the Omahu property.

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

70 Matters to be recorded on computer freehold register

(1) The Registrar-General must record on the computer freehold register,—

(a) for 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

(ii) that the land is subject to—

(A) sections 69(4) and 73; and

(B) section 66, in the case of the Lake Hatuma property; and

(b) for the Parimāhu Beach property, that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced to a width of 3 metres; and

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

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

(3) For the Pūrimu Lake property, if the reservation of the property under this subpart is revoked for—

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

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

(ii) the property is subject to sections 69(4) and 73; or

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

(4) For the Lake Hatuma property,—

(a) if the property remains a reserve but the joint management body is no longer the administering body of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notification that the property is subject to section 66; or

(b) if the reservation of the property under this subpart is revoked for—

(i) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notifications that—

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

(B) the property is subject to sections 69(4) and 73; and

(C) the property is subject to section 66, if that notification has not been removed under paragraph (a); or

(ii) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (b)(i) remain only on the computer freehold register for the part of the property that remains a reserve.

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

71 Application of other enactments

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

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals.

(2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.

(3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.

(4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

(a) the vesting of the fee simple estate in a cultural redress property under this subpart; or

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

Further provisions applying to reserve properties

72 Application of other enactments to reserve properties

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

(2) 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.

(3) 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.

(4) 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.

(5) Despite subsection (1), while the Hawke's Bay Fish and Game Council is the administering body of the Pūrimu Lake property, sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 apply in relation to that property.

73 Subsequent transfer of reserve land

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

(2) The fee simple estate in the reserve land may be transferred only in accordance with section 74 or 75.

(3) In this section and sections 74 to 76, **reserve land** means the land that remains a reserve as described in subsection (1).

74 Transfer of reserve land to new administering body

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

(2) The Minister of Conservation must give written consent to the transfer if the registered proprietors—

(a) satisfy the Minister that the new owners are able—

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

(ii) to perform the duties of an administering body under that Act; and

(b) in the case of the Pūrimu Lake reserve land to be transferred to a Pūrimu Lake entity, provide to the Minister a certificate given by the registered proprietors or their solicitor verifying that the new owners are a Pūrimu Lake entity.

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

(4) The required documents are—

(a) either,—

(i) if the Pūrimu Lake reserve land is to transfer to a Pūrimu Lake entity and the Hawke's Bay Fish and Game Council remains the administering body of the reserve land, a transfer instrument to transfer the fee simple estate in that land to the new owners; or

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

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

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

(d) any other document required for the registration of the transfer instrument.

(5) If the reserve land transfers as described in subsection (4)(a)(i), the Hawke's Bay Fish and Game Council remains the administering body as provided for by section 61(6).

(6) If the reserve land transfers as described in subsection (4)(a)(ii), 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.

(7) A transfer that complies with this section need not comply with any other requirements.

75 Transfer of reserve land if trustees change

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

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

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

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

76 Reserve land not to be mortgaged

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

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

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

(2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

Subpart 5—Vesting and gifting back of properties

78 Notice appointing delayed vesting date for certain properties

(1) This section applies to each of the following properties:

(a) Cape Kidnappers Gannet Protection Reserve:

(b) Cape Kidnappers Nature Reserve.

(2) The trustees may give written notice to the Minister of Conservation of the date or dates on which the properties are to vest in the trustees.

(3) A proposed vesting date must not be later than 5 years after the settlement date.

(4) The trustees must give the Minister of Conservation at least 40 working days' notice of a proposed vesting date.

(5) The Minister of Conservation must publish a notice in the *Gazette*—

(a) specifying the vesting date or dates; and

(b) stating that the fee simple estate in the property vests in the trustees on the relevant vesting date.

(6) The notice must be published as early as practicable before the relevant vesting date.

(7) In this section and section 79,—

Cape Kidnappers Gannet Protection Reserve means Section 3 Block III Kidnapper Survey District (as shown on OTS-110-38) to the extent that it is not within the coastal marine area

Cape Kidnappers Nature Reserve means the following (as shown on OTS-110-39) to the extent that they are not within the coastal marine area:

(a) Section 2 Block III Kidnapper Survey District; and

(b) the areas described in the first schedule of *Gazette* notice 435893.1 (Hawke's Bay Land District) as islands or rocks forming part of the area known as Black Reef

coastal marine area has the meaning given in section 2(1) of the Resource Management Act 1991

vesting date, in relation to a property, means—

(a) the date proposed by the trustees in accordance with subsections (2) to (4); or

(b) the date that is 5 years after the settlement date, if no date is proposed.

79 Delayed vesting and gifting back of certain properties

(1) This section applies to each of the following properties:

(a) Cape Kidnappers Gannet Protection Reserve:

(b) Cape Kidnappers Nature Reserve.

(2) The fee simple estate in the property vests in the trustees on the relevant vesting date.

(3) On the seventh day after the relevant vesting date, the fee simple estate in the property vests in the Crown as a gifting back to the Crown by the trustees on behalf of Heretaunga Tamatea for the people of New Zealand.

(4) However, the following matters apply as if the vestings had not occurred:

(a) the property remains a reserve under the Reserves Act 1977; and

(b) any enactment, instrument, or interest that applied to the property immediately before the vesting date continues to apply to it; and

(c) to the extent that the overlay classification applies to the property immediately before the vesting date, it continues to apply to the property; and

(d) the Crown retains all liability for the property.

(5) The vestings are not affected by—

(a) Part 4A of the Conservation Act 1987; or

(b) section 10 or 11 of the Crown Minerals Act 1991; or

(c) section 11 or Part 10 of the Resource Management Act 1991; or

(d) any other enactment relating to the land.

Part 3
Commercial redress

80 Interpretation

In subparts 1 to 3,—

Crown forest land has the meaning given in section 2(1) of the Crown Forest Assets Act 1989

Crown forestry licence—

(a) has the meaning given in section 2(1) of the Crown Forest Assets Act 1989; and

(b) in relation to the licensed land, means the licences described in the third column of the table in part 3 of the property redress schedule

Crown forestry rental trust means the forestry rental trust referred to in section 34 of the Crown Forest Assets Act 1989

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust

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

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

land holding agency means the land holding agency specified,—

(a) for licensed land, in part 3 of the property redress schedule; or

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

licensed land—

(a) means each property described in part 3 of the property redress schedule; but

(b) excludes—

(i) trees growing, standing, or lying on the land; and

(ii) improvements that have been—

(A) acquired by a purchaser of the trees on the land; or

(B) made by the purchaser or the licensee after the purchaser has acquired the trees on the land

licensed land entity means Kaweka Gwavas Forestry Company Limited

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

protected site means any area of land situated in the licensed land that—

(a) is wāhi tapu or a wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and

(b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act

right of access means the right conferred by section 94

shareholders' agreement and trust deed means the trust deed entered into by the Crown, the trustees, and the licensed land entity in accordance with clause 6.9 of the deed of settlement and in substantially the same form as set out in part 6.2 of the documents schedule.

Subpart 1—Transfer of licensed land and deferred selection properties

81 The Crown may transfer properties

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

(a) to transfer the fee simple estate in—

(i) the licensed land to the licensed land entity:

(ii) a deferred selection property to the trustees; and

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

(2) Subsection (3) applies to a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in section 17(2).

(3) As soon as is reasonably practicable after the date on which a 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 18 (which relates to the cancellation of resumptive memorials).

82 Minister of Conservation may grant easements

(1) The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to the licensed land.

(2) Any such easement is—

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

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

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

83 Computer freehold registers for deferred selection properties

(1) This section applies to each deferred selection property that is to be transferred to the trustees under section 81.

(2) However, this section applies only to the extent that—

(a) the property is not all of the land contained in a computer freehold register; or

(b) there is no computer freehold register for all or part of the property.

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

(a) create a computer freehold register for the fee simple estate in the property in the name of the Crown; and

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

(c) omit any statement of purpose from the computer freehold register.

(4) Subsection (3) is subject to the completion of any survey necessary to create a computer freehold register.

(5) In this section and sections 84 and 85, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

84 Computer freehold register for licensed land subject to single Crown forestry licence

(1) This section applies to licensed land that is subject to a single Crown forestry licence and is to be transferred to the licensed land entity under section 81.

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

(a) create a computer freehold register in the name of the Crown for the fee simple estate in the property; and

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

(c) omit any statement of purpose from the computer freehold register.

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

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

(1) For the purposes of sections 83 and 84, the authorised person may grant a covenant for the later creation of a computer freehold register for the licensed land or any deferred selection property.

(2) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a computer interest register; and

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

86 Application of other enactments

(1) This section applies to the transfer of the fee simple estate in the licensed land or a deferred selection property under section 81.

(2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

(3) The transfer does not—

(a) limit section 10 or 11 of the Crown Minerals Act 1991; or

(b) affect other rights to subsurface minerals.

(4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer.

(5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.

(6) In exercising the powers conferred by section 81, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.

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

Subpart 2—Licensed land

87 Licensed land ceases to be Crown forest land

(1) The licensed land ceases to be Crown forest land upon the registration of the transfer of the fee simple estate in the land to the licensed land entity.

(2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 6 of the deed of settlement, or part 6 of the property redress schedule.

88 Licensed land entity confirmed beneficiary and licensor of licensed land

(1) The licensed land entity is the confirmed beneficiary under clause 11.1 of the Crown forestry rental trust deed in relation to the licensed land.

(2) The effect of subsection (1) is that—

(a) the licensed land entity is entitled to the rental proceeds payable for the licensed land to the trustees of the Crown forestry rental trust under a Crown forestry licence since the commencement of the licence; and

(b) all the provisions of the Crown forestry rental trust deed apply on the basis that the licensed land entity is the confirmed beneficiary in relation to the licensed land.

(3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of a Crown forestry licence, even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land.

(4) Notice given by the Crown under subsection (3) has effect as if—

(a) the Waitangi Tribunal made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and

(b) the recommendation became final on the settlement date.

(5) The licensed land entity is the licensor under each Crown forestry licence as if the licensed land were returned to Māori ownership—

(a) on the settlement date; and

(b) under section 36 of the Crown Forest Assets Act 1989.

(6) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the licensed land.

89 Effect of transfer of licensed land

Section 88 applies whether or not the transfer of the fee simple estate in the licensed land has been registered.

90 Waitangi Tribunal jurisdiction preserved for other claimants for up to 8 years

(1) Despite sections 15 and 17, the Waitangi Tribunal may exercise its jurisdiction to inquire into, and to make recommendations regarding, any historical Treaty claim to the licensed land other than—

(a) a historical claim settled by this Act; or

(b) a historical claim described in clauses 9.2 to 9.4 of the Ahuriri Hapū deed of settlement.

(2) For the purposes of subsection (1), sections 8HA to 8HD of the Treaty of Waitangi Act 1975 apply with the following modifications:

(a) any shareholder in the licensed land entity is entitled to appear and be heard by the Waitangi Tribunal in relation to the historical Treaty claim; and

(b) the licensed land must be treated as if it were licensed land as defined in section 2(1) of the Crown Forest Assets Act 1989; and

(c) the Waitangi Tribunal must not, under section 8HB(1)(a) of the Treaty of Waitangi Act 1975, recommend the return to Māori ownership of a proportion of the area of the licensed land that is greater than the proportion of shares in the licensed land entity that are class B shares.

Example

If 10% of the shares in the licensed land entity are class B shares, the Waitangi Tribunal must not recommend the return of more than 10% of the area of the licensed land.

(3) The Crown must advise the Waitangi Tribunal of any change in the proportion of shares in the licensed land entity that are class B shares in order to inform the Tribunal of the extent of its jurisdiction under subsection (2)(c).

(4) This section ceases to apply on the earlier of the following:

(a) when the Crown advises the Waitangi Tribunal that there are no longer any class B shares:

(b) the start of the day immediately before the eighth anniversary of the settlement date.

(5) In this section,—

Ahuriri Hapū deed of settlement means the deed of settlement dated 2 November 2016 between Ahuriri Hapū, the Mana Ahuriri Trust, and the Crown

class B shares means shares in the licensed land entity that—

(a) are issued to the Crown in accordance with clause 6.9.1(b)(iii) of the deed of settlement; and

(b) have not—

(i) ceased to be class B shares by operation of the shareholders' agreement and trust deed; or

(ii) been transferred to another person.

91 Licensed land entity must give effect to Waitangi Tribunal recommendation

(1) This section applies if—

(a) the Waitangi Tribunal makes, in accordance with section 90(2)(c), an interim recommendation for the return to Māori ownership of an area of the licensed land; and

(b) the interim recommendation becomes a final recommendation under section 8HC of the Treaty of Waitangi Act 1975.

(2) The licensed land entity must give effect to the recommendation by transferring the area of licensed land as directed by the Waitangi Tribunal.

(3) Clauses 16 and 17 of any Crown forestry licence for land transferred in accordance with subsection (2) do not apply in relation to the recommendation.

92 Application of enactments to certain transfers of licensed land by licensed land entity

(1) This section applies if the licensed land entity transfers any part of the licensed land—

(a) to the Crown in accordance with clause 8(a)(i) of Schedule 1 of the shareholders' agreement and trust deed; or

(b) to any person in accordance with section 91(2) of this Act.

(2) If this section applies,—

(a) section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or any matter incidental to, or required for the purpose of, the transfer; and

(b) 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 that may be required for any matter incidental to, or for the purpose of, the transfer.

93 Status of licensed land if transferred to Crown

(1) If any part of the licensed land is transferred to the Crown in accordance with clause 8(a)(i) of Schedule 1 of the shareholders' agreement and trust deed,—

(a) the transferred land is deemed to be Crown forest land; and

(b) sections 8HA to 8HI of the Treaty of Waitangi Act 1975 and Part 3 of the Crown Forest Assets Act 1989 apply as if the transferred land were licensed land as defined in section 2(1) of the Crown Forest Assets Act 1989.

(2) If the Waitangi Tribunal recommends under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 that any part of the transferred land be returned to Māori ownership,—

(a) clauses 16 and 17 of any Crown forestry licence for the transferred land do not apply in relation to the recommendation; and

(b) section 92(2) of this Act applies to any transfer of the transferred land under section 36(1)(a) of the Crown Forest Assets Act 1989.

Subpart 3—Access to protected sites

94 Right of access to protected sites

(1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site.

(2) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.

(3) The right of access is subject to the following conditions:

(a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and

(b) the right of access may be exercised only at reasonable times and during daylight hours; and

(c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—

(i) for the safety of people; or

(ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or

(iii) for operational reasons.

95 Right of access over licensed land

(1) A right of access over licensed land is subject to the terms of any Crown forestry licence.

(2) However, subsection (1) does not apply if the licensee has agreed to the right of access being exercised.

(3) An amendment to a Crown forestry licence is of no effect to the extent that it would—

(a) delay the date from which a person may exercise a right of access; or

(b) adversely affect a right of access in any other way.

96 Right of access to be recorded on computer freehold registers

(1) This section applies to the transfer of any licensed land under section 81.

(2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land.

(3) The Registrar-General must, upon the registration of the transfer of the land, record on any computer freehold register for the land that the land is subject to a right of access to protected sites on the land.

Subpart 4—Right of first refusal over RFR land

Interpretation

97 Interpretation

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(a) means—

(i) to transfer or vest the fee simple estate in the land; or

(ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but

(b) to avoid doubt, does not include—

(i) to mortgage, or give a security interest in, the land; or

(ii) to grant an easement over the land; or

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

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

expiry date, in relation to an offer, means its expiry date under sections 100(2)(a) and 101

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 100, to dispose of RFR land to the trustees

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

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

RFR landowner, in relation to RFR land,—

(a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and

(b) means a Crown body, if the body holds the fee simple estate in the land; and

(c) includes a local authority to which RFR land has been disposed of under section 106(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date under section 107(1)

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

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

98 Meaning of RFR land

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

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

(i) is vested in the Crown; or

(ii) is held in fee simple by the Crown; and

(b) any land obtained in exchange for a disposal of RFR land under section 111(1)(c) or 112.

(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 104); or

(ii) any other person (including the Crown or a Crown body) under section 99(d); or

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

(i) under any of sections 108 to 114 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 115(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 123; or

(d) the RFR period for the land ends.

Restrictions on disposal of RFR land

99 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 105 to 114; or

(b) under any matter referred to in section 115(1); or

(c) in accordance with a waiver or variation given under section 123; 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 100; and

(ii) made on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and

(iii) not withdrawn under section 102; and

(iv) not accepted under section 103.

Trustees' right of first refusal

100 Requirements for offer

(1) An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees.

(2) The notice must include—

(a) the terms of the offer, including its expiry date; and

(b) the legal description of the land, including any interests affecting it, and the reference for any computer register for the land; and

(c) a street address for the land (if applicable); and

(d) a street address, postal address, and fax number or electronic address for the trustees to give notices to the RFR landowner in relation to the offer.

101 Expiry date of offer

(1) The expiry date of an offer must be on or after the date that is 20 working days after the date on which the trustees receive notice of the offer.

(2) However, the expiry date of an offer may be on or after the date that is 10 working days after the date on which the trustees receive notice of the offer if—

(a) the trustees received an earlier offer to dispose of the land; and

(b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and

(c) the earlier offer was not withdrawn.

102 Withdrawal of offer

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

103 Acceptance of offer

(1) The trustees may, by notice to the RFR landowner who made an offer, accept the offer if—

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

(2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less.

104 Formation of contract

(1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the trustees on the terms in the offer.

(2) The terms of the contract may be varied by written agreement between the RFR landowner and the trustees.

(3) Under the contract, the trustees may nominate any person (the **nominee**) to receive the transfer of the RFR land.

(4) The trustees may nominate a nominee only if—

(a) the nominee is lawfully able to hold the RFR land; and

(b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.

(5) The notice must specify—

(a) the full name of the nominee; and

(b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.

(6) If the trustees nominate a nominee, the trustees remain liable for the obligations of the transferee under the contract.

Disposals to others but land remains RFR land

105 Disposal to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

(2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

106 Disposal of existing public works to local authorities

(1) An RFR landowner may dispose of RFR land that is a public work or part of a public work, in accordance with section 50 of the Public Works Act 1981, to a local authority, as defined in section 2 of that Act.

(2) To avoid doubt, if RFR land is disposed of to a local authority under subsection (1), the local authority becomes—

(a) the RFR landowner of the land; and

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

107 Disposal of reserves to administering bodies

(1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.

(2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under subsection (1), the administering body does not become—

(a) the RFR landowner of the land; or

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

(3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—

(a) the RFR landowner of the land; and

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

Disposals to others where land may cease to be RFR land

108 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.

109 Disposal in accordance with legal or equitable obligations

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the settlement date; or

(ii) was conditional before the settlement date but became unconditional on or after the settlement date; or

(iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or

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

110 Disposal under certain legislation

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

(a) section 54(1)(d) of the Land Act 1948; or

(b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

(c) section 355(3) of the Resource Management Act 1991; or

(d) an Act that—

(i) excludes the land from a national park within the meaning of the National Parks Act 1980; and

(ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

111 Disposal of land held for public works

(1) An RFR landowner may dispose of RFR land in accordance with—

(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Māori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981.

112 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.

113 Disposal for charitable purposes

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

114 Disposal to tenants

The Crown may dispose of RFR land—

(a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or

(b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—

(i) before the settlement date; or

(ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or

(c) under section 93(4) of the Land Act 1948.

RFR landowner obligations

115 RFR landowner's obligations subject to other matters

(1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

(a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any interest or legal or equitable obligation—

(i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees; and

(ii) that the RFR landowner cannot satisfy by taking reasonable steps; and

(c) the terms of a mortgage over, or security interest in, RFR land.

(2) Reasonable steps, for the purposes of subsection (1)(b)(ii), do not include steps to promote the passing of an enactment.

Notices about RFR land

116 Notice to LINZ of RFR land with computer register after settlement date

(1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.

(2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.

(3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.

(4) The notice must include the legal description of the land and the reference for the computer register.

117 Notice to trustees of disposal of RFR land to others

(1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.

(2) The notice must be given on or before the date that is 20 working days before the day of the disposal.

(3) The notice must include—

(a) the legal description of the land, including any interests affecting it; and

(b) the reference for any computer register for the land; and

(c) the street address for the land (if applicable); and

(d) the name of the person to whom the land is being disposed of; and

(e) an explanation of how the disposal complies with section 99; and

(f) if the disposal is to be made under section 99(d), a copy of any written contract for the disposal.

118 Notice to LINZ of land ceasing to be RFR land

(1) This section applies if land contained in a computer register is to cease being RFR land because—

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

(i) the trustees or their nominee (for example, under a contract formed under section 104); or

(ii) any other person (including the Crown or a Crown body) under section 99(d); or

(b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—

(i) under any of sections 108 to 114; or

(ii) under any matter referred to in section 115(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 123.

(2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land.

119 Notice requirements

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

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

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the computer registers for,—

(a) the RFR land for which there is a computer register on the settlement date; and

(b) the RFR land for which a computer register is first created after the settlement date; and

(c) land for which there is a computer register that becomes RFR land after the settlement date.

(2) The chief executive must issue a certificate as soon as is reasonably practicable—

(a) after the settlement date, for RFR land for which there is a computer register on the settlement date; or

(b) after receiving a notice under section 116 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.

(3) Each certificate must state that it is issued under this section.

(4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register for the RFR land identified in the certificate that the land is—

(a) RFR land, as defined in section 98; and

(b) subject to this subpart (which restricts disposal, including leasing, of the land).

121 Removal of notifications when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 118, issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land; and

(d) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(3) If the Registrar-General receives a certificate issued under this section, he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under section 120 for the land described in the certificate.

122 Removal of notifications when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—

(a) the reference for each computer register for that RFR land that still has a notification recorded under section 120; and

(b) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under section 120 from any computer register identified in the certificate.

General provisions applying to right of first refusal

123 Waiver and variation

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

(2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.

(3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

124 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.

125 Assignment of rights and obligations under this subpart

(1) Subsection (3) applies if the RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and

(b) has given the notices required by subsection (2).

(2) The RFR holder must give notices to each RFR landowner that—

(a) state that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specify the date of the assignment; and

(c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.

(3) This subpart and Schedule 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,—

constitutional document means the trust deed or other instrument adopted for the governance of the RFR holder

RFR holder means the 1 or more persons who have the rights and obligations of the trustees under this subpart, because—

(a) they are the trustees; or

(b) they have previously been assigned those rights and obligations under this section.

Schedule 1
Hapū of Heretaunga Tamatea

s 13

Ngāi Tahu ki Takapau
Ngāi Tamaterā
Ngāi Te Ao
Ngāi Te Hauapu
Ngāi Te Hurihanga-i-te-rangi
Ngāi Te Kīkiri o Te Rangi
Ngāi Te Ōatua
Ngāi Te Rangikoianake I
Ngāi Te Rangikoianake II
Ngāi Te Rangitekahutia
Ngāi Te Rangitotohu (also known as Rangitotohu)
Ngāi Te Ūpokoiri
Ngāi Te Whatuiāpiti
Ngāi Toroiwaho
Ngāti Hāwea
Ngāti Hikatoa
Ngāti Hinemanu
Ngāti Hinemoa
Ngāti Hinetewai
Ngāti Honomōkai
Ngāti Hōri
Ngāti Hotoa
Ngāti Kautere
Ngāti Kere
Ngāti Kotahi
Ngāti Kurukuru
Ngāti Mahuika
Ngāti Manuhiri
Ngāti Mārau o Kahungunu (also known as Ngāti Mārau)
Ngāti Mihiroa
Ngāti Ngarengare
Ngāti Papatuamāro

Ngāti Pīhere

Ngāti Pōporo

Ngāti Pukututu

Ngāti Rāhunga

Ngāti Takaora (Ngāti Tākaro)

Ngāti Tamatea

Ngāti Te Rehunga

Ngāti Toaharapaki

Ngāti Tukuaterangi (also known as Ngāti Tukua I te Rangi, Ngāti Tukuoterangi, Ngāti Tuku(a)oterangi)

Ngāti Ura ki te Rangi (also known as Ngāti Urakiterangi)

Ngāti Whakaiti

Schedule 2
Historical claims of Heretaunga Tamatea

s 14

Part 1
Claims that relate exclusively to Heretaunga Tamatea or representative entity

Wai 69 (Rangaika Reserve claim)

Wai 71 (Mangateretere West Block claim)

Wai 127 (Puketapu-Fernhill claim)

Wai 270 (Kairakau Block claim)

Wai 397 (Gwavas Forest Park claim)

Wai 402 (Part Ngaruroro Riverbed claim)

Wai 516 (Waingongoro Stream claim)

Wai 527 (Paki Paki School House claim)

Wai 536 (Pakowhai Nature Reserve and Ngaruroro Riverbed claim)

Wai 574 (Karanema Reserve claim)

Wai 596 (Ngatarawa Block claim)

Wai 768 (Korongata Land Blocks (Heretaunga) claim)

Wai 769 (Waipapa No. 3 and Other Blocks (Heretaunga) claim)

Wai 816 (Ngāti Whatui-A-Piti Rohe claim)

Wai 885 (Peka Peka Blocks (South Hastings) claim)

Wai 1188 (Kenrick Whānau Peka Peka Land claim)

Wai 1345 (Te Orora (Tuingara Point Nature Reserve) claim)

Wai 1346 (Nga Uri o Te Hapuku claim)

Wai 1348 (Parahaki claim)

Wai 1351 (Ruaumoko Incorporated claim)

Wai 1418 (Heretaunga Plains claim)

Wai 1419 (Horonui Station claim)

Wai 1429 (Ngāti Mihiroa (Marine Mammals Protection Act) claim)

Wai 1443 (Descendants of Hupata Wheao claim)

Wai 1453 (Ngāti Mihiroa and Ngāti Ngarengare (Smith-laea) claim)

Wai 1567 (Ngaruroro River and Kohupatiki Marae claim)

Wai 1570 (Soldiers Settlement Act and Māori Social and Economic Advancement Act claim)

Wai 1581 (Descendants of Tunui-a-rangi Rupuha Te Hianga and Ripeka Rupuha Lands claim)

Wai 1583 (Pukehou and other blocks (Kiripatea) claim)

Wai 1893 (Ngāti Kahungunu Lands and Resources (Pene) claim)

Wai 1946 (Descendants of Te Hāpuku (Roach) Lands claim)

Wai 1948 (Heretaunga Plains Lands (Moananui) claim)

Wai 1951 (Descendants of Hineipaketia Waipukurau Block claim)

Wai 1984 (Ngāti Mihiroa and Ngāti Kahungunu Local Government and Rating claim)

Wai 1985 (Waimarama Lands and Waterways (Grey) claim)

Wai 2051 (Kenrick Whānau Mental Health claim)

Wai 2144 (Poukawa Lake (Grey) claim)

Wai 2221 (Te Aute gifted lands claim)

Part 2
Other claims

Wai 161 (Waipukurau Block claim)

Wai 201 (Wairoa ki Wairarapa claim)

Wai 263 (Te Koau Block and Ruahine Ranges claim)

Wai 378 (Owhaoko C3B Block claim)

Wai 382 (Kaweka Forest Park and Ngaruroro River claim)

Wai 400 (Ahuriri Block claim)

Wai 401 (Renata Kawepo Estate claim)

Wai 595 (Heretaunga Aquifer claim)

Wai 610 (Omarunui Lands claim)

Wai 652 (Tamaki-Nui-a-Rua Rohe claim)

Wai 657 (Aorangi Settlement claim)

Wai 692 (Napier Hospital Services claim)

Wai 799 (Karanema Reserve-Te Mata Peak claim)

Wai 850 (Cape Kidnappers claim)

Wai 852 (Kahungunu Petroleum claim)

Wai 1021 (Ngāti Te Whatui-A-Piti Land Reserves claim)

Wai 1232 (Ngāti Kere Heretaunga and Tamatea Lands and Resources claim)

Wai 1233 (Ngāi Te Kikiri o Te Rangi Heretaunga and Tamatea Lands and Resources claim)

Wai 1234 (Rongo a Tahu Heretaunga and Tamatea Lands and Resources claim)

Wai 1235 (Ngāti Pōporo Heretaunga and Tamatea Lands and Resources claim)

Wai 1236 (Ngāi Te Rangikoianake Heretaunga and Tamatea Lands and Resources claim)

Wai 1237 (Hapū of Houngarea Marae Heretaunga and Tamatea Lands and Resources claim)

Wai 1238 (Hapū of Mangaroa Marae Heretaunga and Tamatea Lands and Resources claim)

Wai 1239 (Hapū of Matahiwi Marae Heretaunga and Tamatea Lands and Resources claim)

Wai 1240 (Ngāti Mihiroa Heretaunga and Tamatea Lands and Resources claim)

Wai 1241 (Hapū of Omāhu Marae Heretaunga and Tamatea Lands and Resources claim)

Wai 1242 (Hapū of Ruahapia Marae Heretaunga and Tamatea Lands and Resources claim)

Wai 1243 (Hapū of Te Awhina Marae Heretaunga and Tamatea Lands and Resources claim)

Wai 1244 (Hapū of Waipatu Marae Heretaunga and Tamatea Lands and Resources claim)

Wai 1245 (Hapū of Waimarama Marae Heretaunga and Tamatea Lands and Resources claim)

Wai 1246 (Ngāi Te Whatuiāpiti Heretaunga and Tamatea Lands and Resources claim)

Wai 1344 (Te Orora (Peka Peka) claim)

Wai 1425 (Ngāti Hinemanu (Te Rito and others) claim)

Wai 1436 (East Cape to Wairoa-Heretaunga Oil, Gas, Gold and Other Minerals claim)

Wai 1456 (Te Aute College claim)

Wai 1568 (Southern Hawke's Bay Lands (Paewai and Apatu) claim)

Wai 1693 (Descendants of Whiu and Kahuihina Kara Carrol Lands claim)

Wai 2046 (Ngati Mihiroa, Ngati Ngarengare and Muaupoko (Kenrick) Lands claim)

Schedule 3
Statutory areas of Heretaunga Tamatea

ss 21, 30

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Māharakeke Stream (with recorded name Maharakeke Stream) and its tributaries	As shown on OTS-110-26
Mākāretu River (with recorded name Makaretu River) and its tributaries within the Heretaunga Tamatea area of interest	As shown on OTS-110-27
Maraetōtara River (with recorded name Maraetotara River) and its tributaries	As shown on OTS-110-28
Pōrangahau / Tāurekaitai River (with recorded name Porangahau River) and its tributaries within the Heretaunga Tamatea area of interest	As shown on OTS-110-32
Tukipō River (with recorded name Tukipo River) and its tributaries	As shown on OTS-110-29
Tukituki River and its tributaries within the Heretaunga Tamatea area of interest	As shown on OTS-110-30
Waipawa River and its tributaries within the Heretaunga Tamatea area of interest	As shown on OTS-110-31

Part 2
Areas subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
Clive River and its tributaries	As shown on OTS-110-06
Elsthorpe Scenic Reserve	As shown on OTS-110-07
Hiranui Scenic Reserve	As shown on OTS-110-08
Inglis Bush Scenic Reserve	As shown on OTS-110-09
Kāhika Conservation Area	As shown on OTS-110-10
Karamū Stream (with official name Karamu Stream) and its tributaries	As shown on OTS-110-11
Maraetōtara Gorge Scenic Reserve (with official name Maraetotara Gorge Scenic Reserve)	As shown on OTS-110-14
Maraetōtara Scenic Reserve (with official name Maraetotara Scenic Reserve)	As shown on OTS-110-13
Mātai Moana Scenic Reserve (with official name Matai Moana Scenic Reserve)	As shown on OTS-110-15
McLeans Bush Scenic Reserve	As shown on OTS-110-16
Mohi Bush Scenic Reserve	As shown on OTS-110-17
Monckton Scenic Reserve	As shown on OTS-110-18
Ngaruroro River and its tributaries within the Heretaunga Tamatea area of interest	As shown on OTS-110-19
Parkers Bush Scenic Reserve	As shown on OTS-110-20

Statutory area	Location
Part of Kāweka State Forest Park (with official name Kaweka State Forest Park)	As shown on OTS-110-12
Part of Ruahine Forest Park	As shown on OTS-110-22
Ruahine Forest (East) Conservation Area	As shown on OTS-110-21
Springhill Scenic Reserve	As shown on OTS-110-23
Te Aute Conservation Area	As shown on OTS-110-24
Tūtaekurī River (with official name Tutaekuri River) and its tributaries within the Heretaunga Tamatea area of interest	As shown on OTS-110-25

Schedule 4
Overlay areas of Heretaunga Tamatea

s 36

Overlay area	Location	Description
A'Deanes Bush Scenic Reserve	As shown on OTS-110-02	*Hawke's Bay Land District—Central Hawke's Bay District* 38.1387 hectares, more or less, being Part Lot 3 DP 2462 and Sections 2 and 7 SO 7733.
Cape Kidnappers Gannet Protection Reserve	As shown on OTS-110-03	*Hawke's Bay Land District—Hastings District* 7.9653 hectares, more or less, being Section 3 Block III Kidnapper Survey District, together with the area classified as a government purpose reserve by *Gazette* notice 631798.1.
Cape Kidnappers Nature Reserve	As shown on OTS-110-04	*Hawke's Bay Land District—Hastings District* 4.9441 hectares, more or less, being Section 2 Block III Kidnapper Survey District, together with any other area described in the first schedule of *Gazette* notice 435893.1 as islands or rocks forming part of the area known as Black Reef.
Gwavas Conservation Area	As shown on OTS-110-05	*Hawke's Bay Land District—Hastings District and Central Hawke's Bay District* 2701.3150 hectares, more or less, being Section 4 SO 10139, Section 6 SO 10107, and Part Section 11 Block III Whakarara Survey District.

Schedule 5
Cultural redress properties of Heretaunga Tamatea

ss 54, 65, 67

Properties vested in fee simple

Name of property	Description	Interests
Blackhead property	*Hawke's Bay Land District—Central Hawke's Bay District* 10.4196 hectares, more or less, being Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 SO 496775.	Subject to an unregistered low impact, research and collection permit with national permit number WE-32716-FAU to Auckland Museum. Subject to an unregistered permit with permit number 34958-FAU to Hawke's Bay Fish and Game Council.
Omahu property	*Hawke's Bay Land District—Central Hawke's Bay District* 44.0230 hectares, more or less, being Section 1 SO 497236.	Subject to an unregistered low impact, research and collection permit with national permit number TT-25380-FLO to Graeme Jane. Subject to an unregistered low impact, research and collection permit with national permit number AK-32415-FAU to Auckland Museum. Subject to an unregistered high impact, research and collection permit with national permit number AK-31321-FAU to Adriean J Mayor. Subject to an unregistered Wildlife Act Authority permit with national permit number 35130-FAU to Wildland Consultants Limited. Subject to an unregistered Wildlife Act Authority permit with national permit number 35196-FAU to Marieke Lettink. Subject to an unregistered permit with permit number 34958-FAU to Hawke's Bay Fish and Game Council. Subject to an unregistered low impact, research and collection permit with national permit number WE-32716-FAU to Auckland Museum. Subject to an unregistered concession (permit) with concession number CA-31615-OTH to Landcare Research New Zealand Limited.

Name of property	Description	Interests
		Subject to an unregistered low impact, research and collection permit with national permit number BP-25358-FLO to Graeme Jane. Subject to an unregistered low impact, research and collection permit with national permit number WK-33705-FLO to Gillian Rapson. Subject to an unregistered permit with national permit number 35818–FAU to Animal Health Board Incorporated. Subject to an unregistered permit with national permit number 35818-FAU and assignment with concession number 36927-DAM to TBfree New Zealand Limited.
Parimāhu Beach property	*Hawke's Bay Land District—Central Hawke's Bay District* 9.6270 hectares, more or less, being Sections 1 and 2 SO 488236.	Subject to a deed of easement for a right of way in gross in favour of the Central Hawke's Bay District Council held in computer interest register 734504.

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Lake Hatuma property	*Hawke's Bay Land District—Central Hawke's Bay District* 100.1854 hectares, more or less, being Section 7 Block II Motuotaraia Survey District. 2.0689 hectares, more or less, being Lot 1 DP 7057. All computer freehold register HBK4/745.	Subject to being a recreation reserve, as referred to in section 58(3). Subject to an unregistered grazing licence with concession number 40022-GRA to TH Mackie Family Trust (affects Section 7 Block II Motuotaraia Survey District). Subject to an unregistered low impact, research and collection permit with national permit number WE-32716–FAU to Auckland Museum. Subject to an unregistered permit with permit number 34958-FAU to Hawke's Bay Fish and Game Council.
Pūrimu Lake property	*Hawke's Bay Land District—Central Hawke's Bay District* 30.6500 hectares, more or less, being Section 1 SO 497410. All computer interest register 460049.	Subject to being a recreation reserve, as referred to in section 61(4). Subject to an unregistered low impact, research and collection permit with national permit number WE-32716-FAU to Auckland Museum.

Name of property	Description	Interests
		Subject to an unregistered permit with permit number 34958-FAU to Hawke's Bay Fish and Game Council.

Schedule 6
Notices in relation to RFR land

ss 97, 119, 125(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under subpart 4 of Part 3 must be—

(a) in writing and signed by—

(i) the person giving it; or

(ii) at least 2 of the trustees, for a notice given by the trustees; and

(b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—

(i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 99, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under section 115 or 117, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite clause 1, a notice given in accordance with clause 1(a) may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

3 Time when notice received

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

(a) at the time of delivery, if delivered by hand; or

(b) on the 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.

Legislative history

28 June 2017	Introduction (Bill 279–1)
15 August 2017	First reading and referral to Māori Affairs Committee
29 March 2018	Reported from Māori Affairs Committee (Bill 279–2)
5 April 2018	Second reading
21 June 2018	Third reading
26 June 2018	Royal assent

This Act is administered by the Ministry of Justice.

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