

**Reprint  
as at 1 September 2017**



## **Hineuru Claims Settlement Act 2016**

Public Act    2016 No 33  
Date of assent    4 July 2016  
Commencement    see section 2

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

**1 Title**

This Act is the Hineuru Claims Settlement Act 2016.

**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**

**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 Hineuru in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Hineuru.

**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 Hineuru, as recorded in the deed of settlement; and
  - (e) defines terms used in this Act, including key terms such as Hineuru 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 requirement that the Minister of Conservation, the Director-General, and the trustees enter into Te Kawenata; and
    - (ii) protocols for Crown minerals and taonga tūturu on the terms set out in the documents schedule; and
    - (iii) a statutory acknowledgement by the Crown of the statements made by Hineuru 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
    - (iv) Te Korowai o Te Hā applying to certain areas of land; and
    - (v) the provision of official geographic names; and
    - (vi) the establishment of a fisheries advisory committee; and
    - (vii) provision for Hineuru to appoint a member to the Rangitaiki River Forum, which is the same body as that established by section 104 of the Ngāti Manawa Claims Settlement Act 2012 and section 108 of the Ngāti Whare Claims Settlement Act 2012; and
  - (b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and
  - (c) the vesting in the trustees of 1 property with a gifting back of the property by the trustees to the Crown for the people of New Zealand.
- (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 4 schedules, as follows:
- (a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued:
  - (b) Schedule 2 describes the Te Korowai o Te Hā areas to which Te Korowai o Te Hā applies:
  - (c) Schedule 3 describes the cultural redress properties:
  - (d) Schedule 4 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 Hineuru 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 Historical account**

*He Whakarāpopototanga i ngā āhuatanga mai i mua ki nāianei e pā ana ki ngā kerēme o Hineuru*

- (1) I waenganui i te rau tau tekau mā iwa i noho ngā tīpuna o Hineuru i ngā kōawa o Waipunga me Mōhaka, i ngā kāinga o Tarawera, o Waiparatī me ētahi atu kāinga i te tuawhenua i ngā maunga i waenga i Heretaunga me Taupō Moana.
- (2) Nō te marama o Nōema 1851, ka hokona e te Karauna te poraka o Ahuriri, tata ki te 265 000 eka, mai i tētahi atu iwi, engari kīhai a Hineuru i whai wāhi ki ngā whakawhiti kōrero. Kāore rawa te Karauna i rāhui whenua i te poraka o Ahuriri mā Hineuru.
- (3) Mai i ngā tau i te takiwā o te tau 1865 ka tahuri ētahi o Hineuru ki te whakapono Pai Mārire. Nā Panapa, te kaihautū o te Pai Mārire i waenga i a Hineuru, i whakatū tētahi kāinga Pai Mārire i Waiparatī.
- (4) I te tau 1866, ka tuhi atu a Panapa me te rangatira o Hineuru, a Te Rangihīroa ki te Karauna me te kī atu ka haere atu rātou me tō rātou tira ki te takutai o Hāke Pei, ā, he urupare tēnei ki tētahi pōwhiri nā te Karauna kia hui tahi. Ki te

titiro a te Karauna he whakatuma tēnei ki te noho haumarua o te takiwā. I te marama o Oketopa 1866, i muri i te paunga o te wā o te pānui ki a rātou kia whakahauraro, ka whakaekea e ngā hōia o te Karauna ētahi tāngata, me Hineuru anō hoki, i te noho hōpuni i Ōmarunui. I taua rangi anō, ka rorehapetia, ka karapotia, ka whakaeke ngā hōia o te Karauna i tētahi atu rōpū, ko Te Rangihīroa te rangatira, i te takiwā o Pētane. Tata ki te 35 te hunga Māori, tae atu ki a Te Rangihīroa me ētahi atu o Hineuru, i hinga i ēnei kōkiri e rua. Kātahi ka whāia a Hineuru me ētahi atu tāngata Māori e ngā hōia a te Karauna ki roto i te rohe o Hineuru. Ka raupatutia te kāinga i Waiparatī me te takiwā i te taha. Te taenga ki te mutunga o te tau 1866, kua whakarērea e Hineuru tata ki te katoa o ō rātou kāinga me ā rātou māra nā ngā pakanga ki te Karauna te take.

- (5) Toru tekau mā whā ngā tāngata takitahi o Hineuru i roto i ngā mauhere waru tekau mā ono a Te Karauna i Ōmarunui, me te pakanga i Pētane. Ko te nuinga i kawea atu ki Wharekauri, mauhere ai mō te takiwā o te rua tau, kāore he whakawā. Nō te tau 1868 ka rere ētahi o ngā mauhere i reira, ka uru ki tētahi pakanga ki te Karauna. I tēnei o ngā pakanga ka kōkiritia a Ngātapa e ngā hōia o te Karauna i te marama o Hānuere 1869. I whakahokia mai he upoko tangata kua oti te poutoa ki te puni o te Karauna, ki ētahi, ko te upoko tēnei o Nikora o Hineuru. Ka tahuri ngā hōia a te Karauna ki te whakamate i ētahi o ngā mauhere i mau rā i Ngātapa.
- (6) Nō te tau 1867 ka whakapuakina e te Karauna tētahi rohe muru raupatu nui i Hāke Pei, kei roto nei te nuinga o te rohe o Hineuru. I muri ka puritia e te Karauna tētahi 43 000 eka i te Rāhui o Tarawera, me ngā rohe o Te Hāroto me Waitara, i te manawa tonu o te rohe o Hineuru. Ka whakahokia e te Karauna te toenga o te whenua i te rohe muru raupatu i te rohe o Hineuru, tae atu ki ngā poraka o Tarawera me Tatarāakina, ki ētahi tāngata Māori takitahi. Ka aukatingia ētahi o Hineuru i ngā taitara o Tarawera me Tatarāakina i te tau 1870, nā konā i heke ai te pānga a Hineuru ki te poraka o Tarawera kia noho ko rātou te itinga.
- (7) I waenga i ngā tau 1909 me 1924, he maha ngā pitihana a Hineuru ki te Pāremata me te whakahē ki te Karauna mō ā rātou nawe mō Tarawera me Tatarāakina. I riro i te Karauna ētahi wāhanga o te poraka o Tarawera i te tau 1923, me 1924. I te tau 1924 ka whakaurua e te Karauna he ture i āhei ai te Kōti Whenua Māori ki te whakawhiwhi whenua i ngā poraka o Tarawera me Tatarāakina ki ngā tāngata takitahi o Hineuru i heke ā-whakapapa mai i ērā tāngata kāore i whiwhi taitara i ngā tau mai i 1870. Nā konei i whakaurua e te Kōti Whenua Māori ētahi huringa ki ngā taitara o ngā poraka e rua i ngā tau mai i 1920. I te tau 1952 ka whakaurua anō e Te Karauna tētahi ture hei huripoki i ngā taitara i whakawhiwhia i raro i ngā ture o 1924, me te whakamana i te Kōti Whenua Māori ki te tuhi rārangi tāngata whai pānga mō ngā poraka hou. I kotia atu ētahi tāngata takitahi o Hineuru kua whakaurua ki ngā taitara i te tau 1924. Ko te hua ia o ēnei huringa kua rangirua te mana

pupuri whenua, kua puta he taumahatanga ā-moni tino taumaha, me te whakapōrarururu i te noho o Hineuru.

- (8) Kāore te wāhanga whaka-te-raki o te rohe o Hineuru i uru ki te poraka raupatu. I muri i te tau 1877 ka wherawheratia e Te Kōti Whenua Māori ētahi o ngā poraka i te rohe o Hineuru, ā, ka riro ētahi wāhanga nui o te whenua o Hineuru te hoko e te Karauna, me ngā kaihoko tūmataiti. I whāia e te Karauna ētahi tikanga hoko rerekē, pēnei i te utu i ētahi pūtea i mua i te hoko, te whakakāhore ki te utu rēti mō ngā whenua kua whakaae kē te Karauna ka rīhitia e ia, me te tango i ngā mana tapatahi mō te whakatau take. Ka hokona hoki e te Karauna ngā pānga takitahi i Heruiwi 4A2B i muri i te whakatau a ngā kaipupuri e kore rātou e hoko, me te tango i tētahi whenua nui hei utu i te rūri. Ināianei kua tata whenua-kore a Hineuru.
- (9) Kātahi ka whakatūria e Hineuru he kāinga i Te Hāroto i ngā tau whakamutunga o te rau tau tekau mā-iwa. Ahakoa tērā, i te rau tau rua tekau ka raru a Hineuru i te kore huarahi hei mahi oranga, me te noho rawakore mō te nuinga, te kore whare, me te hekenga atu o te tini o Hineuru i tō rātou rohe tuku iho.

*Summary of historical account*

- (10) In the mid-nineteenth century, the tīpuna of Hineuru lived and cultivated in the Waipunga and Mōhaka river valleys and at Tarawera, Waiparati, and other kāinga in the mountainous inland region between Hawke’s Bay and Taupō Moana.
- (11) In November 1851, the Crown purchased the Ahuriri block of approximately 265 000 acres from another iwi without including Hineuru in the negotiations. The Crown did not reserve any land from the Ahuriri block for Hineuru.
- (12) From the mid-1860s, some Hineuru converted to Pai Mārire. Panapa, the Pai Mārire leader among Hineuru, established a Pai Mārire settlement at Waiparati.
- (13) In 1866, Panapa and the Hineuru rangatira Te Rangihīroa wrote to the Crown that they would come with a party to coastal Hawke’s Bay in response to a Crown invitation to meet. The Crown viewed this party as a threat to the region’s security. In October 1866, after the expiry of an ultimatum calling for their surrender, Crown forces attacked a group of people, including Hineuru, camped at Ōmarunui. On the same day, Crown forces also intercepted and surrounded, and then subsequently attacked, another group led by Te Rangihīroa, near Pētane. About 35 Māori, including Te Rangihīroa and other Hineuru individuals, were killed in the 2 attacks. Crown forces subsequently pursued Hineuru and other Māori, who escaped the attacks, into the Hineuru rohe and plundered kāinga at Waiparati and in the surrounding area. By the end of 1866, Hineuru had abandoned nearly all of their kāinga and cultivations due to conflict with the Crown.
- (14) Thirty-four Hineuru individuals were among the 86 prisoners of the Crown captured at Ōmarunui and in the conflict near Pētane. Most were transported to the Chatham Islands and detained without trial in harsh conditions for almost 2

years. In 1868, the prisoners escaped and became embroiled in a war with the Crown. During this war, Crown forces attacked Ngātapa in January 1869. After the attack, a severed head, reported to belong to Nikora of Hineuru, was brought back to the Crown camp. Crown forces summarily executed a number of prisoners captured at Ngātapa.

- (15) In 1867, the Crown proclaimed a large confiscation district in Hawke's Bay, including much of the rohe of Hineuru. The Crown subsequently retained approximately 43 000 acres in the Tarawera Reserve, Te Hāroto, and Waitara blocks in the core of the Hineuru rohe. The Crown returned the remainder of the land in the confiscation district within the Hineuru rohe, including the Tarawera and Tataraaakina blocks, to individual Māori. This excluded a number of Hineuru from the titles for Tarawera and Tataraaakina, reducing the Hineuru interest in the Tarawera block to that of a minority.
- (16) Between 1909 and 1924, Hineuru repeatedly petitioned Parliament and protested to the Crown about their grievances in respect of the Tarawera and Tataraaakina titles. The Crown acquired parts of the Tarawera block in 1923 and 1924. In 1924, the Crown promoted legislation that allowed the Native Land Court to award land in Tarawera and Tataraaakina to Hineuru individuals descended from those excluded from the titles in 1870. As a result, the Native Land Court made a number of changes to the titles to the 2 blocks in the 1920s. In 1952, the Crown promoted further legislation that overturned the titles awarded as a result of the 1924 legislation, and empowered the Native Land Court to compile new ownership lists for the blocks. The new ownership lists excluded Hineuru individuals who had been admitted to the titles after 1924. Those changes resulted in decades of tenurial uncertainty, significant financial burdens, and social dislocation for Hineuru.
- (17) The northern part of the Hineuru rohe was not included in the confiscation. After 1877, the Native Land Court investigated title to a number of blocks in the Hineuru rohe, and the Crown and private purchasers subsequently acquired large areas of Hineuru land. The Crown employed purchasing tactics such as the payment of pre-title advances, declining to pay regular rents on lands it had agreed to lease, and the imposition of monopoly powers. The Crown also purchased individual interests in Heruiwi 4A2B after the owners made collective decisions not to sell, and took a significant amount of land for survey costs. Today, Hineuru are virtually landless.
- (18) Hineuru re-established a community at Te Hāroto in the late nineteenth century. However, in the twentieth century Hineuru faced economic insecurity, which was accompanied by widespread poverty, poor housing, disease, and the subsequent migration of many Hineuru from their traditional rohe.

## 9 Acknowledgements

*Ngā whakaaetanga a te Karauna*

- (1) E whakaae ana te Karauna, i tāna hokonga i te poraka o Ahuriri i te tau 1851,—

- (a) kāore ia i whakauru i a Hineuru ki roto i ngā whakawhiti kōrero; ā
  - (b) kāore rawa ia i rāhui whenua i te hoko o Ahuriri mā Hineuru; ā
  - (c) ko ēnei mahi, hapanga hoki ka noho hei takahanga i ngā here i runga i te Karauna kia āta tiakina e ia i runga i te mataara ngā tika o Hineuru, ā, he takahanga hoki i Te Tiriti o Waitangi me ōna kaupapa.
- (2) E whakaae ana te Karauna—
- (a) i whakaputaina e ia he whakahau tikanga-kore kia whakahauraro ngā tāngata katoa i roto i Ōmarunui, hei aha te kawē haere tonu i ngā whakawhiti kōrero e houhia ai te rongō; ā
  - (b) i mōrearea te ora o ngā tāne, o ngā wāhine me ngā tamariki katoa i roto i Ōmarunui i ngā ope hōia a te Karauna, nā tō rātou whakaekenga o te pā i te paunga o te wā o te kupu whakahau; ā
  - (c) neke atu i te rua tekau ngā tāngata i mate, tae atu ki ētahi o Hineuru, i tā rātou mahi ki te tiaki i tō rātou ora i roto i Ōmarunui; ā
  - (d) i mate a Te Rangihīroa me ētahi atu tāngata tekau mā tahi i te aukatinga me te karapotitanga, mutu rawa atu ki te huaki, i tō rātou ope i te takiwā o Pētane; ā
  - (e) i whāia ngā Māori tahuti i ngā kōkiri i Ōmarunui me Pētane ki roto i te rohe o Hineuru e ngā ope hōia a te Karauna, ā, i murua ngā kāinga o Waiparatī me ngā rohe i te taha; ā
  - (f) ko ngā whakaeke i Ōmarunui me Pētane, tae atu ki te whāinga me te murunga o ngā kāinga o Hineuru, he hē, he takahanga hoki i te Tiriti o Waitangi me ōna kaupapa.
- (3) E whakaae ana te Karauna—
- (a) i muri i ngā whakaeke i Ōmarunui me Pētane ka whakaraua 86 ngā whakarau e ngā hōia o te Karauna, tae atu ki te 34 o Hineuru, ā, ka kawea haeretia te nuinga o ngā mauhere ki Wharekauri; ā
  - (b) ko te puritanga o ngā whakarau o Hineuru me ētahi atu whakarau Māori e te Karauna i Wharekauri mō te takiwā o te rua tau, he hē, he takahanga hoki i te Tiriti o Waitangi me ōna kaupapa.
- (4) Kei te whakaae te Karauna ka noho ko ngā whakamatenga mauhere e ngā ope hōia o te Karauna i Ngātapa i te Hānuere 1869 hei hē, hei takahanga hoki i te Tiriti o Waitangi me ōna kaupapa, hei tūkinotanga hoki i te mana o te Karauna.
- (5) E whakaae ana te Karauna—
- (a) i te tau 1867 ka pānuitia e te Karauna he rohe raupatu kei roto nei te nuinga o te rohe o Hineuru; ā
  - (b) nō muri mai ka whakawetohia katoatia ngā pānga tuku iho a Hineuru i te rohe raupatu, me te pupuri a te Karauna i ngā whenua mōna anō i Tarawera, i Waitara, i Te Hāroto, ā, nā ēnei mahinga i takahi te Tiriti o Waitangi me ōna kaupapa.

- (6) E whakaae ana te Karauna—
- (a) i te tau 1870 i whakaae ia ki te karāti i Tarawera me Tataraaakina ki ētahi tāngata Māori takitahi, ka wareware ki te kawē i tāna wherawhera motuhake e tika ana mō ngā pānga tuku iho i ēnei poraka; ā
  - (b) he hē te aukatinga o ētahi o Hineuru i ngā taitara o Tarawera me Tataraaakina i te tau 1870, nā konā i heke ai te pānga a Hineuru ki te poraka o Tarawera kia noho ko rātou te itinga; ā
  - (c) i hoko whenua ia i roto i Tarawera i runga i te take o ngā rārangi kaupupuri o 1870, i a Hineuru e tonono ana i tētahi wherawheratanga o te taitara; ā
  - (d) i hē kē atu te aukatinga o Hineuru i te puritanga o Tarawera me Tataraaakina i te tau 1952 i tā te Karauna whakamananga i te Kōti Whenua Māori kia murua atu ngā tāngata takitahi o Hineuru i tukua atu ki ngā taitara i muri i 1924; ā
  - (e) i kawea e Hineuru ētahi nama taumaha nā runga i ngā nama kōti, rūri hoki i ara ake i ngā whakawākanga me ngā wāwāhanga o Tarawera me Tataraaakina; ā
  - (f) he takahanga i te Tiriti o Waitangi me ōna kaupapa te waihotanga hē i te iwi o Hineuru ki waho i te mana pupuri i Tarawera me Tataraaakina.
- (7) E whakaae ana te Karauna—
- (a) kāore ia i mātoro i a Hineuru i mua i tana whakaurunga mai i ngā ture mō ngā whenua Māori; ā
  - (b) kāore i hāngai ki runga i ngā tikanga o Hineuru te whakawhiwhi taitara takitahi, nā ngā ture whenua Māori i whakahau; ā
  - (c) ka herea te iwi i raro i ngā ture whenua Māori kia uru a Hineuru ki ngā whakahaere o Te Kōti Whenua Māori, me i hiahia rātou ki te pupuri taitara ki ō rātou whenua tuku iho, kia āhei hoki ki te whakamahi i aua whenua i te ōhanga o te ao hou; ā
  - (d) i muri tata tonu iho i te whakaurunga o te Kōti Whenua Māori kīhai i taea e Hineuru te whai wāhi ki te wherawhera o te taitara o Pākaututu, nā te taimahatanga o ērā wā, arā, ngā raruraru me ngā tautohe ki te Karauna; ā
  - (e) ka tonoa putuputungia a Hineuru kia haere i raro i ngā whakaritenga a te Kōti Whenua Māori ki ngā whakawā i ngā tāone mamao, i uaua ai te mahi pupuri whenua a Hineuru i ētahi wā, ā, ka whakataimahangia te iwi o Hineuru nā te nui o te utu kia tae ki ngā hui, nā te kore kai me te kore whare noho i aua wāhi; ā
  - (f) nā ngā whakaritenga me te pānga o ngā ture whenua Māori, otirā te whakawhiwhinga o ngā whenua o te iwi ki te tangata takitahi, i horo ai te wāwāhi, te wehewehe, me te riro tonu atu o te whenua. Nā konei i waimeha ai ngā pou o te whare o Hineuru, nā te mea ko te pupuri ā-

hapū, ā-iwi te āhua o te tikanga tiaki i te whenua. Ka noho te korenga o te Karauna e tiaki i ngā pou matua o te iwi o Hineuru hei takahanga nui i te Tiriti o Waitangi me ōna kaupapa.

- (8) Kei te whakaae hoki te Karauna i ngana ia ki te hoko i ētahi wāhanga whenua nunui i a Hineuru i ngā rā o te pōkēao o te pakanga me te raupatu. Kei te whakaae te Karauna i a ia e ngana nei ki te hoko i ēnei whenua—
- (a) i tuku utunga moni ia hei rīhi, hei hoko rawa rānei i ētahi whenua i whai pānga rā a Hineuru, i mua i te whakataunga a te Kōti Whenua Māori i ngā tino kaupupuri i ēnei whenua; ā
  - (b) i whakatārewatia e ia te mahinga o ngā ture whenua Māori i te nuinga o te puku o Te Ika a Māui i waenga i 1873 me 1877, me tana whakakāhore kia utu puputu i ngā reti kua whakaae ia i mua mō ngā whenua kua rīhitia e ia i a Hineuru, kia oti rā anō te whakatatū a te Kōti Whenua Māori i ngā kaupupuri o ngā whenua rīhi; ā
  - (c) i whakakāhore ia ki te utu putuputu i ngā reti, i te Karauna e whakawhiti kōrero ana mō te hoko i ngā whenua kua whakaae ia ki te rīhi; ā
  - (d) i whakamahia e ia tōna mana hoko anake hei ārai i te tuku rawa a ngā kaupupuri o Hineuru i ō rātou pānga ki ētahi tāngata noa atu, nā konā i kore ai e taea te whakaae ki tētahi tāpaetanga tūmataiti mō te hoko i tēnei poraka, he nui noa ake i te nui o te utu i hiahia rā te Karauna ki te hoko.

Kei te whakaae te Karauna ko te hua i te mutunga o ana mahi tini kāore i tika, i tāmi rānei i te iwi, he korenga e tiakina e te Karauna ngā pānga o Hineuru i runga i te mataara, ā, he takahanga tēnei i te Tiriti o Waitangi me ōna kaupapa.

- (9) Kei te whakaae te Karauna i takahia e ia te Tiriti o Waitangi me ōna kaupapa i te tau 1915 i tana rukenga ki tahaki i te kī taurangi o 1899 ki ngā kaupupuri o Heruiwi 4A, e kore rātou e mate ki te utu i ngā nama rūri, ā, he tino nui rawa ngā whenua i tangohia e ia i tēnei poraka hei utu mō tana rūri.
- (10) Kei te whakaae te Karauna i takahia e ia Te Tiriti o Waitangi me ōna kaupapa, otirā, he whakataruna noa iho tāna whakatau i ngā kaupapa o ngā ture whenua Māori kia āhei te Māori kia whakatau ā-iwi rātou i ngā tikanga hei whai mō te hoko whenua, i tā te Karauna hokonga i ngā whenua o Heruiwi 4A2B i ngā tāngata takitahi, i muri te whakatau ā-rōpū a ngā kaupupuri i tā rātou hui e kore rātou e hoko i te whenua mō te utu iti i tāpaetia mai ai e te Karauna.
- (11) Kei te whakaae te Karauna i hangaia e ia ngā waea whakawhiti ngaohiko kaha i ngā whenua o Hineuru i Tarawera me Tataraakina, me tana kore e whakamārama ki ngā kaupupuri whenua katoa i āhei rātou ki te tono kāpenehihana, ā, he takahanga nui i te Tiriti o Waitangi me ōna kaupapa.
- (12) Kei te whakaae te Karauna nā tana kore rawa e tiaki i a Hineuru i te noho whenua-kore, i papahoro ai ngā pou oranga, ngā pou hapori, me ngā pou ahurea o te iwi, me te whanaketanga whānui tonu, ā, he takahanga nui tēnei i te Tiriti o Waitangi me ōna kaupapa. Kei te whakaae te Karauna kei te pā tonu te

rawakore, te hauora ngoikore, te kino o te whare me te pāpaku o ngā ekenga taumata mātauranga ki a Hineuru.

- (13) Kei te whakaae te Karauna nā ngā mahi waere ngahere nunui i raru ai ngā āhuatanga ā-taiao, ā pūnaha rauropi o te rohe o Hineuru. Kei te whakaae hoki te Karauna nā ngā mahi waere i te ngahere i ngaro ai i pūhore ai ngā mahinga kai a te iwi, i kore ai ētahi o ngā kete kai tuku iho, me ngā rawa tuku iho a te iwi o Hineuru.
- (14) Kei te whakaae Te Karauna nā te nui o ngā uauatanga i pā ki a Hineuru mō te whakamahi me te whakahaere i ngā toenga whenua i ō rātou ringa, nā te takaroaroa o ngā mana pupuri whenua i Tarawera me Tatarakaakina, nā te pā kino o te pupuri takitini i te whenua hoki, i kino kē atu ai tō rātou noho, me tō rātou ora.
- (15) Kei te tino whakaae te Karauna, ahakoa ngā mahi nui a Hineuru ki te waihanga hāpori ora tonu i Te Hāroto i te haurua tuatahi o te rau tau rua tekau, nā ngā kaupapa here a te Karauna i wehe ai te tini o Hineuru i tō rātou rohe.

*Acknowledgements of the Crown*

- (16) The Crown acknowledges that, when it purchased the Ahuriri block in 1851,—
- (a) it failed to include Hineuru in the purchase negotiations; and
  - (b) it did not reserve any land from the Ahuriri purchase for Hineuru; and
  - (c) those acts and omissions breached the Crown’s duties to actively protect Hineuru interests and were a breach of the Treaty of Waitangi and its principles.
- (17) The Crown acknowledges that—
- (a) it issued an unreasonable ultimatum demanding the surrender of all those inside Ōmarunui rather than continue negotiations to preserve the peace; and
  - (b) Crown forces endangered the lives of all men, women, and children inside Ōmarunui by attacking the pā when the ultimatum expired; and
  - (c) Crown forces killed more than 20 people, including Hineuru individuals, who were defending themselves at Ōmarunui; and
  - (d) Te Rangihīroa and 11 others were killed when Crown forces intercepted, surrounded, and subsequently attacked the party near Pētane; and
  - (e) Crown forces pursued Māori who escaped from the attacks on Ōmarunui and Pētane into the Hineuru rohe, and plundered kāinga at Waiparati and in the surrounding area; and
  - (f) the attacks on Ōmarunui and Pētane, as well as the pursuit and plundering of Waiparati that followed, were injustices and breached the Treaty of Waitangi and its principles.
- (18) The Crown acknowledges that—

- (a) after the attacks at Ōmarunui and Pētane, Crown forces took into custody 86 prisoners, including 34 Hineuru, and subsequently transported most of the prisoners to the Chatham Islands; and
  - (b) the detention of Hineuru individuals without trial in harsh conditions on the Chatham Islands for nearly 2 years was an injustice and a breach of the Treaty of Waitangi and its principles.
- (19) The Crown acknowledges that the summary executions by Crown forces at Ngātapa in January 1869 breached the Treaty of Waitangi and its principles and tarnished the honour of the Crown.
- (20) The Crown acknowledges that,—
  - (a) in 1867, it proclaimed a confiscation district that included much of the rohe of Hineuru; and
  - (b) subsequently, all Hineuru customary interests in the confiscation district were extinguished and the Crown retained land at Tarawera, Waitara, and Te Hāroto, and those actions breached the Treaty of Waitangi and its principles.
- (21) The Crown acknowledges that,—
  - (a) in 1870, it agreed to grant Tarawera and Tatarakaakina to individual Māori without an independent investigation of customary interests in those blocks; and
  - (b) it unjustly excluded a number of Hineuru from the titles for Tarawera and Tatarakaakina in 1870, reducing the Hineuru interest in the Tarawera block to that of a minority; and
  - (c) it purchased land in Tarawera on the basis of the 1870 lists of owners while Hineuru were seeking an investigation of the title; and
  - (d) it compounded the unjust exclusion of Hineuru from the ownership of Tarawera and Tatarakaakina when, in 1952, it authorised the Native Land Court to remove Hineuru individuals admitted to the titles after 1924; and
  - (e) Hineuru bore significant financial burdens due to court and survey costs generated by the Tarawera and Tatarakaakina hearings and partitions; and
  - (f) the unjust exclusion of Hineuru from the ownership of Tarawera and Tatarakaakina was a breach of the Treaty of Waitangi and its principles.
- (22) The Crown acknowledges that—
  - (a) it did not consult Hineuru before it introduced the native land laws; and
  - (b) the individualisation of title imposed by the native land laws was inconsistent with Hineuru tikanga; and
  - (c) the native land laws required Hineuru to participate in Native Land Court processes if they wished to secure legal titles to their customary lands and to be able to use those lands in the modern economy; and

- (d) soon after the introduction of the Native Land Court, Hineuru were unable to participate in the Pakaututu title investigation because of the dislocation caused by ongoing conflict with the Crown; and
  - (e) the Native Land Court process frequently required Hineuru to attend hearings at venues at long distances from their settlements, which on occasion made it difficult for Hineuru to attend, and the costs of attending hearings at venues with insufficient food supplies and inadequate accommodation imposed a considerable burden on Hineuru; and
  - (f) the operation and impact of the native land laws, in particular, the awarding of tribal lands to individual owners, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of the tribal structures of Hineuru, which were based on collective tribal custodianship of land. The Crown's failure to protect the tribal structures of Hineuru was a breach of the Treaty of Waitangi and its principles.
- (23) The Crown acknowledges that it sought to purchase large areas of land from Hineuru in the aftermath of war and raupatu. The Crown acknowledges that, while undertaking the purchase of this land, it—
- (a) made payments to lease or purchase land in which Hineuru had interests before the Native Land Court had determined the ownership of this land; and
  - (b) suspended the operation of the native land laws over much of the central North Island between 1873 and 1877, and declined to pay regular rents for lands it had agreed to lease from Hineuru until after the Native Land Court had determined ownership of the leased lands; and
  - (c) refused to make regular rent payments while the Crown was negotiating to purchase land it had agreed to lease; and
  - (d) used monopoly powers to prevent the Hineuru owners of Heruiwi from alienating their interests to private parties, with the result that they could not accept a private offer to purchase the block that was significantly greater than the Crown was willing to pay.

The Crown acknowledges that the combined effects of its actions, a number of which were unfair and oppressive, meant the Crown failed to actively protect Hineuru interests, and this was a breach of the Treaty of Waitangi and its principles.

- (24) The Crown acknowledges that it breached the Treaty of Waitangi and its principles in 1915 when it broke an 1899 promise to owners of Heruiwi 4A that they would not have to make further payments for survey costs, and took an excessive amount of land from the block to pay the costs of its survey.
- (25) The Crown acknowledges that it breached the Treaty of Waitangi and its principles, and made a sham of a provision in the native land laws for Māori to make land alienation decisions collectively, when it purchased land in Heruiwi

4A2B from individual owners after the owners had collectively decided at hui not to sell their land for the price offered by the Crown.

- (26) The Crown acknowledges that it constructed high-voltage transmission lines over Hineuru lands in Tarawera and Tatarakaia without ensuring that all the owners were aware of and understood their right to compensation, and this was a breach of the Treaty of Waitangi and its principles.
- (27) The Crown acknowledges that its failure to protect Hineuru from virtual landlessness had a devastating impact on their economic, social, and cultural well-being and overall development, and this was a breach of the Treaty of Waitangi and its principles. The Crown further acknowledges that poverty, poor health, poor housing, and low educational achievement have continued to afflict Hineuru.
- (28) The Crown acknowledges that extensive deforestation has contributed to significant environmental and ecological changes in the Hineuru rohe. The Crown further acknowledges that deforestation resulted in the loss and degradation of mahinga kai and deprived Hineuru of many traditional resources and food sources.
- (29) The Crown acknowledges that Hineuru experienced difficulties using and managing their remaining lands due to a long period of tenurial uncertainty in Tarawera and Tatarakaia and high levels of multiple ownership, and that these difficulties compounded their poor economic circumstances.
- (30) The Crown acknowledges that, despite determined efforts by Hineuru to build a sustainable community at Te Hāroto in the first half of the twentieth century, Crown policies have since contributed to many Hineuru leaving their traditional rohe.

## 10 Apology

The text of the apology offered by the Crown to Hineuru, as set out in the deed of settlement, is as follows:

### *Whakapāha*

- “(a) Tēnei te Karauna te tuku whakapāha atu nei ki a Hineuru, ki ō koutou tīpuna, ō koutou whānau, mokopuna anō hoki.
- (b) Kua roa rawa te wā kīhai te Karauna i aronui atu ki te mana me te rangatiratanga o Hineuru, kīhai hoki i tutuki ana here i raro i te Tiriti o Waitangi me ōna kaupapa matua.
- (c) E kore e taea te whakapuaki i te pouri nui o Te Karauna mōna i tuku ope tauā ki runga o Ōmarunui, i te takiwā hoki o Pētane, i hinga ai tō koutou rangatira a Te Rangihīroa me ētahi atu, me te tūkinotanga, te aitua nui hoki i pā ki a Hineuru nā runga i te mate o te tangata me te peinga i te whenua tupu. I raru nui anō koutou i te kōkiritanga a Te Karauna ki tō koutou kāinga, te mauheretanga o ō koutou tīpuna kāore he whakawā, kāore he aha, me te patu i ngā mauhere kia mate, he mahi weriweri ki te

titiro mai a te ao, i Ngātapa. Mō ana mahi, me ngā pouritanga nui kua utaina mai e te Karauna ki runga i a koutou ko ō koutou tīpuna, tēnei te Karauna te tuku whakapāha atu nei.

- (d) E pouri ana te Karauna mō ngā wharanga nui, wharanga mauroa i ara ake i ana raupatutanga i te wāhi nui o ō koutou whenua tuku iho. Mō tēnei mahi raupatu, mō ngā ngahuru tau o te raruraru me te pōkaikaha, ngā tau i ngaro ngā painga mō te iwi o Hineuru i runga i ngā mahi hē a te Karauna e pā ana ki Tarawera me Tatarakaakina, e whakapāha ana anō hoki te Karauna.
- (e) Mai o te wā o te raupatu, i hē kē atu te kino mō Hineuru i ngā mahi hokohoko atu a te Karauna i ngā whenua i toe mai ki a koutou. Tēnei te whakapāha noa atu a te Karauna mō ana kaupapa matua, mō ana mahi, me ana hapanga i noho whenua kore tonu a Hineuru, i ngahoro ai ngā pou o tō koutou noho hei iwi, o ō koutou pūmanawa ki te whai i te oranga, ki te tupu hei iwi, ki te kimi oranga ā-kikokiko, ā-ngākau, ā-wairua anō hoki mō koutou.
- (f) E mihi ana te Karauna ki te pakari me te mana o Hineuru, me tō koutou whāinga roa i te tika i roto i ngā whakatipuranga maha.
- (g) Rā roto i tēnei whakatau e mahi nui ana te Karauna ki te utu mō ana hara o tau kē, me te tahuri ki te hāpai i a Hineuru kia hīkina ai ngā taumatanga o te whakamauāhara, kia whakawhiwhia anō te iwi ki te toiora, tae atu ki ngā taonga tuku iho o te iwi. E titiro whakamua ana te Karauna ki tōna whanaungatanga hou ki a Hineuru, i runga i te whakapono, tētahi ki tētahi, te mahi tahi, me te whakamana i te Tiriti o Waitangi me ōna kaupapa nui.”

*Crown apology*

- “(a) The Crown makes this apology to the iwi of Hineuru, to the tīpuna, whānau, and descendants.
- (b) For too long, the Crown has failed to respect the mana and rangatiratanga of Hineuru, and to fulfil its obligations under the Treaty of Waitangi and its principles.
- (c) The Crown profoundly regrets its unjust attacks at Ōmarunui and near Pētane that took the lives of your rangatira Te Rangihīroa and others, and the devastation and grief Hineuru suffered through loss of life and exile. You suffered further prejudice when the Crown plundered your kāinga, detained your ancestors without trial, and carried out dishonourable summary executions at Ngātapa. For its actions, and the immense hurt the Crown has caused you and your tīpuna, the Crown apologises.
- (d) The Crown deeply regrets the enduring prejudice it caused by confiscating so much of your ancestral whenua. For the confiscation, and for the decades of title disruption, dislocation, and lost opportunities Hineuru

have experienced as a result of the Crown's actions in relation to Tara-wera and Tataraaakina, the Crown also apologises.

- (e) Since the confiscation, the Crown compounded the prejudice to Hineuru by purchasing significant parts of your remaining lands. The Crown unreservedly apologises for its policies, acts, and omissions that have left Hineuru virtually landless, and undermined your tribal structures, your capacity for economic and social development, and your physical, emotional, and spiritual well-being.
- (f) The Crown pays tribute to the resilience and the mana of Hineuru, and your long pursuit of justice over many generations.
- (g) Through this settlement, the Crown seeks to atone for its past wrongs, and to assist Hineuru in lifting the burden of grievance and restoring the well-being of your people and cultural heritage. The Crown looks forward to building a new relationship with Hineuru based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.”

#### *Interpretation provisions*

### **11 Interpretation of Act generally**

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

### **12 Interpretation**

In this Act, unless the context otherwise requires,—

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

**attachments** means the attachments to the deed of settlement

**commercial redress property** has the meaning given in section 93

**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 legislation** means—

- (a) the Conservation Act 1987; and

(b) the enactments listed in Schedule 1 of that Act

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

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

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

**cultural redress property** has the meaning given in section 69

**deed of recognition**—

(a) means a deed of recognition issued under section 42 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 42(4)

**deed of settlement**—

(a) means the deed of settlement dated 2 April 2015 and signed by—

- (i) the Honourable Christopher Finlayson QC, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and
- (ii) Tuhuaio Kahukiwa, Tirohia Bridger, Karauna Brown, Renata Bush, Ivy Kahukiwa-Smith, Toi Tawhai, and Te Reo Spooner, being the trustees of Te Kōpere o te iwi o Hineuru Trust, for and on behalf of Hineuru; 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 93

**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

**freshwater fisheries management plan** has the meaning given in section 22

**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

**LINZ** means Land Information New Zealand

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

**member of Hineuru** 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

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

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

**Registrar-General** means the Registrar-General of Land appointed 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 Hineuru; or
  - (iii) 1 or more of the whānau 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 69

**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 108

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

**statutory acknowledgement** has the meaning given in section 33

**Te Kawenata** has the meaning given in section 22

**Te Kōpere o te iwi o Hineuru Trust** means the trust of that name established by a trust deed dated 17 March 2015

**Te Korowai o Te Hā** has the meaning given in section 47

**tikanga** means customary values and practices

**trustees of Te Kōpere o te iwi o Hineuru Trust** and **trustees** mean the trustees, acting in their capacity as trustees, of the Te Kōpere o te iwi o Hineuru 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 Hineuru

- (1) In this Act, **Hineuru**—
  - (a) means the collective group composed of individuals who are descended from an ancestor of Hineuru; and
  - (b) includes those individuals; and
  - (c) includes any whānau or group to the extent that it is composed of those individuals.
- (2) In this section and section 14,—
  - ancestor of Hineuru** means an individual who—
    - (a) exercised customary rights by virtue of being descended from—
      - (i) Hineuru through her marriage to Kiripakeke; or
      - (ii) a recognised ancestor of the group referred to in subsection (1)(a); 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 Hineuru 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.

### 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 Hineuru 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) every claim to the Waitangi Tribunal that relates exclusively to Hineuru or a representative entity, including Wai 1034 (Urewera and Central North Island Inquiries Claim), to the extent that subsection (2) applies to the claim; and
  - (b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that subsection (2) applies to the claim and the claim relates to Hineuru or a representative entity:
    - (i) Wai 191 (Tarawera Confiscations claim):
    - (ii) Wai 216 (Te Matai and Pakaututu blocks claim):
    - (iii) Wai 299 (Mōhaka-Waikare Raupatu/Confiscation claim):
    - (iv) Wai 318 (Tarawera 1J and 10C4A1 and Tatarakina 12 claim):
    - (v) Wai 382 (Kaweka Forest Park and Ngaruroro River claim):
    - (vi) Wai 400 (Ahuriri Purchase claim):
    - (vii) Wai 445 (Tauhara Middle block claim):
    - (viii) Wai 575 (Ngāti Tuwharetoa lands and resources claim):
    - (ix) Wai 598 (Tatarakina No 7 block claim):
    - (x) Wai 599 (Tarawera No 7 block claim):
    - (xi) Wai 600 (Tarawera No 1F block claim):
    - (xii) Wai 602 (Tatarakina No 6 block claim):
    - (xiii) Wai 608 (Tatarakina No 9 block claim):
    - (xiv) Wai 627 (Tatarakina lands claim):
    - (xv) Wai 638 (Tatarakina C block claim):
    - (xvi) Wai 781 (Ngāti Tutemohuta claim):
    - (xvii) Wai 786 (Tauhara Hapu lands and resources claim):
    - (xviii) Wai 832 (Tauhara Middle block claim).
- (4) However, the historical claims do not include—

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

*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.

*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 “Hineuru Claims Settlement Act 2016, section 15(4) and (5)”.

*Resumptive memorials no longer to apply*

**17 Certain enactments do not apply**

- (1) The enactments listed in subsection (2) do not apply—
  - (a) to a cultural redress property; or

- (b) to a commercial redress property; or
  - (c) to the RFR land; or
  - (d) for the benefit of Hineuru 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 commercial redress property;
    - (iii) the RFR land; and
  - (b) is subject to a resumptive memorial recorded under any enactment listed in section 17(2).
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after the settlement date, for a cultural redress property, a commercial redress property, or the RFR land.
- (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 Te Kōpere o te iwi o Hineuru 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 Te Kōpere o te iwi o Hineuru 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

*The Crown not prevented from providing redress to other persons*

### 21 The Crown not prevented from providing other similar redress

- (1) The provision of cultural redress under subparts 1 to 3, 5, and 6 (**specified cultural redress**) does not prevent the Crown from doing anything that is consistent with that cultural redress, including—
  - (a) providing the same or similar redress to a person other than Hineuru or the trustees; or
  - (b) disposing of land.
- (2) However, subsection (1) is not an acknowledgement by the Crown or Hineuru that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates.

### Subpart 1—Te Kawenata

### 22 Interpretation

In this subpart,—

**conservation document** means a national park management plan, conservation management plan, conservation management strategy, or freshwater fisheries management plan

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

**Te Kawenata** means a partnership agreement in the form set out in part 6 of the documents schedule.

### **23 Authority to enter into Te Kawenata**

Not later than the settlement date, the Minister of Conservation, the Director-General, and the trustees must enter into Te Kawenata.

### **24 Noting of Te Kawenata on conservation documents**

- (1) The Director-General must ensure that a summary of Te Kawenata is noted on every conservation document affecting Te Kawenata area (as defined in Te Kawenata).
- (2) The noting of the summary—
  - (a) is for the purpose of public notice only; and
  - (b) does not amend a conservation document for the purposes of the Conservation Act 1987 or the National Parks Act 1980.

### **25 Te Kawenata subject to rights, functions, duties, and powers**

- (1) Te Kawenata does not limit or affect—
  - (a) the rights, functions, duties, or powers of the Crown, including the Crown's ability to—
    - (i) introduce legislation; or
    - (ii) change Government policy; or
  - (b) the functions, duties, or powers of the Minister of Conservation or the Director-General.
- (2) Te Kawenata does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, land or any other resource held, managed, or administered under the conservation legislation.

### **26 Enforcement of Te Kawenata**

- (1) The Crown and the trustees must comply with Te Kawenata unless they agree to terminate it in accordance with its terms.
- (2) If the Crown fails to comply with Te Kawenata without good cause, the trustees may seek—
  - (a) a public law remedy (for example, judicial review):
  - (b) to enforce Te Kawenata, subject to the Crown Proceedings Act 1950.

- (3) Despite subsection (2), damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with Te Kawenata.
- (4) To avoid doubt, subsection (3) does not affect the ability of a court to award costs incurred by the trustees in enforcing Te Kawenata under subsection (2).
- (5) Subsection (2) does not affect any contract entered into between the Minister of Conservation or the Director-General and the trustees, including any contract for service or concession.

## Subpart 2—Protocols

### 27 Interpretation

In this subpart,—

**protocol**—

- (a) means each of the following protocols issued under section 28(1)(a):
  - (i) the Crown minerals protocol;
  - (ii) the taonga tūturu protocol; and
- (b) includes any amendments made under section 28(1)(b)

**responsible Minister** means,—

- (a) for the Crown minerals protocol, the Minister of Energy and Resources;
- (b) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage;
- (c) for either of those protocols, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol.

### *General provisions applying to protocols*

### 28 Issuing, amending, and cancelling protocols

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

## **29 Protocols subject to rights, functions, and duties**

Protocols do not restrict—

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

## **30 Enforcement of protocols**

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

### *Crown minerals*

## **31 Crown minerals protocol**

- (1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—
  - (a) a register of protocols maintained by the chief executive; and
  - (b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed.
- (2) The noting of the summary is—
  - (a) for the purpose of public notice only; and
  - (b) not a change to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals.

(4) In this section,—

**Crown mineral** means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991,—

- (a) that is the property of the Crown under section 10 or 11 of that Act; or
- (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964

**Crown minerals protocol area** means the area shown on the map attached to the Crown minerals protocol

**minerals programme** has the meaning given in section 2(1) of the Crown Minerals Act 1991.

### *Taonga tūturu*

#### 32 Taonga tūturu protocol

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

### Subpart 3—Statutory acknowledgement and deeds of recognition

#### 33 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 Hineuru 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 34 in respect of the statutory areas, on the terms set out in this subpart

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

**statutory plan**—

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

### *Statutory acknowledgement*

#### **34 Statutory acknowledgement by the Crown**

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

#### **35 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 36 to 38; 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 39 and 40; and
- (c) to enable the trustees and any member of Hineuru to cite the statutory acknowledgement as evidence of the association of Hineuru with a statutory area, in accordance with section 41.

#### **36 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.

#### **37 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.

**38 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.

**39 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 34 to 38, 40, and 41; 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.

#### **40 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.

#### **41 Use of statutory acknowledgement**

- (1) The trustees and any member of Hineuru may, as evidence of the association of Hineuru 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 Hineuru are precluded from stating that Hineuru 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*

#### **42 Issuing and amending deeds of recognition**

- (1) This section applies in respect of the statutory areas listed in Part 2 of Schedule 1.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 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 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*

#### **43 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.

#### **44 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 Hineuru 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.

#### **45 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***46 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 “Hineuru Claims Settlement Act 2016”.

## Subpart 4—Te Korowai o Te Hā

**47 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

**protection principles**, for a Te Korowai o Te Hā 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 a Te Korowai o Te Hā area, means the actions set out for the area in part 1 of the documents schedule

**statement of values**, for a Te Korowai o Te Hā area, means the statement—

- (a) made by Hineuru of their values relating to their cultural, historical, spiritual, and traditional association with the Te Korowai o Te Hā area; and
- (b) set out in part 1 of the documents schedule

**Te Korowai o Te Hā** means the application of this subpart to each Te Korowai o Te Hā area

**Te Korowai o Te Hā area**—

- (a) means an area that is declared under section 48(1) to be subject to Te Korowai o Te Hā; but
- (b) does not include an area that is declared under section 59(1) to be no longer subject to Te Korowai o Te Hā.

**48 Declaration of Te Korowai o Te Hā and the Crown’s acknowledgement**

- (1) Each area described in Schedule 2 is declared to be subject to Te Korowai o Te Hā.
- (2) The Crown acknowledges the statements of values for the Te Korowai o Te Hā areas.

**49 Purposes of Te Korowai o Te Hā**

The only purposes of Te Korowai o Te Hā are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 51; and
- (b) to enable the taking of action under sections 52 to 57.

**50 Effect of protection principles**

The protection principles are intended to prevent the values stated in the statement of values for a Te Korowai o Te Hā area from being harmed or diminished.

**51 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 a Te Korowai o Te Hā 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 a Te Korowai o Te Hā 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 a Te Korowai o Te Hā area, the Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns.

**52 Noting of Te Korowai o Te Hā in strategies and plans**

- (1) The application of Te Korowai o Te Hā to a Te Korowai o Te Hā area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.
- (2) The noting of Te Korowai o Te Hā is—
  - (a) for the purpose of public notice only; and

- (b) not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

### **53 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 48 that Te Korowai o Te Hā applies to the Te Korowai o Te Hā areas; and
  - (b) the protection principles for each Te Korowai o Te Hā 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 54 or 55.

### **54 Actions by Director-General**

- (1) The Director-General must take action in relation to the protection principles that relate to a Te Korowai o Te Hā 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.

### **55 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 a Te Korowai o Te Hā 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 171(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

### **56 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 55(1):

- (b) to regulate or prohibit activities or conduct by members of the public in relation to a Te Korowai o Te Hā 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.

### **57 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 55(1):
- (b) to regulate or prohibit activities or conduct by members of the public in relation to a Te Korowai o Te Hā 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.

### **58 Effect of Te Korowai o Te Hā on Te Korowai o Te Hā areas**

- (1) This section applies if, at any time, Te Korowai o Te Hā 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) Te Korowai o Te Hā 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.

### **59 Termination of Te Korowai o Te Hā**

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

### **60 Exercise of powers and performance of functions and duties**

- (1) Te Korowai o Te Hā 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 a Te Korowai o Te Hā area than that person would give if the area were not subject to Te Korowai o Te Hā.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to the other provisions of this subpart.

### **61 Rights not affected**

- (1) Te Korowai o Te Hā 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, a Te Korowai o Te Hā area.
- (2) This section is subject to the other provisions of this subpart.

## Subpart 5—Official geographic names

### **62 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

**Crown protected area** has the meaning given in section 4 of the Act

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

**63 Official geographic names**

- (1) A name specified in the second column of the table in clause 5.34 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.

**64 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 63.
- (2) The notices must state that each official geographic name became an official geographic name on the settlement date.

**65 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.

**66 Name changes for Crown protected areas**

- (1) The name of Glenfalls Recreation Reserve is changed to Waitara / Glenfalls Recreation Reserve.
- (2) The name of Glenfalls Scenic Reserve is changed to Waitara / Glenfalls Scenic Reserve.
- (3) The new name given to a reserve under subsection (1) or (2) is to be treated as if—
  - (a) it were an official geographic name that takes effect on the settlement date; and
  - (b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.
- (4) The Board must, as soon as practicable after the settlement date,—
  - (a) give public notice of each new name in accordance with section 21(2)(a) and (b) and (3) of the Act; but
  - (b) state in the notice that the new name became an official geographic name on the settlement date.

- (5) The official geographic name of a reserve named under this section must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.

### Subpart 6—Advisory committee

#### **67 Appointment of advisory committee in relation to Mohaka River**

- (1) The Minister must, not later than the settlement date, appoint the trustees to be an advisory committee under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995.
- (2) The purpose of the advisory committee is to advise the Minister on any proposed changes to the current prohibition on the commercial taking of aquatic life in the Mohaka River.
- (3) In this section,—
- aquatic life** has the meaning given in section 2(1) of the Fisheries Act 1996
- Minister** means the Minister for Primary Industries.

### Subpart 7—Rangitaiki River Forum

#### **68 Membership of Hineuru on Rangitaiki River Forum**

- (1) On the settlement date, the following appointments may be made to the membership of the Rangitaiki River Forum:
- (a) the trustees may appoint 1 person; and
- (b) the Taupo District Council may appoint 1 person (who must be a current councillor of that council).
- (2) The Rangitaiki River Forum is the same body as the Rangitaiki River Forum established by section 104 of the Ngāti Manawa Claims Settlement Act 2012 and section 108 of the Ngāti Whare Claims Settlement Act 2012.
- (3) Subsection (1) applies despite the composition of the Rangitaiki River Forum provided for by section 108 of the Ngāti Manawa Claims Settlement Act 2012, section 112 of the Ngāti Whare Claims Settlement Act 2012, and section 50 of the Tūhoe Claims Settlement Act 2014.
- (4) All of the provisions relating to the Rangitaiki River Forum set out in the Ngāti Manawa Claims Settlement Act 2012 and in the Ngāti Whare Claims Settlement Act 2012 apply to the appointment of a member by the trustees as if that member were appointed under those Acts.

## Subpart 8—Vesting of cultural redress properties

### 69 Interpretation

In this subpart,—

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

*Properties vested in fee simple*

- (a) former Te Haroto School:
- (b) Tarawera property:
- (c) Tarawera Hot Springs site A:
- (d) Te Purotu:
- (e) Woodstock Station property:

*Properties vested in fee simple to be administered as reserves*

- (f) Taraponui-a-Kawhea:
- (g) Waipunga Falls property:

*Property vested in fee simple subject to conservation covenant*

- (h) Tarawera Hot Springs site B

**reserve property** means each of the properties named in paragraphs (f) and (g) of the definition of cultural redress property.

*Properties vested in fee simple*

### 70 Former Te Haroto School

The fee simple estate in the former Te Haroto School vests in the trustees.

### 71 Tarawera property

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

### 72 Tarawera Hot Springs site A

- (1) The reservation of Tarawera Hot Springs site A (being part of Tarawera Hot Springs Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tarawera Hot Springs site A vests in the trustees.
- (3) The Minister of Conservation must provide the trustees with a registrable right of way easement on the terms and conditions set out in subpart A of part 9 of the documents schedule.
- (4) The easement—

- (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
  - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
  - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.
- (5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in subpart B of part 9 of the documents schedule.

### **73 Te Purotu**

- (1) The reservation of Te Purotu (being Te Pohue Upper Mohaka Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Purotu vests in the trustees.

### **74 Woodstock Station property**

- (1) The Woodstock Station property is transferred to Her Majesty the Queen in accordance with section 100.
- (2) The fee simple estate in the Woodstock Station property vests in the trustees.

*Properties vested in fee simple to be administered as reserves*

### **75 Taraponui-a-Kawhea**

- (1) Taraponui-a-Kawhea ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Taraponui-a-Kawhea vests in the trustees.
- (3) Taraponui-a-Kawhea is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Taraponui-a-Kawhea Scenic Reserve.
- (5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross on the terms and conditions set out in part 12 of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement—
  - (a) is enforceable in accordance with its terms; and
  - (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

### **76 Waipunga Falls property**

- (1) The reservation of the Waipunga Falls property (being part Waipunga Falls Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

- (2) The fee simple estate in the Waipunga Falls property vests in the trustees.
- (3) The Waipunga Falls property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Waipunga Falls Scenic Reserve.
- (5) The Minister of Conservation must provide the trustees with a registrable right of way easement on the terms and conditions set out in part 11 of the documents schedule.
- (6) The easement—
  - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
  - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
  - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

*Property vested in fee simple subject to conservation covenant*

**77 Tarawera Hot Springs site B**

- (1) The reservation of Tarawera Hot Springs site B (being part of Tarawera Hot Springs Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Tarawera Hot Springs site B vests in the trustees.
- (3) The Minister of Conservation must provide the trustees with a registrable right of way easement on the terms and conditions set out in subpart A of part 9 of the documents schedule.
- (4) The easement—
  - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
  - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
  - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.
- (5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with a registrable covenant in relation to Tarawera Hot Springs site B on the terms and conditions set out in part 10 of the documents schedule.
- (6) The covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

*General provisions applying to vesting of cultural redress properties*

**78 Properties vest subject to or together with interests**

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

**79 Interests for Tarawera property**

- (1) This section applies to each of the interests listed for the Tarawera property in Schedule 3, despite the interest in the beehive permit also applying to land outside that property.
- (2) The interest applies—
  - (a) as if the trustees were the grantor of the interest in respect of the Tarawera property; and
  - (b) until the interest expires or is terminated, but any subsequent transfer of the Tarawera property must be ignored in determining whether the interest expires or is or may be terminated; and
  - (c) with any other necessary modifications; and
  - (d) despite any change in status of the land in the property.

**80 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 person authorised by—
  - (a) the chief executive of the Ministry of Justice, for the following properties:
    - (i) former Te Haroto School;
    - (ii) Woodstock Station property;
  - (b) the Director-General, for all other properties.

#### **81 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 each of the following properties is reduced to a width of 3 metres:
  - (a) Tarawera Hot Springs site A; and
  - (b) Tarawera Hot Springs site B.
- (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) Subsections (2) to (4) do not limit subsection (1).

#### **82 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 sections 81(4) and 86; and

- (b) for each of the following properties, 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:
    - (i) Tarawera Hot Springs site A; and
    - (ii) Tarawera Hot Springs site B; 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 a reserve property, if the reservation of the property under this subpart is revoked for—
    - (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notifications that—
      - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
      - (ii) the property is subject to sections 81(4) and 86; or
    - (b) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain only on the computer freehold register for the part of the property that remains a reserve.
  - (4) The Registrar-General must comply with an application received in accordance with subsection (3)(a).

### **83 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.

#### **84 Names of Crown protected areas discontinued**

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

#### *Further provisions applying to reserve properties*

#### **85 Application of other enactments to reserve properties**

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

#### **86 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 87 or 88.
- (3) In this section and sections 87 to 89, **reserve land** means the land that remains a reserve as described in subsection (1).

#### **87 Transfer of reserve land to new administering body**

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

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

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

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

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

**89 Reserve land not to be mortgaged**

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

**90 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 9—Vesting and gifting back of property

**91 Notice appointing delayed vesting date for balance of Waipunga Falls Scenic Reserve**

- (1) The trustees may give written notice to the Minister of Conservation of the date on which the balance of Waipunga Falls Scenic Reserve is to vest in the trustees.
- (2) The proposed date must not be later than 31 March 2020.
- (3) The trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date.
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
  - (a) specifying the vesting date; and
  - (b) stating that the fee simple estate in the balance of Waipunga Falls Scenic Reserve vests in the trustees on the vesting date.
- (5) The notice must be published as early as practicable before the vesting date.
- (6) In this section and section 92,—

**balance of Waipunga Falls Scenic Reserve** means 43.5100 hectares, more or less, being Section 2 SO 486730 (as shown on OTS-205-08)

**vesting date** means—

  - (a) the date proposed by the trustees in accordance with subsections (1) to (3); or
  - (b) 31 March 2020, if no date is proposed.

**92 Delayed vesting and gifting back of balance of Waipunga Falls Scenic Reserve**

- (1) The fee simple estate in the balance of Waipunga Falls Scenic Reserve vests in the trustees on the vesting date.
- (2) On the 10th day after the vesting date, the fee simple estate in the balance of Waipunga Falls Scenic Reserve vests in the Crown as a gifting back to the Crown by the trustees for the people of New Zealand.
- (3) However, the following matters apply as if the vestings had not occurred:

- (a) the balance of Waipunga Falls Scenic Reserve remains a reserve under the Reserves Act 1977; and
  - (b) any enactment, instrument, or interest that applied to the balance of Waipunga Falls Scenic Reserve immediately before the vesting date continues to apply to it; and
  - (c) to the extent that Te Korowai o Te Hā or Te Kawenata applies to the balance of Waipunga Falls Scenic Reserve immediately before the vesting date, it continues to apply to the property; and
  - (d) the Crown retains all liability for the balance of Waipunga Falls Scenic Reserve.
- (4) The vestings are not affected by—
- (a) Part 4A of the Conservation Act 1987; or
  - (b) section 10 or 11 of the Crown Minerals Act 1991; or
  - (c) section 11 or Part 10 of the Resource Management Act 1991; or
  - (d) any other enactment relating to the land.

### Part 3

#### Commercial redress

#### 93 Interpretation

In subparts 1 to 4,—

**commercial redress property** means—

- (a) the licensed land; and
- (b) 1 or more of the following properties if notice is given in accordance with—
  - (i) clause 6.2.2 of the deed of settlement, in the case of the Woodstock Station farm block:
  - (ii) clause 6.2.3 of the deed of settlement, in the case of the Woodstock Station forestry block:
  - (iii) clause 6.2.4 of the deed of settlement, in the case of Waitara Road, Waimahanga

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

**Crown forestry assets** 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 licence held in computer interest register HBP1/1402

**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 the property described in part 4 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

**land holding agency** means the land holding agency specified,—

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

**licensed land**—

- (a) means the property described as licensed land in subpart A of 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

**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 104

**Waitara Road, Waimahanga** means the property described by that name in subpart B of part 3 of the property redress schedule

**Woodstock Station farm block** means the property described by that name in subpart B of part 3 of the property redress schedule

**Woodstock Station forestry block** means the property described by that name in subpart B of part 3 of the property redress schedule.

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

### **94 The Crown may transfer properties**

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

- (a) to transfer the fee simple estate in a commercial redress property or the 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.

### **95 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 a commercial redress property or the deferred selection property.
- (2) Any such easement—
  - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
  - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
  - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

### **96 Computer freehold registers for commercial redress properties and deferred selection property**

- (1) This section applies to each of the following properties that are to be transferred to the trustees under section 94:
  - (a) a commercial redress property (other than licensed land);
  - (b) the deferred selection property.
- (2) However, this section applies only to the extent that—
  - (a) the property is not all of the land contained in a computer freehold register; 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 97 and 98, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

**97 Computer freehold register for licensed land**

- (1) This section applies to the licensed land that is to be transferred to the trustees under section 94.
- (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.

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

- (1) For the purposes of sections 96 and 97, the authorised person may grant a covenant for the later creation of a computer freehold register for any commercial redress property or the 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.

**99 Application of other enactments**

- (1) This section applies to the transfer to the trustees of the fee simple estate in a commercial redress property or the deferred selection property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (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 94, 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).

### *Woodstock Station*

#### **100 Woodstock Station**

- (1) This section applies on and from the commencement date of this Act.
- (2) The chief executive of the Ministry of Justice is authorised to—
  - (a) accept, on behalf of her Majesty the Queen, a transfer of Woodstock Station from Landcorp Holdings Limited to Her Majesty the Queen; and
  - (b) sign the transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (3) Subsections (4) to (6) apply to the transfer of Woodstock Station under subsection (2).
- (4) Section 42 of the Land Act 1948 does not apply in relation to any computer freehold register for Woodstock Station.
- (5) The permission of the Hastings District 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.
- (6) 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, that transfer.
- (7) In this section, **Woodstock Station** means any or all of the following properties:
  - (a) the cultural redress property described as the Woodstock Station property in Schedule 3, and vesting in the trustees under section 74:
  - (b) Woodstock Station farm block if it is a commercial redress property:
  - (c) Woodstock Station forestry block if it is a commercial redress property.

## Subpart 2—Licensed land

### **101 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 trustees.
- (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.

### **102 Trustees are confirmed beneficiaries and licensors of licensed land**

- (1) The trustees are the confirmed beneficiaries 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 trustees are entitled to the rental proceeds payable for the licensed land to the trustees of the Crown forestry rental trust under the 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 trustees are the confirmed beneficiaries 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 the 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 trustees are the licensors under the 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.

### **103 Effect of transfer of licensed land**

- (1) Section 102 applies whether or not—

- (a) the transfer of the fee simple estate in the licensed land has been registered; or
  - (b) the processes described in clause 17.4 of the Crown forestry licence held in computer interest register HBP1/1402 have been completed, as required under section 117(2) of the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014.
- (2) To the extent that the Crown has not completed the processes referred to in subsection (1)(b) before the settlement date, it must continue those processes under the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014 until they are completed.
- (3) For the period starting on the settlement date and ending on the completion of the processes referred to in subsection (1)(b), the licence fee payable under the Crown forestry licence in respect of the licensed land is the amount calculated in the manner described in paragraphs 6.23 and 6.24 of the property redress schedule.
- (4) However, the calculation of the licence fee under subsection (3) is overridden by any agreement made by—
- (a) the trustees as licensor; and
  - (b) the licensee; and
  - (c) the Crown; and
  - (d) the trustees of the Maungaharuru-Tangitū Trust as licensor of Part Esk Forest under section 116(5) of the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014.
- (5) In this section,—

**Part Esk Forest** means the licensed land described in section 108 of the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014

**trustees of the Maungaharuru-Tangitū Trust** has the meaning given in section 11 of the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014.

### Subpart 3—Access to protected sites

#### 104 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.

**105 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.

**106 Right of access to be recorded on computer freehold register**

- (1) This section applies to the transfer to the trustees of the licensed land.
- (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 the 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*

**107 Interpretation**

In this subpart and Schedule 4,—

**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 110(2)(a) and 111

**notice** means a notice given under this subpart

**offer** means an offer by an RFR landowner, made in accordance with section 110, 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 116(1); but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date, under section 117(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.

### 108 Meaning of RFR land

- (1) In this subpart, **RFR land** means—
  - (a) the land described in part 4 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) Waitara Road, Waimahanga if the property is not a commercial redress property and if, on the settlement date, the land—
    - (i) is vested in the Crown; or
    - (ii) is held in fee simple by the Crown; and
  - (c) any land obtained in exchange for a disposal of RFR land under section 121(1)(c) or 122.
- (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 section 94 in the case of the deferred selection property or under a contract formed under section 114); or
    - (ii) any other person (including the Crown or a Crown body) under section 109(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 118 to 124 (which relate to permitted disposals of RFR land); or
    - (ii) under any matter referred to in section 125(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 133; or
- (d) the RFR period for the land ends.

*Restrictions on disposal of RFR land*

**109 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 115 to 124; or
- (b) under any matter referred to in section 125(1); or
- (c) in accordance with a waiver or variation given under section 133; 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 110; 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 112; and
  - (iv) not accepted under section 113.

*Trustees' right of first refusal*

**110 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.

**111 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.

**112 Withdrawal of offer**

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

**113 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.

**114 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*

**115 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.

**116 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.

**117 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*

**118 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.

**119 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.

### **120 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.

### **121 Disposal of land held for public works**

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

### **122 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.

### **123 Disposal for charitable purposes**

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

**124 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*

**125 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*

**126 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.

**127 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; and
  - (e) an explanation of how the disposal complies with section 109; and
  - (f) if the disposal is to be made under section 109(d), a copy of any written contract for the disposal.

**128 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 section 94 in the case of the deferred selection property, or under a contract formed under section 114); or
    - (ii) any other person (including the Crown or a Crown body) under section 109(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 118 to 124; or
    - (ii) under any matter referred to in section 125(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 133.
- (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.

### **129 Notice requirements**

Schedule 4 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*

### **130 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 126 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 108; and
  - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

### **131 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 128, 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 130 for the land described in the certificate.

### **132 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 130; 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 130 from any computer register identified in the certificate.

#### *General provisions applying to right of first refusal*

### **133 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.

### **134 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.

### **135 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 4 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 Statutory areas

ss 33, 42

### Part 1

#### Areas subject only to statutory acknowledgement

<b>Statutory area</b>	<b>Location</b>
Heruiwi Block Conservation Area	As shown on OTS-205-18
Kaimanawa Forest Park (within Hineuru area of interest)	As shown on OTS-205-23
Ripia River and its tributaries	As shown on OTS-205-25
Tarawera Conservation Area	As shown on OTS-205-17
Te Hoe River and its tributaries	As shown on OTS-205-28
Te Kohu Ecological Area	As shown on OTS-205-22
Whirinaki Te Pua-a-Tāne Conservation Park (within Hineuru area of interest)	As shown on OTS-205-16

### Part 2

#### Areas subject to both statutory acknowledgement and deed of recognition

<b>Statutory area</b>	<b>Location</b>
Kokomoka Forest	As shown on OTS-205-15
Mohaka River and its tributaries (within Hineuru area of interest)	As shown on OTS-205-24
Opoto Scenic Reserve	As shown on OTS-205-12
Rangitaiki Conservation Area	As shown on OTS-205-13
Rangitaiki River and its tributaries (within Hineuru area of interest)	As shown on OTS-205-27
Stoney Creek Conservation Area	As shown on OTS-205-21
Turangakumu Scenic Reserve	As shown on OTS-205-19
Urutomo Conservation Area	As shown on OTS-205-20
Waipunga Forest	As shown on OTS-205-14
Waipunga River and its tributaries	As shown on OTS-205-26

## Schedule 2

### Te Korowai o Te Hā areas

s 48

<b>Te Korowai o Te Hā area</b>	<b>Location</b>	<b>Description</b>
Balance of Taraponui-a-Kawhea Conservation Area	As shown on OTS-205-11	<i>Hawkes Bay Land District— Hastings District</i> 169.7000 hectares, more or less, being Section 2 SO 486665.
Balance of Waipunga Falls Scenic Reserve	As shown on OTS-205-10	<i>South Auckland Land District— Taupo District</i> 43.5100 hectares, more or less, being Section 2 SO 486730.
Waitere Kiwi Reserve Conservation Area	As shown on OTS-205-09	<i>Hawkes Bay Land District— Hastings District</i> 775.0 hectares, approximately, being Part Sections 5 and 5A Block V Waitara Survey District. 0.30 hectares, approximately, being Part Section 39 Block V Waitara Survey District. 2.20 hectares, approximately, being Parts Section 6 Block V Waitara Survey District. 159.5078 hectares, more or less, being Sections 1 and 2 SO 9431. 581.5902 hectares, more or less, being Section 1 SO 9632. 5.6753 hectares, more or less, being Section 56 SO 9382. 39.1133 hectares, more or less, being Section 52 SO 9381.

## Schedule 3

### Cultural redress properties

ss 69, 78, 79

#### *Properties vested in fee simple*

Name of property	Description	Interests
Former Te Haroto School	<i>Hawkes Bay Land District— Hastings District</i>  1.8817 hectares, more or less, being Te Haroto 2B2 Lot 1 and Part Te Haroto 2B1 Lot 2. All computer freehold register 271170.	
Tarawera Property	<i>Hawkes Bay Land District— Hastings District</i>  1.0000 hectare, more or less, being Section 1 SO 486866. Part <i>Gazette</i> notice 400663.1.	Subject to a residential tenancy to B. Eden.  Subject to an unregistered beehive permit with concession number WE-25978–OTH to Arataki Honey Limited.
Tarawera Hot Springs site A	<i>Hawkes Bay Land District— Hastings District</i>  6.0890 hectares, more or less, being Section 4 SO 486866. Part computer freehold register HBK4/140.	Together with the right of way easement referred to in section 72(3).  Subject to the right of way easement in gross referred to in section 72(5).
Te Purotu	<i>Hawkes Bay Land District— Hastings District</i>  10.6356 hectares, more or less, being Section 15 Block VIII Pohue Survey District. All computer freehold register 660617.	
Woodstock Station property	<i>Hawkes Bay Land District— Hastings District</i>  195.8568 hectares, more or less, being Sections 1, 3, 6, 8, and 9 SO 487112. Part computer freehold register 27348.	Subject to a notice pursuant to section 195(2) of the Climate Change Response Act 2002 and held in Instrument 9222083.1.  Subject to section 8 of the Atomic Energy Act 1945.  Subject to section 3 of the Geothermal Energy Act 1953.  Subject to a right of way easement created by certificate 572628.2.  Subject to an easement for a right of way, a right to convey electricity, and a right to convey telecommunications and computer media to be created and registered before the vesting referred to in section 74(2).  Together with an easement for a right of way, a right to convey

Name of property	Description	Interests
		electricity, and a right to convey telecommunications and computer media to be created and registered before the vesting referred to in section 74(2). Together with a right of way created by certificate 572628.2.

*Properties vested in fee simple to be administered as reserves*

Name of property	Description	Interests
Taraponui-a-Kawhea	<i>Hawkes Bay Land District— Hastings District</i> 17.5600 hectares, more or less, being Section 1 SO 486665. Part <i>Gazette</i> notice K4328.	Subject to being a scenic reserve, as referred to in section 75(3). Subject to the right of way easement in gross referred to in section 75(5). Subject to a right of way easement created by <i>Gazette</i> notice 597751.2. Together with a right of way easement created by certificate 572628.2.
Waipunga Falls property	<i>South Auckland Land District— Taupo District</i> 1.0770 hectares, more or less, being Section 1 SO 486730. Part <i>Gazette</i> notice S463544.	Subject to being a scenic reserve, as referred to in section 76(3). Together with the right of way easement referred to in section 76(5).

*Property vested in fee simple subject to conservation covenant*

Name of property	Description	Interests
Tarawera Hot Springs site B	<i>Hawkes Bay Land District— Hastings District</i> 4.9850 hectares, more or less, being Section 5 SO 486866. Part computer freehold register HBK4/140.	Subject to the conservation covenant referred to in section 77(5). Together with the right of way easement referred to in section 77(3).

## Schedule 4

### Notices in relation to RFR land

ss 107, 129, 135(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 110, 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 126 or 128, 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.

Schedule 4 clause 2: amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

#### 3 Time when notice received

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

- (b) on the fourth day after posting, if posted; or
  - (c) at the time of transmission, if faxed or sent by other electronic means.
- (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.

## **Reprints notes**

### **1    *General***

This is a reprint of the Hineuru Claims Settlement Act 2016 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

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