PARLIAMENTARY COUNSEL OFFICE
TE TARI TOHUTOHU PĀREMATA

New Zealand Legislation

Ngāti Rangi Claims Settlement Act 2019

- Warning: Some amendments have not yet been incorporated
- This version was replaced on 11 January 2021 to make corrections to section 162(2) under section 25(1)(m) of the Legislation Act 2012.

Reprint as at 1 August 2020

Ngāti Rangi Claims Settlement Act 2019

Public Act 2019 No 40
Date of assent 31 July 2019
Commencement see section 2

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.

This Act is administered by the Ministry of Justice.

Contents

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Rangi Claims Settlement Act 2019.

2 Commencement

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

Part 1

Preliminary matters, historical account, acknowledgements and apology, and settlement of historical claims

Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology given by the Crown to Ngāti Rangi in the deed of settlement; and

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

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 Ngāti Rangi, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Ngāti Rangi 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 in 10 subparts, including—

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

(i) in subpart 1, a protocol for taonga tūturu on the terms set out in the documents schedule; and

(ii) in subpart 2, a statutory acknowledgement by the Crown of the statements made by Ngāti Rangi 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

(iii) in subpart 3, Te Tāpora (an overlay classification) applying to a forest sanctuary area; and

(iv) in subpart 4, the provision of official geographic names; and

(b) in subpart 5, cultural redress requiring the fee simple estate in certain cultural redress properties to be vested in the trustees; and

(c) in subpart 6, the vesting and gifting back of Raketapauma; and

(d) in subpart 7, the Crown's acknowledgement of the association of Ngāti Rangi with matā, onewa, and pākohe, provision for members of Ngāti Rangi to remove the minerals by hand from the relevant area or a riverbed in a defence area, and a requirement for the Director-General to consult in relation to the minerals; and

(e) in subpart 8, provision for the trustees to participate in any review of the Tongariro–Taupō conservation management strategy and any future conservation management strategy that applies to Te Paenga Nui, including the right of the trustees to propose an extension of Te Paenga Nui; and

(f) in subpart 9, a requirement that a nominee of the trustees be appointed to be a member of the Conservation Board whose jurisdiction includes the part of the Ohakune and Ruapehu region that is within the Ngāti Rangi area of interest; and

(g) in subpart 10, the establishment of a joint committee, Te Pae Ao, to be the administering body of the listed reserve sites in accordance with the Reserves Act 1977, a role that includes drafting a reserve management plan for the reserve sites. Te Pae Ao may also participate in certain circumstances in discussions under the National Parks Act 1980, including discussions on any proposal to add certain areas to the Tongariro National Park, and with the consent of the Minister of Conservation and the trustees, may administer the Beds of Rotokura Lakes.

(4) Part 3 provides for the framework in which Ngā Iwi o Te Waiū-o-Te-Ika will participate in relation to the management of the Whangaehu River, known to Ngāti Rangi as Te Waiū-o-Te-Ika.

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

(a) provision for the transfer of the property of the Crown to the trustees:

(b) provisions required for the transfer of licensed land and the protection of access to protected sites:

(c) a right of first refusal over certain land.

(6) There are 9 schedules, as follows:

(a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and for which deeds of recognition are issued:

(b) Schedule 2 describes the Te Tāpora area to which Te Tāpora applies:

(c) Schedule 3 describes the cultural redress properties:

(d) Schedule 4 describes the reserve sites and provides for procedures relating to the operation of Te Pae Ao, a joint committee established to administer the reserve sites:

(e) Schedule 5 lists the Acts to which Te Mana Tupua and Ngā Toka Tupua apply:

(f) Schedule 6 sets out provisions for the administration of Ngā Wai Tōtā o Te Waiū:

(g) Schedule 7 sets out provisions that apply to the preparation, approval, and review of Te Tāhoratanga o Te Waiū, the catchment document:

(h) Schedule 8 sets out provisions that apply in relation to the Te Waiū-o-Te-Ika catchment register:

(i) Schedule 9 sets out provisions relating to the notices required under the RFR provisions.

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

7 Summary of historical account, acknowledgements, and apology

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

(2) Sections 9 and 10 record the text of the acknowledgements and apology given by the Crown to Ngāti Rangi in the deed of settlement.

(3)

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

8 Summary of historical account

Te whakarāpopototanga o te hītori a ngā kereme mō Ngāti Rangi

(1) I 1840, i hainatia te Tiriti o Waitangi e ētehi rangatira o Whanganui e whakapapa ana ki a Ngāti Rangi. He mea kite tonu e Ngāti Rangi tā rātau haina i te Tiriti hei mahi whakaatu i tō rātau mana, hei pātuitanga i herea ai ngā taha e rua i muri atu. I te tekau tau whai muri ake ka hokona he whenua e ngā rangatira o Whanganui hei tāone me te whakatū whare mō ngā Pākehā ka tae mai ki te noho i te rohe. Ā, i ngā tau tekau 1860 me ngā tau tekau 1870 ka piri ētehi o ngā rangatira o Ngāti Rangi me te Karauna i ngā Pakanga o Niu Tīreni hei tiaki i tō rātau mana me te rohe i roto i ngā tini āhuatanga i tīningia i taua wā tonu. Ahakoa tēnei kātū hononga me te Karauna, i tapaina ngā whanaunga o uta o te awa o Whanganui hei hoariri.

(2) I ngā tau tekau 1870, i tīmata a Ngāti Rangi ki te rīhi atu ngā whenua ki ngā Pākehā, he mea tūmataiti nei. Heoi, kaore i whakaaengia e te Karauna ki tēnei kātū mahi, nā reira nā te Karauna ngā whenua Māori i rīhi, ā, ka rīhi tuaruatia ki aua rōpū tūmataiti anō. Ā, i mua tonu i te otinga o te rīhi 21 tau, i hokona ngā whenua e te Karauna, nui atu i te hāwhe i hiahiatia a Ngāti Rangi ki te rīhi atu. I ngā tau tekau 1860, i whakatūria e te Karauna ētehi ture whenua Māori hei whakawehe i te mana o te iwi ki ngā whenua kia riro mā te mana kotahi a te tangata ake kaua mā te katoa. Nā ēnei kātū ture e taea ai te hokohoko atu, te whakawehewehe atu me te whakamarara i ngā whenua o Ngāti Rangi i te whakatūnga o te Kōti Whakawā Whenua Māori. Heoi, nō te whakatūnga o te Tarati a Te Keepa, i manakotia e Ngāti Rangi kia pupuru i ngā whenua me te nui o te whakahē a te Karauna. I ngā tau tekau 1890, i kaha tautoko a Ngāti Rangi i te kaupapa o Te Kotahitanga me te whakapakari i tōna mana me tōna rangatiratanga engari i te āwangawanga tonu te iwi ki te ngaronga o hō rātau whenua ki te kore e uru atu ki ngā mahi a te Kōti.

(3) I te tau 1907, i whakapuakina e te Karauna tōna mana ki ngā tongi o Te Pāka o Tongariro me te kore kōrero ki a Ngāti Rangi. Nā, ka uru ai tētehi poroka kaore anō kia tutuki i tā Te Kōti Whakawā Whenua Māori ritenga ki roto i te Pāka ahakoa kaore anō kia whakataungia ko wai ngā kaipupuri hea, ā, kaore hoki i utua aua kaipupuri hea e te Karauna. Ko te mea kē, he wāhi tapu motuhake nō Ngāti Rangi kei tēnei poroka. Ā, i pana a Ngāti Rangi i ngā mahi whakahaere o te Pāka tae rawa ki te whiore o ngā tau tekau 1980.

(4) I te rau tau 20, i ngarongaro haere ngā whenua o Ngāti Rangi ake, atu i ngā whenua i taea te rāhui atu me te rīhi ki ngā Pākeha mō ngā tau 42 kia hoki mai anō ki te iwi ki te mahi whenua. Heoi anō, kaore i āta whakaritea te utu e āhei ai te utu atu i ngā kaipupuri rīhi mō ngā whakapaipai whenua tae rawa ki te whakatū Koporeihana i te tau 1970. Āpiti atu ki tēnei tū āhua, i kaha hokohoko te Karauna me ngā rōpū tūmataiti i ngā whenua o Ngāti Rangi, i tangohia e te Karauna i ngā whenua Māori mō ngā kaupapa tūmatanui. Nā tēnei, e toitū tonu ana te 13 500 eka noa ahakoa he 62 000 eka i a Ngāti Rangi i te tau 1900. Ā, i tūkinotia te taiao i te rohe tonu o Ngāti Rangi e ngā kaupapa tūmatanui a te Karauna, inā, te tahuritanga a te nuinga o ngā wai mai i a Ruapehu i ngā ara tahuri me ōna teihana hiko mō te Kaupapa Mahi Hiko o Tongariro ahakoa kaore i kōrerotia ki a Ngāti Rangi. He hua kino e turaki ana i te hauropi o te nuinga o ēnei arawai te mutunga iho.

(5) Nō te rironga o ngā whenua o Ngāti Rangi i ngā rau tau 19 me te rau tau 20 ka ngoikore rawa te mana hokohoko a te iwi me te tiaki i te iwi anō. Etia anō he taurekareka te hua me te pōhara o ngā whare, i te kore whai mātauranga me te kore whai oranga. Nā tēnei ka marara te iwi ki ngā tāone nui, ka tokoiti te haukāinga, ka mimiti haere te puna kōrerorero me te ngaronga o ngā tikanga tuku iho. Heoi, nō ngā tekau tau tata nei, kua tīmata anō a Ngāti Rangi ki te whakapakari i a ia anō me te whakapakari i te ahikā kia koni atu anō.

Summary of the historical background to the claims by Ngāti Rangi

(1) In 1840, several Whanganui rangatira with Ngāti Rangi affiliations signed te Tiriti o Waitangi and Ngāti Rangi have always viewed their signing of te Tiriti as an exercise of their mana, and a partnership to which both sides committed themselves for the future. In the decade that followed, Whanganui rangatira sold land for the establishment of a township, built whare in anticipation of the arrival of Europeans, and welcomed settlers into the district. Throughout the 1860s and 1870s, some Ngāti Rangi rangatira aligned themselves with the Crown during the New Zealand Wars as a strategy to maintain the rohe established by their tūpuna, and uphold their mana in a time of great change in the district. Despite Ngāti Rangi's allegiance to the Crown, the Crown labelled up-river Whanganui Māori as its opponents.

(2) In the 1870s, Ngāti Rangi also began entering private leasing arrangements with Europeans without the Crown's involvement. However, the Crown prevented Ngāti Rangi from leasing their land to private parties, and became the lessee

of the lands which it subleased to private parties. Before the 21-year leases had come to an end, the Crown had purchased more than half of the land Ngāti Rangi sought to lease. In the 1860s, the Crown introduced a series of native land laws which provided for the individualisation of Māori land holdings, which had previously been held in tribal tenure. These laws made Ngāti Rangi's land more vulnerable to partition, fragmentation, and alienation as the Crown's continued purchases of Ngāti Rangi land increased dramatically following the establishment of the Native Land Court. Ngāti Rangi sought to exercise tribal control over their lands through Te Keepa's Trust, but the Crown did not support this initiative. In the 1890s, Ngāti Rangi became strong supporters of the Te Kotahitanga movement to assert their rangatiratanga and protect their interests. However, the iwi felt they risked exclusion from the ownership of their lands if they did not participate in Court hearings.

(3) In 1907, the Crown proclaimed the boundaries of the Tongariro National Park without consulting Ngāti Rangi. The Crown included within the Park's boundaries a block of land that had not passed through the Native Land Court, and has never sought to identify the customary owners of the land or pay them compensation. Wāhi tapu of immense significance to Ngāti Rangi are located on this block. Ngāti Rangi were excluded from the administration of the Park until the late 1980s.

(4) As Ngāti Rangi's landholdings continued to diminish throughout the twentieth century, they sought to vest their remaining land and lease it to Europeans for 42 years, after which Ngāti Rangi intended to reoccupy the developed land. However, satisfactory arrangements were not made for Ngāti Rangi to pay compensation for the lessees' improvements, and the iwi were unable to reoccupy their lands until after they were incorporated in 1970. Additionally, the continued purchasing of Ngāti Rangi land by the Crown and private parties, and compulsory acquisitions by the Crown for public works projects meant that, of the 62 000 acres of Ngāti Rangi land owned in 1900, today the iwi retain only 13 500 acres. Public works projects also disrupted the natural environment in Ngāti Rangi's rohe: for example, the Crown diverted almost all of the water that flows from Mount Ruapehu into the tunnels and hydro-electric power stations of the Tongariro Power Development scheme without consulting Ngāti Rangi, leading to the ecological destruction of many of these waterways.

(5) The extent of Ngāti Rangi's loss of land through the nineteenth and early twentieth centuries meant that the iwi's economic base was eroded, along with their ability to sustain themselves. Consequently, Ngāti Rangi have suffered poor housing, low educational achievement, and a lack of opportunities for social and economic development. This, in turn, has led to a dispersal of the Ngāti Rangi population to urban centres, and a loss of community, te reo Māori skills, and traditional cultural practices. Over the last few decades, due to a concerted effort by Ngāti Rangi, a revival based on the homeland community has begun.

9 Acknowledgements

He aumihi, he tūtohutanga

(1) Tēnei te whakamihi a te Karauna i runga i te whakaae kua tōmuri tāna whakamihi i te tino rangatiratanga o Ngāti Rangi i whakaūngia i Te Tiriti o Waitangi, otirā—

(a) kua pono te nuinga o ngā uri o Ngāti Rangi ki te Karauna, kua whakatinanahia ngā kawenga i takoto i Te Tiriti o Waitangi, i roto anō i tāna piri mai hei hoa mō te Karauna i ngā pakanga;

(b) ko te tūmanako o Ngāti Rangi ka ū tonu ngā whanaungatanga o Ngāti Rangi ki te Karauna, heoi, kāore ēnei tūmanako i tutuki; otirā

(c) kua ū a Ngāti Rangi ki te whakatakoto i āna nawe ki mua tonu i te Karauna, heoti anō rā, he nui ngā wā i takahia e te Karauna te Tiriti me ōna mātāpono. Kua pā mai te nui o te mamae ki ngā whakatupuranga o Ngāti Rangi nā te korenga o te Karauna i aro ki ngā nawe o te iwi. Nā konei, e whakaae ana te Karauna ki ēnei kupu e whai ake nei.

Te Tiriti o Waitangi

(2) E whakaae ana te Karauna i te wā i waitohutia e ngā rangatira o Ngāti Rangi te Tiriti o Waitangi he whakaū tērā i tō rātou mana motuhake me te tino rangatiratanga. E whakaae ana te Karauna e whai ana a Ngāti Rangi ki te whakaū i tōna mana motuhake me te whiri i ngā taura here ki te Karauna, engari, kāore te Karauna i ū ki te whakahōnore i taua whanaungatanga, nā konei, i takahia ngā mōtika o Ngāti Rangi i raro i te Tiriti o Waitangi.

Ngā Ture Hoia

(3) E whakaae ana te Karauna i whāia ngā ture hoia i te tau 1847 i te wā i hāmenetia ngā taitamariki Māori mō te kōhuru i tētehi whānau Pākehā te take. Āpiti atu, ko te utu nui a Ngāti Rangi, i te tukunga a tō rātou rangatira, a Winiata Te Pūhaki, i tana tamaiti, i a Te Awahuri ki te Karauna. He tohu tēnei o te ngākau pono ki te Karauna.

1848 Te Hokonga o Whanganui

(4) E whakaae ana te Karauna, i te Hokonga o Whanganui i te tau 1848 i tāpaetia ki ngā tūpuna o Ngāti Rangi i te mutunga o te tūtohunga a Kōmihana Spain mō te utu, i riro i Te Kamupene o Niu Tīreni te 40 000 eka hei paremata i te utu £1,000. Kāore te Karauna i whakamōhio atu ki a Ngāti Rangi ko ngā whenua i rūrihia mō taua hokonga he pūrua i tā Spain i tohu ai, ahakoa i rite tonu te £1,000 i utua ki te iwi. Kāore tēnei i eke ki te pono me te tika o roto i Te Tiriti o Waitangi me ōna mātāpono.

Ngā Pakanga Nunui o Niu Tīreni

(5) E whakaae ana te Karauna i piri mai a Ngāti Rangi ki te tautoko i te Karauna i ngā pakanga i te rautau tekau mā iwa; heoi, e whakaae ana te Karauna ki tāna whakatau i te wā o ngā Pakanga Nunui o Niu Tīreni, i kīia e te Karauna he "ito" ngā Māori o uta, he "hoa" ngā Māori o tai, nā konei i tupu ngā taukumekume i roto o Ngāti Rangi me ōna hononga ki iwi kē, tae atu ki te whanaungatanga o Ngāti Rangi ki te Karauna. Ka nui te pāmamae o Ngāti Rangi i tēnei tū āhua.

Ngā Ture Whenua Māori

(6) E whakaae ana te Karauna i pēhia iho a Ngāti Rangi i raro i ngā ture whenua, ahakoa i kaha te whakahē a ngā tūpuna i ngā ture whenua, kāore te Karauna i āta aro mai ki ō rātou āwangawanga. E whakaae ana te Karauna—

(a) kāore te Karauna i whiriwhiri kōrero ki a Ngāti Rangi i mua i te tānga o ngā Ture Whenua o ngā tau 1862 me 1865, nā konei i pā mai tētehi tikanga whenua tauhou ki Ngāti Rangi, ka huri ngā tikanga taketake a te iwi mō te whenua ki te aro ki ngā pānga whenua takitahi;

(b) kia ea i a Ngāti Rangi ōna whenua te tiaki i ngā kerēme a ētehi atu, kāore he kōwhiringa i tua atu i te kuhu ki te pūnaha me ngā ritenga i whakaritea e te Karauna;

(c) nā ngā ritenga i te Kōti Whakawā Whenua Māori kia tiakina e Ngāti Rangi ōna pānga whenua i ētehi atu kaitono kerēme, ka momotu te whanaungatanga o ngā hapū o Ngāti Rangi, tae atu ki ngā whanaungatanga ki ngā iwi kiritata, e pēnei tonu ana i tēnei wā;

(d) nā te nui o ngā utu kia ea ai ngā ritenga i te Kōti Whakawā Whenua Māori i riro atu ngā whenua o Ngāti Rangi hei paremata i ngā nama;

(e) nā ngā ritenga o ngā ture whenua, pērā i te tuku taitara ki te tangata takitahi, i takahia ngā tikanga whiriwhiri ā-iwi a Ngāti Rangi, nā kōnei anō i wāhia ngā whenua, ka poroa, ka riro;

(f) ko tōna hua, he turaki i ngā tikanga a Ngāti Rangi;

(g) kāore te Karauna i tiaki i ngā tikanga a Ngāti Rangi, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

Te Rīhi i Murimotu

(7) E whakaae ana te Karauna, i aro a Ngāti Rangi ki te mau ki tōna mana motuhake i ngā whenua o Murimotu, i aro anō a Ngāti Rangi ki te whai rawa a te iwi mā te rīhi i ō rātou whenua ki ngā kairīhi motuhake. E whakaae ana te Karauna—

(a) i aukatihia e te Karauna tā Ngāti Rangi rīhi atu i ōna whenua ki ngā kairīhi motuhake mā te whakatau ritenga ki aua kaitono motuhake, me te whakatau ritenga kia tau ki te Karauna anake te mana hoko i aua whenua;

(b) i te tuatahi, i whakahē atu ngā rangatira o Ngāti Rangi te rīhitanga o aua whenua ki te Karauna, engari nā te Karauna te kupu tohutohu kia rīhingia ngā whenua i runga i tāna kupu koirā anake te huarahi e taea ai e Ngāti Rangi te rīhi atu i raro i te ture;

(c) ko te tūmanako o Ngāti Rangi kia mau tonu i a ia ngā whenua i rīhingia, otirā, kia riro i te iwi ngā utu rīhi i te wā i whakaae rātou kia rīhingia atu ki te Karauna hei rīhi-āpiti atu ki ngā kairīhi motuhake; otirā

(d) i tīmata te Karauna ki te hoko i ngā whenua rīhi i ngā kaipupuri taitara takitahi i tohua e te Kōti Whenua Māori. I te mutunga iho, i riro i te Karauna te nuku atu i te haurua o ngā whenua o Ngāti Rangi i te rohe o Murimotu i te tau 1900.

Te Iti o ngā Taitara Kaporeihana

(8) E whakaae ana te Karauna, ahakoa tā Ngāti Rangi whai ki te whakakotahi i ngā tikanga whakahaere i ōna whenua mā te tuku i aua whenua ki raro i te mana o te Tarati a Te Keepa i te tau 1880, kāore te Karauna i whakatakoto tikanga kia pai ai te whakarite taitara takitini tae atu ki te tau 1894. He mea takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

Ngā Hokonga Whenua a te Karauna i te Rautau Tekau Mā Iwa

(9) E whakaae ana te Karauna, nā tōna mana hoko whenua, he nui kē atu tāna kawenga kia ū ki te pono me te tika o te hoko, otirā—

(a) i hokihoki te Karauna ki te whiriwhiri kōrero mō te hoko whenua i te tekau tau 1870 mā te tuku tōmua i ngā pūtea i mua i te whakatau a te Kōti Whakawā Whenua Māori i ngā taitara o aua whenua;

(b) ko te Karauna te kaihoko whenua matua, ā, i āta whiriwhiri kōrero ki a Ngāti Rangi ki te hoko i ōna whenua; otirā

(c) i muri i te whiriwhiri kōrero mō te hokonga o Waimarino, he iti iho ngā whenua i whakaritea e te Karauna mō Ngāti Rangi tērā i kīia ai e ngā āpiha o te Karauna i roto i ngā whiriwhiringa kōrero. Ka mutu, he takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

Ngā Wāhi Tapu

(10) E whakaae ana Te Karauna ko te hua o tāna hoko i ngā whenua i te rohe o Ngāti Rangi, ko te rironga o te mana whakahaere me te pānga o Ngāti Rangi ki ōna wāhi tapu. Nā kōnei, kua kore i taea e Ngāti Rangi te kaitiakitanga, te manaakitanga, te whanaungatanga, ngā tikanga taketake me āna kawenga ki ōna whenua me āna rawa.

Ngā Mahi Tūmatanui

(11) E whakaae ana te Karauna, e pāmamae ana a Ngāti Rangi i te āhua o te hao a te Karauna i ngā whenua kura o te iwi i raro i ngā ture tūmatanui me ngā ture tiaki i te ātaahua o te taiao. E whakaae ana te Karauna, kāore ia i āta whiriwhiri kōrero ki a Ngāti Rangi mō ngā whenua i haoa i ngā tau tae noa ki te puku o te rautau rua tekau.

Te Rerewē Matua o Te Ika-a-Māui

(12) E whakaae ana te Karauna kāore i utua te pūtea hei paremata i ngā whenua o Ngāti Rangi i haoa mō te hanganga o te ara tereina matua i Te Puku o te Ika. He takahi tēnei i te kī taurangi a te Mīnita Māori i te tau 1885 kia tukua te utu hei paremata i te whenua. He mea takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

Ngā Whenua Tuku

(13) E whakaae ana te Karauna i tukua e Ngāti Rangi ngā whenua o te poraka o Ōhotu No. 8 ki te Kaunihera Whenua o Aotea i te tau 1903 i runga i te tūmanako kia whakawhanakehia ngā whenua o te iwi hei painga mō ngā uri, ā, ka whakahokia mai ngā whenua i te paunga o te 42 tau. E whakaae anō ana te Karauna—

(a) i whakaae a Ngāti Rangi ki te tuku i ōna whenua ki te Kaunihera, e rima ngā mema Māori o taua rōpū, heoi, i te tau 1906 i tukua e te Karauna ngā whenua ki te Kaunihera Whenua o Aotea, kāore te Karauna i whakaae kia whiriwhiri a Ngāti Rangi i ngā mema o te Poari;

(b) i te tau 1926, ka tae te rongo ki a Ngāti Rangi, kāore ngā whenua e whakahokia mai i te mutunga o ngā rīhitanga i te tau 1940 nā te mea kāore i taea e Ngāti Rangi ngā pūtea paremata i ngā kairīhi hei utu i ngā whakapaipaitanga ki te whenua; otirā

(c) kāore te Karauna i whakarite kia whakahokia ngā whenua o Ngāti Rangi i te wā e tika ana, ka mutu, he mea takahi tēnei i te Tiriti me ōna mātāpono.

Te Pāka o Tongariro

(14) E whakaae ana te Karauna ki te mana whakahirahira o Matua te Mana, o maunga Ruapehu ki a Ngāti Rangi, ki te mana, te mouri me te oranga o te iwi.

(15) E whakaae ana te Karauna kāore ia i whiriwhiri kōrero ki a Ngāti Rangi mō ō rātou pānga ki ngā whenua i te Pāka o Tongariro i te tau 1907. He mea takahi tēnei i te Tiriti o Waitangi me ōna mātāpono. Nā kōnei, kīhei a Ngāti Rangi i rangona i roto i ngā whakaritenga, i ngā whakahaere me te tuakiri o te Pāka o Tongariro.

(16) E whakaae ana te Karauna kāore a ia i whakapā atu ki a Ngāti Rangi i roto i ngā whakaritenga me ngā whakahaere o te Pāka o Tongariro. Nā konei, i raru te tino rangatiratanga me te kaitiakitanga o Ngāti Rangi i tōna maunga tapu, i a Ruapehu, me ngā wāhi tapu o te Pāka. Kāore te Karauna i aro ki te tino rangatiratanga o Ngāti Rangi, he mea takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

(17) E whakaae ana te Karauna, nā ngā kaupapa whakawhanake ohaoha me te kawenga mai o ngā tupu me ngā kararehe tauhou ki te Pāka o Tongariro, i huri ai te taiao māori o te Pāka. Kua pāmamae a Ngāti Rangi i tēnei tū āhua, kua kore i taea e te iwi tōna maunga tapu te tiaki i ngā takahitanga ki te taiao me ngā tikanga.

(18)

E whakaae ana te Karauna, i momotuhia ngā pānga o Ngāti Rangi ki te kawe i āna tikanga, ki te kohi kai me te kohi rongoā i te Pāka o Tongariro i raro i Te Ture Papa Whenua o te tau 1952 i rāhuitia ai te kohikohi i ngā tupu me ngā hua ora, nā konei kua kore a Ngāti Rangi e kawe i āna tikanga me ōna mātauranga i te takiwā o te Pāka o Tongariro.

Te Whenua ki te Raki o Rangipō No. 8

(19) E whakaae ana te Karauna, e tika ana kia mōhio ia ki ngā pānga whenua o Ngāti Rangi ki Ruapehu i mua i te tāpiritanga o te whenua Māori (nō muri mai i huaina ko Rangipō North No. 8) ki te ture i whakatūria ai te Pāka o Tongariro i te tau 1894. Kāore te Karauna i hoko i ngā whenua i a Ngāti Rangi, kāore hoki i whiriwhiri kōrero ki te iwi i mua i te hao i aua whenua i te tau 1907. He mea takahi tēnei i Te Tiriti o Waitangi me ōna mātāpono.

(20) E whakaae ana te Karauna, kāore te Karauna i utu pūtea hei paremata i te haonga o ngā whenua (i huaina ko Rangipō North No. 8) i te tau 1907 i raro i te Ture mō Te Pāka o Tongariro o te tau 1894, ahakoa i mōhio te Karauna kāore te whenua i hokona, kāore hoki he utu paremata i tukua ki ngā kaipupuri taitara o aua whenua. He mea takahi tonu tēnei i a Ngāti Rangi i raro i ngā tikanga o Te Tiriti o Waitangi me ōna mātāpono.

(21) E whakaae ana te Karauna he wāhi tapu, he mana nui hoki tō Te Wai-ā-Moe, tō Paretetaitonga me Te Ara ki Paretetaitonga ki a Ngāti Rangi. Nō muri mai i te tāpiritanga o ēnei wāhi tapu i te poraka whenua o Rangipō North No.8 ki te Pāka o Tongariro, he mea aukati e te Karauna tā Ngāti Rangi āhei ki te tiaki i ēnei wāhi tapu i raro i ngā tikanga me te kaitiakitanga. Ka nui te pāpōuri me te pāmamae o te iwi.

(22) E whakaae ana te Karauna kīhei te Karauna i whakamōhio ki ngā kaitono katoa o te whenua ki te hui i te Kōti Whenua Māori i te tau 1960 ki te whakatau i te mana o te whenua o Rangipō North No. 8. He mea aukati tēnei i te tiaki a Ngāti Rangi i ōna pānga ki ngā whenua i te poraka. Ko te korenga o te Karauna i whakamōhio ki te katoa o te hunga whai pānga ki te whenua, he mea takahi tēnei i te Tiriti o Waitangi me ōna mātāpono.

Ngā Hokonga a te Karauna i te Rautau Ruatekau

(23) E whakaae ana te Karauna ki ngā nawe o Ngāti Rangi mō te nunui o ngā whenua i riro. I hokona e te iwi te nui o ngā whenua ki te Karauna i mua i te tau 1900. I te tau 1909 i unuhia e te Kōti Whenua Māori ngā here ki ngā whenua Māori, ā, i ū tonu te Karauna ki te hoko i ngā whenua tae atu ki te tau 1930.

Ngā Paina

(24) E whakaae ana te Karauna, i heke te ora o te taiao i te whakatōnga o ngā rākau paina i te tekau tau 1920 me te 1930, ko te pūtake tēnei o ngā pāmamae me ngā nawe o Ngāti Rangi.

Ngā Whenua o ngā Hoia ki Waiōuru

(25) E whakaae ana te Karauna kua takahia ngā wāhi tapu o Ngāti Rangi, i Te Onetapu i ngā mahi a ngā hoia ki ngā whenua i Waiouru. Kua pā mai ki te oranga taiao me te oranga wairua o te whenua me ngā uri o Ngāti Rangi.

Ngā Wai

(26) E whakaae ana te Karauna ki te hiranga o ngā wai i te rohe o Ngāti Rangi, me ngā pānga ki ngā tikanga, ki te oranga wairua, me te oranga ohaoha o te iwi, otirā, ko te awa o Whangaehu me ngā muriwai o Ruapehu te pūtake o te mouri ora o Ngāti Rangi—

(a) he mea kawe i te mana me te mouri o Ruapehu ki ngā uri o Ngāti Rangi;

(b) he mātāpuna o te ora o te iwi;

(c) nō konei anō ngā kai a Ngāti Rangi, pēnei i te tuna heke;

(d) ko te pūtake e tū ai, e ora ai ngā kāinga me ngā marae o Ngāti Rangi.

(27) E whakaae ana te Karauna, nā te tahuritanga o ngā wai o Whangaehu mō te kaupapa hiko, kua kore e taea e Ngāti Rangi ngā kawa, ngā tikanga me ngā ritenga hei tiaki i te awa mō ngā iwi o tai.

(28) E whakaae ana te Karauna ki te pāmamae o Ngāti Rangi i te tukunga o ngā para ki ngā wai o te rohe i runga i te āhua o te taetae mai a tauiwi ki te rohe. Ka nui te pāmamae o Ngāti Rangi i te hekenga o te mouri o ngā wai me ngā tikanga takeake a te iwi e pā ana ki te wai.

Te Tahuritanga Rāwhiti o te Kaupapa Hiko o Tongariro

(29) E whakaae ana te Karauna kāore ia i whiriwhiri kōrero ki a Ngāti Rangi i te wā i whakatūria te Kaupapa Hiko o Tongariro, ahakoa i mōhio te Karauna ki ngā āwangawanga o ngā iwi o Whanganui. He mea taupatupatu tēnei ki ngā kawenga a te

Karauna kia ū ki te pono, he mea takahi anō i te Tiriti o Waitangi me ōna mātāpono.

(30) E whakaae ana te Karauna, he taonga nui te Kaupapa Hiko o Tongariro me te Tahuritanga Rāwhiti ki te motu whānui o Niu Tīreni, engari, he utu nui o tēnei taonga ki a Ngāti Rangi. Ka nui te pāmamae o Ngāti Rangi i te tūnga me te whakahaerenga o tēnei kaupapa nā te mea—

(a) kua momotuhia te rere o ngā muriwai e 26 o Whangaehu, otirā, kua mimiti te wai o ētehi awa;

(b) kua mimiti ngā kai me ngā hua ora o ngā wai, nā konei, kua mimiti ngā tikanga kohi kai a Ngāti Rangi;

(c) kua kīia e ngā manatū ā-rohe, kua "mate" te wai;

(d) i te ranunga o ngā wai kua pā tērā ki te mouri o ngā awa o Ngāti Rangi, he pānga anō ki te tapu, ki ngā tikanga me te oranga wairua o Ngāti Rangi.

(31) E whakaae ana te Karauna, i takahuritia ngā wai o Te Tokiāhuru, he muriwai o Whangaehu, ki te Takahuringa Rāwhiti o te Kaupapa Hiko o Tongariro, nā konei i mimiti te rerenga o te wai ki ngā uri o Karioi, ka nui te pāmamae o Ngāti Rangi i tēnei tū āhua.

Te Reo Māori

(32) E whakaae ana te Karauna he mea tūkino ngā tamariki o Ngāti Rangi nā te whiu i a rātou mō te kōrero i tō rātou ake reo i roto i ngā kura kāwanatanga mō ngā tau tekau maha, ā, kua roa rawa te kore uara a te Karauna i ngā awekotanga ahurea Māori.

(33) E whakaae ana anō hoki te Karauna he kino te pānga o ēnei ki te kaha kōrero me te matatau o te reo Māori, ki te whakawhitinga rānei o te reo i waenga whakatupuranga (ina koa ko te reo o Ngāti Rangi), ki te whakatūturu hoki i ngā tikanga Māori.

Ngā Take Ohaoha

(34) E whakaae ana te Karauna, nā te pākarukaru o ngā whare, te korenga o te eke i te pūnaha mātauranga me te whāiti o ngā kōwhiringa me ngā huarahi mahi mā ngā uri o Ngāti Rangi i tōna rohe i te rautau rua tekau, kua pā mai te mate ki a Ngāti Rangi, nā konei i wehe ai te tokopae i te rohe.

Tā Ngāti Rangi ki a Niu Tīreni Whānui

(35) E whakaae ana te Karauna, he nui ngā taonga o Ngāti Rangi kua tukua hei painga mō te whanaketanga o te motu, otirā, ko ngā whenua me ngā awa i ngā kaupapa mahi tūmatanui, ko ngā uri i tautoko i ngā ope taua o te motu, ko ngā wāhi tapu hei papa whakarekareka i te iwi whānui, kua whai hua anō ngā tāngata katoa o Niu Tīreni i ēnei taonga o Ngāti Rangi.

Acknowledgements

(1) The Crown acknowledges that its recognition of Ngāti Rangi tino rangatiratanga, guaranteed by te Tiriti o Waitangi/the Treaty of Waitangi, is well overdue, and that—

(a) most Ngāti Rangi have been loyal to the Crown and have fulfilled their obligations as a Tiriti/Treaty partner, particularly during their military service to which the Crown pays tribute; and

(b) Ngāti Rangi had expectations of an ongoing and mutually beneficial relationship with the Crown that were not always realised; and

(c) Ngāti Rangi have consistently sought to raise their grievances directly with the Crown, but the Crown has, on many occasions, breached te Tiriti/the Treaty and its principles. The Crown has caused distress to successive generations of Ngāti Rangi by failing to deal with the long-standing grievances of the iwi in an appropriate way and therefore makes the following acknowledgements to Ngāti Rangi.

Te Tiriti o Waitangi/the Treaty of Waitangi

(2) The Crown acknowledges that when Ngāti Rangi rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi, they were exercising their mana motuhake and tino rangatiratanga. The Crown acknowledges that Ngāti Rangi sought to maintain their mana motuhake and to enter a partnership with the Crown but the Crown did not always honour this partnership and has denied Ngāti Rangi their rights under te Tiriti o Waitangi/the Treaty of Waitangi.

Martial law

(3) The Crown acknowledges that martial law was in effect in 1847 when a group of Māori youths were court-martialled and executed for the murder of a European family, and further acknowledges the great sense of sacrifice Ngāti Rangi feel over

the actions of their rangatira, Winiata Te Pūhaki, who surrendered his son, Te Awahuri, to the Crown in a significant act of loyalty.

1848 Whanganui purchase

(4) The Crown acknowledges that the 1848 Whanganui Purchase was represented to Ngāti Rangi tūpuna as the completion of Commissioner Spain's recommended award, which provided for the New Zealand Company to receive a 40 000-acre grant in return for a £1,000 payment. However, the Crown failed to inform Ngāti Rangi that the area surveyed and included in this purchase more than doubled Spain's award, even though Māori still only received a payment of £1,000. This did not meet the standard of good faith and fair dealing that found expression in te Tiriti/the Treaty, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

New Zealand Wars

(5) The Crown acknowledges that Ngāti Rangi participated in military roles in support of the Crown in the nineteenth century; however, the Crown acknowledges that the distinction it made during the New Zealand Wars between up-river Whanganui Māori it labelled as hostile and down-river Whanganui Māori it considered to be friendly helped to create tensions which have caused discord and enmity within Ngāti Rangi, between Ngāti Rangi and other iwi, and between Ngāti Rangi and the Crown, and remains a considerable source of grievance for Ngāti Rangi.

Native land laws

(6) The Crown acknowledges that the introduction of the native land laws caused great prejudice to Ngāti Rangi, and that although Ngāti Rangi tūpuna expressed considerable opposition to the land laws, the Crown failed to respond to their concerns in a reasonable way. In particular, the Crown acknowledges that—

(a) it did not consult Ngāti Rangi before introducing the Native Land Acts of 1862 and 1865 which imposed a new land tenure system on Ngāti Rangi that transformed their customary tribal tenure into one based on individual rights; and

(b) Ngāti Rangi had no choice but to participate in this system in order to protect their lands from the claims of others; and

(c) the requirement of Ngāti Rangi to defend their interests against overlapping groups in the Native Land Court significantly damaged the relationships between hapū of Ngāti Rangi and between Ngāti Rangi and their neighbouring iwi, the effects of which are still felt today; and

(d) the significant costs associated with Native Land Court processes resulted in the alienation of Ngāti Rangi lands to pay these costs; and

(e) the overall operation of the native land laws, in particular the awarding of land to individuals, undermined tribal Ngāti Rangi decision making and made their land more susceptible to partition, fragmentation, and alienation; and

(f) this eroded Ngāti Rangi's traditional tribal structures; and

(g) the Crown's failure to protect Ngāti Rangi's tribal structures was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Leasing in the Murimotu District

(7) The Crown acknowledges that Ngāti Rangi sought to maintain their mana motuhake over their lands in the Murimotu District and derive economic benefit by leasing their lands to private parties. The Crown further acknowledges that—

(a) it prevented Ngāti Rangi from leasing their lands directly to private parties by making arrangements with those private parties, and imposed monopoly powers over the Murimotu lands; and

(b) Ngāti Rangi rangatira initially opposed leasing this land to the Crown, but the Crown became the lessee after advising Ngāti Rangi that this was the only way they could legally lease their land; and

(c) Ngāti Rangi still expected they would retain ownership of the leased lands, and derive rental income from them, when they agreed to lease these lands to the Crown for it to sublease them to Ngāti Rangi's preferred private parties; and

(d) the Crown began purchasing the leased lands from the individual owners awarded title by the Native Land Court after the leases had been formally recognised and acquired more than half of the land in the Murimotu District from Ngāti Rangi ownership by 1900.

Lack of collective title

(8) The Crown acknowledges that, despite Ngāti Rangi seeking to provide for the collective administration of their land by attempting to vest it in Kemp's Trust in 1880, the Crown did not provide an effective form of collective title until 1894. This failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Nineteenth-century Crown purchasing

(9) The Crown acknowledges that, as a privileged purchaser, it had a greater duty to ensure high standards of good faith in its purchasing practices, and that—

(a) it frequently opened negotiations to purchase land during the 1870s by making advance payments before the Native Land Court determined the ownership of the land the Crown was seeking to purchase; and

(b) it negotiated to acquire Ngāti Rangi land as a monopoly purchaser; and

(c) after negotiating the Waimarino purchase it set aside fewer reserves for Ngāti Rangi than Crown officials had led them to expect during the negotiations, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Loss of access to wāhi tapu

(10) The Crown acknowledges that as a result of Crown purchasing within the Ngāti Rangi rohe, Ngāti Rangi have lost control of and access to wāhi tapu and are unable to exercise their kaitiakitanga, manaakitanga, and whanaungatanga and other customary rights and responsibilities over these lands and resources.

Public works

(11) The Crown acknowledges Ngāti Rangi's sense of grievance that it has compulsorily acquired lands significant to the iwi for public works and scenery preservation. The Crown further acknowledges that it seldom consulted Ngāti Rangi in respect of compulsory acquisitions it made before the middle of the twentieth century.

North Island Main Trunk railway

(12) The Crown acknowledges that its failure to pay compensation for land compulsorily taken from Ngāti Rangi for the construction of the North Island Main Trunk railway dishonoured a promise made by the Native Minister in 1885 that such compensation would be paid, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Vested lands

(13) The Crown acknowledges that Ngāti Rangi vested the Ōhotu No. 8 block in the Aotea District Maori Land Council in 1903 in the expectation that it would be developed and protected in the iwi's ownership for the benefit of their descendants, and that it would return to their control after 42 years. The Crown further acknowledges that—

(a) Ngāti Rangi had agreed to vest its land in the Council, which had 5 Māori members. However, in 1906 the Crown transferred Ngāti Rangi's vested land to the Aotea District Maori Land Board but did not allow Ngāti Rangi to select any members of this Board; and

(b) it became aware in 1926 that Ngāti Rangi's vested lands would not be returned to them at the end of their lease in the 1940s because Ngāti Rangi would not be able to pay the compensation for improvements the lessees were entitled to; and

(c) its failure to then make arrangements to provide for the vested lands to be returned to Ngāti Rangi in a reasonable and timely manner breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Tongariro National Park

(14) The Crown acknowledges the profound significance to Ngāti Rangi of Matua te Mana, Ruapehu maunga, from which the iwi draw life, sustenance, and inspiration.

(15) The Crown acknowledges that its failure to consult Ngāti Rangi and provide for their interests when the Tongariro National Park was proclaimed in 1907 was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, and has led to a sense of invisibility for Ngāti Rangi regarding their contribution and presence in the management and identity of the Park.

(16) The Crown acknowledges that it failed for many years to include Ngāti Rangi in the ongoing management arrangements for the Tongariro National Park and this severely affected the ability of Ngāti Rangi to practise their tino rangatiratanga and

kaitiakitanga over their sacred maunga, Ruapehu, and their wāhi tapu within the Park. The Crown failed to respect the rangatiratanga of Ngāti Rangi, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(17) The Crown acknowledges that commercial development on Ruapehu, and the introduction of exotic species into the Tongariro National Park, have wrought changes to the Park's natural environment which have caused great distress to Ngāti Rangi, who have been unable to safeguard the maunga's tapu from physical and cultural degradation.

(18) The Crown acknowledges that Ngāti Rangi have been excluded from accessing traditional cultural, kai, and rongoā resources within the Tongariro National Park since the National Parks Act 1952 made it an offence to remove indigenous flora and fauna from national parks, and that, consequently, Ngāti Rangi have been unable to carry out their customary practices within the boundaries of the Tongariro National Park in accordance with their tikanga and mātauranga.

Land known as Rangipō North No. 8 Block

(19) The Crown acknowledges that it ought to have known that Ngāti Rangi had a strong customary association with Ruapehu before it included an area of unnamed Māori customary land (later known as the Rangipō North No. 8 Block) in the legislation which established the Tongariro National Park in 1894. However, the Crown did not purchase the land from Ngāti Rangi, or consult the iwi before it compulsorily acquired the land in 1907, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(20) The Crown acknowledges that the Crown did not pay compensation for the compulsory acquisition of the area of unnamed land (later known as the Rangipō North No. 8 Block) in 1907 according to the provisions of the Tongariro National Park Act 1894, despite its awareness that compensation has never been paid to the customary owners. This failure of the Crown has continued to prejudice Ngāti Rangi and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(21) The Crown acknowledges that Te Wai ā-moe, Paretetaitonga, and Te Ara ki te Paretetaitonga are wāhi tapu of immense cultural and spiritual significance to Ngāti Rangi. When the Crown included the land later known as the Rangipō North No. 8 Block in the Tongariro National Park, it disrupted Ngāti Rangi's ability to protect these wāhi tapu under their tikanga and kaitiakitanga, and this is a source of considerable grief and distress for the iwi.

(22) The Crown acknowledges that it failed to notify all potential claimants for the 1960 Māori Land Court hearing to determine the ownership of the land that became known as the Rangipō North No. 8 Block. This prevented Ngāti Rangi from protecting their interests in the block. The Crown's failure to ensure that all claimants were notified was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Twentieth-century Crown purchasing

(23) The Crown acknowledges Ngāti Rangi's grievance about the extent of their land loss. The iwi had sold a large area of land to the Crown by 1900. In 1909, the Native Land Act removed all existing restrictions on the alienation of Māori land, and large-scale Crown purchasing did not stop until 1930.

Pinus contorta

(24) The Crown acknowledges the degradation of the environment that has arisen following the introduction of *Pinus contorta* in the late 1920s and 1930s, and that this has been, and continues to be, a source of great distress and grievance for Ngāti Rangi.

New Zealand Defence Force lands at Waiōuru

(25) The Crown acknowledges that sites sacred to Ngāti Rangi have been damaged or destroyed on defence land around Waiōuru, particularly on Te Onetapu, and further acknowledges that this has had an ongoing, detrimental impact on Ngāti Rangi's physical and spiritual relationship with the land.

Waterways

(26) The Crown acknowledges the profound importance of the waterways within the Ngāti Rangi rohe to the cultural, spiritual and economic well-being of the iwi, particularly the Whangaehu River from which Ngāti Rangi draw life, sustenance, and inspiration, and that the rivers, streams, and springs that flow from Ruapehu—

(a) carry the mana and mouri of Ruapehu down to the people of Ngāti Rangi; and

(b) are a source of healing for the iwi; and

(c) are an essential food source for Ngāti Rangi, particularly the delicacy tuna heke for which the iwi is renowned; and

(d) were critical to Ngāti Rangi in the establishment, maintenance, and sustenance of the iwi's hapū, kāinga, and marae.

(27) The Crown acknowledges that Ngāti Rangi feel unable to exercise their responsibilities in accordance with their kawa, tikanga, and ritenga in relation to the care, protection, management, and use of the Whangaehu River on behalf of down-river Māori following detrimental changes to the river wrought by pollution and the establishment of hydro-electricity generation infrastructure.

(28) The Crown acknowledges Ngāti Rangi's grievance about the pollution of the waterways within their rohe that has occurred during settlement in the district, and the significant distress Ngāti Rangi feel as a result of the degradation of these waterways and the loss of associated traditional practices.

Tongariro Power Development and Eastern Diversion

(29) The Crown acknowledges that it failed to consult Ngāti Rangi when it established the Tongariro Power Development scheme despite being aware of the concerns of Whanganui Māori. This was inconsistent with the Crown's duty to act in good faith and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(30) The Crown further acknowledges that the Tongariro Power Development scheme, particularly the Eastern Diversion including the Whangaehu River, has made a significant contribution to the New Zealand nation, but that many of the scheme's benefits have come at great cost to Ngāti Rangi. The construction and operation of the scheme remains a profound grievance for Ngāti Rangi because—

(a) it has disrupted the natural flow of 26 tributaries into the Whangaehu River which has, in some instances, left only dry riverbeds; and

(b) it has led to a decline of traditional fisheries and undermined customary Ngāti Rangi fishing practices; and

(c) it has also led local authorities to consider the Whangaehu River to be biologically dead; and

(d) Ngāti Rangi consider that the mixing of the waters has affected the mouri of rivers that Ngāti Rangi have long held sacred, which is inconsistent with Ngāti Rangi tikanga and has harmed the cultural and spiritual well-being of Ngāti Rangi.

(31) The Crown acknowledges that water from the Tokiāhuru Stream, a tributary of the Whangaehu River, was diverted for use in the Eastern Diversion of the Tongariro Power Development scheme, and that this severely diminished the flow of water in the stream that sustained the Ngāti Rangi community at Karioi, and this has been a deep source of grievance and distress for Ngāti Rangi.

Te reo Māori

(32) The Crown acknowledges the harm Ngāti Rangi children suffered by being punished for speaking their own language in Crown-established schools for many decades, and that for too long the Crown did not value Māori cultural understandings.

(33) The Crown further acknowledges that these impacts have had a detrimental effect upon Māori language proficiency and fluency, the inter-generational transmission of te reo Māori (especially the Ngāti Rangi dialect), and tikanga Māori practices.

Socio-economic issues

(34) The Crown acknowledges that poor housing, low educational achievement, and a lack of opportunities for social and economic development in the Ngāti Rangi rohe throughout the twentieth century have adversely affected Ngāti Rangi, and encouraged many to leave the Ngāti Rangi rohe.

Contribution to New Zealand

(35) The Crown acknowledges that Ngāti Rangi have made many sacrifices for the development of the country, including land and access to waterways for public works, people to support the nation's defence efforts, and wāhi tapu for the public's enjoyment, from which many New Zealanders have greatly benefited.

10 Apology

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

Te Whakapāha

"(a) Tēnei, e whai ake nei, te whakapāha a te Karauna ki a Ngāti Rangi, ki ngā tūpuna, ki ngā mokopuna, ki ngā hapū me ngā whānau o te iwi.

(b)

I te tau 1840, i te wā i hainatia e ngā tūpuna o Ngāti Rangi te Tiriti o Waitangi, i whiriwhiri rātou i ngā muka o te taura here whanaungatanga o Ngāti Rangi ki te Karauna. Koinei te pūtake o te tautoko a Ngāti Rangi i te Karauna tae noa mai ki tēnei wā. I pōwhiritia e Ngāti Rangi ngā iwi kia taetae mai ki te rohe whānui o Whanganui. He nui ngā whakahere a Ngāti Rangi hei tautoko i te Karauna. Kua rite tonu tā Ngāti Rangi tuku mai i ngā whenua, i ngā rawa me ngā taonga a ō koutou hapū me ō koutou whānau hei painga mō Niu Tīreni.

(c) E whakapāha ana te Karauna i te korenga i āta manaaki i a Ngāti Rangi, he tino hoa nōna. Ko tā te Karauna kē he whakarite ture me ngā umanga hei wāwāhi i ngā whenua, hei hao anō i ō koutou whenua, he mea takahi tēnei i te mana o Ngāti Rangi i tōu nā rohe. Nā te Karauna ngā whenua i tango, i tūkino, i hangahanga, kāore i whiriwhiri kōrero ki a Ngāti Rangi, i tono rānei kia whakaae mai a Ngāti Rangi. Kāore a Ngāti Rangi i whai wāhi atu ki te whakatūnga o te Pāka o Tongariro, ā, i takahurihia te rere o te awa o Whangaehu ki te kaupapa hiko ā-wai i Te Puku o te Ika. Nei te whakapāha a te Karauna mō te tūkino i a Matua te Mana, me ngā muriwai i tōu nā rohe.

(d) E whakapāha ana te Karauna i te rironga o tō mana whakahaere i te hokonga me ngā whakataunga mō ō whenua i raro i ngā ture me ngā ritenga a te Karauna. E whakapāha ana te Karauna i te korenga ōna i aro, i tahuri, i whakamihi i a Ngāti Rangi mō tō tautoko mai i roto i ngā mahi pakanga ki te taha o te Karauna. Otirā, kāore te Karauna i whakahōnore i a Ngāti Rangi me te whanaungatanga ki a Ngāti Rangi i raro i te Tiriti o Waitangi. E whakapāha ana te Karauna i runga i te ngākau iti.

(e) I tēnei whakapāha me tēnei hohounga o te rongo, e aro ana te Karauna ki te whakaea i ērā mahi me ngā hapa i tūkino i a Ngāti Rangi, kia unuhia ngā taumahatanga me te pāmamae, kia whiria tonutia ngā muka o te taura here i raro i te Tiriti o Waitangi. E ahu whakamua ata te titiro kia tupu te whanaungatanga i runga i te pono me te mahi ngātahi ki a Ngāti Rangi."

Apology

"(a) The Crown makes the following apology to Ngāti Rangi, to your tūpuna and mokopuna, your hapū and your whānau.

(b) In 1840, when Ngāti Rangi tūpuna signed te Tiriti o Waitangi, they chose to enter into a partnership with the Crown. This commitment to the principles of co-operation and support has characterised Ngāti Rangi's relationship with the Crown ever since: Ngāti Rangi encouraged and welcomed European settlement in the Whanganui District; Ngāti Rangi have made many sacrifices in support of the Crown; and Ngāti Rangi consistently provided land and resources precious to your hapū and whānau for the development and benefit of your fellow New Zealanders.

(c) The Crown is sincerely remorseful that it has not treated Ngāti Rangi as the friend and ally you have always been. Instead, the Crown promoted laws and institutions that encouraged the partition, fragmentation, and alienation of your land, and threatened your mana over the Ngāti Rangi rohe. The Crown also took, and damaged, your land for use in public works projects, often without consulting Ngāti Rangi or asking for your consent. The Crown excluded Ngāti Rangi from the establishment and management of the Tongariro National Park, and diverted the tributaries of the Whangaehu River into the hydro-electric power generation scheme constructed around the central North Island's volcanic plateau. For all of the harm this has done to your sacred connection with Matua Te Mana and the waterways of your rohe, the Crown unreservedly apologises.

(d) The Crown is deeply sorry that its acts and omissions have caused you to lose tribal control over the sale and settlement of your land. The Crown sincerely apologises for its failure to recognise, acknowledge, and thank Ngāti Rangi for your military service and the many sacrifices you have made. Above all, it is with profound remorse that the Crown admits that it has not honoured Ngāti Rangi's partnership with the Crown under te Tiriti o Waitangi/the Treaty of Waitangi with the respect and integrity that you deserve. The Crown humbly apologises.

(e) With this apology, and through this settlement, the Crown seeks to atone for those acts and omissions that have caused Ngāti Rangi harm, to finally lift your burden of grievance, and to rebuild our relationship based on te Tiriti o Waitangi/the Treaty of Waitangi and its principles. We look forward to growing our friendship and a relationship of trust and partnership with Ngāti Rangi."

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

approving legislation means an Act that gives effect to a deed of settlement entered into to settle the historical Treaty of Waitangi claims of an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika

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

area of interest means the area shown as the Ngāti Rangi area of interest on deed plan OTS-083-001 in part 1 of the attachments

attachments means the attachments to the deed of settlement

Chief of Defence Force means the officer appointed under section 8 of the Defence Act 1990

commercial redress property has the meaning given in section 129

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

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

Crown stratum means the space occupied by—

(a) the water of a lake; and

(b) the air above the water

cultural redress property has the meaning given in section 60

deed of recognition—

(a) means a deed of recognition issued under section 35 by—

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

(ii) the Commissioner of Crown Lands; or

(iii) the Chief of Defence Force; and

(b) includes any amendments made under section 35(5)

deed of settlement—

(a) means the deed of settlement known as *Rukutia Te Mana* and dated 10 March 2018 and signed by—

(i) the Honourable Andrew James Little, Minister for Treaty of Waitangi Negotiations, and the Honourable Grant Murray Robertson, Minister of Finance, for and on behalf of the Crown; and

(ii) Shar Harold Koroniria Amner, Raana Virginia Mareikura, Darnielle Tomairangi Mareikura, Brendon Corey Jah Fari Morgan, Soraya Waiata Peke-Mason, and Keria Ngakura Ponga, being the trustees of the Ngāti Rangi Trust and Te Tōtarahoe o Paerangi, for and on behalf of Ngāti Rangi; and

(iii) Che Philip Wilson, Toni James Davis Waho, Carl Adrian Wilson, Kemp Matthew Dryden, and Cassandra Kathleen Katarina Reid, being the Ngāti Rangi negotiators; and

(b) includes—

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

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

defence area land has the meaning given in section 129

deferred selection property has the meaning given in section 129

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

exclusive RFR land has the meaning given in section 146

governance entity means the entity representing an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika and recognised by the Crown as the entity to administer the settlement of the historical claims of that iwi or group of iwi under any relevant approving legislation

hearing commissioner has the meaning given in section 126(5)

historical claims, in relation to Ngāti Rangi, 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

kawa means the universal laws of nature that inextricably bind hapū and iwi to the mountains, lands, and waterways within their tribal domains

LINZ means Land Information New Zealand

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

member of Ngāti Rangi 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

Ngā Iwi o Te Waiū-o-Te-Ika means the iwi or groups of iwi with interests in Te Waiū-o-Te-Ika, as represented by the following entities acting in relation to Te Waiū-o-Te-Ika or the Te Waiū-o-Te-Ika catchment:

(a) the following governance entities, acting through their trustees:

  (i) Te Tōtarahoe o Paerangi:

  (ii) Te Kotahitanga o Ngāti Tūwharetoa:

  (iii) Te Runanga o Ngāti Apa:

(b) the following representative entities:

  (i) the trustees of the Whanganui Land Settlement Negotiation Trust, and, when that entity is succeeded by a governance entity, that governance entity:

  (ii) the trustees of the Uenuku Charitable Trust, and, when that entity is succeeded by a governance entity, that governance entity:

  (iii) the Mōkai Pātea representative entity, and, when that entity is succeeded by a governance entity, that governance entity

Ngā Toka Tupua o Te Waiū-o-Te-Ika and **Ngā Toka Tupua** mean the values set out in section 108

Ngā Wai Tōtā o Te Waiū and **Ngā Wai Tōtā** mean the authority established by section 114

Ngāti Hāua Iwi Trust means the trust of that name established by trust deed dated 12 November 2001

Ngāti Rangi Trust means the trust of that name established by a trust deed dated 17 March 1992

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

protected site has the meaning given in section 143

public notice has the meaning given in section 2(1) of the Resource Management Act 1991

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

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

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

representative entity, in relation to an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika, means the entity recognised by the Crown as representing that iwi or group of iwi for the purposes of negotiating the settlement of the historical claims of that iwi or group of iwi

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

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 4

RFR date has the meaning given in section 146

RFR land has the meaning given in section 147

ritenga means the local practices of hapū and iwi carried out in accordance with the kawa and tikanga of those hapū or iwi

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

shared RFR land has the meaning given in section 146

statutory acknowledgement has the meaning given in section 26

Te Kotahitanga o Ngāti Tūwharetoa has the meaning given in section 12 of the Ngāti Tūwharetoa Claims Settlement Act 2018

Te Mana Tupua o Te Waiū-o-Te-Ika and **Te Mana Tupua** mean the recognition statement set out in section 107

Te Pae Ao has the meaning given in section 94

Te Paenga Nui has the meaning given in section 89

Te Runanga o Ngāti Apa has the meaning given in section 10 of the Ngāti Apa (North Island) Claims Settlement Act 2010

Te Tāhoratanga o Te Waiū and **Te Tāhoratanga** mean the catchment document provided for by subpart 4 of Part 3

Te Tāpora has the meaning given in section 40

Te Tōtarahoe o Paerangi means the trust of that name established by a trust deed dated 9 March 2018

Te Waiū-o-Te-Ika catchment and **catchment** mean the catchment of the Whangaehu River shown as the Te Waiū-o-Te-Ika catchment on SO 512816

Te Waiū-o-Te-Ika catchment register means the register required by section 126

tikanga means the customary laws of hapū and iwi that give validation to kawa through appropriate ritenga

trustees of Te Kotahitanga o Ngāti Tūwharetoa has the meaning given in section 12 of the Ngāti Tūwharetoa Claims Settlement Act 2018

trustees of Te Tōtarahoe o Paerangi and **trustees** mean the trustees, acting in their capacity as trustees, of Te Tōtarahoe o Paerangi

Uenuku Charitable Trust means the trust of that name established by trust deed dated 3 April 2014

Whangaehu River, also known to Ngāti Rangi as Te Waiū-o-Te-Ika, means—

(a) the body of water with the official geographical name of Whangaehu River that flows continuously or intermittently from its headwaters to the mouth of the Whangaehu River on the Tasman Sea and is located within the Te Waiū-o-Te-Ika catchment; and

(b) all tributaries, streams, and other natural watercourses that flow continuously or intermittently into the body of water described in paragraph (a) and are located within the Te Waiū-o-Te-Ika catchment; and

(c) all lakes and wetlands connected continuously or intermittently with the bodies of water referred to in paragraphs (a) and (b) and all tributaries, streams, and other natural watercourses flowing into those lakes and wetlands; and

(d) the beds of the bodies of water described in paragraphs (a) to (c), including the beds of bodies of water that are dry as a result of the artificial diversion of the water

Whanganui Iwi means the iwi or groups of iwi, represented by the following entities, acting through their trustees:

(a) Te Tōtarahoe o Paerangi:

(b) the Whanganui Land Settlement Negotiation Trust, and, when that entity is succeeded by a governance entity, that governance entity:

(c) the Uenuku Charitable Trust, and, when that entity is succeeded by a governance entity, that governance entity:

(d) the Ngāti Hāua Iwi Trust, and, when that entity is succeeded by a governance entity, that governance entity

Whanganui Land Settlement Negotiation Trust means the trust of that name established by trust deed dated 25 January 2017

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 day observed as the anniversary of the province of Wellington.

13 Meaning of Ngāti Rangi

(1) In this Act, **Ngāti Rangi**—

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

(b) includes those individuals; and

(c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.

(2) In this section and section 14,—

ancestor of Ngāti Rangi means an individual who—

(a) exercised customary rights by virtue of being descended from Paerangi-i-te-Whare-Toka (also known as Paerangi or Paerangi-o-te-Moungaroa); and

(b) from 1 of the following:

(i) Taiwiri (including her 3 principal children: Rangituhia, Rangiteauria and Uenukumanawawiri); or

(ii) Ururangi; or

(iii) Tāmuringa; or

(iv) any other recognised ancestor of a hapū referred to in clause 13.6.2 of the deed of settlement; and

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

customary rights means rights exercised according to tikanga, including—

(a) rights to occupy land; and

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

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

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Ngāti Rangi tikanga.

14 Meaning of historical claims

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

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

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

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

(2) The historical claims are every claim that Ngāti Rangi had on or before the settlement date, or may have after the settlement date, and that—

(a) is founded on a right arising—

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

(ii) under legislation; or

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

(iv) from a fiduciary duty; or

(v) otherwise; and

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

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

(ii) by or under legislation.

(3) The historical claims include—

(a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Rangi, including each of the following claims, to the extent that subsection (2) applies to the claim:

(i) Wai 151 (Ngāti Rangi Comprehensive claim):

(ii) Wai 277 (Raetihi and Mangaturuturu Blocks claim):

(iii) Wai 467 (Tongariro National Park claim):

(iv) Wai 554 (Mākotuku and Ruapehu Survey Districts claim):

(v) Wai 569 (Murimotu 3B1a No 1 Block claim):

(vi) Wai 1250 (Ngāti Rangi (Paerangi-i-te-Whare-toka) claim):

(vii) Wai 1263 (Waiouru Army Base, Tongariro Power Development, Karioi State Forest and Railway Lands claim):

(viii) Wai 2205 (Rangiwaea 4F Block claim):

(ix) Wai 2275 (Ngāpākihi 1T Block 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 Ngāti Rangi:

(i) Wai 48 (Waimarino Block claim):

(ii) Wai 81 (Waihaha and Others Lands claim):

(iii) Wai 146 (King Country Lands claim):

(iv) Wai 221 (Waimarino No 1 Block and Railway Lands claim):

(v) Wai 759 (Whanganui Vested Lands claim):

(vi) Wai 1632 (Raketapauma Block claim):

(vii) Wai 1637 (Te Atihaunui a Paparangi (Taiaroa and Mair) claim):

(viii) Wai 2278 (Whanganui Mana Wahine (Waitokia) claim).

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

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

(b) a claim by Ngāti Patutokotoko based on descent from ancestors other than the Ngāti Rangi ancestors named in section 13(2)(b)(i) to (iii); or

(c) a claim that a representative entity had or may have had based on a claim through an ancestor who is not an ancestor of Ngāti Rangi.

(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:

Ngāti Rangi Claims Settlement Act 2019, 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 a deferred selection property that is not exclusive RFR land, on and from the date of its transfer to the trustees; or

(d) to the exclusive RFR land or the shared RFR land, on and from the RFR date for the land; or

(e) to any defence area land that is not exclusive RFR land, on and from the date of its transfer to the trustees; or

(f) for the benefit of Ngāti Rangi or a representative entity.

(2) The enactments are—

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

(b) sections 568 to 570 of the Education and Training Act 2020:

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

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

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

Section 17(2)(b): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

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 record of title for, each allotment that—

(a) is all or part of—

(i) a cultural redress property:

(ii) a commercial redress property:

(iii) a deferred selection property:

(iv) the RFR land:

(v) any defence area land that is transferred to the trustees; and

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

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

(a) the settlement date, for a cultural redress property or a commercial redress property; or

(b) the date of transfer of the property to the trustees, for a deferred selection property that is not exclusive RFR land or any defence area land that is not exclusive RFR land; or

(c) the RFR date applying to—

(i) the exclusive RFR land:

(ii) the shared 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 record of title identified in the certificate; and

(b) cancel each memorial recorded under an enactment listed in section 17(2) on a record of title 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) Te Tōtarahoe o Paerangi 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 Te Tōtarahoe o Paerangi is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

20 Access to deed of settlement

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

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

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

Part 2
Cultural redress

Subpart 1—Whakaaetanga Tiaki Taonga

21 Interpretation

In this subpart,—

protocol—

(a) means Appendix B of the Whakaaetanga Tiaki Taonga; and

(b) includes any amendments made under section 22(3)

responsible Minister means the Minister with responsibility under the protocol

Whakaaetanga Tiaki Taonga means the document entered into under clause 7.1 of the deed of settlement (in the form set out in part 4 of the documents schedule).

22 Issuing, amending, and cancelling protocol

(1) The protocol is to be treated as having been issued by the responsible Minister on the terms set out in part 4 of the documents schedule.

(2) The responsible Minister may amend or cancel the protocol at the initiative of—

(a) the trustees; or

(b) the responsible Minister.

(3) The responsible Minister may amend or cancel the protocol only after consulting, and having particular regard to the views of, the trustees.

23 Protocol subject to rights, functions, and duties

The protocol does not restrict—

(a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability—

(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 Ngāti Rangi or a representative entity.

24 Enforcement of protocol

(1) The Crown must comply with the protocol while it is in force.

(2) If the Crown fails to comply with the protocol without good cause, the trustees may enforce the protocol, subject to the Crown Proceedings Act 1950.

(3) Despite subsection (2), damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with the protocol.

(4) To avoid doubt,—

(a) subsections (1) and (2) do not apply to guidelines developed for the implementation of the protocol; and

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

Appendix B of Whakaaetanga Tiaki Taonga

25 Effect of protocol

(1) The protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.

(2) In this section, **taonga tūturu**—

(a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and

(b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 2—Statutory acknowledgement and deeds of recognition

26 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 Ngāti Rangi 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 27 in respect of the statutory areas described in Parts 1 and 2 of Schedule 1, on the terms set out in this subpart

statutory area means an area described in Part 1, 2, or 3 of 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

27 Statutory acknowledgement by the Crown

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

28 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 29 to 31; 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 32 and 33; and

(c) to enable the trustees and any member of Ngāti Rangi to cite the statutory acknowledgement as evidence of the association of Ngāti Rangi with a statutory area, in accordance with section 34.

29 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, in accordance with 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.

30 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.

31 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.

32 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 27 to 31, 33, and 34; 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.

33 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) in accordance with section 95E of that Act, whether the trustees are affected persons in relation to an activity.

34 Use of statutory acknowledgement

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

35 Issuing and amending deeds of recognition

(1) This section applies in respect of the statutory areas listed in Parts 2 and 3 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 3.1 of the documents schedule for the statutory areas administered by the Department of Conservation.

(3) The Commissioner of Crown Lands must issue deeds of recognition in the forms set out in parts 3.2 to 3.4 of the documents schedule for the statutory areas administered by the Commissioner.

(4) The Chief of Defence Force must issue a deed of recognition in the form set out in part 3.5 of the documents schedule for the statutory areas administered by the Defence Force.

(5) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees or, in the case of the deed of recognition issued to Ngā Wai Tōtā, with the written consent of Ngā Wai Tōtā.

General provisions relating to statutory acknowledgement and deeds of recognition

36 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 and managed by the Crown under the Land Act 1948; 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; and

(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.

37 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 Ngāti Rangi 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, the Commissioner of Crown Lands, or the Chief of Defence Force by a deed of recognition.

38 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

39 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:

Ngāti Rangi Claims Settlement Act 2019

Subpart 3—Te Tāpora

40 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 the Te Tāpora 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 the Te Tāpora area, means the actions set out for the area in part 1 of the documents schedule

statement of values, for the Te Tāpora area, means the statement—

(a) made by Ngāti Rangi of their values relating to their cultural, historical, spiritual, and traditional association with the Te Tāpora area; and

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

Te Tāpora means the overlay classification applied by this subpart to the Te Tāpora area

Te Tāpora area—

(a) means the area that is declared under section 41(1) to be subject to Te Tāpora; but

(b) does not include the area if it is declared under section 52(1) to be no longer subject to Te Tāpora.

41 Declaration of Te Tāpora and the Crown's acknowledgement

(1) The area described in Schedule 2 is declared to be subject to Te Tāpora.

(2) The Crown acknowledges the statement of values for the Te Tāpora area.

42 Purposes of Te Tāpora

The only purposes of Te Tāpora are—

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 44; and

(b) to enable the taking of action under sections 45 to 50.

43 Effect of protection principles

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

44 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 the Te Tāpora 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 the Te Tāpora 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 the Te Tāpora area, the Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns.

45 Noting of Te Tāpora in strategies and plans

(1) The application of Te Tāpora to the Te Tāpora 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 Tāpora is—

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

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

46 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 41 that Te Tāpora applies to the Te Tāpora area; and

(b) the protection principles for the Te Tāpora 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 47 or 48.

47 Actions by Director-General

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

48 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 the Te Tāpora area.

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

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

49 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 48(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to the Te Tāpora 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.

50 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 48(1):

(b) to regulate or prohibit activities or conduct by members of the public in relation to the Te Tāpora 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.

51 Effect of Te Tāpora on Te Tāpora area

(1) This section applies if, at any time, Te Tāpora 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 Tāpora does not affect—

(a)

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

(b) the classification or purpose of a reserve.

52 Termination of Te Tāpora

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

(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 Tāpora 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 Tāpora area.

53 Exercise of powers and performance of functions and duties

(1) Te Tāpora 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 the Te Tāpora area than that person would give if the area were not subject to Te Tāpora.

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

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

54 Rights not affected

(1) Te Tāpora 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, the Te Tāpora area.

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

Subpart 4—Official geographic names

55 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

56 Official geographic names

(1) A name specified in the second column of the table in clause 9.18 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.

57 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 56.

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

58 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.

59 Name change to Ngā Roto-o-Rangataua Scenic Reserve for Crown protected area

(1) The name of Ohakune Lakes Scenic Reserve is changed to Ngā Roto-o-Rangataua Scenic Reserve.

(2) The new name given to the reserve under subsection (1) 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.

(3) The Board must, as soon as practicable after the settlement date,—

(a) give public notice of the 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.

(4) The official geographic name of the 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 5—Vesting of cultural redress properties

60 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) Rangatauanui property:

(b) Rau Korokio:

(c) Te Tāuru:

(d) Te Urunga property:

(e) Waimaire:

Property vested in fee simple subject to conservation covenant

(f) Beds of Rotokura Lakes.

Properties vested in fee simple

61 Rangatauanui property

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

(2) The fee simple estate in the Rangatauanui property 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 part 10.2 of the documents schedule.

62 Rau Korokio

The fee simple estate in Rau Korokio vests in the trustees.

63 Te Tāuru

(1) Te Tāuru ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Te Tāuru vests in the trustees.

64 Te Urunga property

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

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

65 Waimaire

The fee simple estate in Waimaire vests in the trustees.

Property vested in fee simple subject to conservation covenant

66 Beds of Rotokura Lakes

(1) The Beds of Rotokura Lakes cease to be an ecological area and a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Beds of Rotokura Lakes vests in the trustees.

(3) Despite the vesting under subsection (2),—

(a) the Crown retains the ownership of the Crown stratum; and

(b) the Crown stratum continues to be part of the Rangataua Conservation Area (including part Rotokura Ecological Area).

(4) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable covenant in relation to the Beds of Rotokura Lakes on the terms and conditions set out in part 10.3 of the documents schedule.

(5) The covenant is to be treated as a conservation covenant for the purposes of—

(a) section 77 of the Reserves Act 1977; and

(b) section 27 of the Conservation Act 1987.

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

(a) the waters of Rotokura Lakes; or

(b) the aquatic life of Rotokura Lakes (other than plants attached to the Beds of Rotokura Lakes).

(7) To the extent that the Beds of Rotokura Lakes have moveable boundaries, the boundaries are governed by the common law rules of accretion, erosion, and avulsion.

General provisions applying to vesting of cultural redress properties

67 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.

68 Interests that are not interests in land

(1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in Schedule 3, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.

(2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property.

(3) The interest applies—

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

(b)

with any other necessary modifications; and

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

69 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 record of title.

(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 record of title and do anything else necessary to give effect to this subpart and to part 9 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 record of title for the fee simple estate in the property in the names of the trustees; and

(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.

(6) Subsection (5) is subject to the completion of any survey necessary to create a record of title.

(7) A record of title 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 Land Information New Zealand, for the following properties:

(i) Rau Korokio:

(ii) Waimaire:

(b) the Director-General, for all other properties.

70 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) Part 4A of the Conservation Act 1987 does not apply to the vesting of the Beds of Rotokura Lakes.

71 Matters to be recorded on record of title

(1) The Registrar-General must record on the record of title—

(a) for the Beds of Rotokura Lakes, that Part 4A of the Conservation Act 1987 does not apply; and

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

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

72 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.

73 Minister of Conservation may grant easements

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

74 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.

Subpart 6—Vesting and gifting back of property

75 Delayed vesting and gifting back of Raketapauma

(1) The fee simple estate in Raketapauma, also known as Irirangi, vests in the trustees on the vesting date.

(2) On the seventh day after the vesting date, the fee simple estate in Raketapauma 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) Raketapauma remains land that is held for defence purposes under the Defence Act 1990 and the Public Works Act 1981; and

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

(c) the Crown retains all liability for Raketapauma.

(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.

(5) In this section,—

Raketapauma means the following areas, as shown on OTS-083-019:

(a) 28.6189 hectares, more or less, being Part Raketapauma 112A and Parts Raketapauma 112B. All *Gazette* 1947 p 636; and

(b) 51.0814 hectares, more or less, being Part Subdivision 1 SO 18558. Part Proclamation 3593

vesting date means the first occurrence of 9 November following the settlement date.

Subpart 7—Minerals

76 Interpretation

In this subpart,—

additional area means a former riverbed on conservation land that—

(a) is believed by the trustees to contain matā, onewa, or pākohe; and

(b) is within the area of interest; and

(c) is not included in Schedule 4 of the Crown Minerals Act 1991; and

(d) is added to the relevant area, with the agreement of the Director-General and the trustees, under section 84

conservation land means land that is—

(a) vested in the Crown or held in fee simple by the Crown; and

(b) held, managed, or administered by the Department of Conservation under the conservation legislation

defence area has the meaning given in section 2(1) of the Defence Act 1990

former riverbed means a riverbed that is dry as a result of—

(a) natural changes in the flow of the river, tributary, stream, or other natural watercourse; or

(b) artificial diversion of water from the river, tributary, stream, or other natural watercourse

matā means the mineral black obsidian

onewa means the minerals basalt and greywacke

pākere means the mineral on the basalt-andesite continuum that is a dark andesite with lower silica-andesite mineralogy and higher iron-magnesium mineralogy

pākohe means metamorphosed indurated mudstone (otherwise known as argillite) and includes pākere

relevant area—

(a) means each riverbed on conservation land that—

(i) is within the area of interest; and

(ii) is not included in Schedule 4 of the Crown Minerals Act 1991; and

(b) includes any additional area added under section 84

riverbed means the land that the waters of a river, tributary, stream, or other natural watercourse cover at its fullest flow without flowing over its banks.

77 Acknowledgement of association

The Crown acknowledges—

(a) the long-standing cultural, historical, spiritual, and traditional association of Ngāti Rangi with matā, onewa, and pākohe; and

(b) the Ngāti Rangi statement of association with matā, onewa, and pākohe, in the form set out in part 2 of the documents schedule.

78 Exercise of powers and performance of functions and duties

This subpart does not restrict the Crown from exercising its powers, and performing its functions and duties, in accordance with the Crown Minerals Act 1991.

Authorisations in relation to Crown-owned matā, onewa, and pākohe in relevant area

79 Authorisation to search for and remove Crown-owned matā, onewa, or pākohe

(1) A member of Ngāti Rangi who has written authorisation from the trustees may—

(a) search by hand for Crown-owned matā, onewa, or pākohe in a relevant area:

(b) by hand remove Crown-owned matā, onewa, or pākohe from the relevant area.

(2) A person who removes Crown-owned matā, onewa, or pākohe under subsection (1) may also remove from the relevant area, by hand, any other minerals that are—

(a) bound to the matā, onewa, or pākohe; or

(b) reasonably necessary for working the matā, onewa, or pākohe by traditional methods.

(3) A person who removes Crown-owned matā, onewa, or pākohe under subsection (1) or other minerals under subsection (2) must not,—

(a) on any day, remove more than the person can carry by hand in 1 load without assistance; or

(b) use machinery or cutting equipment to remove the matā, onewa, pākohe, or minerals.

(4) The rights under this section and section 80 do not apply in relation to any part of the relevant area that is—

(a) an ecological area declared under section 18 of the Conservation Act 1987; or

(b) an archaeological site (as defined by section 6 of the Heritage New Zealand Pouhere Taonga Act 2014).

80 Access to relevant area to search for and remove Crown-owned matā, onewa, or pākohe

(1) A person who is authorised to search for Crown-owned matā, onewa, or pākohe in, and remove Crown-owned matā, onewa, or pākohe from, a relevant area under section 79 may access the relevant area for that purpose—

(a) on foot; or

(b) by any means that are available to the public; or

(c) by any other means specified in writing by the Director-General.

(2) The means of access under subsection (1)(c) is subject to any conditions specified in writing by the Director-General.

81 Obligations if accessing relevant area

A person who accesses a relevant area under section 79 or 80 must take all reasonable care to do no more than minor damage to vegetation on, and other natural features of, the riverbed or former riverbed.

82 Relationship with other enactments

(1) A person exercising a right under section 79 or 80 must comply with all other lawful requirements (for example, under the Resource Management Act 1991).

(2) However,—

(a) a person may exercise a right under section 79 or 80 despite not having any authorisation required by the conservation legislation; and

(b) a permit is not required under section 8(1)(a) of the Crown Minerals Act 1991 to exercise a right under section 79(1).

(3) Any activity that is not authorised under section 79(1) may require a permit under section 8(1)(a) of the Crown Minerals Act 1991.

83 Consultation in relation to matā, onewa, and pākohe

(1) This section applies if the Director-General exercises powers, or performs functions or duties, under conservation legislation in a manner likely to affect the relationship of Ngāti Rangi with matā, onewa, and pākohe located in the relevant area.

(2) The Director-General must, in exercising the powers, or performing the functions or duties,—

(a) have regard to the Ngāti Rangi statement of association with matā, onewa, and pākohe referred to in section 77(b); and

(b) consult the trustees; and

(c) have regard to the trustees' views.

84 Land may be added to relevant area

(1) The Director-General and the trustees may agree in writing to add an additional area to the relevant area.

(2)

The Director-General must consult the Minister of Energy and Resources before agreeing in writing to add an additional area.

(3) The general location of an additional area must be indicated on a map or plan.

(4) The Director-General must notify an additional area in the *Gazette* as soon as practicable after the additional area has been agreed in writing.

(5) The notification in the *Gazette* is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012 and does not have to be presented to the House of Representatives under section 41 of that Act.

Authorisations in relation to Crown-owned matā, onewa, and pākohe in riverbed in defence area

85 Authorisation to search for and remove Crown-owned matā, onewa, or pākohe

(1) The New Zealand Defence Force and the trustees may authorise members of Ngāti Rangi in writing—

(a) to search by hand for Crown-owned matā, onewa, or pākohe in any part of a riverbed in a defence area that is within the area of interest; and

(b) by hand remove Crown-owned matā, onewa, or pākohe from that part of the riverbed.

(2) A person who removes Crown-owned matā, onewa, or pākohe from a riverbed in a defence area under subsection (1) may also remove from the riverbed, by hand, any other minerals that are—

(a) bound to the matā, onewa, or pākohe; or

(b) reasonably necessary for working the matā, onewa, or pākohe by traditional methods.

(3) A person who removes Crown-owned matā, onewa, or pākohe under subsection (1) or other minerals under subsection (2) must not,—

(a) on any day, remove more than the person can carry by hand in 1 load without assistance; or

(b) use machinery or cutting equipment to remove the matā, onewa, pākohe, or minerals.

(4) Authorisation must not be given under subsection (1) if the Chief of Defence Force has safety concerns about access to a defence area.

(5) A right under this section and section 86 may only be exercised in accordance with the relationship agreement between the New Zealand Defence Force and the trustees.

86 Access to riverbed to search for and remove Crown-owned matā, onewa, or pākohe

(1) A person who is authorised to search for Crown-owned matā, onewa, or pākohe in, and remove Crown-owned matā, onewa, or pākohe from, a riverbed in a defence area under section 85 may access the riverbed within the defence area for that purpose, but only—

(a) on foot; or

(b) by any means that are available to the public; or

(c) by any other means specified in writing by the Chief of Defence Force.

(2) The means of access under subsection (1)(c) is subject to any conditions specified in writing by the Chief of Defence Force.

87 Obligations if accessing riverbed in defence area

A person who accesses a riverbed in a defence area under section 85 or 86 must take all reasonable care to do no more than minor damage to vegetation on, and other natural features of, the riverbed and surrounding areas.

88 Relationship with other enactments

(1) A permit is not required under section 8(1)(a) of the Crown Minerals Act 1991 to exercise a right under section 85(1).

(2) Any activity that is not authorised under section 85(1) may require a permit under section 8(1)(a) of the Crown Minerals Act 1991.

Subpart 8—Tongariro–Taupō conservation management strategy

89 Interpretation

In this subpart,—

additional area means an area identified and publicly notified in accordance with section 92

conservation management strategy and **CMS** mean—

(a) the Tongariro–Taupō conservation management strategy prepared and approved under section 17F of the Conservation Act 1987; or

(b) any subsequent conservation management strategy that applies to Te Paenga Nui

Te Paenga Nui means—

(a) the conservation management strategy area that is known by that name and that is within the area of interest; and

(b) includes any additional area.

90 Application and purpose of this subpart

(1) Section 91 applies at any time after the settlement date when the CMS is reviewed under section 17H of the Conservation Act 1987.

(2) The Director-General must notify the trustees in writing of the date on which a review to which subsection (1) refers is to commence.

(3) The purpose of this subpart is to enable Te Paenga Nui to be treated in accordance with this subpart.

91 Joint responsibility for certain part of CMS

(1) The Director-General and the trustees are, despite sections 17D and 17F of the Conservation Act 1987, jointly responsible for preparing, amending, and reviewing the CMS, but only to the extent that it applies to Te Paenga Nui.

(2) For the purpose of subsection (1), sections 17D and 17F of the Conservation Act 1987 apply as if the references in those sections to the Director-General were references to both the Director-General and the trustees.

(3) The functions of the Minister of Conservation under section 17F of the Conservation Act 1987, to the extent that they relate to Te Paenga Nui, must be carried out jointly by the Minister and the trustees.

92 Land may be added to Te Paenga Nui

(1) This section applies when the CMS is, for the first and second times after the settlement date, reviewed under section 17H of the Conservation Act 1987.

(2) The trustees may, within 3 months of receiving notice under section 90(2) that a review of the CMS is to commence, propose to the Director-General that an additional area be included in Te Paenga Nui to allow the trustees to exercise joint responsibility with the Director-General in relation to the review of the CMS.

(3) An additional area may be added to Te Paenga Nui if the trustees satisfy the Director-General that the governance entities of the relevant Whanganui Iwi (or the representative entity if there is no governance entity) agree in writing to a proposal to include the additional area.

(4) Any land added to Te Paenga Nui under this section must—

(a) include conservation land other than land that is within the Tongariro National Park; and

(b) be within—

(i) the boundary of the CMS; and

(ii) the area of interest; and

(iii) the area of interest of the relevant Whanganui Iwi (as defined in their deeds of settlement).

(5) If the Director-General is satisfied that the requirements of subsections (3) and (4) are met, and that the proposed additional area could reasonably be considered to be part of Te Paenga Nui, the Director-General—

(a) may agree in writing to include the additional land in Te Paenga Nui; and

(b) must, as soon as practicable, give notice in the *Gazette*—

(i) of the area of Te Paenga Nui (including any additional area); and

(ii) that, to the extent that the CMS relates to Te Paenga Nui, the Director-General and the trustees are jointly responsible for preparing, amending, or reviewing, as relevant, the CMS.

Subpart 9—Ngāti Rangi membership on Conservation Board

93 Membership of Conservation Board

(1) The Minister of Conservation must appoint 1 person nominated by the trustees to be a member of the Conservation Board.

(2) However, the power to make an appointment under subsection (1), and the term of any appointment, ends on the earlier of —

(a) the last settlement date under legislation settling the historical claims of the Whanganui Iwi whose areas of interest are within the jurisdiction of the Conservation Board; and

(b) the settlement date of any legislation that provides for collective redress relating to the Tongariro National Park, if that legislation proposes to change the membership of the Conservation Board.

(3) The appointment made under subsection (1) is for a term of 3 years and a person may be reappointed under that subsection for 1 or more terms, each of 3 years.

(4) In this section, **Conservation Board** means the Board established under Part 2A of the Conservation Act 1987 whose area of jurisdiction includes the part of the Ohakune and Ruapehu region within the area of interest.

Subpart 10—Te Pae Ao—Joint committee

94 Interpretation

In this subpart and Schedule 4,—

Beds of Rotokura Lakes means the land the legal description of which is set out in Schedule 3

Conservation Board has the meaning given in section 93(4)

Crown-owned reserve sites means the reserve sites listed in paragraphs (a) to (i) of the definition of reserve sites

Minister means the Minister of Conservation

operational plan is the plan required by section 100

reserve management plan is the plan required by section 99

reserve sites and **sites** mean each of the following sites, and each site means the land described in Part 1 of Schedule 4:

(a) Kiokio Conservation Area:

(b) Mangaehuehu Scenic Reserve:

(c) Mangateitei Road Conservation Area:

(d) Part Ngā Roto-o-Rangataua Scenic Reserve:

(e) Raketapauma Conservation Area:

(f) Raketapauma Scenic Reserve:

(g) Rangataua Conservation Area (including part Rotokura Ecological Area):

(h) Rangataua No 2 Conservation Area:

(i) Rangataua Scenic Reserve

Te Pae Ao means the joint committee established by section 95(1).

95 Te Pae Ao established

(1) This section establishes Te Pae Ao as a joint committee for the purposes set out in section 96.

(2) Te Pae Ao is the administering body of the reserve sites as if it were appointed under section 28 of the Reserves Act 1977 to control and manage the sites as scenic reserves under that Act.

96 Purpose of Te Pae Ao

(1)

The purpose of Te Pae Ao is to administer the reserve sites in accordance with the Reserves Act 1977—

(a) as if those sites were scenic reserves under the Reserves Act 1977; and

(b) consistently with the Te Pae Ao statement of purpose set out in subsection (2).

Statement of purpose

(2) The purpose of Te Pae Ao is Kia matua te mana o te ao tūroa e tū nei, to give precedence to the natural world and its relationship with its communities, by working—

(a) to maintain and enhance the mouri ora of the reserve sites:

(b) to maintain kawa ora in respect of the reserve sites:

(c) to enhance and give expression to the relationship of Ngāti Rangi and their kawa, tikanga, and ritenga with the reserve sites.

(3) In subsection (2),—

kawa ora means the innate connection between Ngāti Rangi and the natural world

mouri ora means life-sustaining potential.

97 Application of Reserves Act 1977 and Conservation Act 1987

(1) Te Pae Ao may exercise a power or perform a function in relation to a reserve site as if Te Pae Ao were a local authority to which the Minister has delegated that power or function under section 10 of the Reserves Act 1977.

(2) Subsection (1) applies only to the extent that the power or function is relevant to the reserve site.

(3) For the purpose of this subpart, the reserve sites that are conservation areas are deemed to be reserves and classified as scenic reserves for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) Despite subsection (3) and section 95(2),—

(a) the provisions of the Conservation Act 1987 (other than those of Part 3B of that Act) do not apply to the administration of a reserve site:

(b) decisions made in relation to a Crown-owned reserve site must not be inconsistent with the purpose for which the reserve site is held under the Conservation Act 1987:

(c) decisions made in relation to the Beds of Rotokura Lakes must not be inconsistent with the conservation covenant entered into under section 66(4).

98 Appointments

(1) Two members of Te Pae Ao must be appointed by the trustees and 2 members must be appointed by the Director-General.

(2) A member is not appointed unless the appointer gives written notice to the other appointer of—

(a) the members proposed for the committee, with the full name, address, and other contact details of each person proposed; and

(b) the date on which the appointment takes effect, which must not be earlier than the date of the notice.

(3) A member may,—

(a) at the discretion of the appointer, be appointed or reappointed to office, or may be discharged from office:

(b) resign from office by written notice to the trustees and the Director-General, whether during, or at the end of, the term of the committee.

(4) An appointment ends at the end of the term of the committee.

(5) In the event of a vacancy arising during the term of the committee, the relevant appointer must, within a reasonable time, appoint a replacement member for the balance of the term of the committee.

(6) Each appointer is responsible for meeting the expenses of its appointees.

(7) A failure of an appointer to make an appointment, provide the notice required by subsection (2), or fill a vacancy does not invalidate Te Pae Ao or its actions and decisions.

(8) Part 2 of Schedule 4 sets out provisions relating to the procedures of Te Pae Ao.

Administration of reserve sites

99 Reserve management plan

(1) Te Pae Ao must prepare a draft management plan (a **reserve management plan**) for the reserve sites to submit to the Minister and the trustees for approval.

(2) Te Pae Ao, the Minister, and the trustees, in undertaking their functions under subsection (1), must have particular regard to Te Tāhoratanga (*see* section 124(7)).

(3) Section 41 of the Reserves Act 1977 applies to the preparation and approval of the reserve management plan—

(a) to the extent that that section is not inconsistent with this section; and

(b) with the necessary modifications, including that references to the Minister be read as references to that Minister and the trustees acting jointly.

(4) The Director-General must fund and provide administrative support for the preparation of the draft management plan in accordance with section 41 of the Reserves Act 1977.

(5) Until the reserve management plan is approved under this section, the reserve sites must be administered in accordance with the conservation management strategy that applies to the reserve sites, but when the reserve management plan is approved, Te Pae Ao must administer the sites in accordance with that plan and the relevant conservation management strategy.

100 Operational management

(1) The operational management of the reserve sites must be undertaken by the Director-General and, to the extent specified in the operational plan under subsection (2), by the trustees.

(2) The Director-General must prepare and approve a draft operational plan that specifies priorities for operational activities, over not more than a 3-year period, for the purposes of—

(a) implementing the reserve management plan; and

(b) identifying funding from the Crown and income received from concessions that is to be made available for those activities.

(3) Before the Director-General approves the draft operational plan,—

(a) the plan must be disclosed to the trustees and Te Pae Ao for comment; and

(b) the Director-General must have regard to the views of the trustees and Te Pae Ao.

(4) The operational plan may be prepared before the reserve management plan is approved under section 99, but must not be approved before the approval of the reserve management plan.

(5) Until an operational plan is prepared and approved under this section, Te Pae Ao must administer the reserve sites in accordance with the conservation management strategy prepared under the Conservation Act 1987 and applying to the reserve sites.

(6) Further provisions on the operational management of the reserve sites are set out in Schedule 4.

Change of classification or status of reserve sites

101 Reclassification and change of status

(1) This section applies if the Minister or the Director-General proposes to reclassify or change the status of a Crown-owned reserve site.

(2) The Minister or the Director-General, as relevant, must—

(a) consult the trustees and Te Pae Ao as early as practicable,—

(i) if public notice is required, before giving public notice; or

(ii) if public notice is not required, before making a decision; and

(b) have particular regard to the views of those consulted under paragraph (a).

(3) If the classification of a reserve site is changed under the Reserves Act 1977 to a classification other than that of a scenic reserve, Te Pae Ao must administer the land under the Reserves Act 1977 in accordance with its new classification.

(4) If the classification or status of a reserve site is changed under other conservation legislation but the new classification or status is compatible with managing the site under the Reserves Act 1977, Te Pae Ao must—

(a) continue to administer the land as if it were a scenic reserve; and

(b) take into account the new classification or status.

(5) If this section is inconsistent with section 95(2) or 106(4), this section prevails.

Granting of concessions

102 Concessions and other interests in land on or over reserve sites

(1) If a concession or a renewal or variation of a concession is required on or over a reserve site, an application must be made in writing to the Director-General.

(2) Te Pae Ao may grant applications for activities on a reserve site that require authorisation, other than for an interest in land, using a process that is consistent with section 59A of the Reserves Act 1977.

Concessions relating to interests in land

(3) Despite Te Pae Ao being the administering body of the reserve sites, the Minister—

(a) may grant, accept, decline to grant, renew, or vary any interest in land that affects the Crown-owned reserve site; but

(b) must consult the trustees before determining the application.

(4) If Te Pae Ao is the administering body of the Beds of Rotokura Lakes (*see* section 106), the trustees—

(a) may grant, accept, decline to grant, renew, or vary any interest in land that affects the Beds of Rotokura Lakes; but

(b) must consult the Minister before determining the application.

103 Administrative processes

(1) If an application is received under section 102(1) in respect of a Crown-owned reserve site, the Director-General must—

(a) inform Te Pae Ao that the application has been received; and

(b) carry out the administrative processes required by the Reserves Act 1977 to enable Te Pae Ao to process the application in accordance with section 102(2).

(2) If an application is received under section 102(1) in respect of the Beds of Rotokura Lakes, the Director-General must—

(a) inform the trustees that the application has been received; and

(b) carry out the administrative processes required by the Reserves Act 1977 to process the application.

Income received

(3) The following money received in relation to a reserve site or sites must be paid into the bank account of the Department of Conservation in accordance with the Public Finance Act 1989, and applied for the benefit of the reserve site or sites concerned:

(a) any rent, fee, royalty, or other amount received under a concession granted for a reserve site or sites:

(b) any other amount paid in accordance with the Reserves Act 1977 in respect of a reserve site or sites.

(4) Sections 78 to 81 and 88 to 90 of the Reserves Act 1977 do not apply to a reserve site or sites to which subsection (3) applies.

Role of Te Pae Ao and trustees under National Parks Act 1980

104 Te Pae Ao to be involved in discussions under National Parks Act 1980

(1) This section applies to the following land (the **land**):

(a) the Rangataua Conservation Area (including part Rotokura Ecological Area):

(b) the Rangataua No 2 Conservation Area:

(c) the adjoining or adjacent reserve sites of the Kiokio Conservation Area, the Mangaehuehu Scenic Reserve, and the Rangataua Scenic Reserve.

Request by New Zealand Conservation Authority to add land to Tongariro National Park

(2) Subsections (3) to (5) apply if the New Zealand Conservation Authority exercises its power under section 8(1) of the National Parks Act 1980 to request the Director-General to investigate and report to it on any proposal to declare that all or any part of the land be added to the Tongariro National Park.

(3) The Director-General must, without delay,—

(a) give notice of the request to the trustees and Te Pae Ao; and

(b) inform the trustees and Te Pae Ao of any work the Director-General is undertaking in response to the request of the New Zealand Conservation Authority.

(4) Te Pae Ao must—

(a) participate in good faith in constructive discussions with the Director-General and the trustees; and

(b) make recommendations to the Director-General on the proposal.

(5) The Director-General must—

(a) have particular regard to any recommendations of Te Pae Ao when reporting to the New Zealand Conservation Authority; and

(b) provide a copy of the recommendations of Te Pae Ao to the New Zealand Conservation Authority.

Recommendation to Governor-General

(6) Subsections (7) to (9) apply if the Minister is considering whether to recommend that the Governor-General make a declaration under section 7(1)(b) of the National Parks Act 1980 declaring all or any part of the land to be added to the Tongariro National Park.

(7) The Minister must notify the trustees and Te Pae Ao that the Minister is considering making a recommendation to the Governor-General as described in subsection (6).

(8) Te Pae Ao must—

(a) participate in good faith in constructive discussions with the Director-General and the trustees; and

(b) provide a report with recommendations to the Director-General on the proposal.

(9) The Minister must,—

(a) when seeking a recommendation from the New Zealand Conservation Authority under section 7(2) of the National Parks Act 1980, have particular regard to the report of Te Pae Ao and provide a copy of the report of Te Pae Ao to the Authority; and

(b) when making a recommendation to the Governor-General, have particular regard to the report of Te Pae Ao and provide a copy of the report of Te Pae Ao to the Governor-General.

Relationship between this section and section 101

(10) If there is an inconsistency between this section and section 101, this section prevails.

Administrative support for Te Pae Ao

105 Administrative support

The Director-General is responsible for providing the administrative and technical services necessary to enable Te Pae Ao to perform its functions under this subpart.

Administration of Beds of Rotokura Lakes

106 Beds of Rotokura Lakes may be administered as reserve site

Consent for Te Pae Ao to administer Beds of Rotokura Lakes

(1) Te Pae Ao may administer the Beds of Rotokura Lakes as if the land were a reserve site listed in section 94.

(2) Subsection (1) applies only if Te Pae Ao has the consent of the Minister and the trustees (the **consenters**) (*see* clause 8.173 of the deed of settlement).

(3) While the Beds of Rotokura Lakes are administered by Te Pae Ao,—

(a) the Reserves Act 1977 applies to the Beds of Rotokura Lakes as if the land were a reserve vested in the Crown; and

(b) any activity carried out by the trustees in relation to the Beds of Rotokura Lakes in accordance with the conservation covenant entered into under section 66(4) must be treated as being carried out in accordance with the consents or approvals required by or under the Reserves Act 1977.

(4) For the purpose of this section, the Beds of Rotokura Lakes are deemed to be a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

Withdrawal of consent

(5) A consenter may withdraw consent for Te Pae Ao to continue to administer the Beds of Rotokura Lakes, but only after the consenter has given not less than 20 working days' written notice that it wishes to withdraw consent to the other consenter and Te Pae Ao.

(6) A notice given under subsection (5) must state the date on which withdrawal of consent takes effect (which must not be less than 20 working days from the date of the notice).

(7) If consent is withdrawn under subsection (5), the Beds of Rotokura Lakes cease to be administered under this subpart by Te Pae Ao.

Part 3
Te Waiū-o-Te-Ika—Whangaehu River

Subpart 1—Te Waiū-o-Te-Ika framework

Elements of framework

107 Te Mana Tupua o Te Waiū-o-Te-Ika

(1) Nō te kawa ora te ara o Te Waiū-o-Te-Ika me ōna tāngata ki te mana o Tawhito-rangi i heke iho i Te Punga-o-ngā-rangi, inā:

(a) Te Kawa Ora:

(b) Te Mouri Ora:

(c) Te Manawa Ora:

(d) Te Wai Ora:

(e) Te Waiū-o-Te-Ika.

(2) Te Waiū-o-Te-Ika is a living and indivisible whole from Te Wai ā-moe to the sea, comprising physical (including mineral) and metaphysical elements, giving life and healing to its surroundings and communities.

(3) In this section, **Te Wai ā-moe** means the Crater Lake, Mount Ruapehu.

108 Ngā Toka Tupua o Te Waiū-o-Te-Ika

Ngā Toka Tupua are the intrinsic values that represent the essence of Te Waiū-o-Te-Ika, namely—

(a) *Ko te Kāhui Maunga te mātāpuna o te ora*: The sacred mountain clan, the source of Te Waiū-o-Te-Ika, the source of life:

Hapū, iwi, and all communities draw sustenance and inspiration from the river's source on Ruapehu and extending to all reaches of the catchment.

(b) *He wai-ariki-rangi, he wai-ariki-nuku, tuku iho, tuku iho*: An interconnected whole; a river revered and valued from generation down to generation:

Hapū, iwi, and all communities are united in the best interests of the indivisible river as a gift to the future prosperity of our mokopuna.

(c) *Ko ngā wai tiehu ki ngā wai riki, tuku iho ki tai hei waiū, hei wai tōtā e*: Living, nurturing waters, providing potency to the land and its people from source to tributary to the ocean:

Hapū, iwi, and all communities benefit physically, spiritually, culturally, and economically where water and its inherent life-supporting capacity is valued and enhanced.

(d) *Kia hua mai ngā kōrero o ngā wai, kia hua mai te wai ora e*: The latent potential of Te Waiū-o-Te-Ika, the latent potential of its hapū and iwi:

Uplifting the mana of Te Waiū-o-Te-Ika in turn uplifts the mana of its hapū and iwi, leading to prosperity and growth for hapū and iwi.

Legal effect of framework

109 Legal effect of Te Mana Tupua and Ngā Toka Tupua

(1) This section applies to persons exercising or performing a function, power, or duty under an Act referred to in Schedule 5, —

(a) if the exercise or performance of that function, power, or duty relates to—

(i) the Whangaehu River; or

(ii) an activity within the Te Waiū-o-Te-Ika catchment that affects the Whangaehu River; and

(b) if, and to the extent that, Te Mana Tupua and Ngā Toka Tupua relate to that function, power, or duty.

(2) Persons exercising or performing a function, power, or duty (**decision makers**) under the Acts listed in clause 1 of Schedule 5 must recognise and provide for Te Mana Tupua and Ngā Toka Tupua.

(3) Decision makers under the Acts listed in clause 2 of Schedule 5 must have particular regard to Te Mana Tupua and Ngā Toka Tupua.

(4) The decision maker under the Civil Defence Emergency Management Act 2002 (*see* clause 3 of Schedule 5) must have regard to Te Mana Tupua and Ngā Toka Tupua.

(5) The obligations under subsections (2) to (4) must be fulfilled in a manner consistent with the purpose of the Act under which the function, power, or duty is exercised or performed.

(6) Subsections (2) to (4)—

(a) permit a decision maker to consider Te Mana Tupua and Ngā Toka Tupua as determining factors when exercising or performing a function, power, or duty under an Act listed in Schedule 5; but

(b) do not remove, or prevent the exercise of, any discretion that a decision maker has in exercising or performing a function, power, or duty under an Act referred to in those subsections.

(7) If the exercise or performance of a function, power, or duty under subsection (2), (3), or (4) requires a decision, document, or report, that decision, document, or report must state how the requirements of subsection (2), (3), or (4), as applicable, have been complied with.

Statement of general relevance

110 General relevance of Te Mana Tupua and Ngā Toka Tupua

(1) Persons exercising or performing statutory functions, powers, or duties that relate to the Whangaehu River, or to activities in the Te Waiū-o-Te-Ika catchment that affect the Whangaehu River, may consider Te Mana Tupua and Ngā Toka Tupua as a relevant consideration.

(2) However, those statutory functions, powers, and duties must be exercised or performed in a manner that is consistent with the purpose of the legislation under which those functions, powers, and duties are exercised or performed.

Subpart 2—Standing of Ngā Iwi o Te Waiū-o-Te-Ika—Whangaehu River iwi standing

111 Application of Resource Management Act 1991

(1) This section and section 112 apply to—

(a) the governance entity of each iwi or group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika; or

(b) if there is no governance entity, the representative entity of an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika.

(2) For the purposes of the Resource Management Act 1991, the governance entity or representative entity, as the case may be, is to be treated as—

(a) an iwi authority; and

(b) a public authority; and

(c) is entitled to lodge submissions on a matter relating to or affecting the Whangaehu River, if there is a process for lodging submissions in relation to that matter; and

(d) is entitled to be heard on a matter relating to or affecting the Whangaehu River, if a hearing, proceeding, or inquiry is to be held in relation to that matter; and

(e) is recognised as having an interest in the Whangaehu River greater than, and separate from, any interest in common with the public generally.

112 Application of Conservation Act 1987

For the purposes of the Conservation Act 1987, when the Minister of Conservation or the Director-General makes decisions relating to or affecting the Whangaehu River, the governance entity or representative entity, as the case may be, of each iwi or group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika—

(a) is entitled to be consulted and make submissions where that Act requires consultation or a public submission process on any matter relating to or affecting the Whangaehu River; and

(b) is entitled to be heard on those matters, if a hearing, proceeding, or inquiry is to be held in relation to that matter.

113 Limits to application of sections 111 and 112

(1) Despite sections 111 and 112, an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika does not have a right to be consulted or notified (including limited notification under the Resource Management Act 1991) that they would not otherwise have.

(2) If there is a discretion under the Resource Management Act 1991 or the Conservation Act 1987 for a decision maker to consult or notify the governance entities or representative entities, as the case may be, of an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika,—

(a) that discretion continues despite sections 111 and 112; but

(b) the decision maker—

(i) under the Resource Management Act 1991 must have regard to the recognition acknowledged in section 111(2)(e):

(ii) under the Conservation Act 1987 must have regard to the status of a representative entity acknowledged in section 112(a) and (b).

(3) Sections 111 and 112 do not—

(a) limit or remove any procedural requirements applying to a representative entity of an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika in relation to lodging submissions or giving notice of an intention to be heard; or

(b) prevent any other person, including an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika, from being recognised as an interested person on matters relating to, or affecting, the Whangaehu River; or

(c) recognise mana whenua in relation to the whole or any part of the Whangaehu River or the Te Waiū-o-Te-Ika catchment; or

(d) bind, compromise, advantage, or disadvantage any other person; or

(e) provide a precedent for any other matter.

(4) In this section,—

mana whenua has the meaning given in section 2(1) of the Resource Management Act 1991

procedural requirement—

(a) means a requirement—

(i) to lodge a submission or file a notice of intention to appear or be heard; or

(ii) as to the timing, form, nature of service, or other procedure applying when a submission is lodged or a notice of intention to appear or be heard is filed; but

(b) does not include a substantive requirement.

Subpart 3—Ngā Wai Tōtā o Te Waiū

114 Establishment of Ngā Wai Tōtā o Te Waiū

(1) This section establishes Ngā Wai Tōtā.

(2) Despite the membership of Ngā Wai Tōtā, as provided for by section 118, Ngā Wai Tōtā is a joint committee of the Manawatu-Wanganui Regional Council, Ruapehu District Council, Rangitikei District Council, and Whanganui District Council.

(3) Despite Schedule 7 of the Local Government Act 2002, Ngā Wai Tōtā—

(a) is a permanent joint committee; and

(b) must not be discharged unless all of the appointing organisations agree to the discharge.

(4) In this subpart, **joint committee** means a joint committee within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

115 Purposes of Ngā Wai Tōtā

The purposes of Ngā Wai Tōtā are to—

(a) provide strategic leadership—

(i) to promote Te Mana Tupua and Ngā Toka Tupua; and

(ii) to advance the health and well-being of the Te Waiū-o-Te-Ika catchment; and

(iii) to advance the integrated management of the Te Waiū-o-Te-Ika catchment, including through the co-ordination of the agencies with responsibilities under this Act or any other enactment; and

(b) give expression to the relationship of Ngā Iwi o Te Waiū-o-Te-Ika and their kawa, tikanga, and ritenga with the Te Waiū-o-Te-Ika catchment.

116 Functions of Ngā Wai Tōtā

(1) The principal function of Ngā Wai Tōtā is to achieve its purpose.

(2) In seeking to achieve its purpose, the other functions of Ngā Wai Tōtā are—

(a) to prepare and approve Te Tāhoratanga in accordance with subpart 4:

(b) to promote and support the integrated management of the Te Waiū-o-Te-Ika catchment, including through the co-ordination of the agencies with responsibilities under this Act or any other enactment:

(c) to enter into discussion with, and advise—

(i) local authorities on any decisions or matters that affect the Te Waiū-o-Te-Ika catchment; and

(ii) Crown agencies that perform functions in relation to the Te Waiū-o-Te-Ika catchment; and

(iii) any other entities or persons with an interest in the Whangaehu River:

(d) to monitor the implementation and effectiveness of Te Tāhoratanga:

(e) to monitor the extent to which Te Mana Tupua and Ngā Toka Tupua, and the purpose of Ngā Wai Tōtā, are being achieved:

(f) to report on the implementation and effectiveness of Te Tāhoratanga to each of the organisations that appoints members under section 118 or that may send representatives in accordance with section 121:

(g) to gather and disseminate information, and hold meetings on matters related to the health and well-being of the Te Waiū-o-Te-Ika catchment:

(h) to maintain the Te Waiū-o-Te-Ika catchment register:

(i) to perform any functions that may be delegated to it, including by a local authority:

(j) to take any other action reasonably necessary to achieve its purpose or perform its functions.

(3) In performing its functions, Ngā Wai Tōtā must—

(a) give expression to Te Mana Tupua and Ngā Toka Tupua; and

(b) operate in a collaborative manner as an authority and with other parties.

(4) Other than in relation to the function under subsection (2)(a), Ngā Wai Tōtā has discretion to determine, in any particular circumstances,—

(a) whether to perform any function specified in subsection (2); and

(b) how, and to what extent, any function specified in subsection (2) is performed.

117 Capacity

Ngā Wai Tōtā has full capacity to carry out its functions under this Act.

118 Members of Ngā Wai Tōtā

(1) Ngā Wai Tōtā consists of 8 members appointed by the appointing organisations as follows:

(a) 1 member appointed by the trustees; and

(b) 1 member appointed by the trustees of Te Runanga o Ngāti Apa; and

(c) 1 member appointed by the trustees of the Uenuku Charitable Trust or the governance entity that succeeds that Trust; and

(d) 1 member appointed by the trustees of the Whanganui Land Settlement Negotiation Trust or the governance entity that succeeds that Trust; and

(e) 1 member appointed by the Manawatu-Wanganui Regional Council; and

(f) 1 member appointed by the Ruapehu District Council; and

(g) 1 member appointed by the Whanganui District Council; and

(h) 1 member appointed by the Rangitikei District Council.

(2) Each member is—

(a) appointed for a term of 3 years, unless the member resigns or is removed by an appointing organisation during that term; and

(b) may be reappointed or removed at the discretion of the organisation that made the appointment.

(3) Each member—

(a) must act in a manner that promotes the effective performance of the functions of Ngā Wai Tōtā; and

(b) is not a member of a local authority by virtue of that membership.

(4) Each appointing organisation must use its best endeavours to appoint members within 40 working days of—

(a) the settlement date:

(b) the commencement of any subsequent term of Ngā Wai Tōtā.

(5) In appointing a member to Ngā Wai Tōtā, an appointing organisation—

(a) must be satisfied that the person has the appropriate mana, skills, knowledge, or experience—

(i) to participate effectively in Ngā Wai Tōtā; and

(ii) to contribute to the achievement of the purpose of Ngā Wai Tōtā; and

(b) must have regard to the skills of any members already appointed to Ngā Wai Tōtā to ensure that the membership reflects a balanced mix of skills, knowledge, and experience so that Ngā Wai Tōtā may best achieve its purpose.

(6) If there is a vacancy on Ngā Wai Tōtā, the appointing organisation that appointed the person who has ceased to be a member must fill that vacancy as soon as is reasonably practicable.

(7) The members of Ngā Wai Tōtā will not receive payment or reimbursement as members, unless Ngā Wai Tōtā otherwise agrees.

119 Validity of acts

Nothing done by Ngā Wai Tōtā is invalid because of—

(a) a vacancy in the membership of Ngā Wai Tōtā at the time the thing was done; or

(b) the subsequent discovery of a defect in the appointment of a person as a member.

120 Application of other Acts to Ngā Wai Tōtā

(1) To the extent that they are relevant to the purpose and functions of Ngā Wai Tōtā under this Act, the provisions of the following Acts apply to Ngā Wai Tōtā, with the necessary modifications, unless otherwise provided in this subpart or in Schedule 6:

(a) the Local Authorities (Members' Interests) Act 1968:

(b) the Local Government Act 1974:

(c) the Local Government Act 2002:

(d) the Local Government Official Information and Meetings Act 1987.

(2) Schedule 7 of the Local Government Act 2002 applies with modifications as follows:

(a) clause 31(1) applies only to the members of Ngā Wai Tōtā appointed by the local authorities:

(b) clauses 23(3)(b), 24, 26(1), (3), and (4), 27, 30(2), (3), (5), and (7), and 31(2), (4), and (6) do not apply to Ngā Wai Tōtā:

(c) clauses 19, 20, and 22 apply to Ngā Wai Tōtā subject to—

(i) the references to a local authority being read as references to Ngā Wai Tōtā; and

(ii) the reference in clause 19(5) to the chief executive being read as a reference to the chairperson of Ngā Wai Tōtā:

(d) to the extent that the rest of Schedule 7 is applicable, it applies to Ngā Wai Tōtā subject to all references to—

(i) a local authority being read as references to Ngā Wai Tōtā; and

(ii) a member of a committee of a local authority being read as references to the persons appointed to be members of Ngā Wai Tōtā under section 118.

121 Rights extended to Te Kotahitanga o Ngāti Tūwharetoa and Mōkai Pātea

(1) Ngā Wai Tōtā may seek advice or guidance in the performance of its functions from 1 or both of the following entities, and for that purpose may invite a representative of each of those entities to attend meetings of Ngā Wai Tōtā:

(a) Te Kotahitanga o Ngāti Tūwharetoa; and

(b) the representative entity of Mōkai Pātea (and when that entity is succeeded by a governance entity, a representative of that governance entity).

(2) A representative of each of the entities referred to in subsection (1) may attend any meetings of Ngā Wai Tōtā.

(3) Persons attending meetings of Ngā Wai Tōtā under subsection (1) or (2) do not have the right to vote at meetings.

(4) The procedures of Ngā Wai Tōtā must provide for the manner in which Ngā Wai Tōtā is to conduct meetings with the representatives referred to in subsections (1) and (2).

122 Administration and procedure

The provisions set out in Schedule 6 apply to Ngā Wai Tōtā.

Subpart 4—Te Tāhoratanga o Te Waiū

123 Purpose and scope of Te Tāhoratanga

(1) The purpose of Te Tāhoratanga is—

(a) to provide strategic leadership—

(i) to promote Te Mana Tupua and Ngā Toka Tupua; and

(ii) to advance the health and well-being of the Te Waiū-o-Te-Ika catchment; and

(iii) to advance the integrated management of the Te Waiū-o-Te-Ika catchment, including through the co-ordination of the agencies with responsibilities under this Act or any other enactment; and

(b) to provide guidance on how to give expression to the relationship of the iwi or groups of iwi of Ngā Iwi o Te Waiū-o-Te-Ika and their kawa, tikanga, and ritenga with the Te Waiū-o-Te-Ika catchment.

(2) Te Tāhoratanga must—

(a) identify the vision, values, issues, and desired outcomes relating to the Te Waiū-o-Te-Ika catchment; and

(b) provide guidance for decision makers in relation to the Te Waiū-o-Te-Ika catchment; and

(c) provide a strategy for, and recommended actions, objectives, and policies to achieve, the desired outcomes relating to the Te Waiū-o-Te-Ika catchment.

(3) Te Tāhoratanga—

(a) must not contain rules or other regulatory provisions; but

(b) may include non-regulatory matters that Ngā Wai Tōtā considers necessary to achieve the purpose of Te Tāhoratanga.

124 Legal effect of Te Tāhoratanga

Decisions under Resource Management Act 1991

(1) In preparing, varying, amending or approving a regional policy statement, regional plan, or district plan (a **planning document**) that relates to the Te Waiū-o-Te-Ika catchment, a local authority—

(a) must recognise and provide for Te Tāhoratanga:

(b) may, at its discretion, incorporate Te Tāhoratanga in whole or in part in 1 or more of the planning documents, in accordance with the appropriate process under Schedule 1 of the Resource Management Act 1991.

(2) A local authority may undertake a review of a regional policy statement, regional plan, or district plan approved in relation to the Te Waiū-o-Te-Ika catchment, if it considers that is appropriate in order to comply with the obligation under subsection (1)(a).

(3) In determining an application for a resource consent that relates to the Whangaehu River or to an activity in the Te Waiū-o-Te-Ika catchment that affects the Whangaehu River, the consent authority must have particular regard to Te Tāhoratanga.

(4) In this section, a reference to a plan or a policy statement includes a reference to a proposed plan or a proposed policy statement.

Decisions under Local Government Act 2002

(5) In making a decision under the Local Government Act 2002 that relates to the Whangaehu River or the Te Waiū-o-Te-Ika catchment, a local authority must have particular regard to Te Tāhoratanga.

Responsibilities under conservation legislation

(6) In approving a conservation management strategy under the Conservation Act 1987 that is relevant to the Te Waiū-o-Te-Ika catchment, the New Zealand Conservation Authority must have particular regard to Te Tāhoratanga.

(7) In preparing and approving a reserve management plan under the Reserves Act 1977 for the reserve sites to be administered by Te Pae Ao, the decision makers must have particular regard to Te Tāhoratanga.

Responsibility under Biosecurity Act 1993

(8) In preparing or approving a regional pest management plan for the region under the Biosecurity Act 1993, the Manawatu-Wanganui Regional Council must have particular regard to Te Tāhoratanga.

Decisions under Fisheries Act 1996

(9) In making decisions under the Fisheries Act 1996 relating to the sustainability of fisheries within the Te Waiū-o-Te-Ika catchment, decision makers must have particular regard to Te Tāhoratanga.

General requirements

(10) If the exercise or performance of a function, power, or duty under any of subsections (1) to (9) requires a decision, document, or report, that decision, document, or report must state how the requirements of subsections (1) to (9), as applicable, have been complied with.

(11) The obligations under this section apply—

(a) if the exercise or performance of a function, power, or duty relates to—

(i) the Whangaehu River; or

(ii) an activity within the Te Waiū-o-Te-Ika catchment that affects the Whangaehu River; and

(b) if, and to the extent that, Te Tāhoratanga relates to the function, duty, or power; and

(c) in a manner that is consistent with the purpose of the Act under which that function, power, or duty is exercised or performed.

125 Preparation and approval of Te Tāhoratanga

The provisions set out in Schedule 7 apply in respect of the preparation and approval of Te Tāhoratanga.

Subpart 5—Te Waiū-o-Te-Ika catchment register

126 Te Waiū-o-Te-Ika catchment register

(1) A register of hearing commissioners, to be called the Te Waiū-o-Te-Ika catchment register, must be developed and agreed by—

(a) Ngā Wai Tōtā; and

(b) relevant government departments and agencies; and

(c) relevant local authorities.

(2) The development of the register must be undertaken in consultation with the governance entities of Ngā Iwi o Te Waiū-o-Te-Ika (or the representative entities if in any case a governance entity has not been established).

(3) The purpose of the register is to provide a register of persons qualified to hear and determine relevant applications under the Resource Management Act 1991 for resource consents (*see* clause 2 of Schedule 8).

(4) Ngā Wai Tōtā must maintain and review the Te Waiū-o-Te-Ika catchment register at regular intervals to ensure it is fit for the purpose described in subsection (3).

(5) In this section, section 127, and Schedule 8, **hearing commissioner** means a person accredited under section 39A of the Resource Management Act 1991 to act as a hearing commissioner.

127 Persons who may be included on Te Waiū-o-Te-Ika catchment register

(1) An iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika may nominate hearing commissioners to be included on the Te Waiū-o-Te-Ika catchment register.

(2) The Te Waiū-o-Te-Ika catchment register must include persons who have—

(a) skills, knowledge, and experience in a range of disciplines, including the kawa, tikanga, and ritenga of Ngā Iwi o Te Waiū-o-Te-Ika; and

(b) knowledge of the Te Waiū-o-Te-Ika catchment; and

(c) an understanding of Te Mana Tupua and Ngā Toka Tupua, and their legal effect.

(3) Further provisions relating to the Te Waiū-o-Te-Ika catchment register are set out in Schedule 8.

Subpart 6—Customary fishing regulations

128 Fisheries regulations

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Fisheries given in accordance with subsection (2), make regulations under the Fisheries Act 1996 that provide for the trustees—

(a) to manage customary fishing in the Ngāti Rangi fisheries area by issuing customary fishing authorisations for fisheries managed under the Fisheries Act 1996:

(b) to recommend to the Minister of Fisheries that bylaws be made to restrict or prohibit fishing in fisheries managed under the Fisheries Act 1996 in the Ngāti Rangi fisheries area.

(2) The Minister of Fisheries must recommend the making of regulations under subsection (1) if the Ministry for Primary Industries and the trustees agree and the trustees notify that Minister that regulations are required for the management of

customary food gathering in relation to the Ngāti Rangi fisheries area.

(3) The Minister of Fisheries must—

(a) make bylaws recommended under subsection (1)(b), unless that Minister is satisfied that the proposed bylaws would have an undue adverse effect on fishing in the Ngāti Rangi fisheries area; and

(b) appoint the trustees to be an advisory committee to that Minister under section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 in relation to the area of interest.

(4) In this section, **Ngāti Rangi fisheries area** means the area shown in deed plan OTS-083-032 included in the attachments.

Part 4
Commercial redress

129 Interpretation

In subparts 1 to 3,—

commercial redress property means a property described in part 3 of the property redress schedule

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

Crown forestry licence—

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

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

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

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

defence area land—

(a) means land that is—

(i) within the Ngāti Rangi area of interest; and

(ii) held under the Defence Act 1990; and

(iii) not declared to be surplus land; but

(b) does not include the land listed in part 4 of the attachments

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

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 a deferred selection property, in part 4 of the property redress schedule

licensed land—

(a) means the property described as Part Karioi Forest in part 3 of the property redress schedule; but

(b) excludes—

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

(ii) improvements that have been—

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

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

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

right of access means the right conferred by section 143.

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

130 The Crown may transfer properties

(1) To give effect to part 11 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 a deferred selection property to the trustees; and

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

(2) Subsection (3) applies to the following if they are subject to a resumptive memorial recorded under an enactment listed in section 17(2):

(a) a deferred selection property:

(b) any defence area land that is transferred to the trustees.

(3) As soon as is reasonably practicable after the date on which a deferred selection property or any defence area land is transferred to the trustees, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of section 18 (which relates to the cancellation of resumptive memorials).

131 Transfer of certain deferred selection properties

(1) Subsection (2) applies to the following deferred selection properties described in part 4 of the property redress schedule:

(a) Conway Conservation Area:

(b) Foyle Street Conservation Area.

(2) Each property ceases to be a conservation area under the Conservation Act 1987 immediately before it is transferred under section 130.

132 Transfer of defence area land to trustees

(1) If a binding agreement for the transfer of any defence area land is reached by the New Zealand Defence Force and the trustees within a period of 4 years from the settlement date, the New Zealand Defence Force may transfer the land specified in the agreement to the trustees for the purpose described in subsection (2).

(2) The New Zealand Defence Force may transfer to the trustees any defence area land specified in the agreement on condition that the land is used only for the purpose of a commercial housing venture, on the terms set out in clauses 11.26.2 to 11.26.4 of the deed of settlement.

133 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 deferred selection property.

(2) Any such easement is—

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

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

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

134 Records of title for certain properties

(1) This section applies to each of the following properties that is to be transferred to the trustees under section 130 or 132, as the case may be:

(a) a commercial redress property (other than licensed land):

(b) a deferred selection property:

(c) any defence area land.

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

(a) the property is not all of the land contained in a record of title for a fee simple estate; or

(b) there is no record of title for the fee simple estate in all or part of the property.

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

(a) create a record of title for the fee simple estate in the property in the name of the Crown; and

(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but

(c) omit any statement of purpose from the record of title.

(4) Subsection (3) is subject to the completion of any survey necessary to create a record of title.

(5) In this section and sections 135 and 136, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

135 Record of title for licensed land

(1) This section applies to licensed land that is to be transferred to the trustees under section 130.

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

(a) create a record of title in the name of the Crown for the fee simple estate in the property; and

(b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but

(c) omit any statement of purpose from the record of title.

(3) Subsection (2) is subject to the completion of any survey necessary to create a record of title.

136 Authorised person may grant covenant for later creation of record of title

(1) For the purposes of sections 134 and 135, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any commercial redress property, deferred selection property, or defence area land.

(2) Despite the Land Transfer Act 2017,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and

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

137 Application of other enactments

(1) This section applies to the transfer to the trustees of the fee simple estate in a commercial redress property, a deferred selection property, or any defence area land.

(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 130 or 132, as the case may be, 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).

138 Transfer of properties subject to lease

(1) This section applies to a deferred selection property—

(a) for which the land holding agency is the Ministry of Education; and

(b) the ownership of which is to be transferred to the trustees; and

(c) that, after the transfer, is to be subject to a lease back to the Crown.

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

(3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to section 139 upon the registration of the transfer.

(4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that—

(a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and

(b) the land is subject to section 139.

(5) A notation made under subsection (4) 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.

139 Requirements if lease terminates or expires

(1) This section applies if the lease referred to in section 138(1)(c) (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.

(2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.

(3) The registered proprietors of the property must apply in writing to the Registrar-General,—

(a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that—

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

(ii) the property is subject to this section; or

(b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,—

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

(ii) that part is subject to this section.

(4) The Registrar-General must comply with an application received in accordance with subsection (3) free of charge to the applicant.

Subpart 2—Licensed land

140 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 11 of the deed of settlement, or part 6 of the property redress schedule.

141 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.

142 Effect of transfer of licensed land

(1) Section 141 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 record of title WN1300/4 have been completed, as required under section 137(2) of the Ngāti Tūwharetoa Claims Settlement Act 2018; and

(c) the processes described in clause 17.4 of the replacement Crown forestry licence have been completed.

(2) To the extent that the Crown has not completed the processes referred to in subsection (1)(b) and (c) before the settlement date, it must continue those processes—

(a) on and after the settlement date; and

(b) until the processes are completed.

(3) For the period starting on the settlement date and ending on the completion of the processes referred to in subsections (1)(b) and (2), the licence fee payable under the Crown forestry licence held in record of title WN1300/4 in respect of the licensed land is the amount calculated in the manner described in paragraphs 6.24 and 6.25 of the property redress schedule.

(4) However, the calculation of the licence fee under subsection (3) is overridden by any agreement made by the trustees as licensor, the licensee, the Crown, and the trustees of Te Kotahitanga o Ngāti Tūwharetoa as licensor of Part Karioi Forest under section 136(5) of the Ngāti Tūwharetoa Claims Settlement Act 2018.

(5) Subsection (6) applies for the period beginning on the date on which the replacement Crown forestry licence is issued and ending on the date when the processes referred to in subsections (1)(c) and (2) are completed.

(6) In the relevant period, the licence fee payable under the replacement Crown forestry licence in respect of the licensed land is the amount calculated in accordance with paragraphs 6.26A and 6.26B of the property redress schedule, unless the trustees as licensor, the licensee, and the Crown agree otherwise.

(7) On and from the date on which the replacement Crown forestry licence is issued, a reference to prospective proprietors in clause 17.4 of that licence must, in relation to the licensed land, be read as a reference to the trustees.

(8) In this section, **replacement Crown forestry licence** means the Crown forestry licence that—

(a) is issued as a consequence of the completion of the processes referred to in subsections (1)(b) and (2); and

(b) affects both—

(i) the licensed land; and

(ii) the land to be retained by the Crown (the arsenic dump area, *see* clause 11.7.1 of the deed of settlement).

Subpart 3—Access to protected sites

143 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.

(4) In this subpart, **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.

144 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.

145 Right of access to be recorded on records of title

(1) This section applies to the transfer to the trustees of any 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 any record of title 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

146 Interpretation

In this subpart and Schedule 9, unless the context otherwise requires,—

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, other than in section 171,—

(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

exclusive RFR land means—

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

(i) is vested in the Crown; or

(ii) is held in fee simple by the Crown or Housing New Zealand Corporation; and

(b) any land obtained in exchange for a disposal of exclusive RFR land under section 162(1)(c) or 163

expiry date, in relation to an offer, means its expiry date under sections 151(2)(a) and 152

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 151, to dispose of RFR land to the trustees of any offer trust

offer trust means the trust or trusts specified for each of the following types of RFR land:

(a) for exclusive RFR land, Te Tōtarahoe o Paerangi:

(b) for shared RFR land,—

(i) Te Tōtarahoe o Paerangi; and

(ii) a governance entity established by Mōkai Pātea, if it is eligible to participate (*see* section 148)

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

recipient trust means the trust specified for each of the following types of RFR land:

(a) for exclusive RFR land, Te Tōtarahoe o Paerangi:

(b) for shared RFR land, the offer trust whose trustees accept an offer to dispose of the land under section 154

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

RFR date means the date on which the RFR period commences, as the case may be,—

(a) for the exclusive RFR land:

(b) for the shared RFR land

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 157(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested under section 158(1)

RFR period means,—

(a) for the exclusive RFR land, the period of 177 years on and from the settlement date:

(b) for the shared RFR land, the period of 177 years on and from the earlier of—

(i) the date that is 10 years after the settlement date under this Act; and

(ii) the settlement date defined in Mōkai Pātea approving legislation

shared RFR land means—

(a) the land described in part 4 of the attachments that, on the RFR date for that land,—

(i) is vested in the Crown; or

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

(b) any land obtained in exchange for a disposal of shared RFR land under section 162(1)(c) or 163

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

147 Meaning of RFR land

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

(a) exclusive RFR land; and

(b) shared RFR land.

(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 of a recipient trust or their nominee (for example, under a contract formed under section 155); or

(ii) the trustees of Te Tōtarahoe o Paerangi under section 130, in the case of a deferred selection property; or

(iii) the trustees of Te Tōtarahoe o Paerangi under section 132, in the case of defence area land; or

(iv) any other person (including the Crown or a Crown body) under section 150(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 159 to 166 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 167(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 177; or

(d) the RFR period for the land ends; or

(e) for RFR land required for another Treaty of Waitangi settlement, notice is given in relation to the land under section 149.

148 Mōkai Pātea participation under this subpart

A governance entity established by Mōkai Pātea is eligible to participate as an offer trust in relation to shared RFR land, but only on and from the settlement date defined in legislation that approves as redress for Mōkai Pātea the right to participate with Ngāti Rangi in shared RFR land.

149 RFR land required for another Treaty of Waitangi settlement

(1) The Minister for Treaty of Waitangi Negotiations must, for shared RFR land required for the settlement of historical Treaty claims other than the historical claims settled under this Act, give notice to the following persons that the land is to cease being RFR land:

(a) the RFR landowner; and

(b) each of the following:

(i) the trustees:

(ii)

the representative entity of Mōkai Pātea, or, when that entity is succeeded by a governance entity, that governance entity.

(2) The notice may be given at any time before a contract is formed under section 155 for the disposal of the land.

(3) In this section, **historical Treaty claim** has the meaning given in section 2 of the Treaty of Waitangi Act 1975.

Restrictions on disposal of RFR land

150 Restrictions on disposal of RFR land

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

(a) under any of sections 156 to 166; or

(b) under any matter referred to in section 167(1); or

(c) in accordance with a waiver or variation given under section 177; or

(d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees of an offer trust if the offer to those trustees was—

(i) made in accordance with section 151; and

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

(iii) not withdrawn under section 153; and

(iv) not accepted under section 154.

Right of first refusal for trustees of offer trusts

151 Requirements for offer

(1) An offer by an RFR landowner to dispose of RFR land to the trustees of an offer trust must be by notice to the trustees of one or both of the offer trusts, as the case requires.

(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 record of title for the land; and

(c) a statement that identifies the RFR land as exclusive RFR land or shared RFR land; and

(d) if the land is a public work or part of a public work, a statement that specifies whether the land includes or adjoins the bed of the Whangaehu River; and

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

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

152 Expiry date of offer

(1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the trustees of one or both of the offer trusts receive notice of the offer.

(2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which the trustees of one or both of the offer trusts receive notice of the offer if—

(a) those 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.

(3) For an offer of shared RFR land, if the RFR landowner has received notices of acceptance from the trustees of both of the offer trusts at the expiry date specified in the notice given under section 151(1), the expiry date is extended for the trustees

of both of the offer trusts to the date that is the 20th working day after the date on which the trustees receive the RFR landowner's notice given under section 154(4).

153 Withdrawal of offer

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

154 Acceptance of offer

(1) The trustees of an offer trust 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 of an offer trust must accept all the RFR land offered, unless the offer permits them to accept less.

(3) In the case of an offer of shared RFR land, the offer is accepted if, at the end of the expiry date, the RFR landowner has received notice of acceptance from the trustees of only 1 offer trust.

(4) In the case of an offer of shared RFR land, if the RFR landowner has received, at the expiry date specified in the notice of offer given under section 151(1), notices of acceptance from the trustees of both of the offer trusts, the RFR landowner has 10 working days in which to give notice to the trustees of those 2 offer trusts,—

(a) specifying the offer trusts from whose trustees acceptance notices have been received; and

(b) stating that the offer may be accepted by the trustees of only 1 of those offer trusts before the end of the 20th working day after the day on which the RFR landowner's notice is received under this subsection.

155 Formation of contract

(1) If the trustees of an offer trust 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 those 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 of the recipient trust.

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

(4) The trustees of the recipient trust 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 of the recipient trust nominate a nominee, the trustees of the recipient trust remain liable for the obligations of the transferee under the contract.

Disposals to others where land remains RFR land

156 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 563 of the Education and Training Act 2020.

Section 156(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

157 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.

158 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

159 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.

160 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 relevant RFR date; or

(ii) was conditional before the relevant RFR date but became unconditional on or after that date; or

(iii) arose after the exercise (whether before, on, or after the relevant RFR date) of an option existing before that date; or

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

161 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.

162 Disposal of land held for public works

(1) An RFR landowner may dispose of RFR land in accordance with—

(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d)

section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Māori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

163 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.

164 Disposal for charitable purposes

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

165 Disposal to tenants

The Crown may dispose of RFR land,—

(a) if the land was held on the relevant RFR 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 relevant RFR date; or

(ii) on or after that date under a right of renewal in a lease granted before that date; or

(c) under section 93(4) of the Land Act 1948.

166 Disposal by Housing New Zealand Corporation

Housing New Zealand Corporation or any of its subsidiaries may dispose of RFR land to any person if the Corporation has given notice to the trustees of one or both of the offer trusts, as the case requires, that, in the Corporation's opinion, the disposal is to give effect to, or to assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing.

RFR landowner obligations

167 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 of an offer trust; 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), does not include steps to promote the passing of an enactment.

Notices about RFR land

168 Notice to LINZ of RFR land with record of title after RFR date

(1) If a record of title is first created for RFR land after the relevant RFR date, the RFR landowner must give the chief executive of LINZ notice that the record of title has been created.

(2) If land for which there is a record of title becomes RFR land after the relevant RFR 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 record of title 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 record of title.

169 Notice to trustees of offer trusts of disposal of RFR land to others

(1) An RFR landowner must give the trustees of one or both of the offer trusts, as the case requires, notice of the disposal of RFR land by the landowner to a person other than the trustees of an offer trust 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 record of title for the land; and

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

(d) the name of the person to whom the land is being disposed of; and

(e) an explanation of how the disposal complies with section 150; and

(f) if the disposal is to be made under section 150(d), a copy of any written contract for the disposal.

170 Notice to LINZ of land ceasing to be RFR land

(1) Subsections (2) and (3) apply if land contained in a record of title 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 of a recipient trust or their nominee (for example, under a contract formed under section 155); or

(ii) the trustees of Te Tōtarahoe o Paerangi under section 130, in the case of a deferred selection property; or

(iii) the trustees of Te Tōtarahoe o Paerangi under section 132, in the case of defence area land; or

(iv) any other person (including the Crown or a Crown body) under section 150(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 159 to 166; or

(ii) under any matter referred to in section 167(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 177.

(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 record of title for the land; and

(c) the details of the transfer or vesting of the land.

(4) Subsections (5) and (6) apply if land contained in a record of title ceases to be RFR land because a notice has been given under section 149 in relation to the land.

(5) The RFR landowner must, as soon as practicable after receiving the notice under section 149, give the chief executive of LINZ notice that the land has ceased to be RFR land.

(6) The notice must include—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

(c) a copy of the notice given under section 149.

171 Notice to be given if disposal of shared RFR land being considered

(1) This section applies if an RFR landowner is considering whether to dispose of shared RFR land in a way that may require an offer under this subpart.

(2) The RFR landowner must give notice to the trustees of both of the offer trusts that, if the landowner decides to dispose of the land, the landowner may be required to offer the land to the trustees of both of the offer trusts under this subpart.

(3) The notice must be given immediately before the RFR landowner commences the processes under any of the following provisions, as relevant:

(a) section 52 of the Land Act 1948:

(b) section 23 of the New Zealand Railways Corporation Restructuring Act 1990:

(c) section 40 of the Public Works Act 1981 (providing that the tests in section 40(1) of that Act are met):

(d) any other enactment that regulates or applies to the disposal of the land.

(4) The notice must—

(a) specify the legal description of the land; and

(b) identify any record of title that contains the land; and

(c) specify the street address for the land or, if it does not have a street address, include a description or a diagram with enough information to enable a person not familiar with the land to locate it.

(5) To avoid doubt, a notice given under this section does not, of itself, mean that an obligation has arisen under—

(a) section 564(3) of the Education and Training Act 2020 (concerning the application of sections 40 to 42 of the Public Works Act 1981 to transfers of land under the Education and Training Act 2020); or

(b) sections 23(1) and 24(4) of the New Zealand Railways Corporation Restructuring Act 1990 (concerning the disposal of land of the Corporation); or

(c) section 40 of the Public Works Act 1981 (concerning the requirement to offer back surplus land to a previous owner), or that section as applied by another enactment.

(6) In this section, **dispose of** means to transfer the fee simple estate in the land.

Section 171(5)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

172 Notice requirements

Schedule 9 applies to notices given under this subpart by or to—

(a) an RFR landowner; or

(b) the trustees of an offer trust or a recipient trust.

Right of first refusal recorded on records of title

173 Right of first refusal to be recorded on records of title 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 record of title for,—

(a) the RFR land for which there is a record of title on the relevant RFR date; and

(b) the RFR land for which a record of title is first created after the relevant RFR date; and

(c) land for which there is a record of title that becomes RFR land after the relevant RFR date.

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

(a) after the relevant RFR date, for RFR land for which there is a record of title on the relevant RFR date; or

(b) after receiving a notice under section 168 that a record of title 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 of one or both of the offer trusts, as the case requires, 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 record of title for the RFR land identified in the certificate that the land is—

(a) RFR land, as defined in section 147; and

(b) subject to this subpart (which restricts disposal, including leasing, of the land).

174 Removal of notations when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 170(2), issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

(c) the details of the transfer or vesting of the land; and

(d) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the trustees of one or both of the offer trusts, as the case requires, 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 record of title identified in the certificate any notation recorded under section 173 for the land described in the certificate.

175 Removal of notations when notice given under section 149

(1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under section 170(5), issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

(c) a copy of the notice given under section 149; and

(d) a statement that the certificate is issued under this section.

(2) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove from the record of title identified in the certificate any notation recorded under section 173 for the land described in the certificate.

176 Removal of notations when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—

(a) the reference for each record of title for that RFR land that still has a notation recorded under section 173; 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 of one or both of the offer trusts, as the case requires, 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 notation recorded under section 173 from any record of title identified in the certificate.

General provisions applying to right of first refusal

177 Waiver and variation

(1) The trustees of an offer trust may, by notice to an RFR landowner, waive any or all of the rights they have in relation to the landowner under this subpart.

(2) The trustees of an offer trust 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.

178 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.

179 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 9 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees of the relevant offer trust, 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 of an offer trust under this subpart, because—

(a) they are the trustees of that offer trust; or

(b) they have previously been assigned those rights and obligations under this section.

Schedule 1
Statutory areas

ss 26, 35

Part 1
Area subject only to statutory acknowledgement

Statutory area	Location
Ngā Roto-o-Rangataua Scenic Reserve	As shown on OTS-083-014

Part 2
Areas subject to statutory acknowledgement and deed of recognition

Statutory area	Location
Auahitōtara Pā	As shown on OTS-083-008
Part Ngāmatea Swamp	As shown on OTS-083-011
Part Hautapu River	As shown on OTS-083-009
Part Moawhango River	As shown on OTS-083-010
Part Te Onetapu	As shown on OTS-083-016
Part Turakina River	As shown on OTS-083-017
Ngā Urukehu (being Part Ngaurukehu Scientific Reserve)	As shown on OTS-083-012
Part Upper Waikato Stream	As shown on OTS-083-015

Part 3
Areas subject only to deed of recognition

Statutory area	Location
Part Te Waiū-o-Te-Ika catchment within the Ngāti Rangi area of interest	As shown on OTS-083-032
Te Waiū-o-Te-Ika catchment	As shown on OTS-083-020

Schedule 2
Te Tāpora area

s 41

Te Tāpora area	Location	Description

Te Tāpora area	Location	Description
Hīhītahi (being Part Hihitahi Forest Sanctuary)	As shown on OTS-083-018.	*Wellington Land District—Ruapehu District* 182.3109 hectares, more or less, being Sections 4 and 7 Block XIV Moawhango Survey District.

Schedule 3
Cultural redress properties

ss 60, 67, 68

Properties vested in fee simple

Name of property	Description	Interests
Rangatauanui property	*Wellington Land District—Ruapehu District* 24.5915 hectares, more or less being Sections 1, 2, and 3 SO 524330. Part *Gazettes* 1899, p 259 and 1915, p 2276.	Together with the right of way easement referred to in section 61(3). Subject to an unregistered grazing licence with concession number TW-29918-GRA.
Rau Korokio	*Wellington Land District—Ruapehu District* 18.0304 hectares, more or less, being Part Section 9 Block V Karioi Survey District. All record of title WN51D/48.	Subject to an unregistered grazing licence to S and GA Fraser dated 16/11/2015.
Te Tāuru	*Wellington Land District—Ruapehu District* 6.3910 hectares, more or less, being Section 1 SO 523621. Part *Gazette* notice 196112.1.	
Te Urunga property	*Wellington Land District—Ruapehu District* 0.1088 hectares, more or less, being Crown Land SO 34325. All *Gazette* notice 854382.2. As shown on OTS-083-005.	
Waimaire	*Wellington Land District—Ruapehu District* 2.4610 hectares, more or less, being Lot 1 DP 72617. All record of title WN40C/324.	

Property vested in fee simple subject to conservation covenant

Name of property	Description	Interests
Beds of Rotokura Lakes	*Wellington Land District—Ruapehu District* 13.6400 hectares, more or less, being Sections 1 and 3 SO 523847. Part *Gazette* notice B407690.3.	Subject to the conservation covenant referred to in section 66(4).

Schedule 4
Further matters relating to Te Pae Ao—Joint committee

ss 94, 98, 100

Part 1
Reserve sites

Reserve site	Description
All reserve sites are in the Wellington Land District	
Kiokio Conservation Area	0.6243 hectares, more or less, being Section 90 Block V Karioi Survey District (SO 35059).
Mangaehuehu Scenic Reserve	77.4115 hectares, more or less, being Parts Section 33 Block V Karioi Survey District.
Mangateitei Road Conservation Area	0.2428 hectares, more or less, being Section 89 Block V Karioi Survey District (SO 35059).
Part Ngā Roto-o-Rangataua Scenic Reserve	66.0820 hectares, more or less, being Sections 4, 5, and 6 SO 524330.
Raketapauma Conservation Area	438.2746 hectares, more or less, being Section 9 Block III Maungakaretu Survey District.
Raketapauma Scenic Reserve	80.0653 hectares, more or less, being Lot 2 DP 409259. 69.9448 hectares, more or less, being Lot 3 DP 409259.
Rangataua Conservation Area (including part Rotokura Ecological Area)	6709.6400 hectares, more or less, being Sections 2, 4, and 5 SO 523847 and Section 2 SO 36623.
Rangataua No 2 Conservation Area	1290.00 hectares, more or less, being Section 2 SO 36750.
Rangataua Scenic Reserve	58.4224 hectares, approximately, being Parts Section 45 Block V Karioi Survey District.

Part 2
Procedural matters

1 Term of Te Pae Ao

(1) Te Pae Ao is appointed for a term of 3 years.

(2) The first term of the committee commences on the settlement date.

(3) Each subsequent term commences on the third anniversary of the commencement of the previous term.

2 Chairperson of Te Pae Ao

The members of Te Pae Ao jointly must appoint 1 of their members to be the chairperson of the committee at the first meeting of each term of the committee, as follows:

(a) the chairperson for the first term of the committee must be a member appointed by the trustees:

(b) the chairperson for the second term must be a member appointed by the Director-General:

(c) for each subsequent term, the office of chairperson must alternate between a member appointed by the trustees and a member appointed by the Director-General.

3 Meetings

(1) The first meeting of Te Pae Ao must be held not later than 6 months after the settlement date.

(2) The quorum for a meeting of Te Pae Ao is 2 members, including at least—

(a) 1 member appointed by the trustees; and

(b) 1 member appointed by the Director-General.

(3) Decisions of Te Pae Ao must be made by a consensus of the members present at a meeting, unless the decision relates to pest control or species management (*see* clause 4).

(4) The chairperson may participate in decision making, but does not have a casting vote.

(5) Except as otherwise provided in this Act, sections 32 to 34 of the Reserves Act 1977 apply to Te Pae Ao as if it were a board under that Act.

4 Decision making on pest control and species management

(1) This clause applies to decisions made about pest control and species management affecting the ecological integrity of a reserve site or the viability of an indigenous species.

(2) Te Pae Ao must strive for consensus decisions.

(3) However, if in the opinion of the chairperson consensus cannot be achieved within a reasonable period of time, the chairperson must, not later than 2 months after the matter in dispute was first discussed at a meeting of Te Pae Ao, refer the matter to the chairperson of the trustees and the Deputy Director-General of the Department of Conservation, who must discuss the matter in good faith with a view to resolving the matter.

(4) If the discussion required by subclause (3) does not result in a resolution within 1 month of the referral, the Director-General must determine the matter.

Operational management of reserve sites

5 Operational planning

(1) The Director-General may from time to time, as the Director-General thinks necessary, review and revise the operational plan.

(2) The operational plan must identify any opportunities for the trustees to undertake operational management activities on the reserve sites, as may be agreed between the Director-General and the trustees.

(3) The process described in section 100(3) applies, with the necessary modifications, to any revision undertaken under subclause (1).

(4) The Director-General and the trustees (if they are identified in the plan under subclause (2)), must carry out operational activities in accordance with—

(a) the reserve management plan (*see* section 99); and

(b)

the operational plan (*see* section 100).

(5) The Director-General retains discretion over—

(a) which (if any) operational activities are funded by the Director-General; and

(b) the amount of any funding provided by the Director-General under the operational plan.

(6) However, Te Pae Ao may, in its discretion, seek funding from any source for a specific project it undertakes under this clause.

Schedule 5
Acts referred to in section 109

s 109

1 Acts to which section 109(2) refers

Section 109(2) applies to the following Acts:

(a) Biosecurity Act 1993 (in relation to functions performed by local authorities):

(b) Conservation Act 1987 (in relation to functions performed by the Minister of Conservation and the Director-General of Conservation, and in relation to freshwater management and freshwater fisheries management functions performed by the New Zealand Fish and Game Council):

(c) Local Government Act 1974:

(d) Local Government Act 2002:

(e) Marine Mammals Protection Act 1978 (in relation to the declaration of a marine mammal sanctuary, and in relation to the approval of a population management plan):

(f) Marine Reserves Act 1971 (in relation to decisions establishing a marine reserve):

(g) National Parks Act 1980:

(h) New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:

(i) Reserves Act 1977:

(j) Resource Management Act 1991 (in relation to preparing, varying, changing, or approving a regional policy statement, regional plan, or district plan):

(k) Walking Access Act 2008 (in relation to functions performed by the New Zealand Walking Access Commission).

2 Acts to which section 109(3) refers

Section 109(3) applies to the following Acts:

(a) Fisheries Act 1996:

(b) Heritage New Zealand Pouhere Taonga Act 2014:

(c) Resource Management Act 1991, to the extent that it is not within clause 1.

3 Act to which section 109(4) refers

Section 109(4) applies to the Civil Defence Emergency Management Act 2002 in relation to the function of the Manawatu-Wanganui Civil Defence Emergency Management Group to develop, approve, or review a civil defence emergency management group plan.

Schedule 6
Administration of Ngā Wai Tōtā o Te Waiū

ss 120, 122

1 Chairperson and deputy chairperson

(1) At its first meeting, Ngā Wai Tōtā must appoint 1 of its members as the chairperson.

(2) The term of office of a chairperson is 3 years, unless the chairperson resigns or is removed by Ngā Wai Tōtā during that term.

(3) The chairperson of Ngā Wai Tōtā may be reappointed or removed by Ngā Wai Tōtā.

(4) At its first meeting, Ngā Wai Tōtā must appoint a deputy chairperson, and that appointment is subject to the same conditions as set out in subclauses (2) and (3).

(5) The deputy chairperson must act as the chairperson in the absence of the chairperson from a meeting.

(6) If the chairperson or deputy chairperson is absent from 3 consecutive meetings of Ngā Wai Tōtā, that person may be removed from that office, unless the rest of the members of Ngā Wai Tōtā decide otherwise.

2 Resignation or removal of members

(1) A member may resign from Ngā Wai Tōtā by giving written advice to the organisation that appointed the member.

(2) The organisation that appointed a member may remove the member from Ngā Wai Tōtā by giving written advice to the member and Ngā Wai Tōtā.

3 Procedures

(1) Ngā Wai Tōtā must, at its first meeting, adopt a set of procedures for the operation of Ngā Wai Tōtā.

(2) The procedures of Ngā Wai Tōtā must appropriately reflect—

(a) the purpose and function of Ngā Wai Tōtā; and

(b) the principle of consensus decision making; and

(c) the range of interests of Ngā Wai Tōtā; and

(d) how Ngā Wai Tōtā will work with the representatives invited to meetings under section 121 to support the involvement of Ngāti Tūwharetoa and Mōkai Pātea in the operation of Ngā Wai Tōtā; and

(e) the kawa, tikanga, and ritenga of Ngā Iwi o Te Waiū-o-Te-Ika.

(3) The procedures adopted apply from the first meeting, but may be amended from time to time by resolution.

(4) Ngā Wai Tōtā may appoint committees to deal with particular issues in relation to the performance of its functions.

(5) Members of Ngā Wai Tōtā must comply with the procedures of Ngā Wai Tōtā.

4 Meetings of Ngā Wai Tōtā

(1) At the first meeting of Ngā Wai Tōtā in each year of its term, Ngā Wai Tōtā must adopt a schedule of meetings for the year that it considers will enable it to achieve its purpose and discharge its functions.

(2) Ngā Wai Tōtā must review the schedule from time to time to ensure that Ngā Wai Tōtā meets often enough to achieve its purpose and discharge its functions.

(3) Meetings of Ngā Wai Tōtā may be in person or by other means as determined by Ngā Wai Tōtā.

(4) The quorum for a meeting of Ngā Wai Tōtā is not less than 50% of the members and must include—

(a) the chairperson or the deputy chairperson; and

(b) at least 2 members appointed by the iwi appointing organisations; and

(c) at least 2 members appointed by the local authority appointing organisations.

(5) Ngā Wai Tōtā may invite other persons and organisations, including government agencies,—

(a) to participate in its meetings:

(b) to contribute to the work of Ngā Wai Tōtā, including by providing technical support to Ngā Wai Tōtā.

5 Decision making

(1) Ngā Wai Tōtā must make its decisions at its meetings or by other means agreed by Ngā Wai Tōtā.

(2) The members of Ngā Wai Tōtā must approach decision making in a manner that—

(a) is consistent with the purpose of Ngā Wai Tōtā (*see* section 115) and the requirement that it operate in a collaborative manner (*see* section 116(3)(b)); and

(b) seeks to achieve consensus.

(3) If the chairperson (or deputy chairperson) considers, after reasonable discussion, that consensus on a matter is not practicable, the decision on the matter may be made by a 75% majority of those members present and voting at the meeting, as long as there are present an equal number of members appointed by iwi and of members appointed by the local authorities.

(4) The chairperson and deputy chairperson of Ngā Wai Tōtā may vote on any matter but do not have a casting vote.

(5) Members of Ngā Wai Tōtā who are also members of a local authority are not—

(a) disqualified from participating in any decision making by the local authority by virtue of being a member of Ngā Wai Tōtā or participating in the making of a decision of Ngā Wai Tōtā; or

(b) bound to consult or seek direction from the local authority.

(6) A member of Ngā Wai Tōtā is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter merely because—

(a) the member is also a member of a local authority; or

(b) the member is a member of a relevant iwi or a hapū and the economic, social, cultural, and spiritual values of the iwi or hapū and their relationships with Ngā Wai Tōtā are advanced by or reflected in—

(i) the subject matter under consideration; or

(ii) any decision by or recommendation of Ngā Wai Tōtā; or

(iii) participation in the matter by the member.

6 Liability

The members of Ngā Wai Tōtā are not personally liable for actions taken or omissions made in their capacity as members, as long as they act in good faith.

7 Support for Ngā Wai Tōtā

Administrative support

(1) The Manawatu-Wanganui Regional Council is responsible for providing administrative support to Ngā Wai Tōtā.

(2) The administrative support referred to in subclause (1) includes the provision of the services necessary to enable Ngā Wai Tōtā to carry out its functions, including under this Act, the Local Government Act 2002, and any other Act that applies to Ngā Wai Tōtā.

(3) The Manawatu-Wanganui Regional Council must—

(a) hold, in 1 or more separate interest-bearing accounts, any funds it receives on behalf of Ngā Wai Tōtā; and

(b) expend those funds at the direction of Ngā Wai Tōtā.

Technical support

(4) The members of Ngā Wai Tōtā may be supported at any meeting by technical advisers.

(5) The Manawatu-Wanganui Regional Council must provide technical support to Ngā Wai Tōtā from existing work programmes and must endeavour to accommodate unbudgeted resource requests from Ngā Wai Tōtā where possible.

Schedule 7
Te Tāhoratanga

s 125

1 Preparation of draft of first Te Tāhoratanga

(1) Ngā Wai Tōtā must commence the preparation of a draft of the first Te Tāhoratanga not later than 6 months after the settlement date.

(2) In preparing the draft of the first Te Tāhoratanga, Ngā Wai Tōtā must invite, and give an opportunity to, the following entities to contribute to the draft Te Tāhoratanga in relation to the interests of those entities and the iwi or groups of iwi that

they represent in the Te Waiū-o-Te-Ika catchment:

(a) the trustees of Te Kotahitanga o Ngāti Tūwharetoa:

(b) the representative entity of Mōkai Pātea, and, when that entity is succeeded by a governance entity, that governance entity.

2 Notification of and submissions on draft of first Te Tāhoratanga

(1) When Ngā Wai Tōtā has prepared the draft of the first Te Tāhoratanga, Ngā Wai Tōtā—

(a) must give public notice of the draft Te Tāhoratanga; and

(b) may take other steps that Ngā Wai Tōtā thinks appropriate to work with interested persons to promote awareness of, and comment on, the draft Te Tāhoratanga; and

(c) must ensure that the draft Te Tāhoratanga, and any other relevant document, is available for public inspection.

(2) In the case of the draft of the first Te Tāhoratanga, notification must be given within 18 months of the settlement date.

(3) The public notice must—

(a) state that the draft Te Tāhoratanga is available for inspection at the places and times specified in the notice; and

(b) state that interested persons or organisations may lodge submissions on the draft Te Tāhoratanga—

(i) with Ngā Wai Tōtā; and

(ii) at the place specified in the notice; and

(iii) before the date specified in the notice; and

(c) set a date for the lodging of submissions that is at least 20 working days after the date of the publication of the notice.

(4) Any person or organisation may make a written or an electronic submission on the draft Te Tāhoratanga in the manner described in the public notice.

3 Approval of Te Tāhoratanga

(1) Ngā Wai Tōtā must consider submissions made under clause 2(4), to the extent that those submissions are consistent with the purpose of Te Tāhoratanga.

(2) Ngā Wai Tōtā may, at its discretion,—

(a) hold a hearing at which any person who made a submission, or any other person that Ngā Wai Tōtā considers appropriate, may be heard:

(b) adopt any other appropriate means to receive comments from any person or organisation on the draft Te Tāhoratanga.

(3) Ngā Wai Tōtā—

(a) must keep a record of submissions, discussions, and meetings held and make that record available to any person on request:

(b) may amend the draft Te Tāhoratanga to reflect any matters raised through submissions, discussions, or meetings, and any other matters that have arisen since notification of the draft Te Tāhoratanga:

(c) must prepare a report that specifies the reasons for any amendments made under paragraph (b).

(4) Ngā Wai Tōtā must—

(a) approve Te Tāhoratanga not later than 12 months after the date on which the draft Te Tāhoratanga was notified under clause 2(1)(a); and

(b) publicly notify Te Tāhoratanga in the manner specified in clause 4, and may also notify it by any other means.

(5) Te Tāhoratanga takes effect on the date specified in the public notice given under subclause (4)(b).

4 Notice of approval of Te Tāhoratanga

The notice given under clause 3(4)(b) must include the following details:

(a) the commencement date of Te Tāhoratanga, which must not be later than 1 month after the date of its approval; and

(b)

where and when Te Tāhoratanga may be viewed, which must include the local offices of the relevant local authorities and any other relevant agencies; and

(c) where and when Te Tāhoratanga may be obtained; and

(d) where and when the report required by clause 3(3)(c) may be viewed and obtained.

5 Public inspection of Te Tāhoratanga

Each relevant local authority must ensure that Te Tāhoratanga is available for public inspection at its office, and other agencies may make it available if Ngā Wai Tōtā considers it appropriate.

Review and amendment of Te Tāhoratanga

6 Review of and amendments to Te Tāhoratanga

(1) Ngā Wai Tōtā may at any time review and, if necessary, amend Te Tāhoratanga or any component of Te Tāhoratanga.

(2) Ngā Wai Tōtā must start a review of Te Tāhoratanga not later than 10 years after—

(a) approval of the first Te Tāhoratanga; or

(b) the completion of the previous review of Te Tāhoratanga.

(3) If Ngā Wai Tōtā considers, as a result of the review, that Te Tāhoratanga should be amended in a material way, the amendment must be prepared and approved in accordance with clauses 2 and 3, with all necessary modifications, as if the review of the document were the preparation of the draft Te Tāhoratanga.

(4) If Ngā Wai Tōtā considers that Te Tāhoratanga should be amended in a way that is not material, Ngā Wai Tōtā may—

(a) approve the amendment; and

(b) give public notice of the amendment in accordance with clause 4.

Schedule 8
Te Waiū-o-Te-Ika catchment register

ss 126, 127(3)

1 Interpretation

In this schedule, **relevant authority** means—

(a) the Minister responsible for appointing a board of inquiry under Part 6AA of the Resource Management Act 1991; or

(b) a local authority that appoints a hearing panel for the purposes of Part 6 of the Resource Management Act 1991.

2 Applications for which hearing commissioners may be appointed

The applications for resource consents to which clauses 3 to 5 apply (the **relevant applications**) are applications that—

(a) are, or are to be, notified; and

(b) relate to consents for any of the following:

(i) taking, using, damming, or diverting water from or in the Whangaehu River:

(ii) undertaking an activity listed in section 13 or 15(1)(a), (b), or (d) of the Resource Management Act 1991 in relation to the Whangaehu River:

(iii) undertaking any other activity to which the relevant authority considers it is appropriate to apply those clauses.

3 Ngā Wai Tōtā to be notified of certain applications

When a relevant authority receives a relevant application, that authority must inform Ngā Wai Tōtā.

4 Considerations when appointing hearing commissioners

(1) When a relevant authority is appointing hearing commissioners to a hearing panel for a relevant application, the relevant authority—

(a) must have particular regard to—

(i) the Te Waiū-o-Te-Ika catchment register; and

(ii) Te Mana Tupua and Ngā Toka Tupua:

(b) may make appointments from the Te Waiū-o-Te-Ika catchment register.

(2) In appointing hearing commissioners for a relevant application, the relevant authority must be guided by the need for the hearing panel to reflect an appropriate range of skills, knowledge, and experience, including—

(a) kawa, tikanga, and ritenga of Ngā Iwi o Te Waiū-o-Te-Ika:

(b) knowledge of the Te Waiū-o-Te-Ika catchment:

(c) an understanding of Te Mana Tupua, Ngā Toka Tupua, and their legal effect.

(3) The relevant authority must—

(a) make its final decision on the appointment of hearing commissioners in accordance with the relevant appointment process set out in the Resource Management Act 1991; and

(b) if requested by an iwi or a group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika, provide written reasons for its decision, including how the matters referred to in subclause (2) were considered.

5 No conflict of interest

Persons whose names are on the Te Waiū-o-Te-Ika catchment register and who are members of any iwi or group of iwi of Ngā Iwi o Te Waiū-o-Te-Ika are not, by virtue only of that fact, disqualified from appointment as hearing commissioners.

Schedule 9
Notices in relation to RFR land

ss 146, 172, 179(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees of an offer trust or a recipient trust under subpart 4 of Part 4 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 of an offer trust or a recipient trust; and

(b) addressed to the recipient at the street address, postal address, fax number, or electronic address,—

(i) for a notice to the trustees of an offer trust or a recipient trust, specified for those trustees in accordance with the deed of settlement, or in a later notice given by those trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of those trustees; or

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 151, or in a later notice given to the trustees of an offer trust, or identified by those trustees as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under section 168 or 170, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite clause 1, a notice given in accordance with clause 1(a) may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

3 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the sixth day after posting, if posted; or

(c) at the time of transmission, if faxed or sent by other electronic means.

(2) However, a notice is to be treated as having been received on the next working day if, under subclause (1), it would be treated as having been received—

(a) after 5 pm on a working day; or

(b) on a day that is not a working day.

Reprints notes

1 General

This is a reprint of the Ngāti Rangi Claims Settlement Act 2019 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

Education and Training Act 2020 (2020 No 38): section 668