Raukawa Claims Settlement Act 2014

Public Act 2014 No 7
Date of assent 19 March 2014
Commencement see section 2

Contents

Part 3
Commercial redress

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Raukawa Claims Settlement Act 2014.

2 Commencement

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

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

Preliminary matters

3 Purpose

The purpose of this Act is—

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

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

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 given in Part 2 of the deed of settlement and records the acknowledgements and apology given by the Crown to Raukawa as recorded in the deed of settlement; and
- (e) defines terms used in this Act, including key terms such as Raukawa 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 on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
  - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
  - (iii) the effect of the settlement on certain memorials; and
  - (iv) the exclusion of the law against perpetuities; and
  - (v) access to the deed of settlement.

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

- (a) cultural redress that does not involve the vesting of land, namely,—
  - (i) statutory acknowledgements by the Crown of the statements made by Raukawa of their cultural, historical, spiritual, and traditional association with certain statutory areas and the geothermal resource, and the effect of that acknowledgement, together with deeds of recognition for the specified areas; and

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

(iii) the assignment and alteration of place names; and

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

(4) Part 3 provides for the commercial property and deferred selection properties.

(5) Part 4 contains provisions relating to the Wharepūhunga and Korakonui sub-catchment.

(6) There are 5 schedules, as follows:

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

(b) Schedule 2 describes the geothermal resource to which the geothermal statutory acknowledgement relates:

(c) Schedule 3 describes the overlay areas to which the overlay classification applies:

(d) Schedule 4 describes the cultural redress properties:

(e) Schedule 5 sets out provisions that apply to notices given in relation to RFR land.

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

7 Summary of historical account, acknowledgements, and apology

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

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

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

8 Summary of historical account

(1) The Crown acknowledgements and apologies are based on the historical account. Raukawa have practised mana whakahaere, kaitiakitanga, and ahikaroa within their rohe and have a special relationship to the land and the waterways in this area. Waterways in particular have been the centre of Raukawa commercial, social, cultural, and spiritual life.

(2) The Crown's actions and omissions impacted upon Raukawa's commercial, social, cultural, and spiritual relationships with the land and waterways in their rohe.

War and confiscation

(3) The wars of the 1860s caused Raukawa great prejudice. The Crown acted unjustly in sending Crown forces into the Waikato in July 1863 and occupying land in the region during 1863 and 1864. While some Raukawa appear to have participated in the conflict in 1863, it was not until 1864 when Crown forces reached the Raukawa rohe near Cambridge, Rangiaowhia, and Paterangi, that significant numbers of Raukawa fought as a tribe.

(4) The final battle of the Waikato war took place between 31 March and 2 April 1864, at Ōrākau, near Rangiaowhia. Approximately 250 to 300 Māori, a significant proportion of whom were Raukawa, defended Ōrākau pā against up to 1 800 Crown troops for 3 days until the defenders broke out of the pā on 2 April. Some, such as the Raukawa chief Te Paerata, were killed, while others successfully escaped.

(5) After the battle at Ōrākau, Raukawa participated in fighting in Tauranga, particularly at the battles of Gate Pā and Te Ranga. While many Tauranga hapū and iwi made peace with the Crown following the end of open conflict in 1864, 3 years later some Raukawa joined hapū from Tauranga in what are known as the "Bush Campaigns".

(6) The Crown confiscated land at Tauranga and the Waikato that Raukawa had interests in as punishment for what the Crown regarded as rebellion. The Crown returned some land to individual members of Raukawa hapū residing in Tauranga and none to Raukawa hapū in the Waikato. The loss of life and

property because of war and raupatu had a severe impact on the well-being of Raukawa.

Impact of Māori land legislation on Raukawa

(7) Before the Crown completed the confiscation, it reformed Māori land legislation leading to the introduction of the Native Land Court within the Raukawa rohe in 1866 at a time of uncertainty and economic and social disruption. Raukawa, as part of the Kīngitanga, sought to retain control and ownership of Māori land within the wider Te Rohe Pōtae; but the Crown encouraged Raukawa to detach itself from the authority of the Māori King.

(8) The native land law made Raukawa land more susceptible to alienation. Raukawa consider that the court did not recognize all of their land interests. Raukawa did not fully participate in the 1868 Native Land Court hearings for Maungatautari as the Crown had not negotiated peace with Raukawa and other Kīngitanga iwi following the armed conflict of the 1860s. Raukawa unsuccessfully used legal processes to challenge the exclusion of their tupuna, Raukawa, from the tūpuna of the Taupō-nui-a-Tia Block.

The impact of private land speculation on Raukawa

(9) Systematic large-scale land speculation by private parties resulted in rapid and substantial land loss for Raukawa in the late nineteenth century. Private parties and the Crown purchased nearly 800 000 acres (80 percent) of land within the Waikato basin before 1900. In the twentieth century, the iwi lost further land through public works takings, including for hydro-electric projects. Raukawa have a long-standing grievance relating to the Crown's 1915 gift of 20 000 acres of land in the Pouakani Block to an iwi with no ancestral ties to the area, which exacerbated the grievance that Raukawa continue to feel today about the earlier loss of their interests in the Pouakani lands.

(10) The Crown failed to protect Raukawa from becoming virtually landless. This restricted their ability to participate in new economic opportunities and contributed to the economic, social, and cultural impoverishment of Raukawa.

9 Acknowledgements

(1) The Crown has previously acknowledged that its representatives and advisers acted unjustly and in breach of the Treaty of Waitangi in its dealings with the Kīngitanga, which included Raukawa, in sending its forces across the Mangatawhiri in July 1863, and occupying and subsequently confiscating land in the Waikato region, and these actions resulted in Raukawa being unfairly labelled as rebels.

(2) The Crown hereby recognises those grievances and acknowledges that it has failed for many years to deal with the remaining long-standing grievances of Raukawa in an appropriate way and that recognition of those grievances is long overdue. Accordingly, it now makes the following further acknowledgements.

(3) The Crown acknowledges—

- (a) that, after it sent armed forces into the Waikato in 1863, Raukawa were drawn into the fighting through their whakapapa connections and links to the Kīngitanga and, especially, after Crown troops attacked the unfortified village of Rangiaowhia on 20 February 1864; and
- (b) that Raukawa suffered a prolonged period of disruption during the armed conflict of the 1860s, suffering loss of life and destruction of property during the first Taranaki war of 1860 and 1861, the Waikato war of 1863–1864, and the conflicts in Tauranga in 1864 and 1867; and
- (c) that the final battle in the Waikato war took place in the Raukawa rohe when Crown troops attacked the pā fortified by Raukawa and other iwi at Ōrākau between 31 March and 2 April 1864 killing over 80 Māori during the battle and when fleeing the pā; and
- (d) that, during the wars of the 1860s, Raukawa lost prominent leaders, which had a severe impact on the social structure and rangatiratanga of Raukawa, and on the strength of Raukawa as a people; and
- (e) the sense of grievance suffered by Raukawa and the distress to generations of Raukawa who felt they were unfairly considered to be rebels during the 1860s.

(4) The Crown also acknowledges that—

(a) Raukawa hapū suffered loss of life when the Crown attacked Pukehinahina and Te Ranga in 1864; and

(b) it was ultimately responsible for extending the conflict in the Waikato to Tauranga, for the battles at Pukehinahina and Te Ranga in 1864, and the resulting loss of life, and its actions were in breach of the Treaty of Waitangi and its principles; and

(c) when Crown forces attacked Māori during the "Bush Campaigns" inland of Tauranga in 1867, they destroyed kainga and cultivations, thereby forcing Raukawa living in the area to flee their homes, and this conduct was unreasonable and breached the Treaty of Waitangi and its principles.

(5) In addition to the compulsory extinguishment of Raukawa interests in Waikato land confiscated in 1865, the Crown also acknowledges that—

(a) the compensation court did not sit in the southern most part of the Waikato raupatu block, and later reserves granted in this area were not awarded to Raukawa hapū. As a result, Raukawa were not awarded any land in this area and became alienated from those lands and resources; and

(b) its confiscation of land in the Tauranga confiscation district compulsorily extinguished customary interests in that land, including those of Raukawa, and this was unjust and breached the Treaty of Waitangi and its principles; and

(c) the prejudicial effect of the confiscation was compounded by the delay in returning land in the Tauranga area to Raukawa hapū with claims to the land.

(6) The Crown acknowledges that its armed conflict with a leader from another iwi, which spread into the Raukawa rohe during 1869 and 1872, created tensions between and caused disruption for Raukawa hapū.

(7) The Crown acknowledges that—

(a) it did not consult Raukawa prior to the introduction of the native land laws; and

(b) the operation and impact of the native land laws, in particular the award of land to individual Raukawa and the

enabling of individuals to deal with that land without reference to iwi or hapū, made those lands more susceptible to partition, fragmentation, and alienation. This undermined the traditional tribal structures, mana, and rangatiratanga of Raukawa, which were based on collective tribal and hapū custodianship of the land. The Crown failed to protect those collective tribal structures, which had a prejudicial effect on Raukawa and was a breach of the Treaty of Waitangi and its principles.

(8) The Crown also acknowledges that—

(a) Raukawa did not fully participate in the 1868 Native Land Court hearings for Maungatautari as they were held at a time when the Crown had not negotiated peace with Raukawa and other Kīngitanga iwi following the armed conflict of 1863–1864 in the Waikato and 1864 and 1867 in Tauranga; and

(b) Raukawa used legal processes to challenge the exclusion of their tūpuna, Raukawa, from the tūpuna of the Taupō-nui-a-Tia block, but their appeals were unsuccessful; their sense of grievance remains to this day;

(c) until 1883, native land laws did not penalise those who made payments for Māori land before the Native Land Court had determined title to that land. Such payments could commit Raukawa landowners to Native Land Court title investigations that they did not want and to sell land to pay for surveys and associated court and legal costs, including living expenses to attend hearings; and

(d) Raukawa has a long-standing grievance about the extent of land acquired by private interests who paid money in the late 1870s and early 1880s for Māori land before title had been awarded for that land.

(9) The Crown acknowledges—

(a) that Raukawa, as part of the Kīngitanga, sought to retain control and ownership of Māori land within Te Rohe Pōtae by opposing the construction of roads, surveys, and the introduction of the Native Land Court up until the early 1880s; and

(b) the sense of grievance held by Raukawa regarding the Crown's attempts in the 1870s to encourage Raukawa to detach itself from the authority of the Māori King by funding the construction of roads and surveys and introducing the Native Land Court into the Raukawa rohe.

(10) The Crown acknowledges that—

(a) Crown and private purchases led to the alienation of more than three-quarters of the landholdings of Raukawa by 1910; and

(b) the cumulative effect of the Crown's actions and omissions, particularly its failure to actively protect the interests of Raukawa in the land it wished to retain, left Raukawa virtually landless by the mid-twentieth century. The Crown's failure to ensure Raukawa had sufficient land for their present and future needs was a breach of the Treaty of Waitangi and its principles.

(11) The Crown acknowledges that in 1915 it gifted 20,000 acres of land in the Pouakani block to an iwi with no ancestral ties to the area and that this gift exacerbated the grievance that Raukawa continue to feel today about the earlier loss of their interests in the Pouakani lands.

(12) The Crown acknowledges that the loss of land had a negative impact on the ability of Raukawa to participate in new economic opportunities and challenges emerging within their rohe in the twentieth century.

(13) The Crown acknowledges that it did not recognise the iwi status of Raukawa until the late twentieth century and this failure to respect the rangatiratanga of Raukawa created an ongoing grievance.

10 Apology

(1) The Crown makes this apology to Raukawa, to their ancestors, and to their descendants.

(2) The Crown profoundly regrets and unreservedly apologises to Raukawa for its actions and omissions that led to the virtual landlessness of Raukawa in the Waikato, and which caused suffering and hardship to generations of Raukawa.

(3) The Crown deeply regrets its actions during the New Zealand wars of the 1860s, which resulted in the loss of life and was destructive and demoralising to Raukawa.

(4) The Crown apologises for its past failures to acknowledge the mana and rangatiratanga of Raukawa and looks forward to building an enduring relationship of mutual trust and cooperation with Raukawa that is based on respect for the Treaty of Waitangi and its principles.

Interpretation provisions

11 Interpretation of Act generally

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

12 Interpretation

In this Act, unless the context otherwise requires,—

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

attachments means the attachments to the deed of settlement

commercial property has the meaning given in section 86

Commissioner of Crown Lands means the Commissioner of Crown Lands appointed under section 24AA of the Land Act 1948

computer register—

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

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

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

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

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

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

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

cultural early release property means each property described in part 10 of the property redress schedule that has transferred to the trustees

cultural redress property has the meaning given in section 60

deed of recognition—

(a) means a deed of recognition issued under section 37 by—
  (i) the Minister of Conservation and the Director-General; or
  (ii) the Commissioner of Crown Lands; and
(b) includes any amendments made under section 37(4)

deed of settlement—

(a) means the deed of settlement dated 2 June 2012 and signed by—
  (i) the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, and the Honourable Simon William English, Minister of Finance, for and on behalf of the Crown; and
  (ii) Gaylene Te Ute Roberts, John Taka Edmonds, Vanessa Jonella Eparaima, Christopher Owen McKenzie, Cheryl Marie Pakuru, and George Whakatoi Rangitutia for and on behalf of Raukawa and the Raukawa Settlement Trust; and
(b) includes—
  (i) the schedules of, and attachments to, the deed; and
  (ii) any amendments to the deed or its schedules and attachments

deferred selection property has the meaning given in section 86

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

Historic Places Trust has the meaning given to **Trust** in section 2 of the Historic Places Act 1993

historical claims has the meaning given in section 14

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

LINZ means Land Information New Zealand

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

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

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

overlay classification has the meaning given in section 42

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

Raukawa Settlement Trust means the trust of that name established by a trust deed dated 17 October 2009 and includes the trustees from time to time appointed

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

Registrar-General means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

representative entity means—

(a) the trustees; and

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

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

  (ii) 1 or more members of Raukawa; or

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

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

reserve property has the meaning given in section 60

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 5 of Part 3

RFR land has the meaning given in section 106

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

statutory acknowledgement has the meaning given in section 21

tikanga means customary values and practices

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

working day means a day other than—

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

(b) the Monday following a Saturday or a Sunday that is Waitangi Day or Anzac Day:

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

(d) the days observed as the anniversaries of the provinces of Auckland and Wellington.

13 Meaning of Raukawa

(1) In this Act, **Raukawa**—

(a) means the iwi of Raukawa, being the collective group composed of all those people who are descended from Raukawa and affiliate to a Raukawa marae in the Waikato area; and

(b) includes every individual referred to in paragraph (a); and

(c) includes any iwi, whānau, hapū, or group of individuals to the extent that iwi, hapū, whānau, or group of indi-

viduals is composed of individuals referred to in paragraph (a); and

(d) does not include Ngāti Raukawa ki te Tonga.

(2) In this section and section 14, **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 Raukawa 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 Raukawa or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

(a) is founded on a right arising—

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

(ii) under legislation; or

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

(iv) from a fiduciary duty; or

(v) in any other way; 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 Raukawa or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:

(i) Wai 254 Ngāti Mōtai lands claim:

(ii) Wai 255 Ngāti Mahana claim:

(iii) Wai 290 Whakaaratamaiti Block Inquiry claim:

(iv) Wai 389 Ngāti Raukawa land and resource claim:

(v) Wai 443 Ngāti Raukawa claim:

(vi) Wai 538 Ngāti Whāita land claim:
(vii) Wai 547 Pātetere, Huihuitaha, and Pokaiwhenua claim:
(viii) Wai 557 Te Kaokaoroa o Pātetere claim:
(ix) Wai 667 Manutahi Block claim:
(x) Wai 1340 Ngāti Mōtai claim:
(xi) Wai 1473 Ngāti Āhuru claim:
(xii) Wai 1474 Ngāti Mōtai and Ngāti Te Apunga claim; and

(b) any other claim to the Waitangi Tribunal, including each of the following claims, to the extent that subsection (2) applies to the claim and the claim relates to Raukawa or a representative entity:
(i) Wai 557 Te Kaokaoroa o Pātetere claim; and
(ii) Wai 1472 Ngāti Wairangi claim.

(4) However, the historical claims do not include—
(a) a claim that a member of Raukawa, 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 a person referred to in section 13(1)(a); or
(b) a claim that a representative entity had or may have that is based on a claim referred to in paragraph (a); or
(c) any claims of a descendant of Raukawa in respect of the Waitangi Tribunal's Porirua ki Manawatu inquiry district.

(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) Except as provided in this Act, the rights and obligations of the Crown and Raukawa remain unaffected.

(5) Without limiting subsection (4), nothing in this Act—

(a) extinguishes or limits any aboriginal title or customary right that Raukawa may have; or

(b) constitutes or implies an acknowledgement by the Crown that any aboriginal title or customary right exists.

(6) Except as expressly provided by this Act, nothing in this Act—

(a) affects a right that Raukawa may have, including a right arising—

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

(ii) under any enactment; or

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

(iv) from a fiduciary duty; or

(v) in any other way:

(b) affects any action or decision under the deed of settlement between Māori and the Crown dated 23 September 1992 in relation to Māori fishing claims:

(c) affects any action or decision under any enactment and, in particular, under any enactment giving effect to the deed of settlement referred to in paragraph (b), including—

(i) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:

(ii) the Fisheries Act 1996:

(iii) the Maori Fisheries Act 2004:

(iv) the Maori Commercial Aquaculture Claims Settlement Act 2004.

(7) Nothing in subsection (5) or (6) limits subsections (1) and (2).

(8) 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.

(9) Subsection (8) 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 "Raukawa Claims Settlement Act 2014, section 15(8) and (9)".

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 early release property; or

(b) to a cultural redress property; or

(c) to the commercial property, but only on and from the date on which settlement of the property takes place; or

(d) to a deferred selection property (other than a Ministry of Education property), but only on and from the date of transfer for that property to the trustees; or

(e) to the RFR land; or

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

(2) The enactments are—

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

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

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

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

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

18 Resumptive memorials to be cancelled

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

(a) is all or part of—
  (i) a cultural early release property; or
  (ii) a cultural redress property; or
  (iii) the commercial property; or
  (iv) a deferred selection property (other than a Ministry of Education property); or
  (v) the RFR land; and
(b) is subject to a resumptive memorial recorded under any enactment listed in section 17(2).

(2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—
(a) the settlement date, for a cultural early release property, a cultural redress property, or the RFR land; or
(b) the date of transfer of the property to the trustees, for the commercial property or a deferred selection property (other than a Ministry of Education property).

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

(4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
(a) register the certificate against each computer register identified in the certificate; and
(b) cancel each memorial recorded under an enactment listed in section 17(2) on a computer register identified in the certificate, but only in respect of each allotment described in the certificate.

Miscellaneous matters

19 Rule against perpetuities does not apply

(1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—
(a) do not prescribe or restrict the period during which—
  (i) the Raukawa Settlement Trust may exist in law; or
  (ii) the trustees may hold or deal with property or income derived from property; and
(b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the

document, or a right conferred by the document, invalid or ineffective.

(2) However, if the Raukawa Settlement Trust is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.

20 Access to deed of settlement

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

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

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

Part 2
Cultural redress

Subpart 1—Statutory acknowledgement, geothermal statutory acknowledgement, and deeds of recognition

21 Interpretation

In this subpart,—

geothermal energy has the meaning given in section 2(1) of the Resource Management Act 1991

geothermal resource—

(a) means the geothermal energy and the geothermal water within each of the geothermal fields described in Schedule 2, the general location of which is indicated on deed plan OTS-113-32; but

(b) does not include any geothermal energy or geothermal water above the ground on land that is not owned by the Crown

geothermal statutory acknowledgement means the acknowledgment made by the Crown in section 30 in respect of the geothermal resource, on the terms set out in this subpart

geothermal water has the meaning given in section 2(1) of the Resource Management Act 1991

relevant consent authority,—

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

(b) for the geothermal resource, means a consent authority of a region or district that contains, or is adjacent to, the geothermal resource

statement of association—

(a) for a statutory area, means the statement—

(i) made by Raukawa of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

(ii) set out in part 2 of the documents schedule:

(b) for the geothermal resource, means the statement—

(i) made by Raukawa of their particular cultural, historical, spiritual, and traditional association with, and their use of, the geothermal resource; and

(ii) set out in part 2.9 of the documents schedule

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

statutory area means an area described in Schedule 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

Te Kohera-Kawakawa Bay statutory area means the area described in Part 3 of Schedule 1, the general location of which is indicated on the deed plan for that area.

Statutory acknowledgement

22 Statutory acknowledgement by the Crown

The Crown acknowledges—

(a) the statements of association for the statutory areas described in Parts 1 and 2 of Schedule 1; and

(b) the statement of association for Te Kohera-Kawakawa Bay statutory area arising through the tupuna Te Kohera.

23 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are to—

(a) require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, in accordance with sections 24 to 26; and

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

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

24 Relevant consent authorities to have regard to statutory acknowledgement

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

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

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

25 Environment Court to have regard to statutory acknowledgement

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

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

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

26 Historic Places Trust and Environment Court to have regard to statutory acknowledgement

(1) This section applies to an application made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area.

(2) On and from the effective date, the Historic Places Trust must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 14 of the Historic Places Act 1993 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 20 of the Historic Places Act 1993, an appeal against a decision of the Historic Places Trust in relation to the application.

(4) In this section, **archaeological site** has the meaning given in section 2 of the Historic Places Act 1993.

27 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledge-

ment to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—
- (a) a copy of sections 22 to 26, 28, and 29; and
- (b) descriptions of the statutory areas wholly or partly covered by the plan; and
- (c) the statement of association for each statutory area.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

28 Provision of summary or notice to trustees

(1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
- (a) if the application is received by the consent authority, a summary of the application; or
- (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

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

(3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
- (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.

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

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

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

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

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

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

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

29 Use of statutory acknowledgement

(1) The trustees and any member of Raukawa may, as evidence of the association of Raukawa 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) the Historic Places Trust; 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 Raukawa are precluded from stating that Raukawa 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.

Geothermal statutory acknowledgement

30 Geothermal statutory acknowledgement by the Crown

The Crown acknowledges the statement of association for the geothermal resource.

31 Purposes of geothermal statutory acknowledgement

The only purposes of the geothermal statutory acknowledgement are to—

(a) require relevant consent authorities and the Environment Court to have regard to the geothermal statutory acknowledgement, in accordance with sections 32 and 33; and

(b) require relevant consent authorities to record the geothermal statutory acknowledgement on statutory plans that relate to the geothermal resource and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 34 and 35; and

(c) enable the trustees and any member of Raukawa to cite the geothermal statutory acknowledgement as evidence of the association of Raukawa with the geothermal resource, in accordance with section 36.

32 Relevant consent authorities to have regard to geothermal statutory acknowledgement

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

(2) On and from the effective date, a relevant consent authority must have regard to the geothermal statutory acknowledgement relating to the geothermal resource in deciding, under

section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.

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

33 Environment Court to have regard to geothermal 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 the geothermal resource.

(2) On and from the effective date, the Environment Court must have regard to the geothermal statutory acknowledgement relating to the geothermal resource 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.

34 Recording geothermal statutory acknowledgement on statutory plans

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

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

- (a) a copy of sections 30 to 33, 35, and 36; and
- (b) a description of the geothermal resource wholly or partly covered by the plan; and
- (c) the statement of association for the geothermal resource.

(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.

35 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 the geothermal resource:

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

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

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

(3) The summary must be provided—

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

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

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

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

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

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

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

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

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

36 Use of geothermal statutory acknowledgement

(1) The trustees and any member of Raukawa may, as evidence of the association of Raukawa with the geothermal resource, cite the geothermal statutory acknowledgement in submissions concerning the taking, use, damming, or diverting of any geothermal water or geothermal energy from the geothermal resource that are made to or before—

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) 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 geothermal 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 geothermal statutory acknowledgement into account.

(4) To avoid doubt,—

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

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

Deeds of recognition

37 Issuing and amending deeds of recognition

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

(2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3.1 of

the documents schedule for the statutory areas administered by the Department of Conservation.

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

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

General provisions relating to statutory acknowledgement, geothermal statutory acknowledgement, and deeds of recognition

38 Application of statutory acknowledgement and deed of recognition to river, stream, or lake

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

- (a) applies only to—
  - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
  - (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
- (b) does not apply to—
  - (i) a part of the bed of the river or stream that is not owned by the Crown; or
  - (ii) an artificial watercourse.

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

- (a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
- (b) does not apply to—

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

(ii) the bed of an artificial watercourse.

(3) If any part of a statutory acknowledgement or deed of recognition applies to a lake,—

(a) that part of the acknowledgement or deed of recognition applies only to—

(i) the body of fresh water in the lake; and

(ii) the bed of the lake; and

(b) in the case of a statutory acknowledgement, that part of the acknowledgement does not apply to any part of the bed of the lake that is not owned by the Crown; and

(c) in the case of a deed of recognition, that part of the deed of recognition does not apply to any part of the bed of the lake that is not owned or managed by the Crown; and

(d) that part of the acknowledgement or deed of recognition does not apply,—

(i) in the case of a lake not controlled by artificial means, to any land that the waters of the lake do not cover at their highest level without overflowing the banks of the lake; or

(ii) in the case of a lake controlled by artificial means, to any land that the waters of the lake do not cover at the maximum operating level; or

(iii) to any river, stream, or watercourse, whether artificial or otherwise, draining into or out of a lake.

(4) In this section,—

lake means a body of fresh water that is entirely or nearly entirely surrounded by land, and includes a lake controlled by artificial means

maximum operating level means the level of water prescribed for an activity carried out in or on a lake under a resource consent or a rule in a regional plan or proposed plan within the meaning of the Resource Management Act 1991.

39 Exercise of powers and performance of functions and duties

(1) The statutory acknowledgement, the geothermal 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 Raukawa with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.

(3) 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 Raukawa with the geothermal resource than that person would give if there were no geothermal statutory acknowledgement for the geothermal resource.

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

(5) This section is subject to—

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

40 Rights not affected

(1) The statutory acknowledgement, the geothermal statutory acknowledgement, and a deed of recognition do not—

- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
- (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area or the geothermal resource.

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

Consequential amendment to Resource Management Act 1991

41 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 "Raukawa Claims Settlement Act 2014".

Subpart 2—Overlay classification

42 Interpretation

In this subpart,—

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

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

overlay area—

(a) means an area that is declared under section 43(1) to be subject to the overlay classification; but

(b) does not include an area that is declared under section 53(1) to be no longer subject to the overlay classification

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

protection principles, for an overlay area, means the principles set out for the area in part 1 of the documents schedule, or as those principles are amended under section 45(3)

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

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

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

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

43 Declaration of overlay classification and the Crown's acknowledgement

(1) Each area described in Schedule 3 is declared to be subject to the overlay classification.

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

44 Purposes of overlay classification

The only purposes of the overlay classification are to—

(a) require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 46; and

(b) enable the taking of action under sections 47 to 52.

45 Agreement on protection principles

(1) The trustees and the Minister of Conservation may agree on and publicise protection principles that are intended to prevent the values stated in the statement of values for an overlay area from being harmed or diminished.

(2) The protection principles set out in part 1 of the documents schedule are to be treated as having been agreed by the trustees and the Minister of Conservation.

(3) The trustees and the Minister of Conservation may agree in writing to any amendments to the protection principles.

(4) The Minister of Conservation may, after consulting the trustees, amend the protection principles to give effect to a deed of settlement with another claimant group with an interest in an overlay classification site recognised by that deed.

46 Obligations on New Zealand Conservation Authority and Conservation Boards

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

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

(b) the protection principles for the area.

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

(a) consult the trustees; and

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

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

(ii) the protection principles for the area.

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

47 Noting of overlay classification in strategies and plans

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

(2) The noting of the overlay classification is—

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

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

48 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 43 that applies to each overlay area; and

(b) the protection principles for each overlay area.

(2) Any amendment to the protection principles agreed under section 45(3) must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.

(3) Any amendment to the protection principles made under section 45(4) must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been made.

(4) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 49 or 50.

49 Actions by Director-General

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

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

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

50 Amendment to strategies or plans

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

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

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

51 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 50(1):

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

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

(d) to prescribe the following fines:

(i) for an offence referred to in paragraph (c), a fine not exceeding $5,000; and

(ii) for a continuing offence, an additional amount not exceeding $50 for every day on which the offence continues.

52 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 50(1):

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

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

(d) to prescribe the following fines:

(i) for an offence referred to in paragraph (c), a fine not exceeding $1,000; and

(ii) for a continuing offence, an additional amount not exceeding $50 for every day on which the offence continues.

53 Termination of overlay classification

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

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

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

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

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

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

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

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

54 Exercise of powers and performance of functions and duties

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

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

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

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

55 Rights not affected

(1) The overlay classification does not—

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

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

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

Subpart 3—Official geographic names

56 Interpretation

In this subpart,—

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

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

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

57 Official geographic names

(1) A name specified in the first column of the table in clause 5.13.1 of the deed of settlement is assigned to the feature described in the second and third columns of that table.

(2) The name specified in the first column of the table in clause 5.13.2 of the deed of settlement for the feature described in the third and fourth columns of that table is altered to the name specified in the second column of that table.

(3) Each assignment or alteration is to be treated as if it were an assignment or alteration of the official geographic name by virtue of a determination of the Board made under section 19 of the NZGB Act.

58 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice of each assignment or alteration of a name under section 57 in accordance with section 21(2) and (3) of the NZGB Act.

(2) However, the notices must state that the assignments and alterations took effect on the settlement date.

59 Subsequent alteration of official geographic names

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

(a) need not comply with sections 16, 17, 18, 19(1), and 20 of the NZGB 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 NZGB Act.

Subpart 4—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 4:

Properties vested in fee simple

(a) Te Tuki:
(b) Whakakahonui:
(c) Whakamaru Hydro Village site:

Properties vested in fee simple to be administered as reserves

(d) Korakonui:
(e) Pureora:
(f) Whakamaru (Site A):
(g) Whakamaru (Site B):
(h) Whenua ā-kura

operating easement means the easement in gross to store water and install and operate hydroelectricity works in favour of Mighty River Power Limited, created by deed of easement 8672068.1 held in computer interest register 544115 in relation to that part of the cultural redress property known as Pureora being the area shown as B on SO 464134, and includes any variations or replacements of that easement

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

Properties vested in fee simple

61 Whakakahonui

The fee simple estate in Whakakahonui vests in the trustees.

62 Whakamaru Hydro Village site

The fee simple estate in the Whakamaru Hydro Village site vests in the trustees.

63 Te Tuki

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

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

(3) Subsections (1) and (2) do not take effect until the trustees have provided the Crown with a registrable right of way easement in gross to the Minister of Conservation over the area shown as A on SO 464201 on the terms and conditions set out in part 4.3 of the document schedule.

Properties vested in fee simple to be administered as reserves

64 Whenua ā-kura

(1) Whenua ā-kura (being part of the Kaimai Mamaku Conservation Park) ceases to be part of that park.

(2) Whenua ā-kura ceases to be a conservation area under the Conservation Act 1987.

(3) The fee simple estate in Whenua ā-kura vests in the trustees.

(4) Whenua ā-kura is declared a reserve and classified as an historic reserve subject to section 18 of the Reserves Act 1977.

(5) The reserve is named Whenua ā-kura Historic Reserve.

65 Pureora

(1) Any part of Pureora that is a conservation area ceases to be a conservation area under the Conservation Act 1987.

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

(3) Pureora is declared a reserve and classified as an historic reserve subject to section 18 of the Reserves Act 1977.

(4) The reserve is named Pureora Historic Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have provided the Crown with the deed of covenant on the terms and conditions set out in part 6 of the documents schedule to give effect to clause 20.2(b) of the operating easement.

(6) To avoid doubt, the vesting of that part of Pureora being the area shown as B on SO 464134 is also subject to compliance with clause 20.2 of the operating easement.

66 Whakamaru (Site A)

(1) Whakamaru (Site A) ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Whakamaru (Site A) vests in the trustees.

(3) Whakamaru (Site A) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve is named Whakamaru Recreation Reserve.

67 Whakamaru (Site B)

(1) Whakamaru (Site B) ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in Whakamaru (Site B) vests in the trustees.

(3) Whakamaru (Site B) is declared a reserve and classified as an historic reserve subject to section 18 of the Reserves Act 1977.

(4) The reserve is named Whakamaru Historic Reserve.

68 Korakonui

(1) The reservation of Korakonui as a local purpose (community use) reserve subject to the Reserves Act 1977 is revoked.

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

(3) Korakonui is declared a reserve and classified as a local purpose (community use) reserve subject to section 23 of the Reserves Act 1977.

(4) The reserve is named Korakonui Local Purpose (Community Use) Reserve.

(5) Subsections (1) to (4) do not take effect until the trustees have entered into a management agreement with Korakonui Community Hall Incorporated that—

(a) enables the reasonable and continued use of the Korakonui Public Hall by the Korakonui community; and

(b) protects the trustees from any undue burden arising from the upkeep and maintenance of the Korakonui Public Hall.

General provisions applying to vesting of cultural redress properties

69 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 4.

70 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) listed for the property in Schedule 4, 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.

71 Registration of ownership

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

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

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

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

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

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

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

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

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

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

(7) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no 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, in relation to—

(a) Whakakahonui and Whakamaru Hydro Village site, a person authorised by the chief executive of LINZ:

(b) each other cultural redress property, a person authorised by the Director-General.

72 Interpretation

In sections 73 and 74, **reserve property** does not include Pureora.

73 Application of Part 4A of Conservation Act 1987

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

(2) Section 24 of the Conservation Act 1987 does not apply to the vesting of—

(a) a reserve property; or

(b) Pureora.

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

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

74 Matters to be recorded on computer freehold register

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

(a) a reserve property,—

(i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and

(ii) that the land is subject to sections 73(3) and 79; and

(b) Pureora,—

(i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and

(ii) that the land is subject to sections 75 and 79; and

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

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

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

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

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

(ii) the property is subject to sections 73(3) and 79; or

(b) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain

only on the computer freehold register for the part of the property that remains a reserve.

(4) The Registrar-General must comply with an application received in accordance with subsection (3)(a).

Pureora

75 Vesting of Pureora no longer exempt in certain cases

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

76 Removal of notifications from computer freehold register

(1) If the reservation of Pureora is revoked for all of the property, and the operating easement has already been surrendered, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notifications that—

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

(b) the property is subject to sections 75 and 79.

(2) If the reservation of Pureora is revoked for part of the property, and the operating easement has already been surrendered from that part, the Registrar-General must ensure that the notifications referred to in subsection (1)(a) and (b) remain only on the computer freehold register for the part of the property that remains a reserve.

(3) If the reservation of Pureora is revoked for all of the property, and the operating easement has not already been surrendered, the Director-General must apply in writing to the Registrar-General to remove from the computer freehold register for the property the notification that the property is subject to section 79.

(4) If the reservation of Pureora is revoked for a part of the property, and the operating easement has not already been surrendered from that part, the Registrar-General must—

(a) ensure that the notifications referred to in subsection (1)(a) and (b) remain on the computer freehold register only for the part of the property that remains a reserve; and

(b) ensure that the notifications that section 24 of the Conservation Act 1987 does not apply to the property and that the property is subject to section 75 (but not the notification that the property is subject to section 79) remain on the computer freehold register for the part of the property subject to the operating easement.

(5) If the operating easement is surrendered in full and the reservation of Pureora has already been revoked, the registered proprietor of the property must apply in writing to the Registrar-General to remove from the computer freehold register the notifications that—

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

(b) the property is subject to section 75.

(6) If the operating easement is surrendered in part, and the reservation of Pureora has already been revoked, the Registrar-General must ensure that the notifications referred to in subsection (5)(a) and (b) remain only on the computer freehold register for the part of the property that remains subject to the operating easement.

(7) The Registrar-General must comply with an application received in accordance with subsection (1), (3), or (5).

(8) To avoid doubt, if the operating easement is surrendered in full or in part and the reservation of all or part of Pureora (as the case may be) has not been revoked, no notification may be removed from the computer freehold register for the property.

77 Application of other enactments

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

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

(b) affect other rights to subsurface minerals.

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

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

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

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

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

Further provisions applying to reserve properties

78 Application of other enactments to reserve properties

(1) The trustees are the administering body of a reserve property.

(2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to a reserve property, despite sections 48A(6), 114(5), and 115(6) of that Act.

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

(4) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.

(5) To avoid doubt, any obligations on the trustees under the Local Government Official Information and Meetings Act 1987 apply to them in their capacity as an administering body under the Reserves Act 1977 but do not apply to them in any other capacity.

(6) A reserve property is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.

(7) The name of a reserve property must not be changed under section 16(10) of the Reserves Act 1977 without the written

consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed change.

79 Subsequent transfer of reserve land

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

(2) The fee simple estate in the reserve land may only be transferred in accordance with section 80 or 81.

(3) In this section and sections 80 to 82, **reserve land** means the land that remains a reserve as described in subsection (1).

80 Transfer of reserve land to new administering body

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

(2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able to—

- (a) comply with the requirements of the Reserves Act 1977; and
- (b) perform the duties of an administering body under that Act.

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

(4) The required documents are—

- (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and
- (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
- (c) any other document required for the registration of the transfer instrument.

(5) The new owners, from the time of their registration under this section,—

(a) are the administering body of the reserve land; and

(b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.

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

81 Transfer of reserve land to trustees of existing administering body if trustees change

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

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

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

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

82 Reserve land not to be mortgaged

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

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

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

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

Names of Crown protected areas

84 Names of Crown protected areas discontinued

(1) Subsection (2) applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, was all or part of a Crown protected area.

(2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.

(3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Subpart 5—Maungatautari Mountain Scenic Reserve

85 Statement of significance

(1) The following is the statement of the significance of Maungatautari to Raukawa:

"Ki te Wairere
Horohoro
Pohaturoa
Ko Ongaroto
Ko Whāita e
Nukuhau
Ki Taupō-nui-a-tia
Ki runga o Hurakia
Hauhungaroa
Titiraupenga
Arowhena
Wharepūhunga
Titiraupenga
Whakamarumaru
Te Pae o Raukawa
Titiro atu ki Te Kaokaoroa-o-Pātetere
Maungatautari

Ka titiro ki Wharepūhunga
Ko Hoturoa, ko Pārāwera
Ko te Manawa rā o Ngāti Raukawa e.

(2) Raukawa has a very long association to the mountain, Maungatautari. The mountain is located on the west bank of the Waikato River south of Cambridge. This mountain holds spiritual, cultural and historical significance to the iwi of Raukawa and others.

(3) For Raukawa, the association to Maungatautari stems back to the arrival of the Tainui waka in Aotearoa and the Raukawa ancestors Rakatāura and Kahukeke. Raukawa is a descendant of Rakatāura and Kahukeke. Following the arrival of the waka into Kāwhia, Rakatāura and Kahukeke left that area and journeyed into the interior of the Central North Island. Along the way Rakatāura named many places. According to Raukawa tradition, Rakatāura spied a majestic mountain that appeared to be suspended above a thick blanket of mist. It was this event that prompted Rakatāura to name the place Maungatautari.

(4) Ten generations later, following the birth of her new born son Raukawa, Māhina-a-rangi crossed the Waikato River below Maungatautari. She named the place she crossed, Horahora, in recognition of having to lay out the wet clothing of her son to dry.

(5) Two generations later, a pā named Te Tiki-o-Te-Ihingarangi, was built by a grandson of Raukawa at Karapiro, below Maungatautari. Later also, other grandsons of Raukawa namely Whāita, Tamatehura, Ūpokoiti, Wairangi, Ngakohua and Pipito led a war party through the Central North Island killing an indigenous iwi. Pā at Maungatautari belonging to that iwi were taken and Tamatehura eventually settled there.

(6) Also living at Maungatautari was Tukorehe and his elder brother, Kauwhata. Tukorehe was the eponymous ancestor of the Raukawa hapū Ngāti Tukorehe.

(7) Descendants of Raukawa continued to live at Maungatautari. These descendants included the famed Raukawa ancestors Ngatokowaru and later the war chiefs Wahineiti and his younger brother Hapekitūarangi.

(8) In the early part of the nineteenth century some members of Raukawa migrated south from Maungatautari. However, other members of Raukawa remained at Maungatautari and the iwi has a continued presence in the area today.

(9) In 1868 the title investigation into the Maungatautari land blocks began in the Native Land Courts.

(10) Raukawa individuals from Ōtaki were among those who applied to the court for ownership of these lands, but the court awarded title to other iwi. Raukawa living in the area did not present evidence about their interests in Maungatautari to the court because the title investigation began in a period of uncertainty for Raukawa in the aftermath of the armed conflict that took place in the Waikato in 1863 and 1864. Raukawa contested the court's decision over several decades through parliamentary petitions, applications for re-hearings and subsequent court hearings.

(11) Raukawa assert that they have continued to maintain an association to Maungatautari. Many Raukawa hapū reside below Maungatautari and have settled the area for generations and had large gardens that grew wheat and other food.

(12) When the hydro-generation projects commenced along the Waikato River in the wider Maungatautari area, members of Raukawa were amongst the workforce that built the dams at Karapiro, Horahora and Arapuni.

(13) In the 1990s the monument "Te Taurapa o Te Ihingarangi" was erected near Maungatautari at Karapiro. Raukawa kaumātua played an important role in the unveiling of the monument and stood with Te Arikinui Te Atairangikāhu as she unveiled it.

(14) Today, Raukawa is an active member in the Maungatautari Ecological Island Trust."

Part 3
Commercial redress

86 Interpretation

In subparts 1 to 4,—

commercial property means licensed land if the requirements for transfer under the deed of settlement have been satisfied for the property

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

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

Crown forestry licence—

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

(b) in relation to the licensed land, means the licence held in computer interest register SA58D/661

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

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

deferred selection property means a property described in part 5 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 the commercial property, in part 3 of the property redress schedule; or

(b) for a deferred selection property, in part 5 of the property redress schedule

licensed land—

(a) means the property described as licensed land in part 3 of the property redress schedule; but

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

(c) excludes improvements that have been—

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

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

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

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

(a) is wāhi tapu or a wāhi tapu area within the meaning of section 2 of the Historic Places Act 1993; and

(b) is a registered place within the meaning of section 2 of that Act

right of access means the right conferred by section 101

unlicensed land means the land described as unlicensed land in part 5 of the property redress schedule.

Subpart 1—Transfer of commercial property and deferred selection properties

87 The Crown may transfer properties

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

(a) transfer the fee simple estate in the commercial property or a deferred selection property to the trustees; and

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

(2) As soon as is reasonably practicable after the date on which a deferred selection property (other than a Ministry of Education property) is transferred to the trustees, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of section 18 (which relates to the cancellation of resumptive memorials).

88 Tokoroa Golf Club site

(1) Immediately before the transfer of the Tokoroa Golf Club site to the trustees, the reservation of the site as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked.

(2) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation under subsection (1).

(3) Immediately on the transfer of the Tokoroa Golf Club site to the trustees, the site is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977 with the trustees as the administering body.

89 Minister of Conservation may grant easements

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

90 Computer freehold registers for deferred selection properties

(1) This section applies to a deferred selection property that is to be transferred to the trustees under section 87.

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

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

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

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

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

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

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

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

(5) In this section and sections 91 and 92, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

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

(1) This section applies to licensed land that is subject to a single Crown forestry licence and is to be transferred to the trustees under section 87.

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

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

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

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

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

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

(1) For the purposes of sections 90 and 91, the authorised person may grant a covenant for the later creation of a computer freehold register for the commercial property or any deferred selection property.

(2) Despite the Land Transfer Act 1952,—

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

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

93 Application of other enactments

(1) This section applies to the transfer to the trustees of the fee simple estate in the commercial property or a deferred selection property.

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

(3) The transfer does not—

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

(b) affect other rights to subsurface minerals.

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

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

(6) In exercising the powers conferred by section 87, 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).

94 Transfer of Waikeria Prison subject to lease

(1) This section applies to the deferred selection property known as Waikeria Prison—

(a) for which the land holding agency is the Department of Corrections; 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 95 upon the registration of the transfer.

(4) The Registrar-General must, upon the registration of the transfer of the property, record on any computer freehold register 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 95.

(5) A notification 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.

95 Requirements if lease terminates or expires

(1) This section applies if the lease referred to in section 94(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 computer freehold register for the property any notifications 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 notifications on the computer freehold register 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

96 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 date

on which settlement of the licensed land takes place and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 6 of the deed of settlement, or part 7 of the property redress schedule.

97 Trustees are confirmed beneficiaries and licensors of licensed land

(1) On and from the date on which settlement of the licensed land takes place, 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, on and from the date on which settlement of the licensed land takes place,—

(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) On the date on which settlement of the licensed land takes place, 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 had 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 had become final on the date on which settlement of the licensed land takes place.

(5) The trustees are the licensors under each Crown forestry licence as if the licensed land had been returned to Māori ownership—

(a) on and from the date on which settlement of the licensed land takes place; 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.

98 Effect of transfer of licensed land

(1) Section 97 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 have been completed.

(2) To the extent that the Crown has not completed the processes referred to in subsection (1)(b) before the date on which settlement of the licensed land takes place, it must continue those processes—

(a) on and after that date; and

(b) until the processes are completed.

(3) For the period between the date on which settlement of the licensed land takes place and the completion of the processes referred to in subsections (1) and (2), the licence fee payable under a Crown forestry licence in respect of the licensed land is the amount calculated in the manner described in paragraphs 7.24 and 7.25 of the property redress schedule.

(4) With effect on and from the date on which settlement of the licensed land takes place, references to the prospective proprietors in clause 17.4 of the Crown forestry licence must, in relation to the licensed land, be read as references to the trustees.

Subpart 3—Unlicensed land

99 Unlicensed land

On the date of transfer, the unlicensed land ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets.

100 Management of marginal strips

(1) After the transfer of any unlicensed land to the trustees, any lessee of that land under lease dated 31 May 1979 is to be treated as if the lessee had been appointed under section 24H(1) of the Conservation Act 1987 to be the manager of any marginal strip within the land.

(2) The lessee may do 1 or more of the following things in relation to the marginal strip:

(a) exercise the powers of a manager under section 24H of the Conservation Act 1987:

(b) establish, develop, grow, manage, replant, and maintain a forest on the marginal strip as if the marginal strip were subject to the lease:

(c) exercise the lessee's rights under the lease as if the marginal strip were subject to the lease.

Subpart 4—Access to protected sites

101 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) Subsection (1) takes effect on and from the date of the transfer of a property to the trustees.

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

(4) 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.

102 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.

103 Right of access over unlicensed land

(1) A right of access over unlicensed land is subject to the terms of any lease—

(a) granted before the date on which settlement of the land takes place; or

(b) granted on or after the date on which settlement of the land takes place under a right of renewal contained in a lease granted before that date.

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

(3) An amendment to a lease 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.

104 Right of access to be recorded on computer freehold registers

(1) This section applies to the transfer to the trustees of the licensed land or unlicensed 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 computer freehold register for the land that the land is subject to a right of access to protected sites on the land.

Subpart 5—Right of first refusal over RFR land

Interpretation

105 Interpretation

In this subpart and Schedule 5,—

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 wholly controlled by 1 or more of the following:

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(a) means to—

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

(ii) 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 to—

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

(ii) grant an easement over the land; or

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

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

expiry date, in relation to an offer, means its expiry date under sections 108(2)(a) and 109

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with section 108, to dispose of RFR land to the trustees

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

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

RFR land has the meaning given in section 106

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 114(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested—

(i) on the settlement date; or

(ii) after the settlement date, under section 115(1)

RFR period means the period of 172 years on and from the settlement date

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

106 Meaning of RFR land

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

(a) the land described in part 4 of the attachments that, on the settlement date, is—

(i) vested in the Crown; or

(ii) held in fee simple by the Crown or Housing New Zealand Corporation or the Waikato District Health Board; and

(b) any land obtained in exchange for a disposal of RFR land under section 119(1)(c) or 120.

(2) Land ceases to be RFR land if—

(a) the fee simple estate in the land transfers from the RFR landowner to—

(i) the trustees or their nominee (for example, under section 87 in the case of a deferred selection property or under a contract formed under section 112); or

(ii) any other person (including the Crown or a Crown body) under section 107(c); 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 116 to 124 (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in section 125(1) (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

(c) the RFR period for the land ends; or

(d) the trustees give notice under section 127.

Restrictions on disposal of RFR land

107 Restrictions on disposal of RFR land

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

(a) under any of sections 113 to 124; or

(b) under any matter referred to in section 125(1); or

(c) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to the trustees if the offer to the trustees was—

(i) made in accordance with section 108; and

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

(iii) not withdrawn under section 110; and

(iv) not accepted under section 111.

Trustees' right of first refusal

108 Requirements for offer

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

(2) The notice must include—

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

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

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

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

109 Expiry date of offer

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

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

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

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

(c) the earlier offer was not withdrawn.

110 Withdrawal of offer

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

111 Acceptance of offer

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

(a) it has not been withdrawn; and

(b) its expiry date has not passed; and

(c) in relation to the RFR land known as Waikeria Prison, the trustees have provided to the RFR landowner a copy

of the consent of the Maniapoto Maori Trust Board to the trustee's acceptance of the offer.

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

(3) In subsection (1)(c), **Maniapoto Maori Trust Board** means the board constituted under section 4 of the Maniapoto Trust Board Act 1988 and includes any entity that is named as the successor to the board by any enactment.

112 Formation of contract

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

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

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

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

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

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

(5) The notice must specify—

(a) the full name of the nominee; and

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

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

Disposals to others but land remains RFR land

113 Disposal to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

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

114 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.

115 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

116 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.

117 Disposal in accordance with legal or equitable obligations

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the settlement date; or

(ii) was conditional before the settlement date but became unconditional on or after the settlement date; or

(iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or

(b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.

118 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 355(3) of the Resource Management Act 1991; or

(c) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011.

119 Disposal of land held for public works

(1) An RFR landowner may dispose of RFR land in accordance with—

(a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or

(b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or

(c) section 117(3)(a) of the Public Works Act 1981; or

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or

(e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981.

120 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.

121 Disposal for charitable purposes

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

122 Disposal to tenants

The Crown may dispose of RFR land—

(a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or

(b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—

(i) before the settlement date; or

(ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or

(c) under section 93(4) of the Land Act 1948.

123 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 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.

124 Disposal by Waikato District Health Board

The Waikato District Health Board (established by section 19(1) of the New Zealand Public Health and Disability Act 2000), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees that, in the Minister's opinion, the disposal will

achieve, or assist in achieving, the district health board's objectives.

RFR landowner obligations

125 RFR landowner's obligations subject to other matters

(1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

(a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any interest, or legal or equitable obligation, that—

(i) prevents or limits an RFR landowner's disposal of RFR land to the trustees; and

(ii) the RFR landowner cannot satisfy by taking reasonable steps; and

(c) the terms of a mortgage over, or security interest in, RFR land.

(2) Reasonable steps, for the purposes of subsection (1)(b)(ii), do not include steps to promote the passing of an enactment.

Notices about RFR land

126 Notice to LINZ of RFR land with computer register after settlement date

(1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.

(2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.

(3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.

(4) The notice must include a legal description of the land and the reference for the computer register.

127 Notice by trustees that land ceases to be RFR land

(1) The trustees may give notice to the Minister and the RFR landowner that, in relation to 1 or both of the following sites, the land ceases to be RFR land:
  (a) Tirohanga School:
  (b) Marotiri School.

(2) The notice may be given at any time before a contract is formed under section 112 for the disposal of the land.

(3) The land ceases to be RFR land on the day on which the notice is received.

(4) On receipt of a notice given under this section to the Minister for Treaty of Waitangi Negotiations, the Crown is released from its obligations under this subpart in relation to the site or sites referred to in the notice.

128 Notice to trustees of disposal of RFR land to others

(1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees or their nominee.

(2) The notice must be given on or before the date that is 20 working days before the day of the disposal.

(3) The notice must include—
  (a) the legal description of the land, including any interests affecting it; and
  (b) the reference for any computer register for the land; and
  (c) the street address for the land (if applicable); and
  (d) the name of the person to whom the land is being disposed of; and
  (e) an explanation of how the disposal complies with section 107; and
  (f) if the disposal is to be made under section 107(c), a copy of any written contract for the disposal.

129 Notice to LINZ of land ceasing to be RFR land

(1) Subsections (2) and (3) apply if land contained in a computer register is to cease being RFR land because—
  (a) the fee simple estate in the land is to transfer from the RFR landowner to—

(i) the trustees or their nominee (for example, under section 87 in the case of a deferred selection property or under a contract formed under section 112); or

(ii) any other person (including the Crown or a Crown body) under section 107(c); 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 116 to 124; or

(ii) under any matter referred to in section 125(1).

(2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and

(c) the details of the transfer or vesting of the land.

(4) Subsections (5) and (6) apply if land contained in a computer register ceases to be RFR land because the land is land in relation to which a notice has been given under section 127.

(5) The RFR landowner must, as soon as is reasonably practicable after receiving the notice under section 127, 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 computer register for the land; and

(c) a copy of the notice given under section 127.

130 Notice requirements

Schedule 5 applies to notices given under this subpart by or to—

(a) an RFR landowner; or

(b) the trustees.

Right of first refusal recorded on computer registers

131 Right of first refusal to be recorded on computer registers for RFR land

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

(a) the RFR land for which there is a computer register on the settlement date; and

(b) the RFR land for which a computer register is first created after the settlement date; and

(c) land for which there is a computer register that becomes RFR land after the settlement date.

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

(a) after the settlement date, for RFR land for which there is a computer register on the settlement date; or

(b) after receiving a notice under section 126 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.

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

(4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each computer register for the RFR land identified in the certificate that the land is—

(a) RFR land, as defined in section 106; and

(b) subject to this subpart (which restricts disposal, including leasing, of the land).

132 Removal of notifications when land ceases to be RFR land

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 129(2), issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the computer register for the land; and
(c) the details of the transfer or vesting of the land; and
(d) a statement that the certificate is issued under this subsection.

(2) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under section 129(5), issue to the Registrar-General a certificate that includes—
(a) a legal description of the land; and
(b) the reference for the computer register for the land; and
(c) a copy of the notice given under section 127; and
(d) a statement that the certificate is issued under this subsection.

(3) The chief executive must provide the trustees with a copy of the certificate given under subsection (1) or (2) as soon as is reasonably practicable after issuing the certificate.

(4) If the Registrar-General receives a certificate issued under subsection (1), he or she must, immediately before registering the transfer or vesting described in the certificate, remove from the computer register identified in the certificate any notification recorded under section 131 for the land described in the certificate.

(5) If the Registrar-General receives a certificate issued under subsection (2), he or she must remove any memorial recorded under section 131 from the computer register identified in the certificate as soon as is reasonably practicable.

133 Removal of notifications when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—
(a) the reference for each computer register for that RFR land that still has a notification recorded under section 131; and
(b) a statement that the certificate is issued under this section.

(2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notification recorded under section 131 from any computer register identified in the certificate.

General provisions applying to right of first refusal

134 Waiver and variation

(1) The trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this subpart.

(2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.

(3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

135 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.

136 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—

(a) stating that the RFR holder's rights and obligations under this subpart are being assigned under this section; and

(b) specifying the date of the assignment; and

(c) specifying the names of the assignees and, if they are the trustees of a trust, the name of the trust; and

(d) specifying the street address, postal address, or fax number for notices to the assignees.

(3) This subpart and Schedule 5 apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.

(4) In this section,—

constitutional document means the trust deed or other instrument adopted for the governance of the RFR holder

RFR holder means the 1 or more persons who have the rights and obligations of the trustees under this subpart, either because—

(a) they are the trustees; or

(b) they have previously been assigned those rights and obligations under this section.

Part 4
Provisions relating to Wharepūhunga and Korakonui sub-catchment

137 Interpretation

(1) In this Part, unless the context otherwise requires,—

2010 Act means the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

2012 Act means the Nga Wai o Maniapoto (Waipa River) Act 2012

Maniapoto co-management deed means the deed in relation to co-governance and co-management of the Waipā River between the Crown and Maniapoto and the Maniapoto Maori Trust Board dated 27 September 2010

Maniapoto Maori Trust Board includes an entity described in paragraph (b) of the definition of **Trust** in section 5(1) of the 2012 Act

Raukawa co-management deed means the deed in relation to a co-management framework for the Waikato River between the Crown, Raukawa, and the trustees of the Raukawa Settlement Trust dated 17 December 2009

Raukawa environmental management plan means the plan prepared by the Raukawa Settlement Trust under section 41(1) of the 2010 Act

Raukawa supplementary deed means the supplementary deed to the deed of settlement and the Raukawa co-management deed between the Crown and the trustees of the Raukawa Settlement Trust dated 27 June 2013

Upper Waikato River integrated management plan has the same meaning as in section 36 of the 2010 Act

Upper Waipā River integrated management plan means the integrated river management plan required by section 12 of the 2012 Act

Waipā River means—

(a) the body of water known as the Waipā River flowing continuously or intermittently from its source at Pekepeke to its confluence with the Waikato River; and

(b) all tributaries, streams, and watercourses flowing into the Waipā River; and

(c) lakes and wetlands within the Wharepūhunga and Korakonui sub-catchment; and

(d) the beds and banks of the water bodies described in paragraphs (a) to (c)

Wharepūhunga and Korakonui sub-catchment means the area coloured blue on SO plan 409144.

(2) In this Part, **Raukawa Settlement Trust** includes an entity that the Raukawa Settlement Trust nominates under subsection (3).

(3) The following provisions apply to the Raukawa Settlement Trust:

(a) the trustees may nominate an entity to carry out a duty or function for them, or exercise a power for them, under this Part:

(b) the trustees make the nomination by giving written or electronic notice to the Crown, the council, a local authority, or other person affected by the carrying out of the duty or function or the exercise of the power:

(c) the trustees are not relieved of liability for the carrying out of the duty or function or the exercise of the power

by making the nomination, unless the Crown agrees that they are.

138 Amendments to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010

(1) This section amends the 2010 Act.

(2) In section 7(2), insert in its appropriate alphabetical order:

"**Te Arawa Lakes** has the meaning given to it by the Te Arawa Lakes Settlement Act 2006".

(3) In section 7(2), definition of **Waikato River**, after paragraph (a)(ii) insert:

"(iii) includes all tributaries, streams, and watercourses flowing into the rivers described in subparagraphs (i) and (ii), to the extent to which they are within the areas marked 'A' and 'B' on SO plan 409144:

"(iv) includes lakes and wetlands within the areas marked 'A' and 'B' on SO plan 409144:

"(v) includes the beds and banks of the water bodies described in subparagraphs (i) to (iv):".

(4) In section 7(2), definition of **Waikato River**, replace paragraphs (b) and (c) with:

"(b) in sections 36 to 40, 42, 44, 45, 47, 49, and 58 and Schedule 5,—

"(i) means the body of water known as the Waikato River flowing continuously or intermittently from Te Waiheke o Huka (from a point that Ngati Tuwharetoa know as Te Toka a Tia) to Karapiro to the extent to which it is within the area marked B on SO plan 409144:

"(ii) includes all tributaries, streams, and watercourses flowing into the part of the Waikato River described in subparagraph (i) to the extent to which they are within the area marked 'B' on SO plan 409144:

"(iii) includes lakes and wetlands within the area marked 'B' on SO plan 409144 but does not include any of the Te Arawa Lakes:

"(iv) includes the beds and banks of the water bodies, other than the Te Arawa Lakes, described in subparagraphs (i) to (iii):

"(c) in sections 45, 47, and 49,—

"(i) includes the Waipā River from its source to its junction with the Puniu River to the extent to which—

"(A) the Waipā River is within the area marked 'C' on SO plan 409144:

"(B) activities in the catchment of the Waipā River are included in a joint management agreement through the application of section 44(2)(a)(ii):

"(ii) includes all tributaries, streams, and watercourses flowing into the part of the Waipā River described in subparagraph (i) to the extent to which they are within the area marked 'C' on SO plan 409144:

"(iii) includes lakes and wetlands associated with the part of the Waipā River described in subparagraph (i) to the extent to which they are within the area marked 'C' on SO plan 409144:

"(iv) includes the beds and banks of the water bodies described in subparagraphs (i) to (iii)".

139 Section 42 of 2010 Act applies to Wharepūhunga and Korakonui sub-catchment

(1) Section 42 of the 2010 Act applies to a person carrying out functions or exercising powers under the conservation legislation in relation to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment as if the reference to the environmental plan were read as a reference to the Raukawa environmental management plan.

(2) In subsection (1), **conservation legislation** means the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act.

140 Conservation regulations made under 2010 Act or 2012 Act may be made in relation to Wharepūhunga and Korakonui sub-catchment

(1) A regulation that is made under section 58(1) of the 2010 Act or section 32(1) of the 2012 Act may be made with application to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment if it is expressed to apply to that area.

(2) However, a regulation may not be made under section 58(1) of the 2010 Act or section 32(1) of the 2012 Act that is expressed to apply to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment unless it is consistent with—

(a) the overarching purpose described in section 3 of the 2010 Act; and

(b) the overarching purpose described in section 3 of the 2012 Act.

(3) For the purposes of this section, only 1 regulation or set of regulations may apply to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment, and the single regulation or set of regulations must be made under both section 58(1) of the 2010 Act and section 32(1) of the 2012 Act.

141 Customary fishing regulations apply to Wharepūhunga and Korakonui sub-catchment

(1) A regulation that is made in accordance with section 58(2) of the 2010 Act, to the extent that it provides for the Raukawa Settlement Trust to manage customary fishing in the Waikato River, applies to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment.

(2) The regulation must state the effect of subsection (1), but the omission to do so does not affect the validity of the regulation.

142 Fishing (bylaw) regulations in relation to Wharepūhunga and Korakonui sub-catchment

(1) A regulation that is made in accordance with section 58(3) of the 2010 Act, to the extent that it provides for the Raukawa Settlement Trust to recommend the making of bylaws, must

also be taken to provide for the Raukawa Settlement Trust to recommend the making of bylaws in respect of the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment.

(2) The regulation must state the effect of subsection (1), but the omission to do so does not affect the validity of the regulation.

143 Fisheries bylaws that apply to Wharepūhunga and Korakonui sub-catchment

(1) This section applies where—

(a) regulations have been made in accordance with section 58(3) of the 2010 Act and under section 32(3) of the 2012 Act; and

(b) under those regulations, as amplified by section 142, the Raukawa Settlement Trust and the Maniapoto Maori Trust Board (the **contributing parties**) may recommend the making of bylaws in respect of the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment.

(2) In exercising their powers to recommend a bylaw in respect of the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment, the contributing parties—

(a) must, after co-operation between them, recommend a joint bylaw in written form; and

(b) must recommend only a bylaw that is consistent with the overarching purpose of each of the 2010 Act and the 2012 Act.

(3) The Minister for Primary Industries must make any bylaw recommended under subsection (2), unless the Minister is satisfied that the proposed bylaw would have an undue adverse effect on fishing.

(4) A bylaw that is made on the recommendation of the contributing parties in accordance with subsection (2)—

(a) is taken to be made both under section 58(4) of the 2010 Act and under section 32(4) of the 2012 Act; and

(b) takes effect in the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catch-

ment on a date notified in the *Gazette* by the Minister for Primary Industries.

144 Application of provisions of components of Upper Waikato River integrated management plan

(1) The conservation and fisheries components of the Upper Waikato River integrated management plan referred to in section 36(3)(a) and (b) respectively of the 2010 Act may contain provisions that apply to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment.

(2) The Raukawa Settlement Trust and the Waikato Regional Council may agree that the provisions of the regional council component of the Upper Waikato River integrated management plan referred to in section 36(3)(c) of the 2010 Act apply to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment, and those provisions apply according to the terms of the agreement.

(3) The Raukawa Settlement Trust and an appropriate agency that has agreed a component of the Upper Waikato River integrated management plan referred to in section 36(3)(d) of the 2010 Act may agree that provisions of the component apply to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment, and those provisions apply according to the terms of the agreement.

145 Process for preparation of provisions that apply to Waipā River under section 144

Provisions of components that, under section 144, apply to the Waipā River within the Wharepūhunga and Korakonui sub-catchment must be prepared in accordance with Schedule 5 of the 2010 Act with any necessary modifications, including the modifications set out in section 146.

146 Modifications to component preparation process

(1) This section applies to the preparation of—

(a) provisions in components of the Upper Waikato River integrated management plan to the extent that those provisions apply to the Wharepūhunga and Korakonui sub-catchment under section 144:

(b) provisions in components of the Upper Waipā River integrated management plan to the extent that those provisions apply to the Waipā River within the Wharepūhunga and Korakonui sub-catchment under sections 11 to 14 of the 2012 Act.

(2) The processes in Schedule 5 of the 2010 Act and Schedule 2 of the 2012 Act must be carried out simultaneously as a single co-operative process involving the Raukawa Settlement Trust, the Maniapoto Maori Trust Board, and the department, local authority, or agency relevant to the particular component (the **contributing parties**).

(3) References to "the Trusts" in Schedule 5 of the 2010 Act are to be read as references to the Raukawa Settlement Trust and the Maniapoto Maori Trust Board and not to the Te Arawa River Iwi Trust or the Tūwharetoa Maori Trust Board.

(4) References to "the integrated management plan" and "the plan" in Schedule 5 of the 2010 Act are to be read as references to a provision referred to in subsection (1) and references to "the draft plan" are to be read as references to a draft provision.

(5) In preparing a provision referred to in subsection (1), the contributing parties, after co-operation between them, must agree joint provisions that are consistent with both the overarching purpose and provisions of the 2010 Act relating to the Upper Waikato River integrated management plan and the overarching purpose and provisions of the 2012 Act relating to the Upper Waipā River integrated management plan.

(6) Once the joint provisions are agreed in accordance with this section and section 145, those provisions must be taken—

(a) to be part of the relevant component of the Upper Waikato River integrated management plan and to apply to the Waipā River to the extent that it is within the Wharepūhunga and Korakonui sub-catchment in accordance with the provisions of the 2010 Act as if those provisions apply also to the sub-catchment; and

(b) to be part of the relevant component of the Upper Waipā River integrated management plan and to apply to the Waipā River to the extent that it is within the

Wharepūhunga and Korakonui sub-catchment in accordance with the provisions of the 2012 Act.

(7) This section and sections 144 and 145 do not affect the preparation and approval of—

(a) components of the Upper Waikato River integrated management plan that apply to the Waikato River in accordance with the 2010 Act; or

(b) components of the Upper Waipā River integrated management plan that apply to the Upper Waipā River outside the Wharepūhunga and Korakonui sub-catchment in accordance with the 2012 Act.

147 Non-derogation

(1) To the extent that instruments under the 2010 Act apply to the Waipā River or the Wharepūhunga and Korakonui sub-catchment, they are not a derogation from—

(a) the Maniapoto interests referred to in part 1 of the Maniopoto co-management deed; or

(b) the Maniapoto statement of significance set out in part 2 of the Maniapoto co-management deed.

(2) To the extent that instruments under the 2012 Act apply to the Waipā River or the Wharepūhunga and Korakonui sub-catchment, they are not a derogation from—

(a) the Raukawa interests referred to in clause 13.11.1 of the Raukawa co-management deed; or

(b) the Raukawa statement of significance set out in clause 1.16 of the Raukawa supplementary deed.

Schedule 1

ss 22, 37

Statutory areas

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Part Kaimai Mamaku Conservation Park	As shown coloured yellow on OTS-113-17
Part Pureora Conservation Park (being part of Pureora Forest Park)	As shown coloured yellow on OTS-113-21
Titiraupenga	As shown on OTS-113-31

Part 2
Areas also subject to deed of recognition

Statutory area	Location
Arahiwi Scenic Reserve	As shown on OTS-113-22
Arapuni Scenic Reserve	As shown on OTS-113-04
Kaahu Scenic Reserve	As shown on OTS-113-06
Lake Arapuni	As shown on OTS-113-24
Lake Atiamuri	As shown on OTS-113-28
Lake Karapiro	As shown on OTS-113-30
Lake Maraetai	As shown on OTS-113-26
Part Lake Ohakuri	As shown coloured yellow on OTS-113-29
Lake Waipapa	As shown on OTS-113-25
Lake Whakamaru	As shown on OTS-113-27
Puniu River and its tributaries	As shown on OTS-113-19
Waihou River Marginal Strip	As shown on OTS-113-23
Waihou River and its tributaries	As shown on OTS-113-18
Waikato River and its tributaries	As shown on OTS-113-20

Part 3
Te Kohera-Kawakawa Bay statutory area

Statutory area	**Location**
Te Kohera-Kawakawa Bay	As shown on OTS-113-35

Schedule 2
Geothermal resource

s 21

Atiamuri geothermal field (as shown on OTS-113-32).

Mangakino geothermal field (as shown on OTS-113-32).

Okauia geothermal field (as shown on OTS-113-32).

Okoroire geothermal field (as shown on OTS-113-32).

Ongaroto geothermal field (as shown on OTS-113-32).

Taihoa geothermal field (as shown on OTS-113-32).

Whakamaru Hot Beach geothermal field (as shown on OTS-113-32).

Schedule 3
Overlay areas

s 43

Overlay area	Location
Wharepūhunga	OTS-113-16
Pureora o Kahu	OTS-113-15

Schedule 4

s 60, 69, 70

Cultural redress properties

Part 1
Cultural redress properties to be vested in fee simple

Name of site	Description	Interests
Whakakahonui	*South Auckland Land District—Taupo District* 67.6483 hectares, more or less, being Section 20 Block XI Whakamaru Survey District. All *Gazette* 1900, p 105.	
Whakamaru Hydro Village site	*South Auckland Land District—Taupo District* 1.9218 hectares, more or less, being Section 1 SO 450039. Part computer freehold register SA51A/452.	
Te Tuki	*South Auckland Land District—Otorohanga District* 7.5000 hectares, more or less, being Sections 2 and 4 SO 464201. Part *Gazettes* 1920, p 1010, 1986, p 304, and 1996, p 55.	Subject to a right of way easement in gross in favour of the Minister of Conservation referred to in section 63(3).

Part 2
Cultural redress properties to be vested in fee simple to be administered as reserves

Name of site	Description	Interests
Whenua ā-kura	*South Auckland Land District—Matamata-Piako District* 29.0000 hectares, more or less, being Section 1 SO 464292. Part *Gazette* 1975, p 2328.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to an unregistered guiding permit to Golden Fern Trust with concession number BP-23723-GUI (dated 1 October 2010). Subject to an unregistered guiding permit to Kidsun Limited with concession number BP-28458-GUI (dated 16 October 2010).

Part 2—*continued*

Name of site	Description	Interests
		Subject to an unregistered guiding permit to Black Sheep Touring Company Ltd with concession number NM-34405-GUI (dated 1 October 2012).
Whakamaru (Site A)	*South Auckland Land District—Taupo District* 2.4540 hectares, more or less, being Section 33 Block XI Whakamaru Survey District.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to an agreement to grant easement rights to Tuaropaki Power Company Limited with concession number TT-133-EAS (dated 22 May 1997).
Whakamaru (Site B)	*South Auckland Land District—Taupo District* 17.5600 hectares, more or less, being Sections 1 and 2 SO 60926.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to an agreement to grant easement rights to Tuaropaki Power Company Limited with concession number TT-133-EAS (dated 22 May 1997).
Pureora	*South Auckland Land District—Otorohanga District* 63.0000 hectares, more or less, being Section 1 SO 464134. Part *Gazette* 1917, p 3334.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to an easement in gross to store water and to install and operate hydroelectricity works in favour of Mighty River Power Limited created by Deed of Grant of Easement 8672068.1, held in computer freehold register 544115.

Part 2—*continued*

Name of site	Description	Interests
Korakonui	*South Auckland Land District—Otorohanga District* 1.8537 hectares, more or less, being Section 1 SO 464199. Balance *Gazette* 1931, p 963.	Local purpose (community use) reserve subject to section 23 of the Reserves Act 1977. Subject to an unregistered lease to King Country Playcentre Incorporated over Area A (as per plan attached to lease). Subject to an unregistered grazing licence to Brian Kay over Area C1 and C2 (as per plan attached to lease to King Country Playcentre Incorporated). Subject to an unregistered grazing licence to Peter Kay dated 10 October 2001 over Area D (as per plan attached to lease to King Country Playcentre Incorporated).

Schedule 5

ss 105, 130, 136(3)

Notices in relation to RFR land

1 Requirements for giving notice

A notice by or to an RFR landowner or the trustees under subpart 5 of Part 3 must be—

(a) in writing and signed by—
  (i) the person giving it; or
  (ii) at least 2 of the trustees, for a notice given by the trustees; and

(b) addressed to the recipient at the street address, postal address, fax number, or email address,—
  (i) for a notice to the trustees, specified for the trustees in accordance with the deed of settlement; or
  (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under section 108, specified in a later notice given to the trustees, or identified by the trustees as the current address or fax number of the RFR landowner; or
  (iii) for a notice given under section 126 or 129 to the chief executive of LINZ, in the Wellington office of LINZ; and

(c) 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 Limitation on use of electronic transmission

Despite clause 1, notices given under sections 108, 111, 112, and 134 must not be given by electronic means other than by fax.

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 second day after posting, if posted; or

(c) at the time of transmission, if faxed or sent by other electronic means.

(2) However, a notice is to be treated as having been received on the next working day if, under subclause (1), it would be treated as having been received—

(a) after 5 pm on a working day; or

(b) on a day that is not a working day.

Legislative history

2 July 2013	Introduction (Bill 137–1)
6 August 2013	First reading and referral to Māori Affairs Committee
18 December 2013	Report from Māori Affairs Committee (Bill 137–2)
19 February 2014	Second reading
12 March 2014	Third reading
19 March 2014	Royal assent

This Act is administered by the Ministry of Justice.

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2014