

NGĀTI RANGITEAORERE

and

[Governance entity]

and

THE CROWN

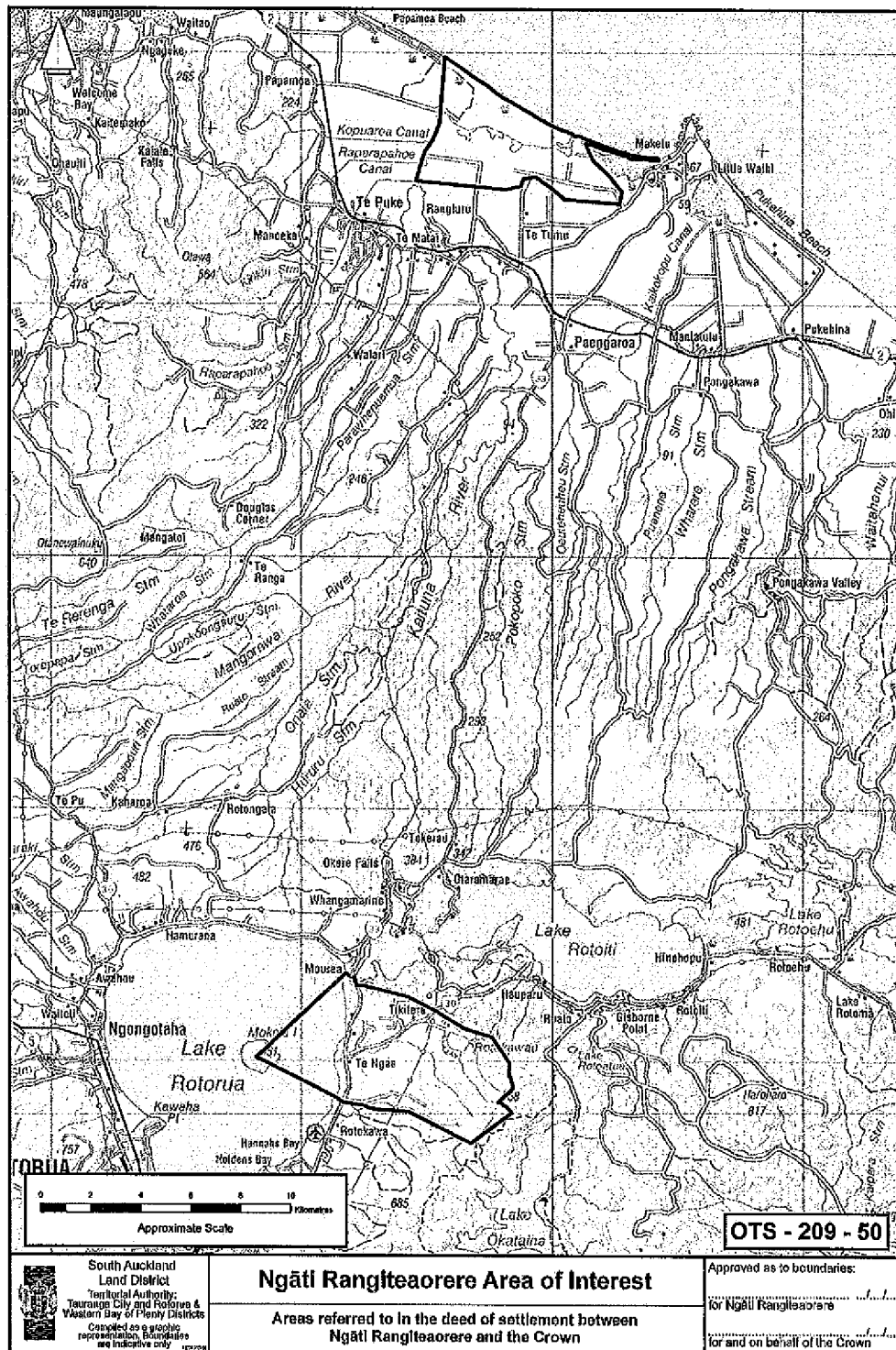
**DEED OF SETTLEMENT:
ATTACHMENTS**

ATTACHMENTS

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1 AREA OF INTEREST



ATTACHMENTS

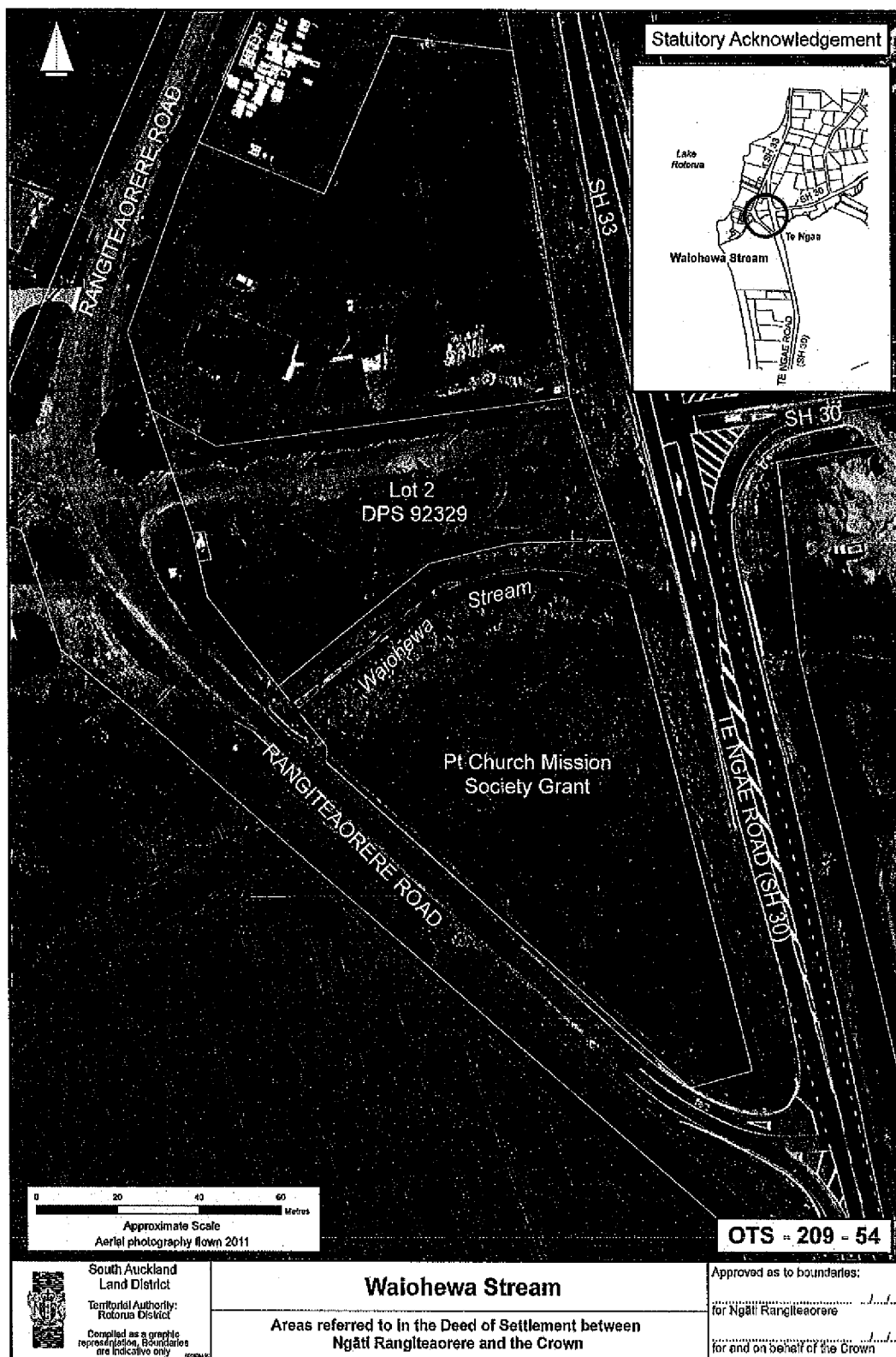
2 DEED PLANS

2.1 STATUTORY ACKNOWLEDGMENTS

ATTACHMENTS

2: DEED PLANS

STATUTORY ACKNOWLEDGEMENT FOR WAIHWEA STREAM (OTS-209-54)



ATTACHMENTS

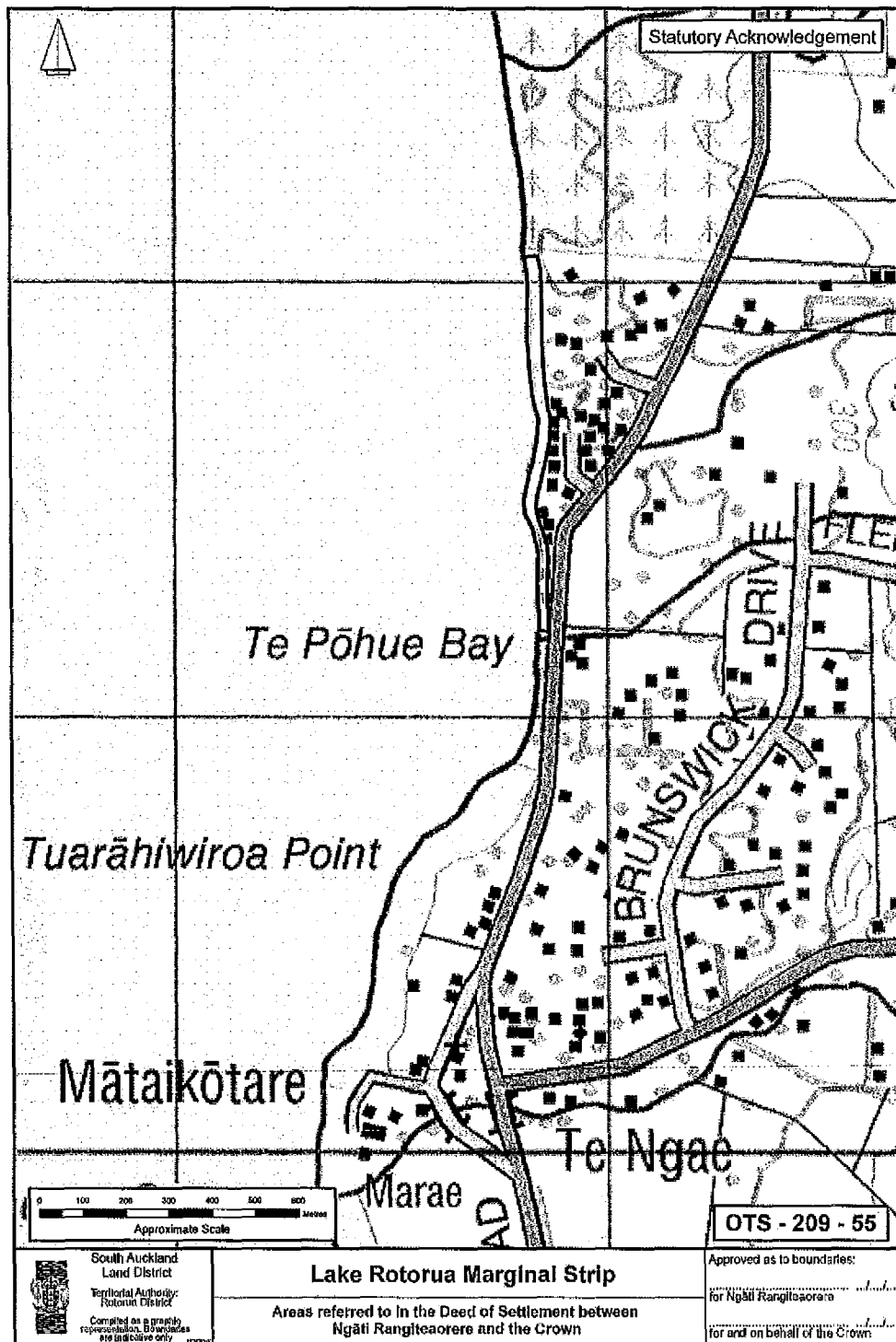
2.2 STATUTORY ACKNOWLEDGMENTS AND DEED OF RECOGNITION

Clauses 5.1.1 and 5.3

ATTACHMENTS

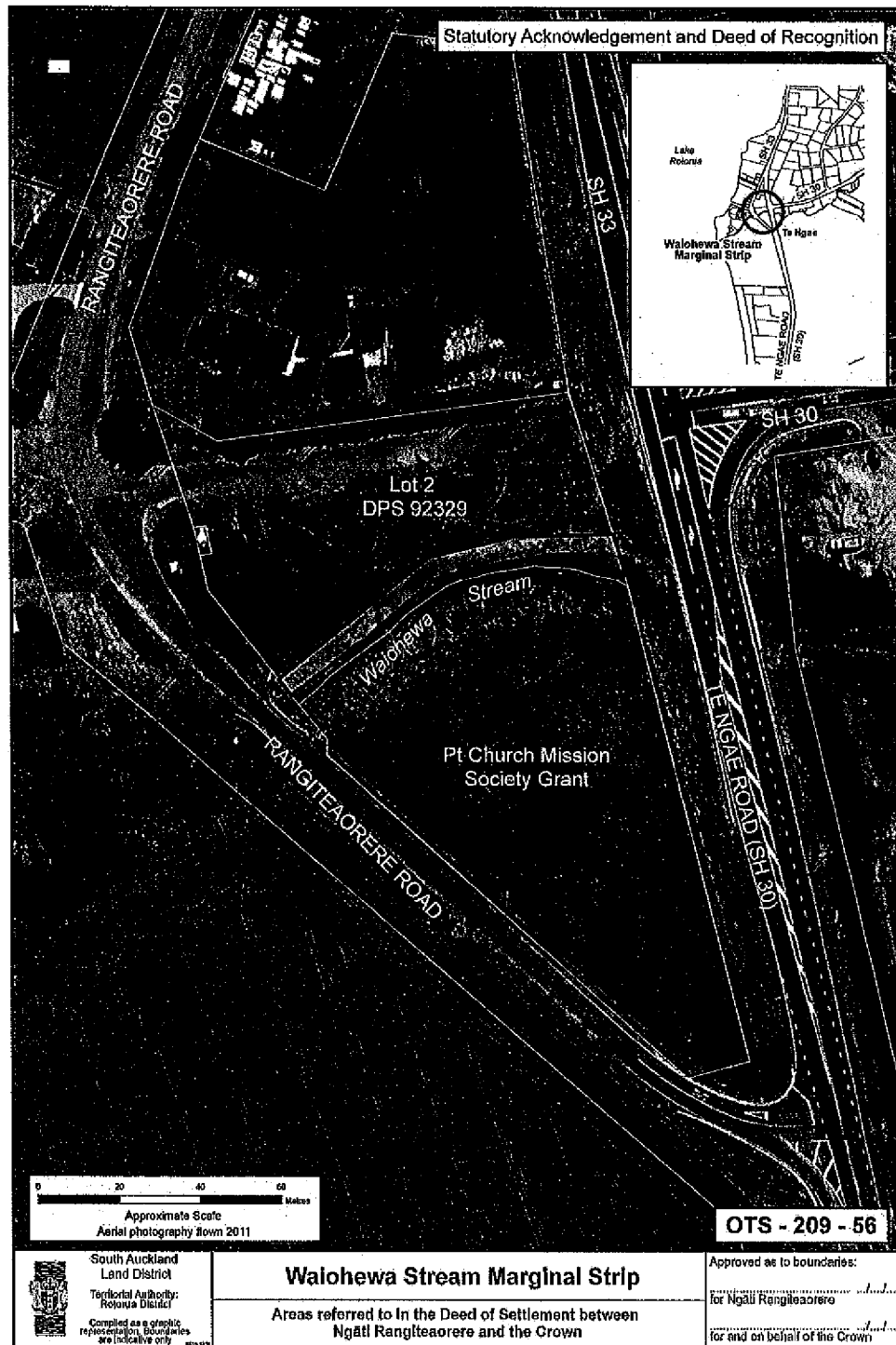
2: DEED PLANS

STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION FOR
LAKE ROTORUA MARGINAL STRIP
(OTS-209-55)



ATTACHMENTS

STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION FOR WAIHWEA STREAM MARGINAL STRIP (OTS-209-56)



ATTACHMENTS

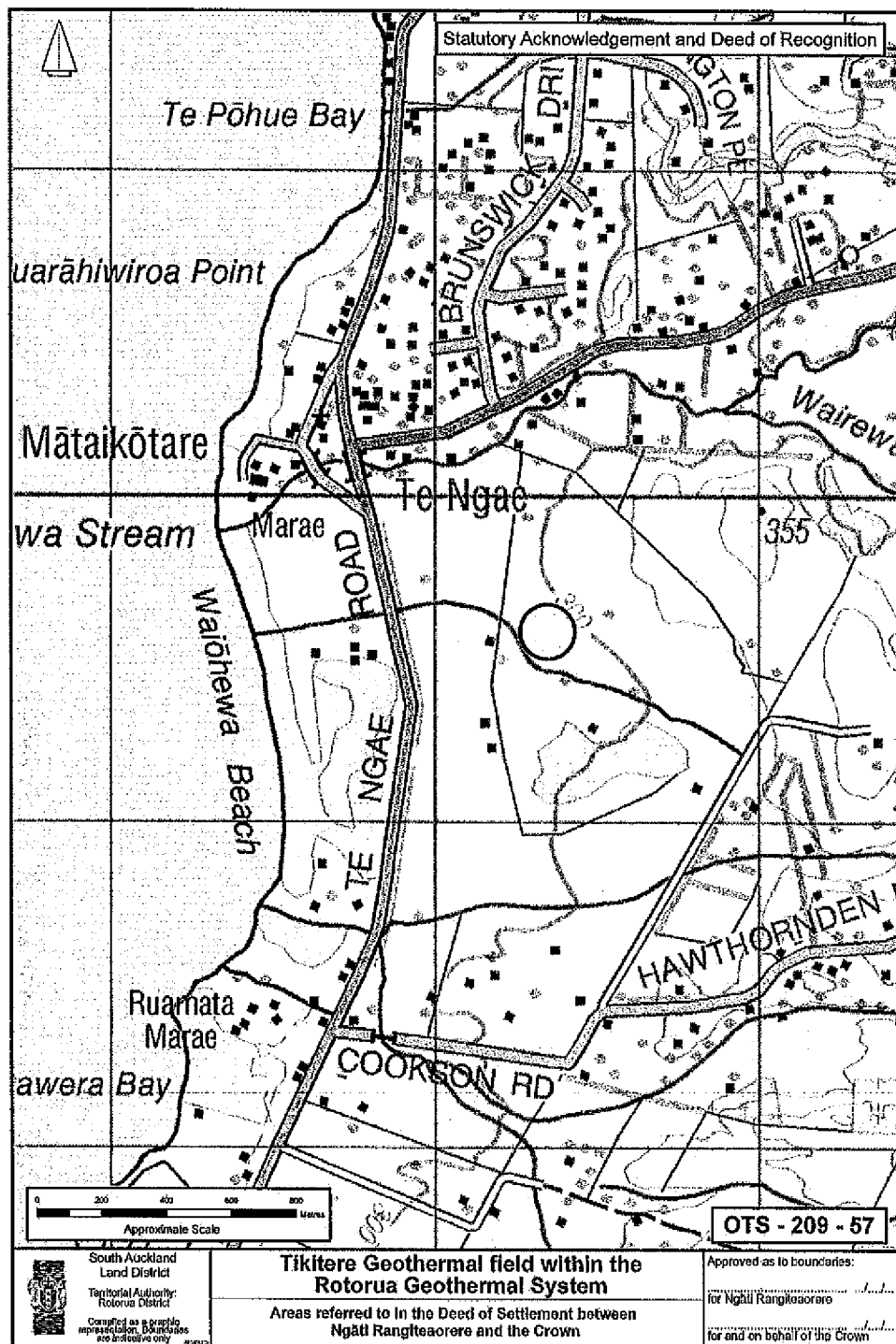
2.3 GEOTHERMAL STATUTORY ACKNOWLEDGMENT

Clause 5.1

ATTACHMENTS

2: DEED PLANS

STATUTORY ACKNOWLEDGEMENT FOR TIKITERE GEOTHERMAL FIELD (OTS-209-57)



ATTACHMENTS

2: DEED PLANS

2.4 CULTURAL REDRESS PROPERTIES

Clause 5.14

2: DEED PLANS

Legend

- △ Trig
- Walkway

0 200 400 600 800 1,000 Metres

Approximate Scale
Aerial photography Bown 2007

Whakapoungakau

Areas referred to in the Deed of Settlement between
Ngāti Rangiteaorere and the Crown

310 hectares, approximately, being
Part Section 2 SO 389001.
Part Computer Freehold Register 356274.
Subject to survey.

10,3480 hectares, more or less, being
Lot 1 DP 379374.
All Computer Freehold Register 318524.

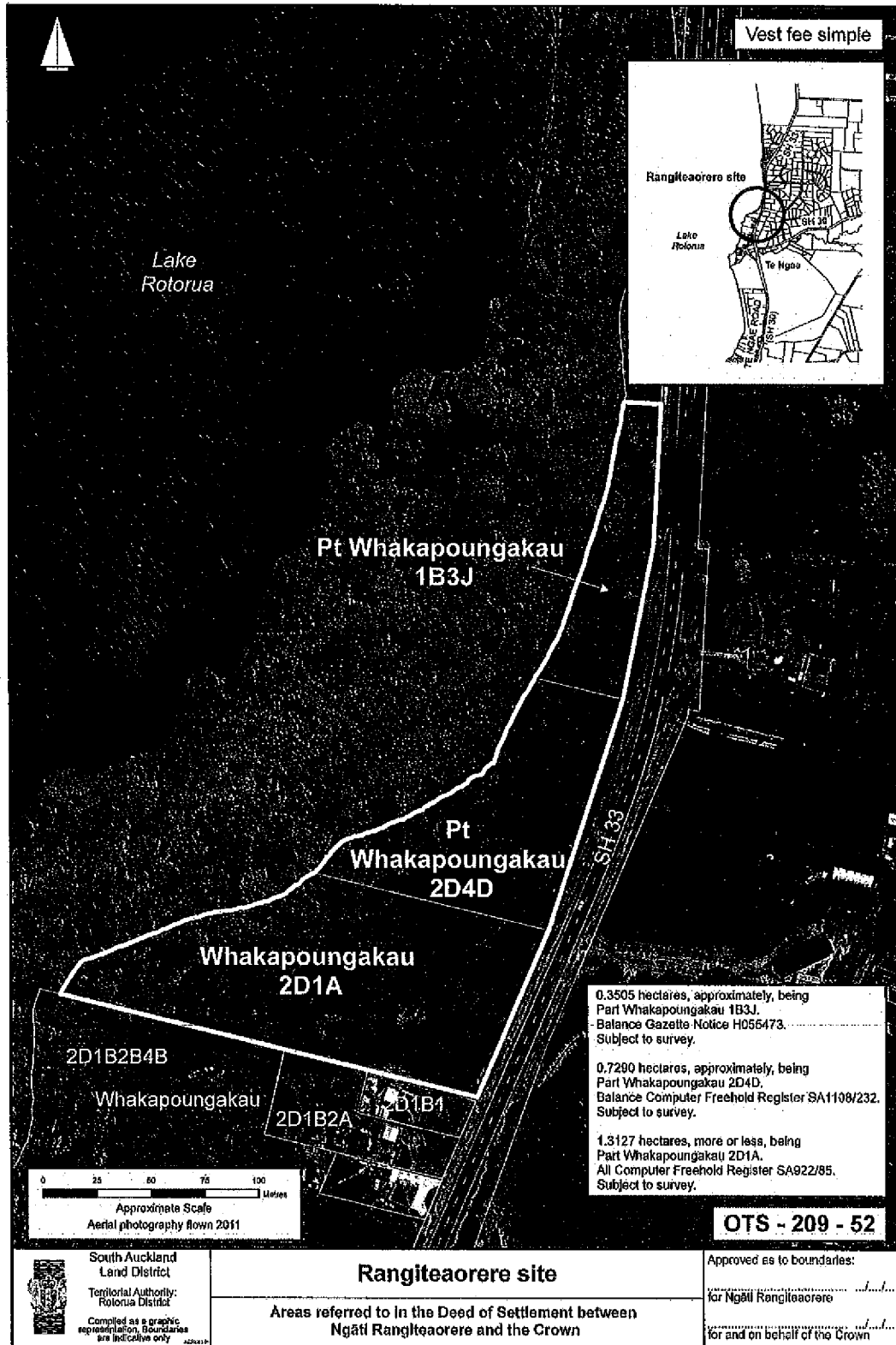
OTS - 209 - 51

Approved as to boundaries:
for Ngāti Rangiteaorere
for and on behalf of the Crown

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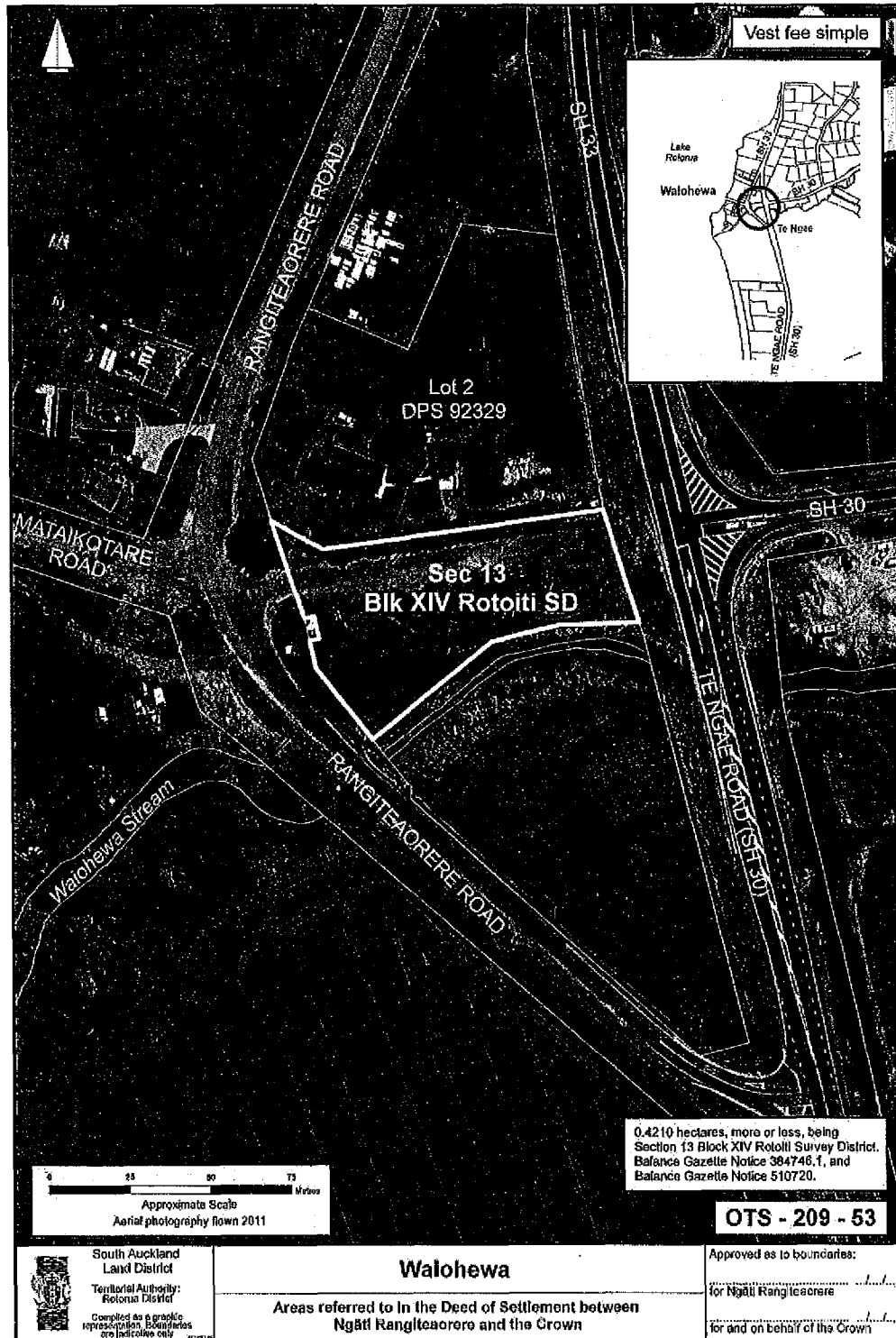
2: DEED PLANS

RANGITEAORERE SITE (OTS-209-52)



ATTACHMENTS

WALOHEWA SITE (OTS-209-53)



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3 RFR LAND

Name	Legal Description or property reference	Agency
150 metres west of Strang Road Intersection with SH2 (NZTA Reference 240158)	0.0113 hectares, being Stopped Road 8048308 Part Gazette Notice H081149.	NZTA

4 DRAFT SETTLEMENT BILL

PCO 16723/2.3

Drafted by Gill James

IN CONFIDENCE

This Bill is a work in progress and its drafting is provisional. It has not yet been proofread or peer reviewed, nor has it gone through other PCO quality control procedures. It contains notes indicating the intended content for some provisions, bracketed text which is indicative of the proposed content or indicative that the inclusion of a provision or text has not been confirmed.

**Nga Punawai o Tokotoru Claims
Settlement (Ngāti Rangiteaorere)
Bill Parts 1 to 3**

Government Bill

Explanatory note

General policy statement

Clause by clause analysis

Clause

Hon Christopher Finlayson

**Nga Punawai o Tokotoru Claims
Settlement (Ngāti Rangiteaorere)
Bill**

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Nga Punawai o Te Tokotoru Claims Settlement (Ngāti Rangiteaorere) Act**2012**.
- 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, settlement of historical
claims, and miscellaneous matters***Preliminary matters***3 Purpose**

The purpose of **Parts 1 to 3** is—

- (a) to record the acknowledgements and apology given by the Crown to Ngāti Rangiteaorere in the deed of settlement; and]
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Rangiteaorere.

4 Provisions to take effect on settlement date

- (1) The provisions of **Parts 1 to 3** 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 Parts 1 to 3 bind the Crown

Parts 1 to 3 bind the Crown.

6 Outline

- (1) This section is a guide to the overall scheme and effect of **Parts 1 to 3**, but does not affect the interpretation or application of the other provisions of **Parts 1 to 3** or of the deed of settlement.
- (2) **This Part—**
 - (a) sets out the purpose of **Parts 1 to 3**; and

- (b) provides that the provisions of **Parts 1 to 3** take effect on the settlement date unless a provision states otherwise; and
 - (c) specifies that **Parts 1 to 3** bind the Crown; and
 - (d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Rangiteaorere, as recorded in the deed of settlement; and
 - (e) defines terms used in **Parts 1 to 3**, including key terms such as Ngāti Rangiteaorere and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for—
 - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and
 - (v) access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, namely—
- (a) protocols for conservation, Crown minerals, and taonga tūturu on the terms set out in the documents schedule; and
 - (b) a statutory acknowledgement by the Crown of the statements made by Ngāti Rangiteaorere of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement; and
 - (c) the vesting in the trustees of the fee simple estate in certain cultural redress properties.
- (4) **Part 3** provides for commercial redress, namely a right of first refusal in relation to the RFR land.
- (5) There are 3 schedules, as follows:

- (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which a deed of recognition is issued:
- (b) **Schedule 2** describes the cultural redress properties:
- (c) **Schedule 3** 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 from the deed of settlement, setting out the background to the deed of settlement.
- (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Ngāti Rangiteaorere in the deed of settlement.
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part {number} of the deed of settlement.

8 Summary of historical account

- (1) The text of the summary of the historical account agreed by the Crown and Ngāti Rangiteaorere, as set out in the deed of settlement, is as follows:
 - (1) Ngāti Rangiteaorere is an iwi of the Te Arawa confederation of tribes, based on the eastern shores of Lake Rotorua. They also share interests with other iwi on Mokoia Island and in coastal lands near Maketu. Although Ngāti Rangiteaorere did not sign the Treaty of Waitangi, from the 1840s to the early 1860s, they sought to work with the Crown in the administration of their district. During this time, Māori to customary law largely continued to prevail in the Ngāti Rangiteaorere rohe.
 - (2) Ngāti Rangiteaorere were drawn into the New Zealand wars from the mid-1860s. Those Ngāti Rangiteaorere who supported the Crown during the wars did so at considerable cost to themselves.

- (3) Ngāti Rangiteaorere held all their lands under customary tenure when the native laws of the 1860s came into force. However the Native Land Court was not designed to accommodate the complex and fluid customary land usages of Māori as it assigned permanent ownership to a clearly defined area of land. The Crown hoped that the application of the native land laws would eventually lead Ngāti Rangiteaorere and other Māori to abandon the collective structures of their traditional landholdings. The title determination process also carried significant costs for Ngāti Rangiteaorere and other Māori. Ngāti Rangiteaorere had no alternative but to use the Court if they wished to secure legal title to their lands.
- (4) members of Ngāti Rangiteaorere and a neighbouring iwi. In 1900 the Native Land Court awarded the Crown 348 acres from Whakapoungakau 2 to 7 and 17 in lieu of survey costs. The individualised interests thus acquired by the Crown were spread across the Whakapoungakau subdivisions, but the Crown persuaded Ngāti Rangiteaorere to allow the Crown's awards to form one contiguous parcel of land. The land awarded to the Crown was flat, fertile and easily accessible by road. The land that remained with Ngāti Rangiteaorere was fragmented, and much of it was steep and inaccessible.
- (5) Ngāti Rangiteaorere have always highly valued the Tikitere geothermal field for medicinal, spiritual and economic purposes. In 1953 the Crown acquired, without the consent of Ngāti Rangiteaorere, the sole right to regulate the use of geothermal energy resources when the Geothermal Energy Act 1953 was enacted. Ngāti Rangiteaorere considers that the Crown had no authority to overrule the mana of Ngāti Rangiteaorere in the Tikitere geothermal field.
- (6) In the early 1970s, the Crown proposed a land swap to extend the Lake Okataina Scenic Reserve. This involved the exchange of land in Whakapoungakau which Ngāti Rangiteaorere had significant ancestral connections with for land in which they had no such connections. As a result of this exchange Ngāti Rangiteaorere were alienated from Whakapoungakau maunga, one of their most sacred sites.

9 Acknowledgements

The text of the acknowledgements made by the Crown, as set out in the deed of settlement, is as follows:

- (1) The Crown acknowledges that it has failed to address until now the long-standing, deeply-felt grievances of Ngāti Rangiteaorere. For Ngāti Rangiteaorere the road to settlement has been a long and challenging one. The Crown hereby recognises the legitimacy of their grievances and makes the following acknowledgements.
- (2) The Crown acknowledges that in the 1860s, Ngāti Rangiteaorere were drawn into wars that were not of their making. Those Ngāti Rangiteaorere who supported the Crown during the wars did so at considerable cost to themselves.
- (3) The Crown acknowledges—
 - (a) it introduced the native land laws without consulting with Ngāti Rangiteaorere and the individualisation of title provided for by the native land laws was inconsistent with tikanga Ngāti Rangiteaorere;
 - (b) some key Crown goals in introducing the native land laws were to make the lands of Ngāti Rangiteaorere and other iwi available for European settlement, and eventually to detribalise Māori, including Ngāti Rangiteaorere, and assimilate them to European culture;
 - (c) Ngāti Rangiteaorere were required to engage with the Native Land Court if they wanted to participate in the modern economy and the Court's processes had a disruptive effect on Ngāti Rangiteaorere and carried significant costs for them which contributed to the alienation of land; and
 - (d) the individualised titles awarded by the Court made the lands of Ngāti Rangiteaorere, including Whakapoun-gakau, more susceptible to partition, fragmentation and alienation and this contributed to the erosion of the traditional social structures, mana and rangatiratanga of Ngāti Rangiteaorere. The Crown acknowledges it failed to take adequate steps to protect these structures, and this was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (4) The Crown acknowledges that—

- (a) Ngāti Rangiteaorere sought to retain tribal authority over their lands but the Crown failed to provide an effective form of corporate title until 1894;
 - (b) by 1894 the great bulk of Ngāti Rangiteaorere lands, including Whakapoungakau, had passed through the Native Land Court and were held under individualised title; and
 - (c) the Crown's failure to provide an effective means in the native land legislation for the collective administration of Ngāti Rangiteaorere lands before 1894 was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (5) The Crown acknowledges that—
- (a) it acquired from Ngāti Rangiteaorere much of the most valuable land in the Whakapoungakau block in lieu of survey costs; and
 - (b) the land remaining with Ngāti Rangiteaorere was fragmented, and much of it was therefore inaccessible.
- (6) The Crown acknowledges that Ngāti Rangiteaorere consider—
- (a) the Tikitere geothermal resource to be a taonga; and
 - (b) that the Geothermal Energy Act 1953 failed to recognise their mana over this taonga.
- (7) The Crown acknowledges the distress caused to Ngāti Rangiteaorere by the extension of the Lake Okataina Scenic Reserve in the early 1970s. This involved the exchange of land in which many Ngāti Rangiteaorere had significant ancestral connections for land in which they had no such connections. The Crown acknowledges that as a result of this exchange Ngāti Rangiteaorere were alienated from Whakapoungakau maunga, one of their most sacred sites.

10 Apology

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

- (1) To the iwi of Ngāti Rangiteaorere, to the tūpuna and the descendants, the Crown now makes this apology.

- (2) The Crown recognises that while Ngāti Rangiteaorere has consistently honoured their responsibilities under the Treaty of Waitangi, the Crown has not lived up to its Treaty obligations to Ngāti Rangiteaorere. For this, the Crown is deeply sorry.
- (3) The Crown accepts that Ngāti Rangiteaorere wished to retain long-established tribal authority over their lands and resources, but, from the 1860s, the Crown introduced native land laws which worked directly against this objective and undermined the mana and the rangatiratanga of Ngāti Rangiteaorere. For this, the Crown unreservedly apologises to Ngāti Rangiteaorere.
- (4) Through the native land laws, the actions of Crown purchase agents, and the extension of the Lake Okataina Scenic Reserve, the Crown facilitated the estrangement of Ngāti Rangiteaorere from some of the most cherished parts of their rohe, including their sacred maunga Whakapoungakau. The Crown profoundly regrets the loss and the trauma Ngāti Rangiteaorere thereby experienced.
- (5) The Crown now seeks to forge a new relationship with the people of Ngāti Rangiteaorere. This relationship, the Crown sincerely hopes, will be based on mutual trust and co-operation, and grounded in respect for the Treaty of Waitangi and its principles.

Interpretation provisions

11 Interpretation of Parts 1 to 3 generally

It is the intention of Parliament that the provisions of **Parts 1 to 3** are interpreted in a manner that best furthers the agreements expressed in the deed of settlement.

12 Interpretation

In **Parts 1 to 3**, 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

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

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

conservation legislation means—

- (a) the Conservation Act 1987; and
- (b) the enactments listed in Schedule 1 of that Act

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

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

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

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)**

cultural redress property has the meaning given in **section 44**

deed of recognition—

- (a) means a deed of recognition issued under **section 38(1)** by the Minister of Conservation and the Director-General; and

- (b) includes any amendments made under **section 38(3) deed of settlement**—
- (a) means the deed of settlement dated {date} and signed by—
 - (i) the Honourable {name of Minister}, Minister for Treaty of Waitangi Negotiations, and {name others, if any, and portfolio}, for and on behalf of the Crown; and
 - (ii) {names of iwi signatories} for and on behalf of Ngāti Rangiteaorere; and
- (b) includes—
 - (i) the schedules of, and attachments to, the deed; and
 - (ii) any amendments to the deed or its schedules and attachments

documents schedule means the documents schedule of the deed of settlement

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

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

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 Ngāti Rangiteaorere means an individual referred to in **section 13(1)(a)**

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

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

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

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

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 Ngāti Rangiteaorere; 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 44(1)**

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 **Part 3**

RFR land has the meaning given in **section 61**

settlement date means the date that is 20 working days after the date on which **Parts 1 to 3** come into force

statutory acknowledgement has the meaning given in **section 30**

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

tikanga means customary values and practices

transfer, in relation to a property, means the transfer of the beneficial ownership of the property upon settlement for that property

{name of trust} means the trust of that name established by a trust deed dated {date}

trustees of {name of trust} and **trustees** mean the trustees, acting in their capacity as trustees, of {name of trust}

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

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

- (a) birth; or
- (b) legal adoption; or
- (c) Māori customary adoption in accordance with Ngāti Rangiteaorere tikanga.

14 Meaning of historical claims

(1) In **Parts 1 to 3**, historical claims—

- (a) means the claims described in **subsection (2)**; and
- (b) includes the claims described in **subsection (3)**; but
- (c) does not include the claims described in **subsection (4)**.

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

- (a) is founded on a right arising—
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law (including aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or
 - (v) otherwise; and
- (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by or on behalf of the Crown; or
 - (ii) by or under legislation.

(3) The historical claims include—

- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Rangiteaorere or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
 - (i) Wai 32;
 - (ii) Wai 564;
 - (iii) Wai 936;
 - (iv) Wai 1374; 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 Ngāti Rangiteaorere or a representative entity:
 - (i) Wai 1200;
 - (ii) Wai 1452;
 - (iii) Wai 153;
 - (iv) Wai 319.
- (4) However, the historical claims do not include—
 - (a) a claim that a member of Ngāti Rangiteaorere, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāti Rangiteaorere; or
 - (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**.
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

*Historical claims settled and jurisdiction of
courts, etc, removed*

15 Settlement of historical claims final

- (1) The historical claims are settled.
- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) **Subsections (1) and (2)** do not limit the deed of settlement.
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—
 - (a) the historical claims; or
 - (b) the deed of settlement; or
 - (c) **Parts 1 to 3**; or
 - (d) the redress provided under the deed of settlement or **Parts 1 to 3**.

- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or **Parts 1 to 3**.

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:
“Rangiteaorere Claims Settlement Act **2012**, **section 15(4) and (5)**”

Resumptive memorials no longer to apply

17 Certain enactments do not apply

- (1) The enactments listed in **subsection (2)** do not apply—
- (a) to a cultural redress property; or
 - (b) to the RFR land; or
 - (c) for the benefit of Ngāti Rangiteaorere 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 certificate of title or computer register for, each allotment that—
- (a) is all or part of—
 - (i) a cultural redress property; or
 - (ii) the RFR land; and
 - (b) is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**.

- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after the settlement date for a cultural redress property or the RFR land.
- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
 - (a) register the certificate against each certificate of title or computer register identified in the certificate; and
 - (b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a certificate of title or 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) {name of 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 {name of 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.

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

21 The Crown may provide redress to other persons

- (1) The provision of the specified cultural redress does not prevent the Crown from doing anything that is not inconsistent with that cultural redress, including—
 - (a) providing the same or similar redress to a person other than the trustees; or
 - (b) disposing of land.
- (2) However, **subsection (1)** is not an acknowledgement by the Crown or the trustees that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates.
- (3) In this section, **specified cultural redress** means each of the following, as provided for in **Parts 1 to 3**:
 - (a) the protocols;
 - (b) the statutory acknowledgement;
 - (c) the deeds of recognition.

Part 2

Cultural redress

Subpart 1—Protocols

22 Interpretation

In this subpart—

protocol—

- (a) means each of the following protocols issued under **section 23(1)(a)**:
 - (i) the conservation protocol;
 - (ii) the Crown minerals protocol;
 - (iii) the taonga tūturu protocol;
- (b) includes any amendments made under **section 23(1)(b)**

responsible Minister means—

- (a) for the conservation protocol, the Minister of Conservation;
- (b) for the Crown minerals protocol, the Minister of Energy and Resources;
- (c) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage.

General provisions applying to protocols

23 Issuing, amending, and cancelling protocols

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

24 Protocols subject to rights, functions, and duties

Protocols do not restrict—

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

25 Enforcement of protocols

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

Conservation protocol

26 Conservation protocol

- (1) The Director-General must note a summary of the terms of the conservation protocol in any conservation management strategy, conservation management plan, freshwater fisheries management plan, or national park management plan that affects the conservation protocol area.
- (2) The noting of the summary is—
 - (a) for the purpose of public notice only; and
 - (b) not an amendment to a strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—
 - (a) rights relating to the common marine and coastal area, as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011; or
 - (b) an estate or interest in land held, managed, or administered under the conservation legislation; or
 - (c) an interest in, or rights relating to, flora or fauna managed or administered under the conservation legislation.
- (4) In this section, **conservation protocol area** means the area shown on the map attached to the conservation protocol.

*Crown minerals protocol***27 Crown minerals protocol**

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

Crown mineral means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991, that is the property of the Crown under section 10 or 11 of that Act

Crown minerals protocol area means the area shown on the map attached to the Crown minerals protocol, together with the adjacent waters

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

*Taonga tūturu protocol***28 Taonga tūturu protocol**

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

Subpart 2—Statutory acknowledgement and
deed of recognition

29 **Interpretation**

In this subpart,—

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

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

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

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

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

(b) set out in part {reference} of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in **section 30** 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 referred to in relation to that area

statutory plan—

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

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

Statutory acknowledgement

30 **Statutory acknowledgement by the Crown**

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

31 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 32 to 34**; 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 35 and 36**; and
- (c) enable the trustees and any member of Ngāti Rangiteaorere to cite the statutory acknowledgement as evidence of the association of Ngāti Rangiteaorere with a statutory area, in accordance with **section 37**.

32 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.

33 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.

34 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.

35 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 30 to 34, 36, and 37**; 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, un-

- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

- (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) a summary of the application, if the application is received by the consent authority; 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 date 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.

37 Use of statutory acknowledgement

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

Deed of recognition

38 Issuing and amending deed of recognition

- (1) A deed of recognition must be issued to the trustees for each of the statutory areas listed in **Part 2 of Schedule 1** (relevant

statutory areas) in the form set out in part {reference} of the documents schedule.

- (2) The Minister of Conservation and the Director-General must issue a deed of recognition for the relevant statutory areas administered by the Department of Conservation.
- (3) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of the trustees.

*General provisions relating to statutory
acknowledgement and deed of recognition*

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

If any part of the statutory acknowledgement applies to a river or stream, 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; and
- (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.

40 Application of statutory acknowledgement to Tikitere geothermal field

If any part of the statutory acknowledgement applies to the Tikitere geothermal field, that part of the acknowledgement—

- (a) applies to the geothermal energy and geothermal water within the geothermal field; but
- (b) does not apply to any geothermal energy or geothermal water above land other than land owned by the Crown.

41 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement and a deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Rangiteaorere with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to—
 - (a) the other provisions of this subpart; and
 - (b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition.

42 Rights not affected

- (1) The statutory acknowledgement and the 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.
- (2) This section is subject to the other provisions of this subpart.

*Consequential amendment to Resource
Management Act 1991*

43 Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order:
“Ngāti Rangiteaorere Claims Settlement Act **2012**.”

Subpart 3—Vesting of cultural redress properties

44 Interpretation

In this subpart,—

Crown protected area has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

cultural redress property means each of the following properties, and each property means the land described by that name in **Schedule 2**:

Property vested in fee simple

- (a) Waiohewa site:

Properties vested in fee simple to be administered as reserves

- (b) Rangiteaorere site:

- (c) Whakapoungakau

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

Property vested in fee simple

45 Waiohewa site

The fee simple estate in Waiohewa site vests in the trustees.

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

46 Rangiteaorere site

- (1) The reservation of Rangiteaorere site as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Rangiteaorere site vests in the trustees.
- (3) Rangiteaorere site is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Rangiteaorere site.

47 Whakapoungakau

- (1) The reservation of Whakapoungakau (being part of the Lake Okataina Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Whakapoungakau vests in the trustees.
- (3) Whakapoungakau is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reserve is named Whakapoungakau Scenic Reserve.
- (5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Crown with a registrable easement in gross over the reserve for use as a walkway on the terms and conditions set out in part 6 of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement—
 - (a) is enforceable in accordance with its terms; and
 - (b) is to be treated as having been granted in accordance with that Act.
- (7) Section 36 of the Walking Access Act 2008 applies to the reserve as if the reserve were public land.

*General provisions applying to vesting of
cultural redress properties*

48 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 2**.

49 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 Part and to part {reference} of the deed of settlement.
- (4) **Subsection (5)** applies to a cultural redress property, but only to the extent that **subsection (2)** does not apply to the property.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a computer freehold register for the fee simple estate in the property in the name of the trustees; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (6) **Subsection (5)** is subject to the completion of any survey necessary to create a computer freehold register.
- (7) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—
 - (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the Crown and the trustees.
- (8) In this section, **authorised person** means a person authorised by—
 - (a) the chief executive of LINZ, for Waiohewa site;
 - (b) the Director-General, for all other properties.

50 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) However, **subsection (1)** is subject to **subsections (3) and (4)**.
- (3) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property.

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

51 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 50(4) and 54**; and
 - (b) 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 50(4) and 54**; 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)**.

52 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***53 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.
- (5) 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.

- (6) The Minister must not change the name of a reserve property under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the property, and section 16(10A) of that Act does not apply to the proposed change.

54 Subsequent transfer of reserve land

- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.
- (2) The fee simple estate in the reserve land may be transferred to any other person, but only in accordance with **section 55 or 56**.
- (3) In this section and **sections 55 and 56**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

55 Transfer 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.

56 Transfer 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.

57 Reserve land not to be mortgaged

The owners of a reserve property must not mortgage, or give a security interest in, any part of the property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.

58 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 re-

serve 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.

59 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**, **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.

Part 3

Commercial redress—Right of first refusal over RFR land

Interpretation

60 Interpretation

In this subpart and **Schedule 3**,—

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 63(2)(a) and 64**

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 63**, to dispose of RFR land to the trustees

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

RFR land has the meaning given in **section 61**

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 69(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested under **section 70(1)**.

RFR land schedule means the RFR land schedule of the deed of settlement

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

61 Meaning of RFR land

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

- (a) the land described in the RFR land schedule if, on the settlement date, the land is—
 - (i) vested in the Crown; or
 - (ii) held in fee simple by the Crown or a Crown body; and
- (b) land obtained in exchange for a disposal of RFR land under **section 74(1)(c) or 75**.

(2) However, land ceases to be RFR land if—

- (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under a contract formed under **section 67**); or

- (ii) any other person (including the Crown or a Crown body) under **section 62(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 71 to 77** (which relate to permitted disposals of RFR land); or
 - (ii) under any matter referred to in **section 78(1)** (which specifies matters that may override the obligations of an RFR landowner under this sub-part); or
- (c) the RFR period for the land ends.

Restrictions on disposal of RFR land

62 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 68 to 77**; or
- (b) under any matter referred to in **section 78(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 63**; 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 65**; and
 - (iv) not accepted under **section 66**.

Trustees' right of first refusal

63 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

- 64 Expiry date of offer

- ## 65 Withdrawal of offer

66 Acceptance of offer

- ## 67 Formation of contract

- 42

- (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 date 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

68 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.

69 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.

70 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*

71 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.

72 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.

73 Disposal by the Crown under certain legislation

The Crown 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 of the Marine and Coastal Area (Takutai Moana) Act 2011.

74 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.

75 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.

76 Disposal for charitable purposes

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

77 Disposal to tenants

- The Crown may dispose of RFR land—
- (a) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land—
 - (i) before the settlement date; or

- (ii) on or after the settlement date under a right of renewal in a registered lease; or
- (b) under section 93(4) of the Land Act 1948.

RFR landowner obligations

78 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

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

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

80 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 date 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 62**; and
 - (f) if the disposal is to be made under **section 62(c)**, a copy of any written contract for the disposal.

81 Notice to LINZ of land ceasing to be RFR land

- (1) This section applies if land contained in a computer register is to cease being RFR land because—
 - (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) the trustees or their nominee (for example, under a contract formed under **section 67**); or
 - (ii) any other person (including the Crown or a Crown body) under **section 62(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 71 to 77**; or
 - (ii) under any matter referred to in **section 78(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.

82 Notice requirements

Schedule 3 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

83 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 79** that a computer register has been created for the RFR land or that other land has become RFR 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 61**; and
 - (b) subject to this subpart (which restricts disposal, including leasing, of the land).

84 Removal of notifications when land to be transferred or vested

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 81**, issue to the Registrar-General a certificate that includes—
 - (a) the legal description of the land; and
 - (b) the reference for the computer register for the land; and
 - (c) the details of the transfer or vesting of the land; and
 - (d) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, he or she must remove any notification recorded under **section 81** from the computer register identified in the certificate immediately before registering the transfer or vesting described in the certificate.

85 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 the 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 83**; 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 83** from any computer register identified in the certificate.

*General provisions applying to right of first refusal***86 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.

87 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.

88 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 3** 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.

Schedule 1

ss 29, 38

Statutory areas of Ngāti Rangiteaorere

Part 1

Areas subject only to statutory acknowledgement

Statutory area	Location
Waiohewa Stream	As shown on OTS-209-54
Lake Rotorua marginal strip	As shown on OTS-209-55
Waiohewa marginal strip	As shown on OTS-209-56
Tikitere geothermal field	As shown on OTS-209-57

Part 2

Areas also subject to deed of recognition

Statutory area	Location
Lake Rotorua marginal strip	As shown on OTS-209-55
Waiohewa marginal strip	As shown on OTS-209-56

Schedule 2

ss 44, 48

**Cultural redress properties of Ngāti
Rangiteaorere****Properties vested in fee simple**

Name of property	Description	Interests
Waiohewa site	0.4210 hectares, more or less, being Section 13 Block XIV Rotoiti Survey District. Balance <i>Gazette</i> notice 384746.1 and <i>Gazette</i> notice 510720.	Nil

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

Name of property	Description	Interests
Rangiteaorere site	0.3505 hectares, approximately, being Part Whakapoungakau 1B3J. All <i>Gazette</i> Notice H055473. Subject to survey. 0.7290 hectares, approximately, being Part Whakapoungakau 2D4D. Balance Computer Freehold Register SA 1108/232. Subject to survey. 1.3127 hectares, more or less, being Part Whakapoungakau 2D1A. All Computer Freehold Register SA922/85. As shown on OTS-209-52.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to a limited access road created by Certificate S547091 (affects Part Whakapoungakau 2D1A). Subject to a drainage easement created by Transfer S67603 (affecting Part Whakapoungakau 1B3J). Subject to a management agreement for weed control to K. Vuletic with permission record number BP-30472-OTH. Subject to a right to drain sewage in gross in favour of the Rotorua District Council with concession number BP-31910-OTH.
Whakapoungakau	310 hectares, approximately, being Part Section 2 SO 389001. Part Computer Freehold Register 356274. Subject to survey. 10.3460 hectares, more or less, being Lot 1	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to a walkway easement referred to in section 47

DP 379374. All Com-
puter Freehold Register
318524.
As shown on OTS-209-
51.

Schedule 3

ss 82, 88(3)

Notices in relation to RFR land of Ngāti Rangiteaorere

1 Requirements for giving notice

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

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees [or the 1 trustee if the trust has only 1 trustee], 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 63**, 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 to the chief executive of LINZ under **section 79 or 81**, 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 63, 66, 67, and 86** 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.