This Bill is the version for signing, and is subject to renumbering, the completion of PCO quality assurance measures, and the inclusion of the te reo Māori version of clauses 8 to 10.

Ngā Hapū o Te Iwi o Whanganui Claims Settlement Bill

Government Bill

Explanatory note

General policy statement

Departmental disclosure statement

The Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at [PPU to insert URL and link] (if it has been provided for publication).

Clause by clause analysis

Clause

Hon Paul Goldsmith

Ngā Hapū o Te Iwi o Whanganui Claims Settlement Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngā Hapū o Te Iwi o Whanganui Claims Settlement Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

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

Subpart 1—Te Tomokanga ki Te Matapihi—The Gateway

2A Te Tomokanga ki Te Matapihi of Ngā Hapū o Te Iwi o Whanganui

(1) This section sets out Te Tomokanga ki Te Matapihi of Ngā Hapū o Te Iwi o Whanganui and its constituent elements.

Te Tomokanga ki Te Matapihi

(2) Te Tomokanga is a ceremonial gateway that leads onto the main courtyard of a marae. Manuhiri (visitors) must traverse this pathway in order to fulfil the formal ritual of encounter, the pōwhiri.

(3) Te Tomokanga symbolises the values (Ngā Mātāpono) carved into the entranceway.

(4) Te Matapihi, a significant landmark, is a window for Ngā Hapū o Te Iwi o Whanganui to look out to the external world through their tribal lens.

(5) For Ngā Hapū o Te Iwi o Whanganui, it is the entrance into the Whanganui tribal domain.

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Te Uku and Te Rino

(6) Te Uku represents Ngā Hapū o Te Iwi o Whanganui and their rights and responsibilities, as tangata whenua within their tribal domain, to ensure that their relationship with the Crown endures for the benefit of future generations.

(7) Te Rino represents the Crown in its relationship with Ngā Hapū o Te Iwi o Whanganui under te Tiriti o Waitangi/the Treaty of Waitangi.

Ngā Mātāpono: toitū te kupu, toitū te mana, toitū te whenua

(8) Ngā Mātāpono are the intrinsic values of Ngā Hapū o Te Iwi o Whanganui.

Toitū te kupu: integrity

(9) Integrity is founded on the intent of one’s word and the truth of its expression.

Toitū te mana: inherited authority

(10) Inherited authority is founded on the recognition of the permanence of iwi mana and on the sharing of responsibility to uphold that mana. Mana stems from maintaining the relationship between humanity and the natural world, and people with one another, through appropriate tikanga.

Toitū te whenua: physical and metaphysical sustenance

(11) Physical and metaphysical sustenance is founded on the connection, through appropriate tikanga, between humanity and the natural world, and the duty of care of humanity towards the natural world.

Ko Matua Te Mana te pou tuarongo
Ko Te Awa Tupua te tāhuhu ke te pou mua
Ko Ruatipua rāua ko Paerangi ngā maihi
Nei ra te whare kāho o Whanganui.

Ko te rangawhenua te mātāpuna o te ora
Mai te whare toka ki te tokatū
He matapihi ki uta, matapihi ki tai, matapihi ki te ao
He ao āpōpō, he ao tea.

2B Crown acknowledgement of Te Tomokanga ki Te Matapihi

(1) The Crown acknowledges and respects the importance of Te Tomokanga ki Te Matapihi to Ngā Hapū o Te Iwi o Whanganui.

(2) The Crown acknowledges that Ngā Hapū o Te Iwi o Whanganui—

- (a) have a desire to have a relationship with the Crown based on Te Tomokanga ki Te Matapihi; and
- (b) regard Te Tomokanga ki Te Matapihi—
  - (i) as underpinning the settlement of their claims against the Crown; and
  - (ii) as the basis for resetting the relationship between Ngā Hapū o Te Iwi o Whanganui and the Crown.

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Subpart 2—Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology given by the Crown to Ngā Hapū o Te Iwi o Whanganui in He Rau Tukutuku; and

(b) to give effect to certain provisions of He Rau Tukutuku that settles the historical claims of Ngā Hapū o Te Iwi o Whanganui.

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 He Rau Tukutuku.

(2) This Part—

(a) sets out the purpose of this Act; and

(b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and

(c) specifies that the Act binds the Crown; and

(d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngā Hapū o Te Iwi o Whanganui, as recorded in He Rau Tukutuku; and

(e) defines terms used in this Act, including key terms such as Ngā Hapū o Te Iwi o Whanganui 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 effect of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 on certain land described in the deed or this Act; and

(v) the exclusion of the limit on the duration of a trust; and

(vi) access to He Rau Tukutuku.

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

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

(i) in **subpart 1**, protocols for Crown minerals and taonga tūturu on the terms set out in the documents schedule; and

(ii) in **subpart 2**, a statutory acknowledgement by the Crown of the statements made by Ngā Hapū o Te Iwi o Whanganui of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for the specified areas; and

(iii) in **subpart 3**, an overlay classification applying to certain areas of land; and

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

(b) a provision (**subpart 4A**) to establish the trustees of the Takapau Whāriki Trust as an advisory committee to the Minister of Fisheries; and

(c) in **subpart 5**, cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties; and

(d) in **subpart 6**, provisions that enable access to certain cultural materials.

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

(a) in **subpart 1**, the transfer of commercial redress properties and deferred selection properties to the trustees; and

(b) in **subpart 2**, certain licensed land; and

(c) in **subpart 3**, certain unlicensed land; and

(d) in **subpart 4**, access to protected sites; and

(e) in **subpart 4A**, a provision requiring the appointment of the trustees as an advisory committee to the Minister of Fisheries; and

(f) in **subpart 5**, a right of first refusal over RFR land.

(5) There are 5 schedules, as follows:

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

(b) **Schedule 2** describes the overlay areas to which the overlay classification applies:

(c) **Schedule 3** describes the cultural redress properties:

(d) **Schedule 3A** describes the reserves that the joint board will administer:

(e) **Schedule 4** sets out provisions that apply to notices given in relation to RFR land.

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

7 Summary of historical account, acknowledgements, and apology

(1) **Section 8** summarises the historical account in He Rau Tukutuku, setting out the basis for the acknowledgements and apology.

(2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Ngā Hapū o Te Iwi o Whanganui in He Rau Tukutuku.

(3) The acknowledgements and apology are to be read together with the historical account recorded in part 4 of He Rau Tukutuku.

8 Summary of historical account

Te reo Māori

() *[To come]*

English

(1) In 1839, several rangatira signed a deed purporting to convey over a million acres, including the entire rohe of the hapū and iwi of Whanganui, to the New Zealand Company. In May 1840, Whanganui rangatira signed te Tiriti o Waitangi/the Treaty of Waitangi, several days after the Governor had proclaimed sovereignty.

(2) In the same month, 32 Whanganui rangatira also signed the Company deed. By 1841, Company settlers had established a township near Pūtiki Pā. The Crown appointed a Land Claims Commission to inquire into Company transactions and, in 1844, Whanganui rangatira refused to accept the Commissioner's "award" of 40,000 acres to the Company in return for a payment of £1,000. In 1846, the Crown began negotiations to complete the Company purchase on the terms of this award, but these broke down due to war in Heretaunga. The Crown extended martial law to Whanganui in 1846, where there was inconclusive fighting in 1847. In 1848, the Crown recommenced negotiations to secure the "award" for the Company, but the block transacted included 89,600 acres, though the payment remained at £1,000. The Crown negotiated hard for Māori to make considerable compromises about the reserves set aside.

(3) In 1863, some members of the hapū of Whanganui fought in support of the Kīngitanga in Taranaki and Waikato. Fighting spread into Whanganui in 1864, when some Whanganui Māori stopped other Whanganui Pai Mārire adherents from attacking the European township at the battle of Moutoa Island. In 1865,

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the Crown ordered its Whanganui allies to advance upriver, and they attacked the Kīngitanga pā at Ōhoutahi and Pīpīriki. After warfare ended in the 1860s, many Whanganui Māori joined the community at Parihaka, which practised peaceful resistance, and were present in 1881 during the Crown's invasion.

(4) In the 1860s, the Crown established the Native Land Court to individualise customary land tenure and facilitate colonisation. Court processes were expensive. The hapū of Whanganui were required to travel to Whanganui township and stay for long periods. They paid survey costs and other expenses, sometimes selling land to do so. The hapū of Whanganui tried to protect their whenua. In the 1880s, they attempted to vest land in a trust under Te Keepa Te Rangihiwinui, but the Crown did not support this. Between the 1870s and the 1930s, the Crown and private parties purchased a significant amount of Whanganui land from individual owners. The native land laws continued to fragment Māori land ownership in the 20th century and rendered it difficult to manage and utilise.

(5) In 1895, Pīpīriki Māori agreed to the development of Pīpīriki Native Township on their land, but it ended in failure. By 1905, the hapū of Whanganui had vested around 80,000 acres in a Māori land council for lease for 42 years to be developed while remaining in their ownership. However, the Crown did not protect Māori from failures in the administration of this land, which meant all of it was not returned to their control for many decades.

(6) Since 1870, the Crown has compulsorily taken thousands of acres from hapū of Whanganui for public purposes. This included almost 3,000 acres of scenic reserves along the Whanganui River that later formed the basis of the Whanganui National Park. Crown public works projects have at times damaged wāhi tapu, including urupā. Lands, forests, and waterways have undergone significant and irreversible changes since 1840. Environmental mātauranga among the hapū and iwi of Whanganui has eroded.

(7) In the 20th century, Ngā Hapū o Te Iwi o Whanganui have suffered poor health outcomes, fewer employment opportunities, substandard housing, and lower educational achievement. In Crown schools, members of the hapū of Whanganui were punished for speaking te reo Māori, which affected transmission between generations. Many have left the Whanganui rohe to seek better opportunities, and taonga tūturu are housed in museums and other institutions.

9 Acknowledgements

Te reo Māori

() *[To come]*

English

Te Tiriti o Waitangi/the Treaty of Waitangi relationship between Ngā Hapū o Te Iwi o Whanganui and the Crown, and long-awaited redress

(1) The Crown acknowledges that it established a relationship with tūpuna of Ngā Hapū o Te Iwi o Whanganui at the signing of te Tiriti o Waitangi/the Treaty of Waitangi in Whanganui in May 1840, but despite the promise of te Tiriti o Waitangi/the Treaty of Waitangi, many Crown actions since have created long-standing grievances for Ngā Hapū o Te Iwi o Whanganui. The Crown has not always honoured its partnership under te Tiriti o Waitangi/the Treaty of Waitangi with Ngā Hapū o Te Iwi o Whanganui, and recognition of and redress for longstanding and legitimate grievances of Ngā Hapū o Te Iwi o Whanganui is long overdue.

Transportation and exile of Whanganui men 1846

(2) The Crown acknowledges that, despite a lack of evidence, it unjustly exiled 5 prisoners to Tasmania in 1846, including Hōhepa Te Umuroa, a tupuna of Ngā Hapū o Te Iwi o Whanganui, who died while imprisoned there. The Crown acknowledges that the Governor acted in bad faith by misrepresenting the prisoners' offences to the Tasmanian authorities in the absence of evidence, and by asking the authorities to treat the prisoners harshly. The Crown further acknowledges that its behaviour was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Martial law in 1847

(3) The Crown acknowledges that there was no sufficiently serious emergency or threat to justify extending martial law in Whanganui in March 1847. As martial law was still in place in April 1847 when 5 Whanganui youths were captured after the murder of a settler family, they were tried by court martial. Four of the youths, including Te Awahuri Te Pūhaki, were then swiftly executed as an "immediate example" rather than being tried in the civil courts, where they could have expected a less peremptory and fairer process. This denied them access to the rights and privileges of citizenship, and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Failure to investigate reports of a flour poisoning incident

(4) The Crown acknowledges that,—

(a) in 1847, it received reports that, during the fighting in Whanganui, members of a Whanganui tauā had found a mixture of flour poisoned with arsenic in the evacuated house of a Pākehā justice of the peace, and that at least 2 Māori had been poisoned; and

(b) it did not investigate the reports that 2 Māori had been poisoned which it received in August 1847 after the fighting in Whanganui had ended; and

(c) Ngā Hapū o Te Iwi o Whanganui have long held the view that flour poisoned by settlers found its way upriver and caused many deaths in the

mid-19th century. The sense of grievance and mamae felt by Ngā Hapū o Te Iwi o Whanganui in relation to these events persists to this day.

Ngā Hapū o Te Iwi o Whanganui tūpuna expectations of 1848 transaction

(5) The Crown acknowledges that the 1848 Whanganui transaction was a significant moment in the relationship between Ngā Hapū o Te Iwi o Whanganui tūpuna and the Crown. When many rangatira of Ngā Hapū o Te Iwi o Whanganui entered into this transaction, they saw it as part of building a relationship with the Crown that was enduring and mutually beneficial.

1848 transaction

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

1848 reserves

(7) The Crown acknowledges that it sought considerable compromises from tūpuna of Ngā Hapū o Te Iwi o Whanganui over the location and extent of reserves in the 1848 Whanganui transaction. While tūpuna successfuly bargained to add some good land to the reserves they retained, overall, they made significant and painful compromises on the location and extent of reserves. As a result, the reserves made from the transaction are a strongly-felt grievance for Ngā Hapū o Te Iwi o Whanganui.

(8) The Crown also acknowledges that the negotiated reserves in the 1848 Whanganui transaction did not include some pā and kāinga still in use, including Pākaitore, a fishing kāinga where many iwi and hapū from along the Whanganui River stayed for seasonal fishing. This area became a marketplace, then a public park known as Moutoa Gardens, and Whanganui tūpuna were no longer able to stay there. Loss of control over Pākaitore remains a significant grievance and cause of mamae for Ngā Hapū o Te Iwi o Whanganui.

War in 1860s

(9) The Crown acknowledges that—

(a) its military aggression in Taranaki during the 1860s forced Whanganui Māori to make difficult decisions about their allegiance to the Crown, and led to great tensions in the Whanganui district; and

(b) these tensions culminated in armed conflict between Whanganui Māori at Moutoa Island in 1864; and

(c) these conflicts caused significant injury and death, and created rifts within and between hapū and whānau of Whanganui that have remained a source of grief and hurt ever since.

The Crown's responsibility for war in Whanganui in 1860s

(10) The Crown acknowledges that it was ultimately responsible for the outbreak of warfare between the Kīngitanga and the Crown in Whanganui that began at Ōhoutahi pā and ended at Pīpīriki in 1865, and in which tūpuna of Ngā Hapū o Te Iwi o Whanganui were involved as both Kīngitanga supporters and as Crown allies. The Crown acknowledges that its actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

The Crown's divisive labelling of Ngā Hapū o Te Iwi o Whanganui tūpuna

(11) The Crown acknowledges that the distinction it made during the New Zealand Wars between up-river Whanganui Māori it labelled as hostile, and down-river Whanganui Māori it considered to be friendly, helped to create tensions. These tensions have caused discord and enmity within Ngā Hapū o Te Iwi o Whanganui, between these hapū and others, and between hapū and the Crown, and remain a considerable source of grievance for Ngā Hapū o Te Iwi o Whanganui.

Native land laws

(12) The Crown acknowledges that—

(a) it did not consult Ngā Hapū o Te Iwi o Whanganui about the introduction of the native land laws; and

(b) the operation and impact of the native land laws, in particular the awarding of land titles to individuals and enabling of individuals to deal with that land without reference to iwi and hapū, made those lands more susceptible to partition, fragmentation, and alienation. This contributed to the erosion of the traditional tribal structures of Ngā Hapū o Te Iwi o Whanganui. The Crown failed to actively protect those structures, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Excessive survey costs incurred in sale of Ōtaranoho block

(13) The Crown acknowledges that the survey costs charged to tūpuna of Ngā Hapū o Te Iwi o Whanganui were, in some cases, a significant burden. In particular, the Crown acknowledges that survey costs associated with the Ōtaranoho block were an unreasonable burden on Ngā Hapū o Te Iwi o Whanganui tūpuna, and that its failure to protect tūpuna of Ngā Hapū o Te Iwi o Whanganui from this burden breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Kemp's Trust

(14) The Crown acknowledges that the attempt to establish Kemp's Trust in 1880 was an effort by Ngā Hapū o Te Iwi o Whanganui to provide for collective control over their land. However, the Crown did not provide an effective

form of collective title until 1894, and this failure was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Parihaka

(15) The Crown acknowledges that in the 1870s and early 1880s, tūpuna of Ngā Hapū o Te Iwi o Whanganui were among Māori from many rohe drawn to the village of Parihaka. Large numbers of these tūpuna lived at Parihaka as followers of Te Whiti-o-Rongomai and Tohu Kākahi. Others travelled to Parihaka monthly from their kāinga in Whanganui. These tūpuna were among those who suffered from the Crown's acts and omissions at Parihaka.

(16) The Crown acknowledges that—

(a) it imprisoned members of Ngā Hapū o Te Iwi o Whanganui for their participation in the peaceful resistance campaign initiated at Parihaka in 1879 and 1880; and

(b) legislation was enacted that "suspended the ordinary course of law," and as a result, tūpuna of Ngā Hapū o Te Iwi o Whanganui were detained without trial; and

(c) the detention of these tūpuna without trial for an unreasonably lengthy period assumed the character of indefinite detention; and

(d) the imprisonment of tūpuna of Ngā Hapū o Te Iwi o Whanganui in South Island gaols for political reasons inflicted unwarranted hardships on them and on members of their whānau and hapū; and

(e) the treatment of these political prisoners—

(i) was wrongful, a breach of natural justice, and deprived them of basic human rights; and

(ii) was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(17) The Crown acknowledges that—

(a) it inflicted serious damage on Parihaka and assaulted the human rights of the people residing there during its invasion and subsequent occupation of the settlement; and

(b) it forcibly removed many inhabitants, destroyed and desecrated their homes and sacred buildings, stole heirlooms, systematically destroyed large cultivations and livestock, forced tūpuna of Ngā Hapū o Te Iwi o Whanganui to return to Whanganui, and regulated entry into Parihaka; and

(c) its actions were a complete denial of the Māori right to develop and sustain autonomous communities in a peaceful manner; and

(d) its treatment of tūpuna of Ngā Hapū o Te Iwi o Whanganui at Parihaka was unconscionable and unjust, and these actions constituted a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Vested lands

(18) The Crown acknowledges that—

(a) Ngā Hapū o Te Iwi o Whanganui vested approximately 80,000 acres in the Aotea District Maori Land Council between 1903 and 1905; and

(b) Ngā Hapū o Te Iwi o Whanganui owners expected that the land they vested would be leased to settlers for two 21-year lease periods and then returned to their control; and

(c) near the end of the first lease period, the Crown became aware that the owners would not be able to resume control of their vested lands because they would not be able to afford to pay the compensation for improvements the lessees were entitled to, but did not take steps to address the issue until the 1950s; and

(d) the Crown's failure to make arrangements for Ngā Hapū o Te Iwi o Whanganui to resume control of their vested lands in a reasonable and timely manner was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Public works: general acknowledgement

(19) The Crown acknowledges that it compulsorily acquired over 2,200 acres of land from blocks in which tūpuna of Ngā Hapū o Te Iwi o Whanganui held interests through takings of land for public works during the 19th and 20th centuries. The Crown also acknowledges that, during this period, non-Crown entities acquired land from Ngā Hapū o Te Iwi o Whanganui for local public works, including land at Kai Iwi. Many of these takings have given rise to long-standing grievances still felt by Ngā Hapū o Te Iwi o Whanganui today.

Public works: Kaiwhaiki Quarry

(20) In 1878, the Crown intervened between tūpuna of Ngā Hapū o te Iwi o Whanganui and the Wanganui Harbour Board to broker an arrangement for the Board to quarry stone on hapū land at Kaiwhaiki. The Crown pressured tūpuna of Ngā Hapū o te Iwi o Whanganui that, if "amicable terms" were not reached with the Board, the land could be compulsorily acquired. The Crown acknowledges that it failed to actively protect Ngā Hapū o Te Iwi o Whanganui when it threatened that the land could be taken by the Board, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Grievance around compulsory acquisition of Kaiwhaiki Quarry

(21) The Crown acknowledges that in 1920, the Wanganui Harbour Board, after paying royalties to Kaiwhaiki Māori for some 40 years, compulsorily acquired the Kaiwhaiki Quarry for a price that Ngā Hapū o Te Iwi o Whanganui saw as unequal to the quarry's value. The owners lost access to their land and saw wāhi tapu on the land destroyed, and the taking remains a grievance to this day.

Gifted school sites not returned to hapū

(22) The Crown acknowledges that Ngā Hapū o Te Iwi o Whanganui gifted lands to the Crown to be used for schools. Some of these sites were not returned to the original owners or their descendants after the schools ceased operation, and this remains a grievance for hapū.

Disposal of Koriniti School

(23) The Crown acknowledges that in 1899, tūpuna of Ngā Hapū o Te Iwi o Whanganui gifted land to the Crown for a school in Koriniti, which served the Koriniti community for 70 years. In 1977, the Crown sold this land without taking reasonable steps to investigate whether it had originally been gifted and therefore should be returned to the descendants of the original owners. The Crown's failure to adequately inform itself of the circumstances in which this land came into Crown ownership breached its duty to actively protect the interests of tūpuna of Ngā Hapū o Te Iwi o Whanganui and te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Public works: Parapara Road

(24) The Crown acknowledges that in the early and mid-1900s, it compulsorily acquired land from the Ngāpukewhakapū block for the construction and maintenance of Parapara Road, now State Highway 4. The road was routed through Ōtoko papakāinga, a place of cultural and spiritual significance with connections to the Ringatū faith and its prophet Te Kooti, dividing the settlement in 2. Later works widened the road. The works resulted in damage to nearby wāhi tapu, including Kākātahi urupā, and the sacred pōhutukawa tree Te Kāhui o Ngā Rangatahi. The Crown acknowledges the grievances held by the people of Ōtoko about the highway that bisects their papakāinga.

Public works: Ātene dam

(25) The Crown acknowledges that Ngā Hapū o Te Iwi o Whanganui tūpuna were not consulted or notified of the 1958 Order in Council that enabled the Crown to carry out exploratory works at Ātene for a prospective dam. The Crown further acknowledges that tūpuna of Ngā Hapū o Te Iwi o Whanganui were distressed at the prospect of flooding from the proposed Ātene dam destroying their homes, marae, sites of significance, and wāhi tapu. Ngā Hapū o Te Iwi o Whanganui remember that, in the late 1950s and early 1960s, concern about flooding led some to leave their homes, relocate kōiwi from their burial places, and bury relatives away from ancestral urupā. The Crown wishes to acknowledge the mamae felt by these tūpuna.

Compulsory acquisition of Whanganui River Scenic Reserves

(26) The Crown acknowledges that it did not adequately consult with Ngā Hapū o Te Iwi o Whanganui or fairly balance their interests and the public interest when it acquired their land for scenery preservation. These failures led the Crown to compulsorily acquire 2,745.5 acres of hapū land along the banks of the Whanganui River including farmland and urupā, and land that some hapū

members needed to sustain themselves. This was a breach of the Crown's duty of active protection under te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Whanganui National Park incorporation of scenic reserves

(27) The Crown further acknowledges that in 1987, it included some scenic reserves in the Whanganui National Park, which has intensified the prejudice suffered by Ngā Hapū o Te Iwi o Whanganui as it has further limited their ability to practice their kaitiakitanga over their land and resources.

Pensions discrimination

(28) The Crown acknowledges that Māori, including members of Ngā Hapū o Te Iwi o Whanganui, suffered discrimination through receiving lower old-age pensions than many other New Zealanders during the first 4 decades of the 20th century and that, in discriminating against these members of Ngā Hapū o Te Iwi o Whanganui in this manner, it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Environmental degradation

(29) The Crown acknowledges that since the middle of the 19th century, the lands, forests, and waterways within the rohe of Ngā Hapū o Te Iwi o Whanganui have undergone significant, and in many cases detrimental and irreversible, changes that have been and remain profoundly distressing to Ngā Hapū o Te Iwi o Whanganui, including—

(a) the removal of native forests for pasture, which resulted in land erosion and the siltation of many waterways; and

(b) the discharge of sewage, animal effluent, landfill contaminants, and industrial and domestic wastewater into the waterways of the rohe, which has reduced their water quality and negatively impacted some populations of native freshwater species that hapū have relied upon for sustenance; and

(c) the introduction of birds, animals, and fish into the rohe of Ngā Hapū o Te Iwi o Whanganui, which have had a harmful impact on native ecologies.

(30) The Crown further acknowledges that harm to the environment in their rohe has contributed to the erosion of mātauranga among Ngā Hapū o Te Iwi o Whanganui, and has undermined their ability to exercise kaitiakitanga over many of their natural resources and taonga.

Te reo Māori

(31) The Crown acknowledges that it failed actively to protect te reo Māori and encourage its use by iwi and Māori, which had a detrimental impact on te reo Māori in the Whanganui rohe, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Te reo Māori punishment in schools

(32) The Crown acknowledges that children of Ngā Hapū o Te Iwi o Whanganui suffered harm by being punished for speaking their own language in Crown-established schools for many decades.

Socio-economic issues

(33) The Crown acknowledges that, from the late 19th century and into the 20th century, Ngā Hapū o Te Iwi o Whanganui have suffered from substandard housing conditions, fewer employment opportunities, and poor health outcomes. The educational system has had low expectations and outcomes, which afflicted generations of Whanganui Māori children. This socio-economic deprivation has left members of Ngā Hapū o Te Iwi o Whanganui with little choice but to leave their kāinga and some have become disconnected from their hapū and tūrangawaewae. The Crown further acknowledges that Ngā Hapū o Te Iwi o Whanganui have remained resilient in these circumstances and work tirelessly to uphold their values, culture, and identity.

10 Apology

Te reo Māori

() *[To come]*

English

The text of the apology offered by the Crown to Ngā Hapū o Te Iwi o Whanganui, as set out in He Rau Tukutuku, is as follows:

“(a) To you, Ngā Hapū o Te Iwi o Whanganui, and to your tūpuna and your mokopuna, wherever you stand, the Crown offers this long-overdue apology.

(b) The Crown is sincerely sorry that it has failed to honour its obligations to you as a Treaty partner. You entered into the 1848 transaction for a block of your treasured whenua seeking to strengthen an enduring relationship with the Crown. The Crown profoundly regrets its failure to negotiate this transaction with you in utmost good faith. The Crown did not negotiate the price for your land fairly, and you lost kāinga on the lands that were not reserved.

(c) The Crown sincerely apologises that it unjustly exiled your tūpuna to Tasmania in 1846 and extended martial law in 1847 without sufficient justification. The Crown profoundly regrets that its actions in the 1860s led to war and bloodshed in Whanganui. It is particularly sorry it caused tensions between hapū, many of whom it divisively labelled as hostile, and for the long-lasting stigma that resulted.

(d) In the years following the war, many of your tūpuna joined the community at Parihaka and engaged in peaceful resistance against the Crown. In response, the Crown arrested, imprisoned, and forcibly drove away your tūpuna from their homes at Parihaka, and for this it is deeply remorseful.

(e) The Crown acknowledges the commitment of your iwi and hapū to their whenua and rangatiratanga. However, the Crown promoted land laws that individualised ownership of your whenua and facilitated alienation of much of your land. These laws undermined your hapū and iwi structures, and for this the Crown is deeply sorry. The Crown also took, and in some cases damaged, your land for public works, and took thousands of acres for scenery preservation along the Whanganui River. The Crown is sincerely sorry for its failure to protect your collective control over large areas of land you still retained, and for the bitter losses of other land, which left you feeling marginalised in your own whenua. The Crown deeply regrets that your people have suffered from socio-economic deprivation which has led many to leave their kāinga and to become disconnected from their tūrangawaewae, and for its failure to protect te reo Māori within the Whanganui rohe.

(f) Ngā Hapū o Te Iwi o Whanganui, you have sought always to protect your people, and secure peace and prosperity for them. You have acted with great mana in your relationship with the Crown. However, the Crown has at times disrespected your friendship. With great remorse and in recognition of its many failings, the Crown sincerely apologises for its grievous breaches of te Tiriti o Waitangi/the Treaty of Waitangi against you, and pays tribute to your resilience.

(g) With this settlement and this apology, the Crown hopes to atone for the harm it has inflicted on you, and restore its tarnished honour. In 1869, your rangatira held out the symbol of Whiritaunoka (knotted taunoka/broom stems) to the Crown, a token of hope for the end of conflict between us and "better times in the future". The Crown humbly seeks, at long last, to respond with reconciliation and truly live up to the aspirations of te Tiriti o Waitangi/the Treaty of Waitangi. The Crown looks forward to rebuilding its relationship with you, your tamariki, and your mokopuna, and to better times."

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 He Rau Tukutuku.

12 Interpretation

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

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

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

attachments means the attachments to He Rau Tukutuku

commercial redress property has the meaning given in **section 105**

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

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

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

conservation legislation means—

(a) the Conservation Act 1987; and

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

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

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

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

cultural redress property has the meaning given in **section 62**

deed of recognition—

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

(b) includes any amendments made under **section 38(3)**

deferred selection property has the meaning given in **section 105**

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of He Rau Tukutuku

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

He Rau Tukutuku—

(a) means the deed of settlement dated {date} and signed by—

(i) the Honourable Paul Jonathan Goldsmith, Minister for Treaty of Waitangi Negotiations, and the Honourable Nicola Valentine Willis, Minister of Finance, for and on behalf of the Crown; and

(ii) Richard Kingi, Ken Robert Mair, Desmond Canterbury, George Matthews, Hone Tamehana, Kieran "Kahurangi" Simon, Novena McGuckin, Dr Rawiri Tinirau, Dr Brendon "Te Tiwha" Puketapu, Tina Green, Turama Hawira, Aimee Simon, and John Niko Maihi, for and on behalf of Ngā Hapū o Te Iwi o Whanganui; and

(iii) Ken Robert Mair, Richard Kingi, Desmond Canterbury, Hone Tamehana, Kieran "Kahurangi" Simon, Novena McGuckin, and

Dr Brendon "Te Tiwha" Puketapu, being the trustees of Takapau Whāriki 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

historical claims has the meaning given in **section 14**

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

licensed land has the meaning given in **section 105**

LINZ means Land Information New Zealand

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

member of Ngā Hapū o Te Iwi o Whanganui means an individual referred to in **section 13(1)(a)**

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

Ngā Tūtei a Maru means the board established in **section 104H**

overlay classification has the meaning given in **section 43**

property redress schedule means the property redress schedule of He Rau Tukutuku

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

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

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

representative entity 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 Ngā Hapū o Te Iwi o Whanganui; 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 62**

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 area has the meaning given in **section 121**

RFR land has the meaning given in **section 122**

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

settlement redress area means the area shown as the Ngā Hapū o Te Iwi o Whanganui settlement redress area in part 1 of the attachments

statutory acknowledgement has the meaning given in **section 29**

tikanga means customary values and practices

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

trustees of Takapau Whāriki Trust and **trustees** mean the trustees, acting in their capacity as trustees, of Takapau Whāriki Trust

working day means a day other than—

(a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day:

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

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

(d) the day observed as the anniversary of the province of Wellington.

(2) In this Act, a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property.

13 Meaning of Ngā Hapū o Te Iwi o Whanganui

(1) In this Act, **Ngā Hapū o Te Iwi o Whanganui**—

(a) means the collective group composed of individuals who are descended from a Ngā Hapū o Te Iwi o Whanganui tupuna; and

(b) includes those individuals; and

(c) includes every whānau, hapū, or group to the extent that it is composed of those individuals, including the following descent groups:

(i) Ngā Paerangi; and

(ii) Ngā Poutama; and

(iii) Ngāti Hau (shared); and

(iv) Ngāti Haunui ā Paparangi; and

(v) Ngāti Hinearo; and

(vi) Ngāti Hine kōrako; and

(vii) Ngāti Hineoneone; and

(viii) Ngāti Hine o Te Rā; and

(ix) Ngāti Kauika (shared); and

(x) Ngāti Kurawhatia (shared); and

(xi) Ngāti Pāmoana; and

(xii) Ngāti Patutokotoko (shared); and

(xiii) Ngāti Ruakā; and

(xiv) Ngāti Tānewai; and

(xv) Ngāti Tuera; and

(xvi) Ngāti Tūmango; and

(xvii) Ngāti Tūpoho (Hapa); and

(xviii) Ngāti Tūpoho (Ruakā/Tamakehu); and

(xix) Tamareheroto (shared); and

(xx) Te Awa Iti (including Ngāti Hine, Ngāti Ruawai, and Ngāti Waikarapu); and

(xxi) the descendants of Wainu rāua ko tāna tāne ko Tukorero.

(2) All the historical claims based on descent from Wainu rāua ko tāna tāne ko Tukorero have been settled through the Ngāti Apa (North Island) Deed of Settlement and the Ngāti Apa (North Island) Claims Settlement Act 2010.

(3) In **subsection (1)(c)**, a reference to **shared** denotes that some of the historical claims of these groups have been included in other settlements as follows, because those groups met the relevant claimant definition in those other settlements:

(a) some historical claims of Ngāti Kurawhatia and Ngāti Hau have been included in the Te Korowai o Wainuiārua settlement (*see* Te Korowai o Wainuiārua Claims Settlement Act 2025):

(b) some historical claims of Ngāti Patutokotoko have been included in— :

(i) the Te Korowai o Wainuiārua and Ngāti Rangi settlements (*see* Te Korowai o Wainuiārua Claims Settlement Act 2025 and Ngāti Rangi Claims Settlement Act 2019); and

(ii) the Ngāti Hāua settlement through Ngāti Hekeāwai; and

(c) some historical claims of Tamareheroto and Ngāti Kauika have been included in the Ngaa Rauru Kiitahi settlement (*see* Ngaa Rauru Kiitahi Claims Settlement Act 2005).

(4) 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) whāngai in accordance with Ngā Hapū o Te Iwi o Whanganui tikanga

Ngā Hapū o Te Iwi o Whanganui tupuna means an individual who—
(a) exercised tūpuna rights by virtue of being descended from—
(i) one or more of the following:
(A) Ruatipua:
(B) Paerangi:
(C) Haunui a Paparangi:
(D) Hinengakau:
(E) Tamaupoko:
(F) Tupoho; and
(ii) a recognised tupuna of a descent group listed in subsection (1)(b); and
(b) exercised the tūpuna rights predominantly in relation to the settlement redress area at any time after 6 February 1840

tikanga means customary values and practices

tūpuna rights means rights exercised according to tikanga Māori, including—
(a) rights to occupy land; and
(b) rights in relation to the use of land or other natural or physical resources

whāngai means customary adoption in accordance with the tikanga of the group concerned.

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 Ngā Hapū o Te Iwi o Whanganui 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 Ngā Hapū o Te Iwi o Whanganui or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:

(i) Wai 180—Koroniti School Site claim:

(ii) Wai 214—Parikino Block claim:

(iii) Wai 584—Paetawa Block claim:

(iv) Wai 671—Whanganui Groundwater claim:

(v) Wai 978—Te Tupoho Whanganui Land Purchase 1848 claim:

(vi) Wai 999—Te Poho Matapihi Trust Reserved Lands claim:

(vii) Wai 1028—Ngāti Hineoneone Te Tuhi Block claim:

(viii) Wai 1051—Ngā Paerangi Descendants Native Land Court claim:

(ix) Wai 1070—Te Tuhi Block claim:

(x) Wai 1107—Te Korowai o Te Awaiti claim:

(xi) Wai 1143—Ngāti Hinearo and Ngāti Tuera alienation claim:

(xii) Wai 1483—Ngāti Tānewai claim:

(xiii) Wai 1604—Ōhotu 6F1 Block (Ngāti Waikarapu) claim:

(xiv) Wai 1636—Waipakura Block (Tamehana) claim; and

(b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to Ngā Hapū o Te Iwi o Whanganui or a representative entity:

(i) Wai 48—Whanganui Ki Maniapoto claim:

(ii) Wai 167—Whanganui River claim:

(iii) Wai 428—Pipiriki Township claim:

(iv) Wai 505—Wanganui and Waitotara Blocks claim:

(v) Wai 634—Māori Land and the Laws of Succession claim:

(vi) Wai 759—Whanganui Vested Lands claim:

(vii) Wai 979—Ngāti Hau Lands Transfer claim:

(viii) Wai 1105—Upper Waitotara River Land Blocks claim:

(ix) Wai 1229—Atihau Lands claim:

(x) Wai 1254—Ngā Poutamanui-a-Awa Lands & Resources claim:

(xi) Wai 1607—Ngāti Kurawhatia Lands claim:

(xii) Wai 1637—Te Atihau Nui a Paparangi (Taiaroa and Mair) claim:

(xiii) Wai 2157—Te Wai Nui a Rua (Ranginui and Ranginui-Tamakehu) claim:

(xiv) Wai 2158—Descendants of Tamakehu (M Tamakehu and J Tamakehu) claim:

(xv) Wai 2218—Ngā Wairiki Lands Policies (Waitai) claim, as it relates to the Ngā Hapū o te Iwi o Whanganui aspects of this claim (while the Ngā Wairiki me Ngāti Apa aspects of the claim have been settled by the Ngāti Apa (North Island) deed of settlement and the Ngāti Apa (North Island) Claims Settlement Act 2010):

(xvi) Wai 2278—Whanganui Mana Wahine (Waitokia) claim.

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

(a) a claim that a member of Ngā Hapū o Te Iwi o Whanganui, 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 a tupuna who is not a tupuna of Ngā Hapū o Te Iwi o Whanganui; 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) subject to **subsection (5)**, any claim made by a member of any of—

(i) Ngāti Kurawhatia:

(ii) Ngāti Hau:

(iii) Ngāti Haunui ā Paparangi:

(iv) Tamareheroto:

(v) Ngāti Kauika:

(vi) Ngāti Patutokotoko.

(5) **Subsection (4)(c)** applies, but only to the extent that a claim is a historical claim referred to in this subsection and—

(a) has been settled by the Ngaa Rauru Kiitahi Claims Settlement Act 2005, the Ngāti Rangi Claims Settlement Act 2019, or Te Korowai o Wainuiārua Claims Settlement Act 2025; or

(b) is agreed to be settled as recorded in the deed of settlement between Ngāti Hāua and the Crown and dated 29 March 2025; or

(c) is settled by legislation giving effect to the deed of settlement referred to in **subsection (5)(b)**.

(6) 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 He Rau Tukutuku.

(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) He Rau Tukutuku; or

(c) this Act; or

(d) the redress provided under He Rau Tukutuku or this Act.

(5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of He Rau Tukutuku 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:
Ngā Hapū o Te Iwi o Whanganui Claims Settlement Act **2025**, **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 the licensed land; or

(b) to a deferred selection property (other than a property that is also RFR land) on and from the date of its transfer to the trustees; or

(c) to the RFR land referred to in **section 122(1)(a)**; or

(d) to land in the RFR area; or

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(e) to land within the "Removal of Resumptive Memorials Area" shown on SO 614162; or

(f) for the benefit of Ngā Hapū o Te Iwi o Whanganui or a representative entity.

(2) The enactments are—

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

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

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

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

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

18 Resumptive memorials to be cancelled

(1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the record of title for, each allotment that is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)** and that—

(a) is all or part of—

(i) the licensed land:

(ii) a deferred selection property (other than a property that is also RFR land):

(iii) the RFR land referred to in **section 122(1)(a)**:

(b) is solely within the RFR area:

(c) is solely within the "Removal of Resumptive Memorials Area" shown on SO 614162.

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

(a) the settlement date, for the licensed land, the RFR land referred to in **section 122(1)(a)**, each allotment that is solely within the RFR area, or each allotment that is solely within the "Removal of Resumptive Memorials Area" shown on SO 614162; or

(b) the date of transfer of the property to the trustees, for a deferred selection property (other than a property that is also RFR land).

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

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

(a) register the certificate against each record of title identified in the certificate; and

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

Effect of Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

19 Land subject to Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

(1) This section applies if, at the time land is vested or transferred in accordance with this Act, the description of the land includes, or may include, part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

(2) Despite any other provision in this Act or the deed,—

(a) no part of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 vests or is transferred in accordance with this Act; and

(b) the conservation status declared by section 42(1)(a) or (c) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 no longer applies to any part of the bed; and

(c) any conservation status applied to the land does not apply to any part of the bed; and

(d) section 42(2) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 does not apply to any part of the bed.

(3) If the land is a cultural redress property, a written application under **section 91** must include a statement that this section applies and that the record of title for the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land.

(4) In respect of any other land, a transfer instrument must include a statement that this section applies and that the record of title for the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land.

(5) The Registrar-General must, on receipt of a written application or a transfer instrument in respect of the land, note on the record or records of title that—

(a) the land is subject to **section 19** of the Ngā Hapū o Te Iwi o Whanganui Claims Settlement Act **2025**; and

(b) the land excludes all parts of the bed of the Whanganui River vested in Te Awa Tupua under subpart 5 of Part 2 of the Te Awa Tupua

(Whanganui River Claims Settlement) Act 2017 that are included or may be included in the description of the land.

(6) A person may apply for the notations entered under **subsection (5)** to be removed by providing a certificate to the Registrar-General from a licensed cadastral surveyor that certifies that the land does not include part of the bed of the Whanganui River vested in Te Awa Tupua.

(7) The Registrar-General must, as soon as is reasonably practicable after receiving the certificate, remove the notations entered under **subsection (5)** from each record of title identified in the certificate.

(8) If the licensed cadastral surveyor's certificate relates to land that, immediately before its vesting or transfer under this Act, was subject to the Conservation Act 1987 or the Reserves Act 1977, the surveyor must provide a copy of the certificate to the Director-General of Conservation.

(9) Despite anything in the Land Transfer Act 2017, a part of the bed of the Whanganui River subject to notation under **subsection (5)** is not required to be surveyed for the purposes of that Act if the part of the bed has an average width of less than 3 metres.

(10) In this section,—

bed has the meaning given in section 7 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

conservation status means the status of any land as a conservation area or a reserve

licensed cadastral surveyor has the same meaning as in section 4 of the Cadastral Survey Act 2002

Te Awa Tupua means the legal person created by section 14 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Whanganui River has the meaning given in section 39 of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

20 Act does not override Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Except as provided in **section 19(2)(b) and (d)**, nothing in this Act overrides the provisions of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

Miscellaneous matters

21 Limit on duration of trusts does not apply

(1) A limit on the duration of a trust in any rule of law, and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—

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

(i) Takapau Whāriki 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 He Rau Tukutuku 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 Takapau Whāriki Trust is or becomes a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

21A Treatment of Takapau Whāriki Trust under Te Ture Whenua Maori Act 1993

(1) Takapau Whāriki Trust is not a trust constituted in respect of—

(a) any Maori land for the purpose of section 236(1)(b) of Te Ture Whenua Maori Act 1993; or

(b) any General land owned by Maori for the purpose of section 236(1)(c) of that Act.

(2) In this section, **Maori land** and **General land owned by Maori** have the meanings given in section 4 of Te Ture Whenua Maori Act 1993.

22 Access to He Rau Tukutuku

The chief executive of the Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau must make copies of He Rau Tukutuku available—

(a) for inspection free of charge, and for purchase at a reasonable price, at that Office 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 that Office.

Part 2
Cultural redress

Subpart 1—Protocols

23 Interpretation

In this subpart,—

protocol—

(a) means each of the following protocols issued under **section 24(1) or (2)**:

(i) the Crown minerals protocol:

(ii) Appendix B of the Te Tomokanga Tiaki Taonga; and

(b) includes any amendments made under **section 24(3)**

responsible Minister means the 1 or more Ministers who have responsibility under a protocol

Te Tomokanga Tiaki Taonga means the document entered into under clause 8.4 of He Rau Tukutuku (in the form set out in part 5.2 of the documents schedule).

General provisions applying to protocols

24 Issuing, amending, and cancelling protocols

(1) The responsible Minister must issue the Crown minerals protocol to the trustees on the terms set out in part 4 of the documents schedule.

(2) Appendix B of the Te Tomokanga Tiaki Taongamust must be treated as having been issued by the responsible Minister for that protocol on the terms set out in part 5.2 of the documents schedule.

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

(a) the trustees; or

(b) the responsible Minister.

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

25 Protocols subject to rights, functions, and duties

A protocol does not restrict—

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

(i) to introduce legislation and change Government policy; and

(ii) to interact with or consult a person that the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or

(b) the responsibilities of the responsible Minister or a department of State; or

(c) the legal rights of Ngā Hapū o Te Iwi o Whanganui or a representative entity.

26 Enforcement of protocols

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

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

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

(4) To avoid doubt,—

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

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

Crown minerals

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 changed.

(2) The noting of the summary is—

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

(b) not a change to the minerals programmes for the purposes of the Crown Minerals Act 1991.

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

(4) In this section,—

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

(a) that is the property of the Crown under section 10 or 11 of that Act; or

(b) over which the Crown has jurisdiction under the Continental Shelf Act 1964

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

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

Taonga tūturu

28 Appendix B of Te Tomokanga Tiaki Taonga

(1) Appendix B of the Te Tomokanga Tiaki Taonga 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,—

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 Ngā Hapū o Te Iwi o Whanganui of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

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

statutory acknowledgement means the acknowledgement made by the Crown in **section 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 for that area

statutory plan—

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

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

Statutory acknowledgement

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—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with **sections 32 to 34**; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with **sections 35 and 36**; and

(c) to enable the trustees and any member of Ngā Hapū o Te Iwi o Whanganui to cite the statutory acknowledgement as evidence of the association of Ngā Hapū o Te Iwi o Whanganui 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 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

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

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

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

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

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

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

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, 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.

36 Provision of summary or notice to trustees

(1) Each relevant consent authority must, 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(4) 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.

37 Use of statutory acknowledgement

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

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

(2) The content of a statement of association is not, because 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) the trustees and members of Ngā Hapū o Te Iwi o Whanganui are not precluded from stating that Ngā Hapū o Te Iwi o Whanganui 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) This section applies in respect of the statutory areas listed in **Part 2 of Schedule 1**.

(2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 of the documents schedule.

(3) The Minister of Conservation and the Director-General 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 lake

(1) 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 and 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, that drains into or out of a lake.

(2) In this section,—

lake means a body of fresh water that is entirely or nearly 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.

40 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 Ngā Hapū o Te Iwi o Whanganui 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 a deed of recognition.

41 Rights not affected

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

(a) do not affect the lawful rights or interests of a person who is not a party to He Rau Tukutuku; and

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

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

Consequential amendment to Resource Management Act 1991

42 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:
Ngā Hapū o Te Iwi o Whanganui Claims Settlement Act **2025**

Subpart 3—Overlay classification

43 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 44(1)** to be subject to the overlay classification; but

(b) does not include an area that is declared under **section 55(1)** to be no longer subject to the overlay classification

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

protection principles, for an overlay area,—

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

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

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

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

(a) made by Ngā Hapū o Te Iwi o Whanganui 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.

44 Declaration of overlay classification and the Crown's acknowledgement

(1) Each area described in **Schedule 2** is declared to be subject to the overlay classification.

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

45 Purposes of overlay classification

The only purposes of the overlay classification are—

(a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in **section 47**; and

(b) to enable the taking of action under **sections 48 to 53**.

46 Effect of protection principles

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

47 Obligations on New Zealand Conservation Authority and Conservation Boards

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

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

(b) the protection principles for the area.

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

(a) consult the trustees; and

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

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

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

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

48 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.

49 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 44** that the overlay classification applies to the overlay areas; and

(b) the protection principles for each overlay area.

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

(3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 50 or 51**.

50 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 that the Director-General intends to take.

51 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.

52 Regulations

(1) 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 51(1)**:

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

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

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

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

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

(2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

53 Bylaws

(1) 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 51(1)**:

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

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

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

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

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

(2) Bylaws made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

54 Effect of overlay classification on overlay areas

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

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

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

(c) a reserve under the Reserves Act 1977.

(2) The overlay classification does not affect—

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

(b) the classification or purpose of a reserve.

55 Termination of overlay classification

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

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

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

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

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

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

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

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

(4) The Minister of Conservation must ensure that an order made under this section is published in the *Gazette*.

56 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.

57 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 He Rau Tukutuku; 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 4—Official geographic names

58 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

59 Official geographic names

(1) A name specified in the second column of the table in clause 8.39 of He Rau Tukutuku is the official geographic name of the feature described in the third and fourth columns of that table.

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

60 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 59**.

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

61 Subsequent alteration of official geographic names

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

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

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

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

Subpart 4A—Advisory committee

61A Appointment of advisory committee

(1) The Minister of Fisheries must, not later than the settlement date, appoint the trustees of Takapau Whāriki to be an advisory committee to the Minister under

section 21(1) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995.

(2) The purpose of the advisory committee is to provide advice to the Minister in relation to any areas that the trustees and the Minister agree are of special significance to Ngā Hapū o Te Iwi o Whanganui (the **identified areas**).

(1) The trustees, acting as the advisory committee, may submit written advice to the Minister if decisions are being made relating to any proposed change in the management of the identified areas.

Subpart 5—Vesting of cultural redress properties

62 Interpretation

In this subpart,—

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

Properties vested in fee simple

(1) Kai Iwi Road property:

(2) Kai Iwi 6A1 site A:

(3) Kai Iwi 6A1 site B (Urupā):

(4) Kauarapaoa Road property:

(5) Mōwhānau site A:

(6) Mōwhānau site B:

(7) Pitangi Village property:

(8) Rapanui Road property:

(9) Whanganui River Road property:

Properties vested in fee simple to be administered as reserves

(10) Kai Iwi 6A1 site C:

(11) Kauarapaoa property:

(12) Koriniti property:

(13) Kotiti Stream property:

(14) Mōwhānau site C:

(15) Ohotu property:

(16) Otawaki property:

(17) Otoko property:

(18) Paetawa property:

(19) Pākaitore property:

(20) Puketarata property:

(21) Ranana/Morikau property:

(22) Raorikia property:

(23) Tauakira property:

(24) Taukoro Forest property:

(25) Whanganui River property:

(26) Whitiau property:

Property jointly vested in fee simple to be administered as reserve

(27) Ohoutahi property

reserve property means each of the properties named in **paragraphs (10) to (27)** of the definition of cultural redress property

Te Korowai o Wainuiārua Trust means the trust of that name established by a trust deed dated 1 July 2023

trustees of the Te Korowai o Wainuiārua Trust means the trustees, acting in their capacity of trustees, of the Te Korowai o Wainuiārua Trust.

Properties vested in fee simple

63 Kai Iwi Road property

The fee simple estate in the Kai Iwi Road property vests in the trustees.

63A Kai Iwi 6A1 site A

(1) The reservation of Kai Iwi 6A1 site A as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Kai Iwi 6A1 site A vests in the trustees.

63B Kai Iwi 6A1 site B (Urupā)

(1) The reservation of Kai Iwi 6A1 site B (Urupā) as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Kai Iwi 6A1 site B (Urupā) vests in the trustees.

64 Kauarapaoa Road property

The fee simple estate in the Kauarapaoa Road property vests in the trustees.

65 Mōwhānau site A

(1) The reservation of Mōwhānau site A as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Mōwhānau site A vests in the trustees.

65A Mōwhānau site B

(1) The reservation of Mōwhānau site B as a recreation reserve subject to the Reserves Act 1977 is revoked.

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(2) The fee simple estate in Mōwhānau site B vests in the trustees.

(3) **Subsections (1) and (2)** do not take effect until the trustees have provided the Crown with a registrable restrictive covenant in gross on the terms and conditions set out in part 10.1 of the documents schedule.

66 Pitangi Village property

The fee simple estate in the Pitangi Village property vests in the trustees.

67 Rapanui Road property

The fee simple estate in the Rapanui Road property vests in the trustees.

68 Whanganui River Road property

The fee simple estate in the Whanganui River Road property vests in the trustees.

Properties vested in fee simple to be administered as reserves

68A Kai Iwi 6A1 site C

(1) The reservation of Kai Iwi 6A1 site C as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Kai Iwi 6A1 site C vests in the trustees.

(3) Kai Iwi 6A1 site C is declared a reserve and classified as a local purpose (cultural activities and ecological restoration) reserve subject to section 23 of the Reserves Act 1977 for the purpose of enabling cultural activities that recognise and maintain the spiritual, cultural, ancestral, customary, and historical relationship between Ngā Hapū o Te Iwi o Whanganui and the whenua, and protecting and restoring the ecological values of the reserve.

(4) The reserve is named Kai Iwi 6A1 Local Purpose (cultural activities and ecological restoration) Reserve.

69 Kauarapaoa property

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

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

(3) The Kauarapaoa property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Kauarapaoa Scenic Reserve.

70 Koriniti property

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

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

(3) The Koriniti property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Koriniti Scenic Reserve.

71 Kotiti Stream property

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

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

(3) The Kotiti Stream property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Kotiti Stream Scenic Reserve.

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72 Mōwhānau site C

(1) The reservation of Mōwhānau site C as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Mōwhānau site C vests in the trustees.

(3) Mōwhānau site C is declared a reserve and classified as a local purpose (cultural activities and ecological restoration) reserve subject to section 23 of the Reserves Act 1977 for the purpose of enabling cultural activities that recognise and maintain the spiritual, cultural, ancestral, customary, and historical relationship between Ngā Hapū o Te Iwi o Whanganui and the whenua, and restoring and protecting the ecological values of the reserve.

(4) The reserve is named Mōwhānau Local Purpose (cultural activities and ecological restoration) Reserve.

(5) **Subsections (1) to (4)** do not take effect until the trustees have provided the Whanganui District Council with a registrable easement for the following rights on the terms and conditions set out in part 10.2 of the documents schedule:

- (a) a right of way:
- (b) a right to convey sewage:
- (c) a right to convey water.

(6) Despite the provisions of the Reserves Act 1977, the easement—

- (a) is enforceable in accordance with its terms; and
- (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

73 Ohotu property

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

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

(3) The Ohotu property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Ohotu Scenic Reserve.

74 Otawaki property

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

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

(3) The Otawaki property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Otawaki Scenic Reserve.

75 Otoko property

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

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

(3) The Otoko property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named the Otoko Scenic Reserve.

76 Paetawa property

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

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

(3) The Paetawa property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Paetawa Scenic Reserve.

77 Pākaitore property

(1) The reservation of the Pākaitore property (being Moutoa Gardens Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.

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

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

(4) The reserve is named Pākaitore Historic Reserve.

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(5) The board established by **section 104H** is the administering body for the reserve.

(6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 99**.

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78 Puketarata property

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

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

(3) The Puketarata property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Puketarata Scenic Reserve.

79 Ranana/Morikau property

(1) The reservation of the Ranana/Morikau property (being Ranana/Morikau Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Ranana/Morikau property vests in the trustees.

(3) The Ranana/Morikau property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Ranana/Morikau Scenic Reserve.

80 Raorikia property

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

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

(3) The Raorikia property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Raorikia Scenic Reserve.

81 Tauakira property

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

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

(3) The Tauakira property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Tauakira Scenic Reserve.

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82 Taukoro Forest property

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

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

(3) The Taukoro Forest property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Taukoro Scenic Reserve.

83 Whanganui River property

(1) The reservation of the Whanganui River property (being Whanganui River Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

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

(3) The Whanganui River property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Whanganui River Scenic Reserve.

84 Whitiau property

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

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

(3) The Whitiau property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) The reserve is named Whitiau Scenic Reserve.

Property jointly vested in fee simple to be administered as reserve

85 Ohoutahi property

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

(2) The fee simple estate in the Ohoutahi property vests as undivided half shares in the following as tenants in common:

- (a) a share vests in the trustees under this paragraph; and
- (b) a share vests in the trustees of the Te Korowai o Wainuiārua Trust under section 81(3)(a) of the Te Korowai o Wainuiārua Claims Settlement Act 2025.

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

(4) The reserve is named Ohoutahi Historic Reserve.

(5) The joint management body established by **section 98** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.

(6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 99**.

General provisions applying to vesting of cultural redress properties

86 Properties vest subject to or together with interests

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

87 Interests in land for certain reserve properties

(1) This section applies to all or the part of the Ohoutahi property that remains a reserve under the Reserves Act 1977 (the **reserve land**), but only while the reserve land has an administering body that is treated as if the land were vested in it.

(2) If the reserve property is affected by an interest in land listed for the property in **Schedule 3**, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.

(3) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered owner of the reserve land.

(4) **Subsections (2) and (3)** continue to apply despite any subsequent transfer of the reserve land under **section 99**.

89A [Interests in land for Pākaitore property

(1) This section applies to all or the part of the Pākaitore property that remains a reserve under the Reserves Act 1977 (the **reserve land**).

(2) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered owner of the reserve land.

(3) **Subsection (2)** continues to apply despite any subsequent transfer of the reserve land under **section 99**.]

88 Interests that are not interests in land

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

(2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies.

(3) If all or part of the cultural redress property is reserve land to which **section 89** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

(4) 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.

89 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 (other than the Ohoutahi property and the Pākaitore property), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate.

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

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

(b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 8 of He Rau Tukutuku.

(4) **Subsection (5)** applies to—

(a) a cultural redress property (other than the Ohoutahi property), but only to the extent that **subsection (2)** does not apply to the property; and

(b) the Pākaitore property.

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

(a) create a record of title for the fee simple estate in the property in the names of the trustees; and

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

(6) For the Ohoutahi property, the Registrar-General must, in accordance with a written application by an authorised person,—

(a) create a record of title for an undivided half share of the fee simple estate in the property in the names of the trustees; and

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

(7) **Subsections (5) and (6)** are subject to the completion of any survey necessary to create a record of title.

(8) A record of title must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—

(a) 24 months after the settlement date; or

(b) any later date that is agreed in writing—

(i) in the case of a property other than the Ohoutahi property, by the Crown and the trustees; or

(ii) in the case of the Ohoutahi property, by the Crown, the trustees, and the trustees of the Te Korowai o Wainuiārua Trust.

(9) In this section, **authorised person** means a person authorised by—

(a) the chief executive of LINZ for the following properties:

(i) the Rapanui Road property:

(ii) the Kai Iwi Road property:

(iii) the Kauarapaoa Road property:

(iv) the Pitangi Village property:

(v) the Whanganui River Road property:

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

90 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) each of the following properties:

(i) the Kauarapaoa property:

(ii) the Whanganui River Road property.

(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)**.

91 Matters to be recorded on record of title

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

(a) for a reserve property (other than the Ohoutahi property),—

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

(ii) that the land is subject to—

(A) **sections 92(3) and 99**; and

(B) **section [89A(2)]**, in the case of the Pākaitore property; and

(b) created under **section 91(6)** for the Ohoutahi 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 89(3), 92(3), and 99**; and

(c) for each of the following properties, that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply:

(i) the Kauarapaoa property:

(ii) the Whanganui River Road property; and

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

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

(3) For a reserve property (other than the Ohoutahi 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 record of title for the property the notations that—

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

(ii) the land is subject to—

(A) **sections 92(3) and 99**; and

(B) **section [89A(2)]**, in the case of the Pākaitore property; and

(b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on the record of title for the part of the property that remains a reserve.

(4) For the Ohoutahi 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 any record of title created under **section 91** for the property the notations that—

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

(ii) the property is subject to **sections 89(3), 92(3), and 99**; or

(b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on any record of title, created under **section 91** or derived from a record of title created under that section, for the part of the property that remains a reserve.

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

92 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 He Rau Tukutuku 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.

xx

93 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.

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

Further provisions applying to reserve properties

94 Application of other enactments to reserve properties

(1) The trustees are the administering body of a reserve property, except as provided for in **sections 78 and 87**.

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

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

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

(5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name.

(6) **Subsection (2)** does not apply to the Pākaitore property (*see* **section 104V**).

Compare: SC 88

95 Joint management body for Ohoutahi property

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

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

(a) the trustees; and

(b) the trustees of the Te Korowai o Wainuiārua Trust.

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

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

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

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

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

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

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

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

98A Reserve management plan for certain reserves

(1) The trustees must, within 5 years of the settlement date, prepare and submit a reserve management plan under section 41 of the Reserves Act 1977 for the following reserve properties:

- (a) Koriniti property:
- (b) Ohotu property:
- (c) Otawaki property:
- (d) Tauakira property:
- (e) Whanganui River property.

(2) The trustees and the Director-General may agree to contract a third party to prepare the reserve management plan in consultation with the trustees and the Director-General.

(3) However, if a third party is contracted to prepare the reserve management plan, the trustees must—

- (a) review and, if necessary, amend the reserve management plan before it is submitted; and
- (b) submit the reserve management plan to the Minister of Conservation for approval in accordance with section 41(1) of the Reserves Act 1977.

(4) The Department of Conservation must provide funding and administrative support to the trustees to enable preparation and approval of the reserve management plan under this section.

(5) If the trustees and the Director-General are, within 4 years of the settlement date, unable to agree on a third party to prepare the reserve management plan under **subsection (2)**—

- (a) the trustees are responsible for preparing and submitting the reserve management plan; and
- (b) **subsections (3) and (4)** do not apply.

(6) Section 41 of the Reserves Act 1977 applies to the preparation and approval of the reserve management plan under this section, but if there is any inconsistency between this section and section 41 of the Reserves Act 1977, this section prevails over that section.

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96 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 in the Ohoutahi property may be transferred only in accordance with **section 101 or 102**.

(3) The fee simple estate in the reserve land in the Pākaitore property may be transferred only in accordance with **section 101A**.

(4) The fee simple estate in the reserve land in any other property may be transferred only in accordance with **section 100 or 102**.

(5) In this section and **sections 100 to 103**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

97 Transfer of reserve land to new administering body

(1) The registered owners 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 owners satisfy the Minister that the new owners are able—

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

(b) to perform the duties of an administering body under that Act.

(3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners 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.

98 Transfer of reserve land in Ohoutahi property

(1) The trustees may apply in writing to the Minister of Conservation for consent to transfer their share in the fee simple estate in the reserve land to a beneficial entity.

(2) The Minister of Conservation must give written consent to the transfer if the trustees satisfy the Minister that the joint management body established under **section 98** will be able—

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

(b) to perform the duties of an administering body under that Act.

(3) The Registrar-General must, upon receiving the required documents, register the beneficial entity as the owners of an undivided half share in the fee simple estate in the reserve land.

(4) The required documents are—

(a) a transfer instrument to transfer an undivided half share in the fee simple estate in the reserve land to the beneficial entity, including a notification that the share in the reserve land is to be held for the same reserve purposes as those for which it was held immediately before the transfer; and

(b) the written consent of the Minister of Conservation to the transfer of an undivided half share in the fee simple estate in the reserve land; and

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

(5) Despite a transfer under this section, the joint management body established under **section 98** continues to be the administering body of the reserve land and **section 98(2) to (8)** applies subject to the following:

(a) the beneficial entity replaces the trustees as an appointer to the joint management body:

(b) the members of the joint management body appointed by the beneficial entity replace the members appointed by the trustees:

(c) any other necessary modifications.

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

(7) In this section, **beneficial entity** means a legal entity or the trustees of a trust that—

(a) represents only a group of members of Ngā Hapū o Te Iwi o Whanganui (for example, a hapū of Ngā Hapū o Te Iwi o Whanganui); and

(b) is approved by the trustees in accordance with their trust deed.

101A Transfer of reserve land in Pākaitore property to [new trustees or] custodian trustee

(1) The registered owners of the reserve land may transfer the fee simple estate in the reserve land if—

(a) the transferees are—

(i) the trustees of the same trust in whose trustees the share was vested by this or another Act; or

(ii) the custodian trustee of that trust; and

(b) the instrument to transfer the share is accompanied by a certificate given by the transferees, or the transferees' lawyer, verifying that **paragraph (a)** applies.

(2) In this section, **custodian trustee** means the custodian trustee of the Takapau Whāriki Trust that is appointed under clause 29 of the trust deed for that Trust.

99 Transfer of reserve land if trustees change

The registered owners 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' lawyer, verifying that **paragraphs (a) and (b)** apply.

100 Reserve land not to be mortgaged

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

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

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

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

Subpart 6—Cultural materials

104A Interpretation

In this subpart,—

conservation land means land that is—

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

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

cultural materials means plants, plant materials, and dead protected wildlife for which the Department of Conservation is responsible, provided—

(a) that these materials are important to Ngā Hapū o Te Iwi o Whanganui in expressing and maintaining their cultural values and practices; and

(b) in the case of the plants and plant materials, that they are found on conservation land within the settlement redress area; and

(c) in the case of dead protected wildlife, that the material is found within the settlement redress area

cultural materials plan means a plan that has been agreed in accordance with **section 104B**

dead protected wildlife—

(a) means the dead body or any part of the dead body of any wildlife that is protected, whether absolutely or partially, under the conservation legislation; but

(b) excludes marine mammals

plant means any member of the plant kingdom, and includes any alga, bacterium, or fungus, and any part of or seed or spore from any plant.

Cultural materials plan

104B Preparation of cultural materials plan

(1) The trustees and the Minister of Conservation must jointly agree a cultural materials plan that provides for the members of Ngā Hapū o Te Iwi o Whanganui to collect and possess cultural materials.

(2) The first cultural materials plan must be agreed not later than the fifth anniversary of the settlement date, or a later date, as the trustees and the Minister of Conservation may agree.

104C Review and amendment of cultural materials plan

(1) The cultural materials plan must be reviewed as a whole at least once every 5 years following the agreement of the first plan under **section 104B**, or at any other time that the Minister and trustees may agree.

(2) The cultural materials plan or any part of it may also be amended at any other time by agreement of the Minister and the trustees.

(3) A cultural materials plan continues to be in force until any reviewed or amended plan is agreed and comes into force.

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104D Scope of cultural materials plan

The cultural materials plan must set out the terms and conditions on which the trustees may grant authorisations to members of Ngā Hapū o Te Iwi o Whanganui to collect and possess cultural materials for non-commercial purposes in accordance with **section 104E**.

Authorisations for collecting and possessing certain cultural materials

104E Authorisation to collect or possess cultural materials

(1) The trustees may issue a written authorisation to a member of Ngā Hapū o Te Iwi o Whanganui—

(a) to collect plants or plant materials from conservation land within the settlement redress area:

(b) to possess dead protected wildlife found within the settlement redress area.

(2) An authorisation may be issued without the requirement for a permit or other authorisation under the conservation legislation.

(3) An authorisation may be issued only if—

(a) a cultural materials plan has been agreed and is in effect; and

(b) the authorisation is consistent with the cultural materials plan.

(4) An authorisation to possess dead protected wildlife must not permit the hunting, taking alive, or killing of living wildlife.

104F Possession of dead protected wildlife

Despite the Wildlife Act 1953 or regulations made under that Act, a member of Ngā Hapū o Te Iwi o Whanganui may possess dead protected wildlife if the member—

(a) holds a written authorisation issued under **section 104E**; and

(b) has acted in accordance with—

(i) the terms and conditions of the authorisation; and

(ii) the relevant provisions of the cultural materials plan.

Subpart 7—Ngā Tūtei a Maru: the guardians of Maru

104G Interpretation

In this subpart,—

Ngā Tūtei a Maru means the board established by **section 104H**

reserves means each of the following sites as described in **Schedule 3A**:

(a) the Mōwhānau Village Recreation Reserves:

(b) the Pākaitore property:

(c) Part Gonville Domain (Tawhero):

(d) Queen's Park (Pukenamu).

104H Ngā Tūtei a Maru established

(1) A joint board called Ngā Tūtei a Maru is established.

(2) Ngā Tūtei a Maru is the administering body of the reserves, as if it were appointed to control and manage the reserves under section 30(1) of the Reserves Act 1977.

(3) However, section 30 of the Reserves Act 1977 (other than section 30(1)) does not apply to Ngā Tūtei a Maru or the reserves.

(4) On the establishment of Ngā Tūtei a Maru under **subsection (1)**, any other board appointed under section 30(1) of the Reserves Act 1977 to control or manage the Pākaitore property is disestablished.

(5) Ngā Tūtei a Maru is not a committee, joint committee, council organisation, or council-controlled organisation for the purposes of the Local Government Act 2002.

104I Purposes

The purposes of Ngā Tūtei a Maru are—

(a) to give expression to Te Tomokanga ki te Matapihi as set out in part 2 of He Rau Tukutuku:

(b) to reflect a partnership between Ngā Hapū o Te iwi o Whanganui and the Whanganui District Council:

(c) to administer the reserves in accordance with the classification and purpose of each, so as to promote—

(i) the health and well-being of the land and people of Whanganui; and

(ii) the ability of Ngā Hapū o te Iwi o Whanganui to carry out their traditional and customary activities on the reserves.

104J Functions and powers of Ngā Tūtei a Maru

Primary function

(1) The primary function of Ngā Tūtei a Maru is to achieve its purposes.

Functions and powers in relation to reserves

(2) To meet any legal obligations, Ngā Tūtei a Maru may exercise or perform a relevant power or function of an administering body under the Reserves Act 1977, including—

(a) for the Pākaitore property, as if the reserve were vested in the administering body for the purpose of sections 48, 48A, and 58A of the Reserves Act 1977; and

(b) for the part of Queen's Park (Pukenamu) not owned by the Crown, as if that part of the reserve were vested in the administering body for the purpose of sections 48, 48A, and 61(2A) of the Reserves Act 1977.

Powers delegated to territorial authorities under Reserves Act 1977

(3) Ngā Tūtei a Maru also has the powers that the Minister of Conservation has delegated to territorial authorities under section 10 of the Reserves Act 1977 (to the extent that they are relevant),—

(a) as if references to a territorial authority in the instrument of delegation included Ngā Tūtei a Maru; and

(b) in the case of section 59A of the Reserves Act 1977, as if the reserves were controlled and managed under section 28 of the Reserves Act 1977.

Members of public not excluded from reserves

(4) Nothing in this subpart affects the right of members of the public to access the reserves in accordance with the Reserves Act 1977.

Membership of Ngā Tūtei a Maru

104K Appointment of members of Ngā Tūtei a Maru

(1) Ngā Tūtei a Maru comprises 6 members appointed as follows:

(a) the chairperson of the Takapau Whāriki Trust; and

(b) the Mayor of Whanganui District Council; and

(c) 2 members appointed by the trustees of the Takapau Whāriki Trust; and

(d) 2 members appointed by the Whanganui District Council.

(2) An appointer has full discretion to appoint a member or remove that member.

(3) When appointing a member, an appointer must give written notice to the other appointer of—

(a) the appointee's full name, address, and other contact details; and

(b) the date on which the appointment takes effect.

(4) An appointer must give written notice to the other appointer if a member is removed or resigns, with the date on which the removal or resignation takes effect.

(5) A member may at any time resign by giving written notice to the member's appointer.

(6) Despite section 31(f) of the Reserves Act 1977, if a member appointed to Ngā Tūtei a Maru by the Whanganui District Council is an elected member of that council, the appointee does not cease to be a member of Ngā Tūtei a Maru on ceasing to hold office as an elected member of the Council.

(7) Section 31(b), (d), and (e) of the Reserves Act 1977 applies to the members of Ngā Tūtei a Maru.

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104L Term of office of members

(1) A member of Ngā Tūtei a Maru—

(a) holds office for the term specified in the notice of appointment, but not exceeding 4 years; and

(b) may be reappointed.

(2) A member's appointment ends on the earlier of—

(a) the resignation or removal of the member; and

(b) the expiry of the term of that member's appointment.

(3) If a member's term ends and no successor has been appointed, the member must continue in office until a successor is appointed, unless the member has resigned or been removed.

(4) A successor must be appointed only for the residual period of the former member's term of office.

104M Fees and allowances of members

Each appointer is responsible for setting and paying fees or allowances to the members appointed by that appointer.

Procedural matters applying to Ngā Tūtei a Maru

104N Procedural matters

Application of Reserves Act 1977

(1) Sections 32 to 34 of the Reserves Act 1977 apply to Ngā Tūtei a Maru as if it were a board for the purposes of that Act, subject to the necessary modifications or as otherwise specified in this section.

Meetings

(2) The first meeting of Ngā Tūtei a Maru must be held not later than 6 months after the settlement date.

(3) Unless otherwise agreed by Ngā Tūtei a Maru, Ngā Tūtei a Maru must meet at least once a year.

(4) If the chairperson is not present at a meeting, the deputy chairperson must preside over the meeting (despite section 32(5) and (6) of the Reserves Act 1977).

Appointments

(5) The right to make an appointment is exercised by an appointer giving written notice of an appointment to the other appointer and to Ngā Tūtei a Maru.

(6) The chairperson must be a member appointed by the trustees of the Takapau Whāriki Trust and the deputy chairperson must be a member of Ngā Tūtei a Maru appointed by the Whanganui District Council.

(7) An appointer may replace the chairperson or deputy chairperson for the remainder of the relevant term of office by giving written notice of the appointment to the other appointer and to Ngā Tūtei a Maru .

Voting and quorum

(8) The chairperson has a deliberative vote, but not a casting vote (despite section 32(7) of the Reserves Act 1977).

(9) The quorum for a meeting of Ngā Tūtei a Maru is a minimum of 2 members appointed by each appointer and must include the chairperson or deputy chairperson (despite section 32(9) of the Reserves Act 1977).

Consensus decision making

(10) When making a decision on any matter, the members of Ngā Tūtei a Maru must strive to achieve consensus, meaning that no member of Ngā Tūtei a Maru at a meeting expressly disagrees with a proposal.

(11) However, the person chairing a meeting may allow a decision on a proposal to be made by a 75% majority of the members present and voting if, after a period of reasonable discussion on the proposal, that person is satisfied that consensus is unlikely to be achieved (despite section 32(10) of the Reserves Act 1977).

(12) Unless otherwise provided and subject to the Reserves Act 1977, Ngā Tūtei a Maru must regulate its own procedure.

104O Administrative support for Ngā Tūtei a Maru

The Whanganui District Council must provide administrative support to Ngā Tūtei a Maru.

104P Application of other Acts to Ngā Tūtei a Maru

To the extent that the following enactments are relevant to the purpose and functions of Ngā Tūtei a Maru, they apply to Ngā Tūtei a Maru (with any necessary modifications):

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

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

Management of reserves

104Q Management plan

(1) Not later than 5 years after Ngā Tūtei a Maru is established by **section 104H**, Ngā Tūtei a Maru must prepare and approve an integrated management plan for the reserves in accordance with section 41 of the Reserves Act 1977.

(2) The management plan—

(a) must promote the ability of Ngā Hapū o te Iwi o Whanganui to carry out their traditional and customary activities on the reserves; and

(b) may include provisions covering all the reserves as well as setting out a separate section for each reserve.

(3) Until the integrated management plan required by **subsection (1)** comes into force under the Reserves Act 1977, the management plans in force for the reserves on the settlement date continue to apply to the reserves.

104R Role for Ngā Hapū o te Iwi o Whanganui

Ngā Tūtei a Maru, Ngā Hapū o te Iwi o Whanganui, and Whanganui District Council must discuss how to achieve the aspiration of Ngā Hapū o te Iwi o Whanganui to be more involved in the operational management of the reserves.

104S Operational management of reserves

(1) The Whanganui District Council is responsible for the operational management of the reserves.

(2) The reserves must be managed in a manner that is consistent with—

(a) the integrated management plan; and

(b) the council's annual operational plan; and

(c) any directions provided to the Whanganui District Council by Ngā Tūtei a Maru.

104T Annual operational plan

(1) Each year, Ngā Tūtei a Maru and the Whanganui District Council must meet to develop an annual operational plan for the reserves for the year ahead.

(2) The plan must set out—

(a) the operational activities to be undertaken on the reserves; and

(b) any projects to be undertaken on the reserves; and

(c) opportunities for Ngā Hapū o te Iwi o Whanganui—

(i) to undertake operational activities or projects on the reserves; and

(ii) to carry out their traditional and customary activities on the reserves; and

(d) any other matters relevant to the management of the reserves.

(3) The annual operational plan must be developed in time for the Whanganui District Council to include any necessary funding proposals in its long-term or annual planning processes.

104U Operational funding

The Whanganui District Council must fund the operational management of the reserves, but only to the extent provided through the long-term and annual plans of the council.

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Financial provisions

104V Application of Part 4 of Reserves Act 1977

Part 4 of the Reserves Act 1977 (financial provisions) applies to Ngā Tūtei a Maru as if it were a local authority.

104W Management of revenue

(1) As far as it is reasonably practicable to separate the revenue received in relation to the reserves from any other revenue it receives, the Whanganui District Council must—

(a) hold the revenue received by Ngā Tūtei a Maru in its capacity as the administering body of the reserves; and

(b) account for that revenue separately from all other revenue received by the Whanganui District Council.

(2) The Whanganui District Council must use that revenue—

(a) under the direction of Ngā Tūtei a Maru; and

(b) only in relation to the reserves.

Reporting responsibility

104X Annual report

Ngā Tūtei a Maru must report annually to—

(a) the trustees of the Takapau Whāriki Trust; and

(b) the Whanganui District Council.

Additional reserves

104Y Administering body of additional reserves

(1) The trustees of the Takapau Whāriki Trust and the Whanganui District Council may agree to Ngā Tūtei a Maru being appointed under section 30 of the Reserves Act 1977 to be the administering body of any reserve land, other than the reserves listed in the definition of reserves in **section 104G**, provided that the reserve is located within the boundaries of both—

(a) the settlement redress area; and

(b) the area comprising the district of the Whanganui District Council.

(2) An appointment under **subsection (1)** is subject to the relevant processes under the Reserves Act 1977 and the procedural processes of both the Takapau Whāriki Trust and the Whanganui District Council.

(3) If Ngā Tūtei a Maru is appointed to administer another reserve under **subsection (1)**, the provisions of this subpart apply as if the additional reserves were listed in the definition of reserves in **section 104G**.

104Z Existing interests to continue

(1) Any interests relating to the reserves immediately before the settlement date are **existing interests**.

(2) Existing interests continue to apply, with all necessary modifications, until the interest expires or is terminated.

(3) For the purposes of the existing interests, on and from the settlement date,—

(a) in any case where the interest has been granted by or to the Crown, the Crown is deemed to have been replaced by Ngā Tūtei a Maru as the grantor or grantee; and

(b) if the context requires, references to other enactments are to be read as references to this Act.

Part 3
Commercial redress

102 Interpretation

In **subparts 1 to 4**,—

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

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

Crown forestry 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 a property that is licensed land, means the licence described in the third column of the table in part 3 of the property redress schedule

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

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

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

land holding agency means the land holding agency specified,—

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

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

licensed land—

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

(b) excludes—

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

(ii) improvements that have been—

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

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

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

protected site means any area of land situated in the licensed land or the Whanganui Forest property that—

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

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

right of access means the right conferred by **section 118**

Te Puna Hapori property (land only) means the property described by that name in part 3 of the property redress schedule

Whanganui Forest property means the land described by that name in part 4 of the property redress schedule.

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

103 The Crown may transfer properties

(1) To give effect to part 9 of He Rau Tukutuku, the Crown (acting by and through the chief executive of the land holding agency) is authorised—

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

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

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

(3) As soon as is reasonably practicable after the date on which a deferred selection property is transferred to the trustees, the chief executive of the land

holding agency must give written notice of that date to the chief executive of LINZ for the purposes of **section 18** (which relates to the cancellation of resumptive memorials).

104 Records of title for commercial redress properties and deferred selection properties

(1) This section applies to each of the following properties that is to be transferred under **section 106** to the trustees:

(a) a commercial redress property (other than licensed land):

(b) a deferred selection property.

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

(a) the property is not all of the land contained in a record of title for a fee simple estate; or

(b) there is no record of title for the fee simple estate in all or part of the property; or

(c) the property is the Te Puna Hapori property (land only).

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

(a) create 1 or more records of title for the fee simple estate in the property in the name of the Crown; and

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

(c) omit any statement of purpose from the record of title.

(4) **Subsection (3)** is subject to the completion of any survey necessary to create a record of title.

(5) In this section and **sections 108 and 109**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

105 Record of title for licensed land

(1) This section applies to each property that is licensed land and is to be transferred to the trustees under **section 106**.

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

(a) create a record of title in the name of the Crown for the fee simple estate in the property; and

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

(c) omit any statement of purpose from the record of title.

(3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title.

106 Authorised person may grant covenant for later creation of record of title

(1) For the purposes of **sections 107 and 108**, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any commercial redress property or deferred selection property.

(2) Despite the Land Transfer Act 2017,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and

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

107 Application of other enactments

(1) This section applies to the transfer to the trustees of the fee simple estate in a commercial redress property or 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 He Rau Tukutuku 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 106**, 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)**.

108 Transfer of properties subject to lease

(1) This section applies to a deferred selection property—

(a) for which the land holding agency is—

(i) the Department of Corrections; or

(ii) the Ministry of Education; and

(b) the ownership of which is to be transferred to the trustees; and

(c) that, after the transfer, is to be subject to a lease back to the Crown.

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

(3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to **section 112** upon the registration of the transfer.

(4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that—

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

(b) the land is subject to **section 112**.

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

109 Requirements if lease terminates or expires

(1) This section applies if the lease referred to in **section 111(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 owners of the property must apply in writing to the Registrar-General,—

(a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that—

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

(ii) the property is subject to this section; or

(b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,—

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

(ii) that part is subject to this section.

(4) The Registrar-General must comply with an application received in accordance with **subsection (3)** free of charge to the applicant.

Subpart 2—Licensed land

110 Licensed land ceases to be Crown forest land

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

(2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part 9 of He Rau Tukutuku, or part 6 of the property redress schedule.

111 Trustees are confirmed beneficiaries and licensors of licensed land

(1) The trustees are the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed in relation to the licensed land.

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

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

(b) all the provisions of the Crown forestry rental trust deed apply on the basis that the trustees are the confirmed beneficiaries in relation to the licensed land.

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

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

(a) the Waitangi Tribunal 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 became final on the settlement date.

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

(a) on the settlement date; and

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

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

112 Effect of transfer of licensed land

Section 114 applies whether or not the transfer of the fee simple estate in the licensed land has been registered.

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Subpart 3—Whanganui Forest property

113 Whanganui Forest property

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

xx

Subpart 4—Access to protected sites

114 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 the 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.

115 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.

116 Right of access to be recorded on records of title

(1) This section applies to the transfer to the trustees of any 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 record of title 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

117 Interpretation

In this subpart and **Schedule 4**,—

control, for the purposes of **paragraph (d)** of the definition of Crown body, means,—

(a) for a company, control of the composition of its board of directors; and

(b) for another body, control of the composition of the group that would be its board of directors if the body were a company

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

dispose of, in relation to RFR land,—

(a) means—

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

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

(b) to avoid doubt, does not include—

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

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

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

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

expiry date, in relation to an offer, means its expiry date under **sections 124(2)(a) and 125**

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 124**, 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 area means the area shown on SO 614526

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 130(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 131**

RFR period means the period of 185 years on and from the settlement date

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

118 Meaning of RFR land

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

(a) the land described in part 5 of the attachments that, on the settlement date,—

(i) is vested in the Crown; or

(ii) is held in fee simple by the Crown or the Crown body specified in the table in part 5 of the attachments as the landholding agency for the land; and

(b) the land that is within the RFR area that on the settlement date—

(i) is vested in the Crown; or

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

(iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown; and

(c) any land obtained in exchange for a disposal of RFR land under **section 135(1)(c) or 136**.

(2) RFR land does not include a commercial redress property.

(3) 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 106** in the case of a deferred selection property or under a contract formed under **section 128**); or

(ii) any other person (including the Crown or a Crown body) under **section 123(d)**; or

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

(i) under any of **sections 132 to 139** (which relate to permitted disposals of RFR land); or

(ii) under any matter referred to in **section 140(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or

(c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 148**; or

(d) the RFR period for the land ends.

Restrictions on disposal of RFR land

119 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 129 to 139**; or

(b) under any matter referred to in **section 140(1)**; or

(c) in accordance with a waiver or variation given under **section 148**; or

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

(i) made in accordance with **section 124**; 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 126**; and

(iv) not accepted under **section 127**.

Trustees' right of first refusal

120 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 record of title for the land; and

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

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

121 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.

122 Withdrawal of offer

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

123 Acceptance of offer

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

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

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

124 Formation of contract

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

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

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

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

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

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

(5) The notice must specify—

(a) the full name of the nominee; and

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

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

Disposals to others where land remains RFR land

125 Disposal to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

(2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 563 of the Education and Training Act 2020.

126 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.

127 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

128 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.

129 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.

130 Disposal under certain legislation

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

(a) section 54(1)(d) of the Land Act 1948; or

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

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

(d) an Act that—

(i) excludes the land from a national park within the meaning of the National Parks Act 1980; and

(ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

131 Disposal of land held for public works

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

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

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

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

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

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

(2) To avoid doubt, RFR land may be disposed of by an order of the Māori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

132 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.

133 Disposal for charitable purposes

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

134 Disposal to tenants

The Crown may dispose of RFR land,—

(a) if the land 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 of the land 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.

135 Disposal by Health New Zealand

Health New Zealand (established by section 11 of the Pae Ora (Healthy Futures) Act 2022), 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, Health New Zealand's objectives.

RFR landowner obligations

136 RFR landowner's obligations subject to other matters

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

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

(b) any interest or legal or equitable obligation—

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

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

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

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

Notices about RFR land

137 Notice to LINZ of RFR land with record of title after settlement date

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

(2) If land for which there is a record of title becomes RFR land after the 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 record of title is first created for the RFR land or after the land becomes RFR land.

(4) The notice must include the legal description of the land and the reference for the record of title.

138 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.

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

(3) The notice must include—

(a) the legal description of the land, including any interests affecting it; and

(b) the reference for any record of title for the land; and

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

(d) the name of the person to whom the land is being disposed of; and

(e) an explanation of how the disposal complies with **section 123**; and

(f) if the disposal is to be made under **section 123(d)**, a copy of any written contract for the disposal.

139 Notice to LINZ of land ceasing to be RFR land

(1) This section applies if land contained in a record of title is to cease being RFR land because—

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

(i) the trustees or their nominee (for example, under **section 106** in the case of a deferred selection property, or under a contract formed under **section 128**); or

(ii) any other person (including the Crown or a Crown body) under **section 123(d)**; or

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

(i) under any of **sections 132 to 139**; or

(ii) under any matter referred to in **section 140(1)**; or

(c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 148**.

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

(3) The notice must include—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

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

140 Notice requirements

Schedule 4 applies to notices given under this subpart by or to—

(a) an RFR landowner; or

(b) the trustees.

Right of first refusal recorded on records of title

141 Right of first refusal to be recorded on records of title for RFR land

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

(a) the RFR land for which there is a record of title on the settlement date; and

(b) the RFR land for which a record of title is first created after the settlement date; and

(c) land for which there is a record of title 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 record of title on the settlement date; or

(b) after receiving a notice under **section 141** that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.

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

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

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

(a) RFR land, as defined in **section 122**; and

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

142 Removal of notations when land to be transferred or vested

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 143(2)**, issue to the Registrar-General a certificate that includes—

(a) the legal description of the land; and

(b) the reference for the record of title for the land; and

(c) the details of the transfer or vesting of the land; and

(d) a statement that the certificate is issued under this section.

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

(3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under **section 145** for the land described in the certificate.

143 Removal of notations when RFR period ends

(1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—

(a) the reference for each record of title for that RFR land that still has a notation recorded under **section 145**; 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 notation recorded under **section 145** from any record of title identified in the certificate.

General provisions applying to right of first refusal

144 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.

145 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.

146 Assignment of rights and obligations under this subpart

(1) **Subsection (3)** applies if the RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional document; and

(b) has given the notices required by **subsection (2)**.

(2) The RFR holder must give notices to each RFR landowner that—

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

(b) specify the date of the assignment; and

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

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

(3) This subpart and **Schedule 4** apply to the assignees (instead of to the RFR holder) as if the assignees were the trustees, with any necessary modifications.

(4) In this section,—

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

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

(a) they are the trustees; or

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

Schedule 1
Statutory areas

ss 29, 38

Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Aramoana Domain Recreation Reserve	As shown on TTW-008-001
Raukawa Scenic Reserve	As shown on TTW-008-002
Taukoro Conservation Area	As shown on TTW-008-003
Te Komai Conservation Area	As shown on TTW-008-004

Part 2
Areas subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
Lake Kohata Wildlife Management Reserve	As shown on TTW-008-006
Mystery Block Conservation Area	As shown on TTW-008-007
Owairua Scenic Reserve	As shown on TTW-008-008
Taunoka Conservation Area	As shown on TTW-008-009

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Schedule 2
Overlay areas

s 44

Overlay area	Location	Description
Ahuahu area	As shown on TTW-008-010	*Wellington Land District—Whanganui District* *Ahuahu Stream Conservation Area* 5.2333 hectares, more or less, being Section 6 Block XIV Tauakira Survey District 25.0095 hectares, more or less, being Part Section 3 Block IX Tauakira Survey District 6.6130 hectares, more or less, being Part Section 2 Block IX Tauakira Survey District *Haehaekupenga Scenic Reserve* 39.7856 hectares, more or less, being Part Section 2 Block XIII Tauakira Survey District *Ahuahu Conservation Area* 776.5108 hectares, more or less, being Section 3 Block XIII Tauakira Survey District 680.2613 hectares, more or less, being Section 1 Block II Waipakura Survey District 53.0138 hectares, more or less, being Part Te Tuhi 3A *Te Tuhi Scenic Reserve* 128.4891 hectares, more or less, being Part Te Tuhi 3B
Jean D’Arcy – Powataunga area	As shown on TTW-008-011	*Wellington Land District—Whanganui District* *Powataunga Scenic Reserve* 970.0315 hectares, more or less, being Section 18 Block VIII Moumahaki Survey District *Part Jean D’Arcy Memorial Conservation Area* 595.8000 hectares, more or less, being Lot 2 DP 51555
Pitangi area	As shown on TTW-008-012	*Wellington Land District—Whanganui District* *Pitangi Scenic Reserve* 323.9812 hectares, more or less, being Lot 2 DP 346052

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Overlay area	Location	Description
		495.1328 hectares, more or less, being Section 3 Block XV Tauakira Survey District
		278.6260 hectares, more or less, being Section 2 Block XV Tauakira Survey District
		Mangahowhi Conservation Area
		132.7368 hectares, more or less, being Section 1 Block XVI Tauakira Survey District
Tokomaru East area	As shown on TTW-008-013	*Wellington Land District—Whanganui District*
		Tokomaru East Block Conservation Area
		4.4515 hectares, more or less, being Section 22 Block V Waipakura Survey District
		513.9305 hectares, more or less, being Part Subdivision 2 Run 28 SO 14288

Schedule 3
Cultural redress properties

ss 62, 88–90

Properties vested in fee simple

Name of property	Description	Interests
Kai Iwi Road property	*Wellington Land District—Whanganui District* 0.31 hectares, approximately, being Section 3 Block XV Nukumaru Survey District. Balance *Gazette* notice 566059. Subject to survey. 1.1571 hectares, more or less, being Sections 5, and 6 Block XV Nukumaru Survey District. Balance *Gazette* notice 566059. As shown on TTW-008-014.	
Kai Iwi 6A1 site A	*Wellington Land District—Whanganui District* 10 hectares, approximately, being Part Kai-Iwi 6A1. Part *Gazette* notice K40436. Subject to survey. As shown on TTW-008-015.	Subject to a pipeline easement in gross in favour of First Gas Limited (formerly the Natural Gas Corporation of New Zealand Limited) created by pipeline easement certificate 753579 (and varied by certificates 890656.1 and 890659.1).
Kai Iwi 6A1 site B (Urupā)	*Wellington Land District—Whanganui District* 1 hectare, approximately, being Part Kai-Iwi 6A1. Part *Gazette* notice K40436. Subject to survey. As shown on TTW-008-016.	Subject to a pipeline easement in gross in favour of First Gas Limited (formerly the Natural Gas Corporation of New Zealand Limited) created by pipeline easement certificate 753579 (and varied by certificates 890656.1 and 890659.1).
Kauarapaoa Road property	*Wellington Land District—Whanganui District* 0.6 hectares, approximately, being Crown land, Block VI Waipakura Survey District. Part *Gazette* 1877 p 736. Subject to survey. As shown on TTW-008-017.	
Mōwhānau site A	*Wellington Land District—Whanganui District* 0.52 hectares, approximately, being Section 18 Mowhanau Village. Part *Gazette* notice 906486.1. 0.25 hectares, approximately, being Part Section 1 SO 18911. Part *Gazette* notice 762327.6. All subject to survey.	

Name of property	Description	Interests
	As shown on TTW-008-018.	
Mōwhānau site B	*Wellington Land District—Whanganui District* 1.25 hectares, approximately, being Sections 15, 16 and 17 Mowhanau Village, and Part Section 1 SO 18911. Part *Gazette* notice 762327.6. Subject to survey. As shown on TTW-008-019.	Subject to the restrictive covenant in gross referred to in [**section 65A(3)**.] Subject to a pipeline easement in gross in favour of First Gas Limited (formerly the Natural Gas Corporation of New Zealand Limited) created by pipeline easement certificate 753580 (and varied by certificate 890660.1).
Pitangi Village property	*Wellington Land District—Whanganui District* 0.05 hectares, approximately, being Part Section 1A Pitangi Village. Part *Gazette* 1925 p 1138. Subject to survey. As shown on TTW-008-020.	
Rapanui Road property	*Wellington Land District—Whanganui District* 1.0302 hectares, more or less, being Lot 6 DP 370109. 0.1841 hectares, more or less, being 1/5 share in Lot 9 DP 370109. All record of title 284363 for the fee simple estate.	Subject to 7322840.1 consent notice pursuant to section 221 of the Resource Management Act 1991 (affects Lot 6 DP 370109). Subject to section 241(2) of the Resource Management Act 1991. Together with a right to convey telecommunications and computer media created by Easement Instrument 7322840.3. Some of the easements created by Easement Instrument 7322840.3 are subject to section 243 (a) of the Resource Management Act 1991. Subject to a right to convey electricity in gross in favour of Powerco Limited created by Easement Instrument 7322840.4. The easements created by Easement Instrument 7322840.3 are subject to section 243 (a) of the Resource Management Act 1991. Approval pursuant to section 348 of the Local Government Act 1974 held in certificate 7567557.1. Subject to, and together with, the shared land easement and restrictive covenant provisions created by Easement Instrument 7567557.2.
Whanganui River Road property	*Wellington Land District—Whanganui District* 1.76 hectares, approximately, being Part Closed Road Block	

Name of property	Description	Interests
	XV Tauakira Survey District. Balance Proclamation 5632. Subject to survey. As shown on TTW-008-022.	

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Kai Iwi 6A1 site C	*Wellington Land District—Whanganui District* 16.82 hectares, approximately, being Part Kai-Iwi 6A1. Part *Gazette* notice K40436. Subject to survey. As shown on TTW-008-023.	Subject to being a local purpose (cultural activities and ecological restoration) reserve, as referred to in **section [68A(3)]**. Subject to a pipeline easement in gross in favour of First Gas Limited (formerly the natural Gas Corporation of New Zealand Limited) created by easement certificate 753579 (and varied by certificates 890656.1 and 890659.1).
Kauarapaoa property	*Wellington Land District—Whanganui District* 58.8413 hectares, more or less, being Sections 6 and 7 Block XII Moumahaki Survey District. Part *Gazette* notice 372646.1	Subject to being a scenic reserve, as referred to in **section [69(3)]**.
Koriniti property	*Wellington Land District—Whanganui District* 135.6790 hectares, more or less, being Part Te Tuhi 2B4. Part record of title WN284/89 for the fee simple estate.	Subject to being a scenic reserve, as referred to in **section [70(3)]**.
Kotiti Stream property	*Wellington Land District—Whanganui District* 2.93 hectares, approximately, being Section 166 Right Bank Wanganui River. Subject to survey. As shown on TTW-008-026.	Subject to being a scenic reserve, as referred to in **section [71(3)]**.
Mōwhānau site C	*Wellington Land District—Whanganui District* 4.66 hectares, approximately, being Part Section 1 SO 18911. Part *Gazette* notice 762327.6. 0.89 hectares, approximately, being Part Section 13 Mowhanau Village. Part *Gazette* notice 762327.6. 0.5564 hectares, more or less, being Section 14 Mowhanau Village. Part *Gazette* notice 762327.6.	Subject to being a local purpose (cultural activities and ecological restoration) reserve, as referred to in **section [73(3)]**. Subject to the right of way easement referred to in **section [73(5)(a)]**. Subject to the easement for a right to convey sewage referred to in **section [73(5)(b)]**. Subject to the easement for a right to convey water referred to in **section [73(5)(c)]**.

Name of property	Description	Interests
	0.4047 hectares, more or less, being Section 12 Mowhanau Village Part *Gazette* 1930 p 651. 0.4022 hectares, more or less, being Section 11 Mowhanau Village. Part *Gazette* notice 762327.6. 0.3642 hectares, more or less, being Section 9 Mowhanau Village. Part *Gazette* notice 762327.6. 0.3920 hectares, more or less, being Section 73 Mowhanau Village. Part *Gazette* notice 762327.6. 0.3794 hectares, more or less, being Section 10 Mowhanau Village. Part *Gazette* notice 762327.6. 0.27 hectares, approximately, being Part Section 8 Mowhanau Village. Part *Gazette* notice 762327.6. All subject to survey. As shown on TTW-008-027.	Subject to a pipeline easement in gross in favour of First Gas Limited (formerly the Natural Gas Corporation of New Zealand Limited) created by easement certificate 753580 (and varied by certificate 890660.1). Subject to a pipeline easement in gross in favour of First Gas Limited (formerly the Natural Gas Corporation of New Zealand Limited) created by memorandum of transfer 918825.1.
Ohotu property	*Wellington Land District—Whanganui District* 60.0503 hectares, more or less, being Ohotu 5A Block. All record of title WN417/120 for the fee simple estate.	Subject to being a scenic reserve, as referred to in **section [74(3)]**.
Otawaki property	*Wellington Land District—Whanganui District* 153.78 hectares, approximately, being Section 16 Block VII Waipakura Survey District. All *Gazette* 1911 p 3008. Subject to survey. 55.6442 hectares, more or less, being Section 20 Block VII Waipakura Survey District. All *Gazette* 1955 p 813. As shown on TTW-008-029.	Subject to being a scenic reserve, as referred to in **section 75(3)**.
Otoko property	*Wellington Land District—Whanganui District* 3.9457 hectares, more or less, being Section 11 Block II Mangawhero Survey District. Part *Gazette* notice 416724.2.	Subject to being a scenic reserve, as referred to in **section [76(3)]**.
Paetawa property	*Wellington Land District—Whanganui District*	Subject to being a scenic reserve, as referred to in **section [77(3)]**.

Name of property	Description	Interests
	27.36 hectares, approximately, being Lot 1 DP 34487, Part Te Tuhi 5, and Part Paetawa North. Balance Proclamation 710 and all Transfer 129174.4. Subject to survey. As shown on TTW-008-031.	
Pākaitore property	*Wellington Land District—Whanganui District* 0.91 hectares, more or less, being Part Reserve I Town of Wanganui. Balance record of title WN21/110 for the fee simple estate. Subject to survey. As shown on TTW-008-032.	Subject to being an historic reserve, as referred to in **section [78(3)]**.
Puketarata property	*Wellington Land District—Whanganui District* 105.4484 hectares, more or less, being Parts Puketarata 4E1, 4E2, and 4H. Balance Proclamation 1272. 8.9865 hectares, more or less, being Part Puketarata 4D. Part Proclamation 1050.	Subject to being a scenic reserve, as referred to in **section [80(3)]**.
Ranana/Morikau property	*Wellington Land District—Whanganui District* 99 hectares, approximately, being Section 1 Block V Tauakira Survey District, and Parts Morikau 1 and Ranana Blocks. Balance Proclamation 708. Subject to survey. As shown on TTW-008-034.	Subject to being a scenic reserve, as referred to in **section [81(3)]**.
Raorikia property	*Wellington Land District—Whanganui District* 41.6067 hectares, more or less, being Part Lot 1 DP 7113. All record of title WN456/119 for the fee simple estate.	Subject to being a scenic reserve, as referred to in **section [82(3)]**.
Tauakira property	*Wellington Land District—Whanganui District* 56.9342 hectares, more or less, being Section 11 Block III Waipakura Survey District. Part Proclamation 767.	Subject to being a scenic reserve, as referred to in **section [83(3)]**.
Taukoro Forest property	*Wellington Land District—Whanganui District* 473.2798 hectares, more or less, being Section 10 Block II Mangawhero Survey District. Part *Gazette* 1926 p 2351.	Subject to being a scenic reserve, as referred to in **section [84(3)]**.

Name of property	Description	Interests
Whanganui River property	*Wellington Land District—Whanganui District* 13.9 hectares, approximately, being Section 26 Block X Waipakura Survey District. Part *Gazette* 1916 p 2341. Subject to survey. 5.7314 hectares, more or less, being Section 27 Block X Waipakura Survey District. Part *Gazette* 1912 p 14. As shown on TTW-008-038.	Subject to being a scenic reserve, as referred to in **section [85(3)]**. Subject to an unregistered permit with concession number 88939-GUI to Adam Mead Partnership. Subject to an unregistered guiding permit with concession number 94716-GUI to New Zealand Professional Fishing Guides Association.
Whitiau property	*Wellington Land District—Whanganui District* 65.28 hectares, approximately, being Section 516 Left Bank Wanganui River and Section 2 SO 421260. Balance *Gazette* 1991 p 2524. Subject to survey. As shown on TTW-008-039.	Subject to being a scenic reserve, as referred to in **section [86(3)]**.

Property jointly vested in fee simple to be administered as reserve

Name of property	Description	Interests
Ohoutahi property	*Wellington Land District—Whanganui District* 18.03 hectares, approximately, being Part Ohoutahi 1B and Parts Ohoutahi 2. Balance Proclamation 944. Subject to survey. As shown on TTW-008-040.	Subject to being a historic reserve, as referred to in **section [87(3)]**. Subject to an unregistered authority for research and collection with permit number 94915-FLO to Mathew McIntyre Wilson.

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Schedule 3A
Ngā Tūtei a Maru reserves

s 6(5)

Reserve site	Description
Queen's Park (Pukenamu)	*Wellington Land District—Whanganui District*
	4.8180 hectares, more or less, being Sections 2 and 3 SO 431652 and Sections 1, 2, and 4 SO 542528. All record of title 921513 for the fee simple estate.
	0.3106 hectares, more or less, being Section 4 SO 431652. All record of title 538968 for the fee simple estate.
	0.8137 hectares, more or less, being Section 547 Town of Wanganui. All record of title WN20A/311 for the fee simple estate.
	0.0970 hectares, more or less, being Part Section 548 City of Wanganui. All record of title WN25D/829 for the fee simple estate.
	0.3661 hectares, more or less, being Section 549 City of Wanganui. All record of title WN25D/830 for the fee simple estate.
	0.1817 hectares, more or less, being Section 558 City of Wanganui. All record of title WN25D/831 for the fee simple estate.
Part Gonville Domain (Tawhero)	*Wellington Land District—Whanganui District*
	19.4621 hectares, more or less, being Part Section 396 Right Bank Wanganui River. Balance record of title 624496.
	0.2673 hectares, more or less, being Section 395 Right Bank Wanganui River. All record of title 624495.
Mōwhānau Village Recreation Reserves	*Wellington Land District—Whanganui District*
	0.6652 hectares, more or less, being sections 54 and 55 Mowhanau Village. All *Gazette* notice 642613.
	4.1512 hectares, more or less, being Sections 69, 70, 71, 82, and 83 Mowhanau Village. Part *Gazette* 1982 p 722.
Pākaitore property	*Wellington Land District—Whanganui District*
	0.91 hectares, approximately, being Part Reserve I Town of Wanganui. Balance record of title WN21/110 for the fee simple estate. Subject to survey.

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Schedule 4
Notices in relation to RFR land

ss 124, 144, 150(3)

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 electronic address,—

(i) for a notice to the trustees, specified for the trustees in accordance with He Rau Tukutuku, or in a later notice given by the trustees to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of the trustees; or

(ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 124**, or in a later notice given to the trustees, or identified by the trustees as the current address, fax number, or electronic address of the RFR landowner; and

(c) for a notice given under **section 141 or 143**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and

(d) given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number; or

(iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite **clause 1**, a notice given in accordance with **clause 1(a)** may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

3 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the sixth day after posting, if posted; or

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

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

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

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