

# **Ngāti Paoa Claims Settlement Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

Legislation is required to give effect to some elements of the Ngāti Paoa deed of settlement (the **deed**), which was signed on 20 March 2021 by Ngāti Paoa and the Crown. This Bill records the acknowledgements and apology made to Ngāti Paoa by the Crown when the deed was signed and gives effect to redress in the deed that requires legislation.

### **Ngāti Paoa**

Ngāti Paoa are a maritime people who trace their origins to the Te Arawa and Tainui waka. Their area of interest includes Mahurangi, Tāmaki Makaurau, the Hauraki Plains and Gulf islands, and parts of Waikato. The 2018 Census estimated Ngāti Paoa had 4,800 members.

### **Negotiations**

In June 2009, the Crown proposed a regional approach for Treaty settlements to iwi and hapū, including Ngāti Paoa, with interests in the Kaipara, Tāmaki Makaurau, and Hauraki regions.

Between December 2009 and May 2010, the Ngāti Paoa claimants elected 2 interim negotiators to enter into Treaty settlement negotiations on their behalf. In June 2011, the Crown recognised the mandate of the Ngāti Paoa Trust Board to negotiate the settlement of the historical Treaty of Waitangi claims of Ngāti Paoa.

The Tāmaki and Hauraki collectives were established for the purpose of negotiating collective redress for shared interests in Tāmaki Makaurau and the Hauraki regions respectively. A third collective, the Marutūāhu Collective, was also established to negotiate collective redress in Tāmaki Makaurau for the shared interests of 5 of the 12 iwi of Hauraki. Ngāti Paoa is a member of all 3 collectives.

In September 2012, the Crown and the Tāmaki Collective signed Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed. In July 2018, the Crown and 4 of the 5 Marutūāhu iwi initialled the Marutūāhu Iwi Collective Redress Deed (Ngāti Paoa is yet to initial, ratify, and sign this collective deed). In February 2019, Ngāti Paoa signed the Pare Hauraki Collective Redress Deed. All 3 collective deeds have associated collective legislation.

The Crown and Ngāti Paoa negotiated iwi-specific redress in the Ngāti Paoa Deed of Settlement. This Bill gives effect to the iwi-specific redress that requires legislation and settles the historical Treaty of Waitangi claims of Ngāti Paoa.

### **Key elements of Ngāti Paoa settlement**

The settlement contains acknowledgement of Crown breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles, including the confiscation of land by the Crown, the impact and operation of the native land laws, and Crown purchasing that left Ngāti Paoa virtually landless and undermined their economic, social, and cultural development.

The settlement includes an apology from the Crown to Ngāti Paoa for its failure to protect them from the rapid alienation of land in the decades following the signing of te Tiriti o Waitangi/the Treaty of Waitangi, the loss of life and the devastation caused by hostilities, and the enactment of laws and policies that have led to the loss of whenua and te reo Māori.

Ngāti Paoa will receive redress that includes the return of 12 sites of cultural significance and financial and commercial redress valued at \$23.5 million, along with a wide range of other commercial, cultural, and relationship items.

### **Departmental disclosure statement**

The Office for Māori Crown Relations—Te Arawhiti is required to prepare a disclosure statement to assist with the scrutiny of this Bill. It 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 <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2022&no=215>

### **Clause by clause analysis**

*Clause 1* states the Title of the Bill.

*Clause 2* provides for the commencement of the Bill on the day after it receives the Royal assent.

## **Part 1**

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

#### *Preliminary matters*

*Part 1* provides for preliminary matters and the settlement of the historical claims.

*Clause 3* states the purpose of the Bill.

*Clause 4* provides that the provisions of the Bill take effect on the settlement date unless a provision states otherwise.

*Clause 5* provides that the Bill binds the Crown.

*Clause 6* provides an outline of the Bill.

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

*Clauses 7 to 10* record the summary of the historical account, the acknowledgements, and the apology given by the Crown to Ngāti Paoa in the deed of settlement.

#### *Interpretation provisions*

*Clause 11* provides that the Bill is to be interpreted in a manner that best furthers the agreements in the deed of settlement.

*Clause 12* defines certain terms used in the Bill.

*Clause 13* defines the claimant group Ngāti Paoa.

*Clause 14* defines the historical claims settled by the Bill.

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

*Clause 15* settles the historical claims and provides that the settlement is final. It removes the jurisdiction of courts, tribunals, and other judicial bodies in respect of the historical claims, the deed of settlement, the Bill, and the settlement redress (but not in respect of the interpretation or implementation of the deed of settlement or the Bill).

#### *Amendment to Treaty of Waitangi Act 1975*

*Clause 16* amends the Treaty of Waitangi Act 1975 to remove the jurisdiction of the Waitangi Tribunal as provided in *clause 15*.

#### *Resumptive memorials no longer to apply*

*Clause 17* provides that certain enactments do not apply to specified land.

*Clause 18* provides for the removal of resumptive memorials from records of title relating to the specified land.

### *Miscellaneous matters*

*Clause 19* overrides the rule under trust law that limits the life of a trust and of any documents that give effect to the settlement.

*Clause 20* requires the chief executive of the Office for Māori Crown Relations—Te Arawhiti to make copies of the deed of settlement available for inspection free of charge, and for purchase at a reasonable price, at the head office in Wellington on any working day. The deed must also be made available free of charge on an Internet site.

*Clause 21* provides that if a provision in this Bill has the same effect as a provision in another Act, the provisions may be given effect to only once.

## **Part 2**

### **Cultural redress**

*Part 2* provides for cultural redress.

#### **Subpart 1—Vesting of cultural redress properties**

*Subpart 1 (clauses 22 to 67)* provides for the vesting of cultural redress properties (see the definition in *clause 22* and descriptions of each property in *Schedule 1*). *Clauses 23 and 24* provide for the vesting of properties in fee simple in the trustees of the Ngāti Paoa Iwi Trust (the **trustees**). *Clauses 25 to 44* provide for properties vested in fee simple to be administered as reserves. *Clauses 45 to 54* set out general provisions applying to the vesting of cultural redress properties. *Clauses 55 and 56* provide for access to land under the Crown Minerals Act 1991. *Clauses 57 to 64* are further provisions applying to the vesting of cultural redress properties that are reserve land. *Clause 65* provides a right to construct pou whenua. *Clauses 66 and 67* make consequential amendments to the Hauraki Gulf Marine Park Act 2000.

#### **Subpart 2—Ruamāhua**

##### *Property vested in fee simple to be administered as reserve*

*Subpart 2 (clauses 68 to 81)* sets out requirements relating to the vesting of Ruamāhua, including a change of name for the reserve.

#### **Subpart 3—Vesting and vesting back of properties**

*Subpart 3 (clauses 82 to 86)* provides for the delayed vesting of the fee simple estate of 2 properties in the trustees and their vesting back to the Crown 7 days later.

#### **Subpart 4—Overlay classification**

*Subpart 4 (clauses 87 to 101)* provides for an overlay classification to be declared in relation to certain overlay areas (see *Schedule 2*). The purposes and limits of the overlay classification are specified. The subpart authorises the making of certain regulations and bylaws relating to the overlay classification.

### Subpart 5—Statutory acknowledgement

*Subpart 5 (clauses 102 to 113)* contains the Crown’s acknowledgement of the statements made by Ngāti Paoa of their association with certain statutory areas (*see Schedule 3*). The purposes and limits of the statutory acknowledgement are specified.

### Subpart 6—Protocols

*Subpart 6 (clauses 114 to 119)* provides for the issue of 2 protocols: a primary industries protocol and a taonga tūturu protocol. The subpart provides that a protocol is subject to the Crown’s obligations and any limits specified in the protocol.

### Subpart 7—Name changes for Crown protected areas

*Subpart 7 (clause 120)* provides for name changes for 5 reserves.

## Part 3

### Commercial redress

*Part 3* provides for commercial redress.

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

*Subpart 1 (clauses 121 to 127)* contains provisions relating to the transfer of commercial and deferred selection properties, and provides for the creation of a record of title for each property and other related matters.

#### Subpart 2—Vesting of certain Crown owned minerals and related matters

*Subpart 2 (clauses 128 to 145)* contains provisions relating to the vesting of certain Crown owned minerals in the trustees or the Pouarua Farm Limited Partnership, as the case may be, including the payment of an amount in specified circumstances where the Crown has been paid royalties in respect of any mineral vested or transferred.

## Part 4

### Provisions for governance reorganisation and transitional taxation arrangements

*Clause 146* provides definitions that apply in *Part 4*.

#### Subpart 1—Governance reorganisation

*Subpart 1* sets out the arrangements required for the proposed governance reorganisation: *clauses 147 and 148* relate to the dissolution of the Waiheke Station Trust, *clauses 149 to 154* contain general matters, and *clauses 155 to 160* set out further transitional requirements.

## Subpart 2—Transitional taxation provisions

*Subpart 2 (clauses 161 to 163)* provide for transitional taxation arrangements.

## Part 5

### Repeal, amendments, and savings

#### *Repeal*

*Clause 164* repeals the Point England Development Enabling Act 2017.

#### *Consequential amendments*

*Clauses 165 to 167* provide for consequential amendments to 2 Acts and 1 order.

#### *Savings relating to Hine-nui-o-te-paua*

*Clause 168* provides for the continuation of certain amendments to the Auckland combined plan under the Point England Development Enabling Act 2017 and for those relating to the management plan, as defined in that Act, to cease to have effect.

### Schedules

There are 3 schedules, as follows:

- *Schedule 1* describes the cultural redress properties and Ruamāhua:
- *Schedule 2* describes the overlay areas to which the overlay classification applies:
- *Schedule 3* sets out the areas that are subject to the statutory acknowledgement.

*Hon Andrew Little*

# **Ngāti Paoa Claims Settlement Bill**

Government Bill

## **Contents**

		Page
1	Title	7
2	Commencement	7
<b>Part 1</b>		
<b>Preliminary matters, historical account, acknowledgements and apology, and settlement of historical claims</b>		
<i>Preliminary matters</i>		
3	Purpose	8
4	Provisions to take effect on settlement date	8
5	Act binds the Crown	8
6	Outline	8
<i>Summary of historical account, acknowledgements, and apology of the Crown</i>		
7	Summary of historical account, acknowledgements, and apology	10
8	Summary of historical account	10
9	Acknowledgements	12
10	Apology	20
<i>Interpretation provisions</i>		
11	Interpretation of Act generally	21
12	Interpretation	21
13	Meaning of Ngāti Paoa	24
14	Meaning of historical claims	24
<i>Historical claims settled and jurisdiction of courts, etc, removed</i>		
15	Settlement of historical claims final	27

**Ngāti Paoa Claims Settlement Bill**

---

*Amendment to Treaty of Waitangi Act 1975*

16	Amendment to Treaty of Waitangi Act 1975	28
	<i>Resumptive memorials no longer to apply</i>	
17	Certain enactments do not apply	28
18	Resumptive memorials to be cancelled	28
	<i>Miscellaneous matters</i>	
19	Limit on duration of trust does not apply	29
20	Access to deed of settlement	29
21	Provisions that have same effect	30

**Part 2**  
**Cultural redress**

Subpart 1—Vesting of cultural redress properties

22	Interpretation	30
	<i>Properties vested in fee simple</i>	
23	Hine-nui-o-te-paua	31
24	Kaiaua School property	31
	<i>Properties vested in fee simple to be administered as reserves</i>	
25	Māwhitipana	31
26	Omaru	32
27	Council improvements attached to Omaru	33
28	Paoa Ururoa	34
29	Application of motu plan to Paoa Ururoa	34
30	Right of entry onto Paoa Ururoa by the Crown	34
31	Paoa Ururua	35
32	Application of motu plan to Paoa Ururua	35
33	Right of entry onto Paoa Ururua by the Crown	35
34	Paoa Whanake	36
35	Papakura Pā	36
36	Pokai Wawahi Ika	37
37	Tauwhare Koiora site A and Tauwhare Koiora site B	37
38	Te Iwi Rahirahi	38
39	Future interests relating to Te Iwi Rahirahi reserve land	38
40	Administration of Te Iwi Rahirahi reserve land	39
41	Te Waero Awe Houkura	40
42	Council improvements attached to Te Waero Awe Houkura	41
43	Interests relating to Te Waero Awe Houkura reserve land	41
44	Administration of Te Waero Awe Houkura reserve land	42
	<i>General provisions applying to vesting of cultural redress properties</i>	
45	Properties vest subject to or together with interests	43

**Ngāti Paoa Claims Settlement Bill**

---

46	Interests in Papakura Pā	43
47	Interests in land for certain properties	44
48	Interests that are not interests in land	44
49	Registration of ownership	45
50	Application of Part 4A of Conservation Act 1987	46
51	Matters to be recorded on record of title	47
52	Effect of change of status of certain reserve properties	47
53	Application of other enactments	49
54	Names of Crown protected areas discontinued	49
	<i>Access to land under Crown Minerals Act 1991</i>	
55	Certain land to be treated as if included in Schedule 4 of Crown Minerals Act 1991	49
56	When land may be treated as no longer included in Schedule 4 of Crown Minerals Act 1991	50
	<i>Further provisions applying to reserve properties</i>	
57	Application of other enactments to reserve properties	50
58	Joint management body for Tauwhare Koiora reserves	52
59	Application of Reserves Act 1977 to joint management body	52
60	Subsequent transfer of reserve land	53
61	Transfer of reserve land to new administering body	54
62	Transfer of reserve land if trustees change	54
63	Reserve land not to be mortgaged	55
64	Saving of bylaws, etc, in relation to reserve properties	55
	<i>Pou whenua</i>	
65	Right to construct pou whenua on certain reserves	55
	<i>Consequential amendments to Hauraki Gulf Marine Park Act 2000</i>	
66	Amendments to Hauraki Gulf Marine Park Act 2000	55
67	Schedule 5 amended	55
	Subpart 2—Ruamāhua	
	<i>Property vested in fee simple to be administered as reserve</i>	
68	Interpretation	56
69	Ruamāhua vests in descendants	56
70	Application of Te Ture Whenua Maori Act 1993	57
71	Requirements before revocation of reservation	57
72	Notices to be given to Māori Land Court	58
73	The Crown's rights and obligations	59
74	Application of Reserves Act 1977 and Fire and Emergency New Zealand Act 2017	59
75	Interests that are not interests in land	59
76	Application of Part 4A of Conservation Act 1987	60
77	Matters to be recorded on record of title	60

**Ngāti Paoa Claims Settlement Bill**

---

78	Application of other enactments to Ruamāhua	61
79	Reserve land not to be mortgaged	61
80	Saving of bylaws, etc	61
81	Name change for Ruamāhua	61
	Subpart 3—Vesting and vesting back of properties	
82	Interpretation	62
83	Notice appointing delayed vesting date for Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area	62
84	Delayed vesting and vesting back of Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area	63
85	Notice of delayed vesting date for Te Haupa Island Scenic Reserve	63
86	Delayed vesting and vesting back of Te Haupa Island Scenic Reserve	64
	Subpart 4—Overlay classification	
87	Interpretation	64
88	Declaration of overlay classification and the Crown’s acknowledgement	65
89	Purposes of overlay classification	65
90	Effect of protection principles	65
91	Obligations on New Zealand Conservation Authority and Conservation Boards	65
92	Noting of overlay classification in strategies and plans	66
93	Notification in <i>Gazette</i>	66
94	Actions by Director-General	67
95	Amendment to strategies or plans	67
96	Regulations	67
97	Bylaws	67
98	Effect of overlay classification on overlay areas	68
99	Termination of overlay classification	68
100	Exercise of powers and performance of functions and duties	69
101	Rights not affected	69
	Subpart 5—Statutory acknowledgement	
102	Interpretation	69
103	Statutory acknowledgement by the Crown	70
104	Purposes of statutory acknowledgement	70
105	Relevant consent authorities to have regard to statutory acknowledgement	70
106	Environment Court to have regard to statutory acknowledgement	70
107	Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement	71
108	Recording statutory acknowledgement on statutory plans	71

**Ngāti Paoa Claims Settlement Bill**

---

109	Provision of summary or notice to trustees	72
110	Use of statutory acknowledgement	72
111	Exercise of powers and performance of functions and duties	73
112	Rights not affected	73
	<i>Consequential amendment to Resource Management Act 1991</i>	
113	Amendment to Resource Management Act 1991	73
	Subpart 6—Protocols	
114	Interpretation	74
	<i>General provisions applying to protocols</i>	
115	Issuing, amending, and cancelling protocols	74
116	Protocols subject to rights, functions, and duties	74
117	Enforcement of protocols	75
	<i>Primary industries</i>	
118	Primary industries protocol	75
	<i>Taonga tūturu</i>	
119	Taonga tūturu protocol	76
	Subpart 7—Name changes for Crown protected areas	
120	Name changes for Crown protected areas	76
	<b>Part 3</b>	
	<b>Commercial redress</b>	
	Subpart 1—Transfer of commercial and deferred selection properties	
121	Interpretation	77
122	The Crown may transfer properties	77
123	Records of title for commercial and deferred selection properties	78
124	Authorised person may grant covenant for later creation of record of title	78
125	Application of other enactments	78
126	Transfer of deferred selection properties subject to lease	79
127	Requirements if lease terminates or expires	79
	Subpart 2—Vesting of certain Crown owned minerals and related matters	
128	Application and interpretation	80
	<i>Existing rights preserved</i>	
129	Certain existing rights preserved	81
	<i>Certain minerals vested or transferred under this subpart</i>	
130	Vested minerals no longer to be reserved to the Crown	82
131	Application of Crown Minerals Act 1991	83

**Ngāti Paoa Claims Settlement Bill**

---

<i>Registration</i>		
132	Notation of mineral ownership on records of title (other than for properties referred to in sections 133 and 134)	83
133	Notation of mineral ownership on records of title for early release commercial properties and Pouarua Farm property	83
134	Notation of mineral ownership on record of title for Ruamāhua	84
<i>Application provision relating to Ruamāhua</i>		
135	Application of sections 136 to 145 to Ruamāhua	84
<i>Amounts payable in respect of vested minerals</i>		
136	Purpose and scope of arrangement for payments	84
137	Obligation to pay representative or actual amount	84
<i>Calculation of amount payable</i>		
138	Calculation of representative amount	85
139	Calculation of representative amount if more than 1 permit area	85
140	Calculation of representative amount if relevant land held in shares	86
141	When actual amount may be paid	86
<i>Application for payment of representative amount</i>		
142	Application requirements	87
143	Advice to be given to applicant	87
144	Other conditions applying to payments	88
<i>Status of certain information</i>		
145	Confidentiality of information disclosed or received	88
<b>Part 4</b>		
<b>Provisions for governance reorganisation and transitional taxation arrangements</b>		
146	Interpretation	88
Subpart 1—Governance reorganisation		
<i>Dissolution of Waiheke Station Trust</i>		
147	Dissolution of Waiheke Station Trust	89
148	Vesting of assets and liabilities of responsible trustees	90
<i>General matters relating to reorganisation</i>		
149	Matters not affected by transfer	90
150	Status of existing instruments	90
151	Status of existing securities	91
152	Continuation of proceedings	91
153	Books and documents to remain evidence	91
154	Registration of documents	91
<i>Employees</i>		
155	Transfer of employees	92

156	Protection of terms and conditions of employment	92
157	Continuity of employment	92
158	No compensation for technical redundancy	93
159	Liability of employers and agents	93
	<i>Final report of Waiheke Station Trust</i>	
160	Final report	93
	Subpart 2—Transitional taxation provisions	
161	Application and interpretation	93
162	Taxation in respect of transfer of assets and liabilities of Waiheke Station Trust	94
163	Election of trustees of Ngāti Paoa Iwi Trust to become Māori authority	95

### Part 5

#### Repeal, amendments, and savings

##### *Repeal*

164	Point England Development Enabling Act 2017 repealed	95
	<i>Consequential amendments</i>	
165	Amendment to Reserves and Other Lands Disposal Act 1970	95
166	Amendments to Crown Minerals Act 1991	96
167	Amendments to Wildlife Sanctuary (Aldermen Islands) Order 1965	96

##### *Savings relating to Hine-nui-o-te-paua*

168	Savings	96
-----	---------	----

#### Schedule 1

#### Cultural redress properties and Ruamāhua

#### Schedule 2

#### Overlay areas

#### Schedule 3

#### Statutory areas

98

101

102

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

#### 1 Title

This Act is the Ngāti Paoa Claims Settlement Act **2022**.

#### 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

## Part 1

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

#### *Preliminary matters*

<b>3</b>	<b>Purpose</b>	5
	The purpose of this Act is—	
	(a) to record the acknowledgements and apology given by the Crown to Ngāti Paoa in the deed of settlement; and	
	(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Paoa.	10
<b>4</b>	<b>Provisions to take effect on settlement date</b>	
(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—	15
	(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.	
<b>5</b>	<b>Act binds the Crown</b>	
	This Act binds the Crown.	20
<b>6</b>	<b>Outline</b>	
(1)	This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.	
(2)	This Part—	25
	(a) sets out the purpose of this Act; and	
	(b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and	
	(c) specifies that the Act binds the Crown; and	
	(d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Paoa, as recorded in the deed of settlement; and	30
	(e) defines terms used in this Act, including key terms such as Ngāti Paoa and historical claims; and	
	(f) provides that the settlement of the historical claims is final; and	35

- (g) provides for—
- (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
  - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
  - (iii) the effect of the settlement on certain memorials; and
  - (iv) the exclusion of the limit on the duration of a trust; and
  - (v) access to the deed of settlement.
- (3) **Part 2** provides for cultural redress, including— 10
- (a) cultural redress requiring vesting in the trustees of the fee simple estate in cultural redress properties; and
  - (b) the vesting of Ruamāhua in the descendants; and
  - (c) the vesting of 2 properties in the trustees and the subsequent vesting back of the properties in the Crown; and 15
  - (d) cultural redress that does not involve the vesting of land, namely,—
    - (i) an overlay classification applying to certain areas of land; and
    - (ii) a statutory acknowledgement by the Crown of the statements made by Ngāti Paoa of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement; and 20
    - (iii) protocols for primary industries and taonga tūturu on the terms set out in the documents schedule; and
    - (iv) name changes for certain Crown protected areas; and
    - (v) a right to construct pou whenua on certain reserves. 25
- (4) **Part 3** provides for commercial redress, including,—
- (a) in **subpart 1**, the transfer of commercial and deferred selection properties; and
  - (b) in **subpart 2**, the vesting of certain Crown owned minerals and related matters. 30
- (5) **Part 4** provides for—
- (a) the reorganisation of Ngāti Paoa governance arrangements in relation to the Waiheke Station Trust; and
  - (b) transitional taxation provisions that relate to the reorganisation.
- (6) **Part 5** sets out a repeal, amendments to other legislation that are required as a consequence of certain settlement arrangements provided for in this Act, and savings in relation to 1 property. 35
- (7) There are 3 schedules, as follows:

- (a) **Schedule 1** describes the cultural redress properties and Ruamāhua:
- (b) **Schedule 2** describes the overlay areas to which the overlay classification applies:
- (c) **Schedule 3** describes the statutory areas to which the statutory acknowledgement relates.

5

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

**7 Summary of historical account, acknowledgements, and apology**

- (1) **Section 8** summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.
- (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to Ngāti Paoa in the deed of settlement. 10
- (3) The acknowledgements and apology are to be read together with the historical account recorded in part 3 of the deed of settlement.

**8 Summary of historical account**

- (1) In 1840, a number of rangatira of Ngāti Paoa signed te Tiriti o Waitangi/the Treaty of Waitangi in Tāmaki and the Coromandel. After Auckland was established as the capital in 1841, Ngāti Paoa supplied the settlement with produce. 15
- (2) In 1841, the Crown purchased 6,000 acres at Kohimarama and 220,000 acres at Mahurangi and Omaha from Ngāti Paoa and other iwi. No reserves were made in these lands. In the 1840s and 1850s, the Crown retained approximately 90,000 acres of land in which Ngāti Paoa had interests as surplus from pre-Treaty transactions and pre-emption waiver transactions. This included approximately 78,000 acres in south Tāmaki which had been purchased by a missionary in 1836 and 1837. 20
- (3) In July 1863, the Crown invaded the Waikato when its forces crossed the Mangatāwhiri. Some Ngāti Paoa rangatira expressed their loyalty to the Crown. Other Ngāti Paoa resisted the occupation of their lands. In October 1863, HMS *Miranda* shelled the Ngāti Paoa village Pūkorokoro, and in December a Crown militia made a surprise attack on a group of 40 to 50 Māori, including some Ngāti Paoa, near Paparata in East Wairoa. 25 30
- (4) The Crown proclaimed confiscation blocks in Waikato and Pokeno in December 1864, and in East Wairoa in January 1865. Ngāti Paoa had interests in the 51,000-acre East Wairoa confiscation block and in the Central Waikato confiscation district, which included Maramarua and Pūkorokoro. The confiscated lands included Kohukohunui and Rataroa, Ngāti Paoa's sacred maunga. No land was returned to Ngāti Paoa in the East Wairoa confiscation block. 35
- (5) Between April and June 1864, the Crown conducted military operations against Māori in Tauranga Moana. After the conflict ended, the Crown proclaimed a confiscation district of 214,000 acres, and in 1868 a further 76,000 acres were

added to this district. Ngāti Paoa had interests in lands that were included in the confiscation district.

- (6) In 1865, the Crown promoted legislation that introduced the native land laws, under which title to much Māori land was individualised. The individualisation of title made Ngāti Paoa lands more susceptible to alienation. Much of Ngāti Paoa land on Waiheke and on the Wharekawa Coast was sold to private purchasers in the late nineteenth and early twentieth centuries. Crown purchasing activity from the 1870s also led to the alienation of a lot of Ngāti Paoa land, including 45,000 acres at Piako. 5
- (7) Over the course of the twentieth century, almost all of Ngāti Paoa's remaining land was alienated to private purchasers and the Crown. Some land was taken under the Public Works Act 1981. These public works takings sometimes resulted in the destruction of pā and wāhi tapu. In 1908, the Crown authorised a project to drain and develop the Hauraki wetlands. Over the following decades, the Crown altered the waterways, drained the wetlands, and changed the courses of the Waihou and Piako rivers. 10 15
- (8) By the end of the twentieth century, only 27% of Ngāti Paoa spoke te reo Māori. The decline of Ngāti Paoa tribal structures and the loss of te reo Māori contributed to a loss of Ngāti Paoa mātauranga Māori. In the twentieth and twenty-first centuries, Ngāti Paoa, like other Hauraki Māori, generally experienced poorer health, including lower life expectancy and higher infant mortality, than Pākehā. Ngāti Paoa also experienced higher unemployment than the general population, and a lower median annual income. 20

#### **Te Rāpopototanga o ngā Kōrero Hītori e pā ana ki ngā kerēme a Ngāti Paoa**

- (1) I te tau 1840, i hainatia te Tiriti o Waitangi e ētehi o ngā rangatira o Ngāti Paoa i Tāmaki me Te Paeroa-o-Toi. He pānga tauhokohoko a Ngāti Paoa ki ngā iwi Pākehā i Tamaki i mua i te hainatanga o te Tiriti o Waitangi, ā, i muri hoki i te whakatūnga o Tāmaki Makaurau hei tāone matua i te tau 1841, ka whakaratohia e Ngāti Paoa he hua kai. 25 30
- (2) I te tau 1841, ka hoko te Karauna i te 6,000 eka i Kohimarama me te 220,000 eka i Mahurangi me Ōmaha, mai i a Ngāti Paoa me ētehi atu iwi. Kīhai ēnei whenua i wāwāhi hei whenua rāhui. I ngā tau o 1840 ki te 1850, i pupuri tonu te Karauna i tata ki te 90,000 eka o te whenua i whaipānga ai a Ngāti Paoa hei whenua tuwhene mai i ngā tauwhitinga i mua i te hainatanga o te Tiriti me ngā tauwhitinga whakawātea i te rāhui hoko. Ko te whenua hoki, tata ki te 78,000 eka i Tāmaki ki te tōnga kua hokona e tētahi mihinare i ngā tau 1836 me te 1837. 35
- (3) I te marama o Hūrae 1863, ka urutomo te Karauna ki roto o Waikato, te whakawhitinga o āna hōia ki Mangatāwhiri. I whakapuaki ētehi rangatira o Ngāti Paoa o rātou whakapono ki te Karauna. I ātete ētehi atu o Ngāti Paoa i te nohoanga o o rātou whenua. I te marama o Oketopa 1863, ka pahū tō Ngāti 40

Paoa kāinga a Pūkorokoro, e HMS *Miranda*, ā, i te marama o Tihema ka tukipoto ngā miriha o te Karauna ki tētehi rōpū tāngata Māori 40 ki te 50, ko ētehi nō Ngāti Paoa, tata atu ki te takiwā o Paparata ki te Rāwhiti o Wairoa.

- (4) I te marama o Tihema 1864, ka pānuitia e te Karauna he poraka raupatu i Waikato me Pōkeno, ki te Rāwhiti o Wairoa i te marama o Hānuere 1865. I whaipānga a Ngāti Paoa ki te poraka raupatu i te rāwhiti o Wairoa, 51,000 eka te rahi, me te rohe raupatu i te pōkapu o Waikato kei roto hoki a Maramarua me Pūkorokoro. Kei ēnei whenua raupatu a Kohukohunui me Rātāroa, ngā maunga tapu o Ngāti Paoa. Kore rawa i whakahoki mai ki a Ngāti Paoa he whenua i te poraka raupatu o te Rāwhiti o Wairoa. 5 10
- (5) I te marama o Āperira ki te marama o Hune 1864, ka pakanga te Karauna ki a ngāi Māori i Tauranga Moana. Ka mutu mai ana te pakanga, ka pānuitia e te Karauna he rohe raupatu 214,000 eka te rahi, ā, i te tau 1868 i tāpirihia anō e 76,000 eka ki tēnei rohe. He whaipānga a Ngāti Paoa ki ngā whenua i whakauruhia ki te rohe raupatu. 15
- (6) I te tau 1865, i kōkiritia e te Karauna he ture ka whakamana i ngā Ture Whenua Māori, e whakatakitahingia ai te taitara ki te nuinga o ngā whenua Māori. Nā te whakatakitahi o ngā taitara ka whakarere rawa ake ngā whenua o Ngāti Paoa. I te mutunga o te rautau tekau mā iwa ki te tīmatanga o te rautau rua tekau, he nui ngā whenua o Ngāti Paoa i hokona atu i Waiheke me te Takutai moana o Wharekawa. Nā ngā mahi hoko whenua a te Karauna mai i ngā tau 1870, ka whakarere rawa ngā whenua o Ngāti Paoa, ka tapiri ai te 45,000 eka i Piako. 20
- (7) I te roanga atu o te rautau rua tekau i hokona atu tata ki te katoa o ngā whenua e toe ana ki a Ngāti Paoa ki ngā kaihoko tauiwī, ki ngā kaunihera ā-rohe me te Karauna. I riro ētehi whenua i raro i te Ture Mahi Tūmatanui. I ētahi wā ko te mutunga iho o aua rironga i raro i te Ture Mahi Tūmatanui ko te urupatunga o ngā pā me ngā wāhi tapu. I te tau 1908, ka whakamanaia e te Karauna he kaupapa kia whakamimiti me te whakapai ake i ngā repo o Hauraki. I roto i ngā ngahuru tau i whai ake ka whakarerekē te Karauna i te takoto o ngā hōpua wai, ka whakamimiti i ngā repo, ā, ka whakapeka i te rere o ngā awa o Waihou me Piako. 25 30
- (8) I te mutunga o te rautau rua tekau, e 27 ōrau noa iho o Ngāti Paoa i kōrero i te reo Māori. Nā te memehatanga iho o te reo Māori, i ngaro ai te mātauranga Māori o Ngāti Paoa. I ngā rautau rua tekau me te rua tekau mā tahi, ka pā mai te raruraru ki a Ngāti Paoa, whērā ki ngā Māori o Hauraki, ka pā mai te hauora kore, ka whakaheke te ora me te nui ake o ngā matenga kōhungahunga o te Māori, i te Pākehā. He maha kē atu te kore mahi a Ngāti Paoa i tō te iwi whānui me te whakahekenga iho o te moni whiwhi tauwaenga ia te tau. 35

## 9 Acknowledgements

- (1) The Crown acknowledges that— 40

- 
- (a) until now it has failed to deal with the long-standing grievances of Ngāti Paoa, and that recognition of and redress for these grievances is long overdue; and
- (b) Ngāti Paoa rangatira sought to establish a relationship with the Crown in 1840 by signing te Tiriti o Waitangi/the Treaty of Waitangi; and 5
- (c) the Crown did not always honour its part in that relationship.
- (2) The Crown acknowledges that the lands Ngāti Paoa provided for settlement purposes contributed to the establishment of the settler economy and the development of New Zealand.
- (3) The Crown acknowledges that— 10
- (a) it took 78,000 acres of land in the Tāmaki block it considered surplus to those claimed by a settler as a result of a pre-Treaty transaction including land in which Ngāti Paoa had interests; and
- (b) a large portion of the “surplus lands” in the Tāmaki block were lands that the settler who made the transaction agreed would return to Māori ownership, and this has long been a source of grievance for Ngāti Paoa; and 15
- (c) it never compensated Ngāti Paoa for their interests in the “surplus lands” in the Tāmaki block as it did several other iwi involved in this transaction; and 20
- (d) it did not provide reserves for Ngāti Paoa or other Marutūāhu iwi within the bounds of the Tāmaki purchase; and
- (e) it failed to require the Tāmaki block to be properly surveyed and to require an assessment of the adequacy of lands that Māori held before acquiring the “surplus” in Tāmaki Makaurau, and thereby breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 25
- (4) The Crown acknowledges that—
- (a) it took 17,000 acres of land in the Te Weiti and Takapuna blocks it considered surplus to those claimed by settlers as the result of pre-Treaty transactions including land in which Ngāti Paoa had interests; and 30
- (b) it failed to require an assessment of the adequacy of lands that Māori held before acquiring the “surplus” in Takapuna and Te Weiti, and thereby breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (5) The Crown acknowledges that when it purchased an extensive area at Mahurangi and Omaha in 1841, including 200,000 acres between Te Arai and Maungauika, it failed to ensure adequate reserves would be protected in the ownership of Ngāti Paoa, and this was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35
- (6) The Crown acknowledges that— 40

- 
- (a) it took Ngāti Paoa lands, including lands at Waiheke, as surplus from disallowed pre-emption waiver claims and that its policy of taking surplus land has long been a source of grievance to Ngāti Paoa; and
- (b) it failed to correctly apply all the regulations that were designed to protect Māori and that governed pre-emption waiver transactions; and 5
- (c) it did not always protect Māori interests during investigations into these transactions; and
- (d) its policy of taking surplus land from pre-emption waiver purchases breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it failed to require any assessment of whether Ngāti Paoa retained adequate lands for their needs. The Crown also acknowledges that this failure was compounded by flaws in the way the Crown implemented the policy in further breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 10
- (7) The Crown acknowledges that by failing to set aside one-tenth of the lands transacted during the pre-emption waiver period for public purposes, especially the establishment of schools and hospitals for the future benefit of Māori including Ngāti Paoa, it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 15
- (8) The Crown acknowledges that— 20
- (a) its representatives and advisers acted unjustly and in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles in sending its forces across the Mangatāwhiri in July 1863, invading and occupying land in which Ngāti Paoa had interests; and
- (b) it intimidated Ngāti Paoa by using heavily armed gunboats to blockade Hauraki Gulf/Tikapa Moana, and destroying waka; and 25
- (c) it caused the deaths of Ngāti Paoa individuals when its forces—
- (i) shelled an unfortified village at Pūkorokoro in November 1863; and
- (ii) attacked a number of Ngāti Paoa without warning in December 1863; and 30
- (d) the Crown further acknowledges that the suffering caused by its actions was compounded by the renaming of Pūkorokoro after the warship that shelled its inhabitants.
- (9) The Crown acknowledges that the confiscation of land in which Ngāti Paoa had interests, including land in Waikato and East Wairoa, extinguished native title and alienated sacred sites including the maunga Kohukohunui and Rātāroa, as well as traditional resource-gathering sites, and was unjust and a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35

- (10) The Crown acknowledges that it compulsorily and unjustly extinguished Ngāti Paoa’s customary interests in the Tauranga confiscation district and these actions breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (11) The Crown further acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it failed to actively protect Ngāti Paoa interests in lands they wished to retain when it initiated the purchase of Te Puna and Katikati blocks in 1864 without investigating the rights of Ngāti Paoa. 5
- (12) The Crown acknowledges that—
- (a) it broke its promise that those who had not taken up arms in war, including a number of Ngāti Paoa, would not be deprived of their lands through the confiscation; and 10
  - (b) it made no provision for the Compensation Court to return land to Māori who were not considered to be in rebellion when the Court heard Ngāti Paoa claims for compensation in East Wairoa; and 15
  - (c) it did not return any land in these districts to those members of Ngāti Paoa it did not consider to have been rebels; and
  - (d) its failure to protect the interests of those members of Ngāti Paoa whom it did not consider to be rebels was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20
- (13) The Crown acknowledges that—
- (a) it did not consult Ngāti Paoa about the introduction of the native land laws; and
  - (b) the resulting individualisation of land tenure was inconsistent with Ngāti Paoa tikanga; and 25
  - (c) the operation and impact of the native land laws, in particular the awarding of land to individual owners, made those lands more susceptible to partition, fragmentation, and alienation; this contributed to the erosion of the traditional tribal structures of Ngāti Paoa, which were based on collective tribal and hapū custodianship of land; and 30
  - (d) the Crown’s failure to protect the tribal structures of Ngāti Paoa was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (14) The Crown acknowledges that it sought to purchase Ngāti Paoa interests in the Piako blocks before title to the land was determined by the Native Land Court.
- (15) The Crown acknowledges that Ngāti Paoa had to sell unreasonable amounts of land to pay for survey costs at Te Hoe o Tainui. The Crown’s failure to protect Ngāti Paoa from this burden breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 35
- (16) The Crown acknowledges that valuable mineral resources on lands leased by Ngāti Paoa and others provided economic benefits to the nation. 40

- (17) The Crown acknowledges that environmental changes and pollution since the nineteenth century have been a source of distress and grievance for Ngāti Paoa. In particular, the Crown acknowledges that modifications to the course of the Piako River and its tributaries since the 1890s have drained resource-rich wetlands, destroyed Ngāti Paoa wāhi tapu, and caused significant harm to kai-moana sources relied on by Ngāti Paoa. 5
- (18) The Crown acknowledges the harm endured by many Ngāti Paoa children from decades of Crown policies that strongly discouraged the use of te reo Māori in school. The Crown also acknowledges the detrimental effects on Māori language proficiency and fluency and the impact on the inter-generational transmission of te reo Māori and knowledge of tikanga Māori practices. 10
- (19) The Crown acknowledges that the health of Ngāti Paoa has been worse than that of many other New Zealanders, and they have not had the same opportunities in life that many other New Zealanders have enjoyed.
- (20) The Crown acknowledges that the cumulative effect of the Crown’s actions and omissions, including confiscation, the operation and impact of the native land laws, and continued Crown purchasing, has left Ngāti Paoa virtually landless and undermined their economic, social, and cultural development. The Crown’s failure to ensure that they retained sufficient land for their present and future needs was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. 20

### **Ngā whakaaetanga a te Karauna ki Ngāti Paoa**

- (1) E whakaae ana te Karauna he tika—
- (a) tae mai ki nāianeī kāore anō kia tatū ngā nawe nui a Ngāti Paoa, ā, kua roa rawa hoki te tāringa rahirahi a te iwi ki te whakawā me te whakatika i aua nawe; ā 25
- (b) i whai ngā rangatira o Ngāti Paoa ki te whakatū whanaungatanga ki te Karauna i te tau 1840, nā te hainatanga i te Tiriti o Waitangi; ā
- (c) kīhai te Karauna i whakatutuki i tōna wāhanga o taua noho whanaunga.
- (2) E whakaae ana te Karauna ko ngā whenua nā Ngāti Paoa i whakarite mai mō ngā mahi whakanoho tangata mai ka noho hei waiū hei oranga nui mō te whakatūranga o te ōhanga o tauīwi i ngā rohe o Ngāti Paoa me te whanaketanga o Aotearoa. 30
- (3) E whakaae ana te Karauna—
- (a) i tangohia e ia ētehi whenua 78,000 eka te rahi i te poraka o Tāmaki kua kīa e ia i mua he whenua tuwhene ki ērā i taunahatia e tētehi tangata o tauīwi. I kerēme tēnei tangata i tētehi whenua i hokona i mua atu i te Tiriti, ko ētehi o ngā whenua o taua poraka he whenua whai pānga nō Ngāti Paoa; ā 35
- (b) ko tētehi wāhanga nui o ngā “whenua tuwhene” i te poraka o Tāmaki he whenua i whakaaetia e te tangata o tauīwi i noho ki taua poraka tērā tonu 40

- e whakahokia ki te iwi Māori, ā tōna wā, ā, kua roa rawa tēnei nawe e noho ana hei pōuritanga nui mō Ngāti Paoa; ā
- (c) kīhai rawa i ea te utu mō ngā pānga o Ngāti Paoa i aua “whenua tuwhene” i te poraka o Tāmaki, whēnā i ētehi atu iwi i uru ki tēnei hoko; ā 5
- (d) kīhai i wehe mai ngā whenua rāhui i kōrerotia rā mō Ngāti Paoa mō ētehi atu iwi o Marutūāhu hoki i roto i ngā whaitua o te hoko whenua o Tāmaki; ā
- (e) kīhai te Karauna i āta whakahau i te rūritanga tika i te poraka o Tāmaki, kāore hoki i poua e ia he tikanga e whakawāngia ai mehemea i nui ngā whenua “tuwhene” i Tāmaki, nā konei i takahia ai te Tiriti o Waitangi me ōna mātāpono. 10
- (4) E whakaae ana te Karauna—
- (a) i tangohia e ia ētehi whenua 17,000 eka te rahi i te poraka o Te Weiti me Takapuna kua kīa e ia he whenua tuwhene ki ērā i taunahatia e ētehi tāngata o tauiwi i muri i ngā hokonga i mua atu i te Tiriti, ko ētehi o ngā whenua o taua poraka he whenua whai pānga nō Ngāti Paoa; ā 15
- (b) kīhai hoki te Karauna i whakahau i te rūritanga tika i te poraka o Takapuna me Te Weiti, kīhai hoki i poua e ia he tikanga e whakawāngia ai mehemea i nui ngā whenua "tuwhene", nā konei ka takahia te Tiriti o Waitangi me ōna kaupapa. 20
- (5) E whakaae ana anō hoki te Karauna, nō tana hoko i te wāhanga whenua nui tonu i Mahurangi ki Ōmaha i te tau 1841, tae atu ki te 200,000 eka i waenga i Te Ārai me Maungauika, kīhai tonu i whakahau kia tiakina he whenua rāhui nui tonu i roto i ngā ringaringa o Ngāti Paoa, nā konei anō i takahia ai te Tiriti o Waitangi me ōna mātāpono. 25
- (6) E whakaae ana te Karauna—
- (a) i tangohia e ia ngā whenua nō Ngāti Paoa, tae atu ki ōna whenua i Waiheke, hei tuwhene mai i ngā kerēme whenua kīhai i whakaaetia mai i te wā o te rāhui hoko, ā, kua roa hoki tana kaupapa tango whenua tuwhene e noho ana hei nawe nui mō Ngāti Paoa; ā 30
- (b) kīhai hoki i tika tana hoatu i ngā rekureihana katoa i whakaritea rā i mua hei tiaki i te Māori, i anga katoa ki runga i te whakawāteatanga rahui hoko; ā
- (c) kīhai i tika tana tiaki i ngā pānga Māori i ngā wā katoa i roto i ngā whakawā whenua ki aua hoko; ā 35
- (d) nā tana kaupapa here tango whenua tuwhene i ngā hoko i whakawātea i nga rahui hoko, i takahia ai te Tiriti o Waitangi me ōna mātāpono, nā runga i tana kore e whakahau kia tirohia mehemea i tika anō ngā whenua i waiho hei whenua mō te iwi i roto i ngā ringaringa o Ngāti Paoa, i muri i te hoko. E whakaae ana te Karauna i hē kē atu tēnei raruraru i runga 40

- anō i te whakatinanatanga a te Karauna i ana kaupapa here, ā, ka noho tēnei hei takitahitanga anō i te Tiriti o Waitangi me ōna mātāpono.
- (7) E whakaae ana te Karauna nā tana kore e whakarite i tētehi whakatekau o ngā whenua i hokona atu mō ngā kaupapa ā-iwi whānui, i te wā o te whakawātea i te rāhui hoko, otirā mō ngā kaupapa ā-tangata, arā, mō te whakatū i ngā kura me ngā hohipera, ēnei mahi katoa, hei oranga mō ngāi Māori tae atu ki a Ngāti Paoa, ka takahia e ia te Tiriti o Waitangi me ōna mātāpono. 5
- (8) E whakaae ana te Karauna—
- (a) kīhai rawa atu i tika tā rātou mahi ko ana kaitohutohu i raro i te Tiriti o Waitangi me ōna mātāpono i tana tono i ana hōia kia whakawhiti i te awa o Mangatāwhiri i te marama o Hūrae 1863, i tana huaki hoki i aua whenua, me tana whakanoho i a tauivi ki aua whenua ahakoa ngā pānga o Ngāti Paoa ki roto; ā 10
- (b) ka whakaweti ia i a Ngāti Paoa nā tana mahi ki te tono maniao whai pūrepo hei ārai i te rerenga waka ki runga o Tīkapa Moana, me tana turaki i ngā waka o te iwi; ā 15
- (c) ka whakamate rawa i ētehi tāngata takitahi o Ngāti Paoa i te tahuritanga o ngā hōia o te Karauna ki te—
- (i) pupuhi pahū nui ki te kāinga i Pūkorokoro i te marama o Nōema 1863; me tana; ā 20
- (ii) kōkiri i ētehi o Ngāti Paoa, kāore he whakaara i a rātou, i te marama o Tīhema 1863; ā
- (d) e whakaae ana hoki te Karauna i hē kē atu te mamae i takea mai i ana mahi, nā runga i tana tapanga o te kāinga o Pūkorokoro ki te ingoa o te maniao i pūhia ai ngā pahū ki runga i ōna tāngata noho. 25
- (9) E whakaae ana anō hoki te Karauna nā tana mahi raupatu i ngā whenua i whai pānga a Ngāti Paoa ki roto, tae atu ki ngā whenua i Waikato me Wairoa ki te Rāwhiti, i whakaweto i ngā take tuku iho o te iwi ki ō rātou whenua, i ngaro ai hoki ngā wāhi tapu, tae atu ki te maunga tapu o Kohukohunui me Rātāroa, waihoki ngā wāhi mahinga kai o ngā tūpuna, kāore i tika, he takahi tonu i te Tiriti o Waitangi me ōna mātāpono. 30
- (10) E whakaae ana te Karauna i raupatuhia i murua hoki e ia i runga i te kino ngā pānga tikanga tuku iho o Ngāti Paoa i te rohe whenua raupatu o Tauranga, ā, nā ēnei mahi katoa i takahia ai te Tiriti o Waitangi me ōna mātāpono.
- (11) E whakaae ana anō hoki te Karauna i takahia e ia te Tiriti o Waitangi me ōna mātāpono nā tana kore e huri mai ki te āta tiaki marire i ngā whāinga pānga o Ngāti Paoa ki ngā whenua i hiahia rā ia ki te pupuru, i tana whakarewanga i te hoko o Te Puna me Katikati i te tau 1864, me te kore e tūhura i te rangatiratanga o Ngāti Paoa. 35
- (12) E whakaae ana te Karauna— 40

- (a) i takahia e ia tana kī taurangi ki ērā kāore i hāpai pū i te pakanga, tae atu ki ētehi o Ngāti Paoa, e kore e tangohia ō rātou whenua mā te raupatu; ā
- (b) kāore i whakaritea he wāhanga mō te Kōti Kāpeneheihana kia whakahoki whenua ki ngāi Māori kāore i whakatuma ki te Karauna, e ai ki ōna whakaaro, i te whakawā a te Kōti i ngā kerēme a Ngāti Paoa mō tētehi kāpeneheihana mō Wairoa ki te Rāwhiti; ā 5
- (c) kāore i tutuki i a ia tana kī ka whakahokia ētehi whenua i ētehi o ēnei takiwā ki ngā mema o Ngāti Paoa i mea rā ia ehara i te hunga whakatuma; ā
- (d) ka noho tana korenga e tiaki i ngā pānga o ngā mema o Ngāti Paoa i mea rā ia ehara i te hunga whakatuma, hei takahitanga i te Tiriti o Waitangi me ōna mātāpono. 10
- (13) E whakaae ana te Karauna—
- (a) kāore rawa ia i hoki mai ki te kōrerorero ki a Ngāti Paoa mō te whakaurunga mai o ana ture whenua taketake Māori; ā 15
- (b) ka taupatupatu ngā whakaritenga taitara ā-tangata takitahi ki ngā tikanga tuku iho a Ngāti Paoa; ā
- (c) nā te mahinga me te pānga o ngā ture whenua taketake Māori, otirā ngā mahi whakawhiwhi whenua ki te tangata takitahi, i horapa ai te wehewehe o ngā whenua, i ngāwari ai te hoko atu ki te tangata kē, te whakakore rawatanga rānei; nā konei i horo ai ngā pou matua o ngā tikanga tuku iho o te iwi o Ngāti Paoa, he mea whakatū ki runga tonu i te pupuru ā-hapū, ā-iwi, i te whenua; ā 20
- (d) ka noho te korenga o te Karauna e tiaki i ngā pou matua o te iwi o Ngāti Paoa hei takahitanga nui i te Tiriti o Waitangi me ōna mātāpono. 25
- (14) E whakaae ana te Karauna i ngana ia ki te hoko i ngā pānga o Ngāti Paoa i ngā poraka whenua o Piako i mua i te whakawātanga o te taitara e te Kōti Whenua Māori.
- (15) E whakaae ana te Karauna i herea a Ngāti Paoa kia hoko atu i ngā whenua tino nui rawa hei utu i ngā nama mō te rūri i Te Hoe o Tainui. Nā te kore o te Karauna e tiaki i a Ngāti Paoa i tēnei kawenga i takahia ai te Tiriti o Waitangi me ōna mātāpono. 30
- (16) E whakaae ana te Karauna i puta ake he hua nui i ngā rawa manawa whenua i rīhitia rā i ngā whenua o Ngāti Paoa me ētehi atu, hei painga ohanga hoki ki te motu katoa. 35
- (17) Kei te whakaae te Karauna nā ngā huringa ki te taiao me ngā parahanga kua maringi mai ki te whenua me te wai, mai i te rau tau tekau mā iwā, kua noho hei pōuritanga nui mā Ngāti Paoa. E whakaae ana anō hoki te Karauna nā ngā huringa ki te rere o te awa o Piako me ōna peka mai i ngā tau mai i 1890 i mimiti ai ngā repo hua te kai, hua te mātaitai, i ngaro ai ngā wāhi tapu o Ngāti Paoa, i raru ai hoki ngā mahinga kaimoana i whirinaki rā a Ngāti Paoa i mua. 40

- (18) E whakaae ana anō hoki te Karauna nā ngā mahi whakamataku i ngā tamariki maha o Ngāti Paoa i roto i ngā ngahuru tau, arā, nā ngā kaupapa here a te Karauna i whakakāhoretia ai te reo Māori i roto i ngā kura. Kei te whakaae hoki te Karauna ki ngā pānga kino o ēnei mahi ki te matatau o te tangata me te huatau o tōna reo, tae atu ki te pānga o ēnei mahi ki te whāngaihanga o te reo me ngā tikanga tuku iho mai i tēnā whakatupuranga, ki tēnā whakatupuranga. 5
- (19) E whakaae ana te Karauna kua kino kē atu te hauora o Ngāti Paoa i ētehi atu tāngata noa iho o Aotearoa, ā, kāore hoki i rite rawa ngā whāinga wāhi ki te āta noho i runga i te ora me te pai mō rātou, ki ērā atu tāngata o Aotearoa.
- (20) E whakaae ana te Karauna nā te pānga putuputu o ēnei mahinga, me ēnei hapanga a te Karauna, tae atu ki te raupatu, i te mahinga me te pānga o ngā ture whenua Māori i noho tata whenua kore tonu a Ngāti Paoa, i raru ai hoki tō rātou whanaketanga ā-ōhanga, ā-iwi, ā-tikanga hoki. Ka noho ko te korenga o te Karauna e whakahau tikanga e puritia ai he whenua nui tonu mō rātou i roto i ngā tau, mō ngā rā hoki e heke mai nei hei takahitanga nui i te Tiriti o Waitangi me ōna mātāpono. 15

## 10 Apology

### *Crown apology*

The text of the apology offered by the Crown to the people of Ngāti Paoa, to your tūpuna and your mokopuna, as set out in the deed of settlement, is as follows: 20

- “(a) The Crown profoundly regrets its failure to protect Ngāti Paoa from the rapid alienation of land in the decades following the signing of te Tiriti o Waitangi/the Treaty of Waitangi and the loss of life and the devastation caused by hostilities arising from its invasion of lands south of the Mangatāwhiri. 25
- (b) The Crown has inflicted suffering upon you, its acts and omissions have prejudiced you, and laws and policies that it enacted in Aotearoa/New Zealand have led to the loss of your whenua and your taonga te reo Māori. The Crown has failed to uphold its obligations under te Tiriti o Waitangi/the Treaty of Waitangi and brought dishonour upon itself. For its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles the Crown unreservedly apologises. 30
- (c) The Crown seeks to atone for these injustices, and hopes that through this settlement it can rebuild the relationship that it established with Ngāti Paoa in 1840, begin the process of healing, and enter a new age of co-operation with your people.” 35

### *Te whakapāha*

Ko ngā kupu o te whakapāha kua tāpaetia e te Karauna ki ngā tāngata o Ngāti Paoa, ki ō koutou tūpuna me ā koutou mokopuna, i tuhia i te Whakaaetanga Whakataunga, e pēnei ana: 40

- “(a) Ka tino pā pōuri te Karauna mō tana korenga e tiaki i a Ngāti Paoa kei ngaro katoa ōna whenua i runga i te ohore i ngā ngahuru tau mai i te hainatanga o te Tiriti o Waitangi, mō te whakamatenga me te mahi whakamōti i te whenua hoki i muri i tana huaki pokanoa i ngā whenua ki te tonga o Mangatāwhiri. 5
- (b) E whakaae ana te Karauna nā āna mahi kua taka mai te mate nui ki runga i a koutou, kua tūkinotia koutou e āna mahinga me āna hapanga i whakatinanatia ai ki Aotearoa, i ngaro ai ō koutou whenua me tō koutou taonga nui, te reo Māori. Kāore te Karauna i tahuri mai ki te hautū i ōna kawenga here i runga i a ia i raro i te Tiriti o Waitangi, ā, ka hinga tētehi wāhi o tōna mana. Mō ana takahitanga i te Tiriti o Waitangi me ōna mātāpono, tēnei te Karauna te tūohu atu, me te tāpae i tana whakapāha nui ki te iwi o Ngāti Paoa. 10
- (c) E hiahia ana te Karauna ki te whakatikatika i ēnei hē nui, me te tūmanako mā roto i tēnei whakataunga ka whakaū anō te noho whanaunga me te haere kōtui i tūmanakohia ai e Ngāti Paoa me te Karauna i te tau 1840, e hua ake ai te mahi whakarauora me te mahi tahi ki tō iwi.” 15

*Interpretation provisions*

- 11 Interpretation of Act generally** 20
- It is the intention of Parliament that the provisions of this Act are interpreted in a manner that best furthers the agreements expressed in the deed of settlement.
- 12 Interpretation**
- In this Act, unless the context otherwise requires,—
- administering body** has the meaning given in section 2(1) of the Reserves Act 1977 25
- aquatic life** has the meaning given in section 2(1) of the Conservation Act 1987
- attachments** means the attachments to the deed of settlement
- coastal marine area** has the meaning given in **section 82** 30
- commercial property** has the meaning given in **section 121**
- 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 35
- conservation area** has the meaning given in section 2(1) of the Conservation Act 1987

- conservation management plan** has the meaning given in section 2(1) of the Conservation Act 1987
- conservation management strategy** has the meaning given in section 2(1) of the Conservation Act 1987
- Crown** has the meaning given in section 2(1) of the Public Finance Act 1989 5
- cultural redress property** has the meaning given in **section 22**
- deed of settlement**—
- (a) means the deed of settlement dated 20 March 2021 and signed by—
- (i) the Honourable Andrew James Little, Minister for Treaty of Waitangi Negotiations, and the Honourable Grant Murray Robertson, Minister of Finance, for and on behalf of the Crown; and 10
- (ii) Anthony Dean Morehu Wilson and Hauāuru Eugene Raymond Rawiri, for and on behalf of Ngāti Paoa; and
- (iii) Mihingarangi Forbes, Tania Aroha Rochelle Tarawa, Glen Andrew Tupuhi, James Bruce Tetai Ratahi, Herearoa Francis Skipper, Lorraine Rangitahi Pompey, and Anahera Sadler, being the trustees of the Ngāti Paoa Iwi Trust; and 15
- (b) includes—
- (i) the schedules of, and attachments to, the deed; and
- (ii) any amendments to the deed or its schedules and attachments 20
- deferred selection property** has the meaning given in **section 121**
- descendants** has the meaning given in **section 68**
- Director-General** means the Director-General of Conservation
- documents schedule** means the documents schedule of the deed of settlement
- early release commercial property** means a property described in part 5 of the property redress schedule 25
- effective date** means the date that is 6 months after the settlement date
- general matters schedule** means the general matters schedule of the deed of settlement
- historical claims** has the meaning given in **section 14** 30
- interest** means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting a property
- LINZ** means Land Information New Zealand
- local authority** has the meaning given in section 5(1) of the Local Government Act 2002 35
- member of Ngāti Paoa** 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

- Ngāti Paoa Iwi Trust** means the trust of that name established by a trust deed dated 4 October 2013
- overlay classification** has the meaning given in **section 87**
- Pouarua Farm Limited Partnership** means the limited partnership of that name registered on 8 November 2013 with registration number 2591742 5
- Pouarua Farm property** means the land held by the Pouarua Farm Limited Partnership that is comprised in record of title 317403
- property redress schedule** means the property redress schedule of the deed of settlement
- record of title** has the meaning given in section 5(1) of the Land Transfer Act 2017 10
- 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 15
  - (b) any person, including any trustee, acting for or on behalf of—
    - (i) the collective group referred to in **section 13(1)(a)**; or
    - (ii) 1 or more members of Ngāti Paoa; or
    - (iii) 1 or more of the whānau, hapū, or groups referred to in **section 13(1)(c)** 20
- reserve** has the meaning given in section 2(1) of the Reserves Act 1977
- reserve property** has the meaning given in **section 22**
- resource consent** has the meaning given in section 2(1) of the Resource Management Act 1991
- Ruamāhua** means the land of that name described in **Part 2 of Schedule 1** 25
- settlement date** means the date that is 60 working days after the date on which this Act comes into force
- tikanga** means customary values and practices
- trustees of the Ngāti Paoa Iwi Trust** and **trustees** mean the trustees, acting in their capacity as trustees, of the Ngāti Paoa Iwi Trust 30
- 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: 35
  - (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year:

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

### 13 Meaning of Ngāti Paoa

- (1) In this Act, **Ngāti Paoa**—
- (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Paoa; and 5
- (b) includes those individuals; and
- (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.
- (2) In this section and **section 14**,— 10
- ancestor of Ngāti Paoa** means an individual who—
- (a) exercised customary rights by virtue of being descended from—
- (i) Paoa; or
- (ii) any other recognised ancestor of a group referred to in part 10 of the deed of settlement; and 15
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840
- area of interest** means the area shown as the Ngāti Paoa area of interest in part 1 of the attachments
- customary rights** means rights exercised according to tikanga Māori, including— 20
- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources
- descended** means that a person is descended from another person by—
- (a) birth; or 25
- (b) legal adoption; or
- (c) Māori customary adoption in accordance with Ngāti Paoa tikanga.

### 14 Meaning of historical claims

- (1) In this Act, **historical claims**—
- (a) means the claims described in **subsection (2)**; and 30
- (b) includes the claims described in **subsections (3) and (4)**; but
- (c) does not include the claims listed in **subsection (5)**.
- (2) The historical claims are every claim that Ngāti Paoa or a representative entity had on or before the settlement date, or may have after the settlement date, and that— 35
- (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 5
- (b) arises from, or relates to, acts or omissions before 21 September 1992—
- (i) by or on behalf of the Crown; or
- (ii) by or under legislation.
- (3) The historical claims include—
- (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Paoa or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim: 10
- (i) Wai 10 (Waiheke Island claim):
- (ii) Wai 72 (Ngāti Paoa Lands and Fisheries claim):
- (iii) Wai 321 (Treaty of Waitangi Fisheries Commission claim): 15
- (iv) Wai 365 (Matakana Island (No 3) claim):
- (v) Wai 369 (Waiheke Island Land claim):
- (vi) Wai 392 (Te Runanga O Ngāti Paoa claim):
- (vii) Wai 563 (Kaiaua School Lands claim):
- (viii) Wai 810 (Waiheke Island Domain and Te Huruhi Lands claim): 20
- (ix) Wai 826 (Te Kawakawa Block (Clevedon) claim):
- (x) Wai 1702 (Ngāti Paoa and Te Urikaraka (Andrews) claim); and
- (b) every other claim to the Waitangi Tribunal, including the claims listed in **subsection (4)**, if and to the extent that—
- (i) the claim relates to Ngāti Paoa or a representative entity; and 25
- (ii) **subsection (2)** applies to the claim.
- (4) The claims referred to in **subsection (3)(b)** include—
- (1) Wai 96 (East Wairoa Raupatu claim):
- (2) Wai 100 (Hauraki Māori Trust Board claim):
- (3) Wai 345 (Fairburn Block claim): 30
- (4) Wai 364 (Tamaki-Hauraki (Tooke) claim):
- (5) Wai 373 (Maramarua State Forest claim):
- (6) Wai 374 (Auckland Central Railways Land claim):
- (7) Wai 394 (Central Auckland Railway Lands claim):
- (8) Wai 454 (Marutūāhu Tribal Region claim): 35

- 
- (9) Wai 475 (Whangapoua Forest claim):
- (10) Wai 496 (Tamaki Girls College and Other Lands within Tāmaki Makaurau claim):
- (11) Wai 650 (Athenree Forest and Surrounding Lands claim):
- (12) Wai 693 (Matamataharakeke Blocks claim): 5
- (13) Wai 704 (Whangamata 4D4B2A Block and other blocks claim):
- (14) Wai 720 (Mahurangi–Omaha (Hauraki Gulf) claim):
- (15) Wai 808 (Hoe O Tainui Ki Mahurangi Land claim):
- (16) Wai 811 (Coromandel Township and Other Lands (Te Patukirikiri) claim): 10
- (17) Wai 812 (Marutūāhu Land and Taonga claim):
- (18) Wai 887 (Ngawaka Tautari Lands (Auckland Kaipara) claim):
- (19) Wai 968 (Korohera Ngapo Harataunga Lands claim):
- (20) Wai 1492 (Tikirahi Marae Trust claim):
- (21) Wai 1530 (Descendants of Hurikino Hetaraka and Mihi Herewini claim): 15
- (22) Wai 1696 (Tararu Land (Nicholls) claim):
- (23) Wai 1807 (Descendants of Tipa claim):
- (24) Wai 1825 (Descendants of Hetaraka Takapuna claim):
- (25) Wai 1891 (Ngaromaki Block Trust Mining claim):
- (26) Wai 1897 (Boyd Turongo Dixon claim): 20
- (27) Wai 2039 (Ngāti Amaru and Ngāti Pou Lands claim):
- (28) Wai 2169 (Descendants of Hetaraka Takapuna claim):
- (29) Wai 2298 (W T Nicholls Estate Lands and Resources (Tukerangi) claim).
- (5) However, the historical claims do not include— 25
- (a) a claim that a member of Ngāti Paoa, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāti Paoa; or
- (b) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a)**. 30
- (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. 5
- (3) **Subsections (1) and (2)** do not limit—
- (a) the deed of settlement; or
  - (b) the collective deeds.
- (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— 10
- (a) the historical claims; or
  - (b) the deed of settlement; or 15
  - (c) this Act; or
  - (d) the redress provided under the deed of settlement or this Act; or
  - (e) each of the following to the extent that it relates to Ngāti Paoa:
    - (i) the collective deeds:
    - (ii) the collective Acts: 20
    - (iii) the redress provided under the collective deeds or collective Acts.
- (5) **Subsection (4)** does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of—
- (a) the deed of settlement; or
  - (b) the collective deeds; or 25
  - (c) this Act; or
  - (d) the collective Acts.
- (6) In this section,—
- collective Acts** means—
- (a) the **Pare Hauraki Collective Redress Act 2022**; and 30
  - (b) the **Marutūāhu Iwi Collective Redress Act 2022**; and
  - (c) the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014
- collective deeds** means—
- (a) the Pare Hauraki collective deed as defined in **section 9 of the Pare Hauraki Collective Redress Act 2022**; and 35

- (b) the collective deed as defined in **section 9(1) of the Marutūāhu Iwi Collective Redress Act 2022**; and
- (c) the collective deed as defined in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

*Amendment to Treaty of Waitangi Act 1975* 5

#### **16 Amendment to Treaty of Waitangi Act 1975**

- (1) This section amends the Treaty of Waitangi Act 1975.
- (2) In Schedule 3, insert in its appropriate alphabetical order:  
Ngāti Paoa Claims Settlement Act **2022, section 15(4) and (5)**

*Resumptive memorials no longer to apply* 10

#### **17 Certain enactments do not apply**

- (1) The enactments listed in **subsection (2)** do not apply—
  - (a) to a cultural redress property; or
  - (b) to a commercial property on and from the date of its transfer to the trustees; or 15
  - (c) to a deferred selection property on and from the date of its transfer to the trustees; or
  - (d) to an early release commercial property; or
  - (e) to the Pouarua Farm property; or
  - (f) for the benefit of Ngāti Paoa or a representative entity. 20
- (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: 25
  - (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— 30
  - (a) is all or part of—
    - (i) a cultural redress property:
    - (ii) a commercial property:
    - (iii) a deferred selection property: 35

- (iv) an early release commercial property:
  - (v) the Pouarua Farm property; and
  - (b) is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)**.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after— 5
- (a) the settlement date, for a cultural redress property, an early release commercial property, and the Pouarua Farm property; or
  - (b) the date of transfer of the property to the trustees, for a commercial property or a deferred selection property. 10
- (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 15
  - (b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.

*Miscellaneous matters*

- 19 Limit on duration of trust does not apply** 20
- (1) A limit on the duration of a trust in any rule of law and a limit on the provisions of any Act, including section 16 of the Trusts Act 2019—
- (a) do not prescribe or restrict the period during which—
    - (i) the Ngāti Paoa Iwi Trust may exist in law; or
    - (ii) the trustees may hold or deal with property or income derived from property; and 25
  - (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective. 30
- (2) However, if the Ngāti Paoa Iwi Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.
- 20 Access to deed of settlement**
- The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the deed of settlement available— 35

- (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.

5

## 21 Provisions that have same effect

If a provision in this Act has the same effect as a provision in another Act, the provisions must be given effect to only once, as if they were 1 provision.

## Part 2 Cultural redress

10

### Subpart 1—Vesting of cultural redress properties

## 22 Interpretation

- (1) In this subpart,—

**cultural redress property** means each of the following properties, and each property means the land of that name described in **Part 1 of Schedule 1**:

15

*Properties vested in fee simple*

- (a) Hine-nui-o-te-paua:
- (b) Kaiaua School property:

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

- (c) Māwhitipana:
- (d) Omaru:
- (e) Paoa Ururoa:
- (f) Paoa Ururua:
- (g) Paoa Whanake:
- (h) Papakura Pā:
- (i) Pokai Wawahi Ika:
- (j) Tauwhare Koiora site A:
- (k) Tauwhare Koiora site B:
- (l) Te Iwi Rahirahi:
- (m) Te Waero Awe Houkura

20

25

30

**Hauraki Gulf Marine Park** means the park established under section 33 of the Hauraki Gulf Marine Park Act 2000

**joint management body** means the body established by **section 58**

**motu plan** means the Tāmaki Makaurau motu plan prepared and approved under subpart 10 of Part 2 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

**reserve property** means each of the properties named in **paragraphs (c) to (m)** of the definition of cultural redress property 5

**Tauwhare Koiora Recreation Reserve** means the reserve comprising—

- (a) Tauwhare Koiora site A; and
  - (b) Sections 1, 3, 5, and 6 SO 504602 (owned by the Hauraki District Council).
- (2) In **sections 26 and 27, and sections 38 to 44, Council** means the Auckland Council. 10

*Properties vested in fee simple*

**23 Hine-nui-o-te-paua**

- (1) Hine-nui-o-te-paua is declared to be Crown land subject to the Land Act 1948.
- (2) The fee simple estate in Hine-nui-o-te-paua vests in the trustees. 15
- (3) The registered owners of Hine-nui-o-te-paua may transfer the fee simple estate in the land, but only—
  - (a) after any new trustee has been appointed or any transferor of the land has ceased to be a trustee; and
  - (b) if the instrument to transfer the land is accompanied by a certificate given by the transferees, or the transferees' lawyer, verifying that **paragraph (a)** applies. 20

**24 Kaihua School property**

- (1) The fee simple estate in the Kaihua School property vests in the trustees.
- (2) **Subsection (1)** does not take effect— 25
  - (a) until the trustees have provided the Crown with a registrable lease of the Kaihua School property on the terms and conditions set out in part 5.1 of the documents schedule; or
  - (b) if clause 5.4 of the deed of settlement applies.

*Properties vested in fee simple to be administered as reserves* 30

**25 Māwhitipana**

- (1) The reservation of Māwhitipana as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Māwhitipana vests in the trustees.
- (3) Māwhitipana— 35

- (a) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; but
- (b) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see* **section 55**).
- (4) The reserve is named Māwhitipana Recreation Reserve. 5
- 26 Omaru**
- Vesting and administration*
- (1) The reservation of the part of Omaru that is a recreation reserve is revoked.
- (2) The part of Omaru that is held for State housing purposes is declared to be Crown land subject to the Land Act 1948. 10
- (3) The fee simple estate in Omaru vests in the trustees.
- (4) Omaru is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (5) The reserve is named Omaru Recreation Reserve.
- (6) The Council is the administering body of the reserve and the Reserves Act 1977 applies as if the reserve were vested in the Council under section 26 of that Act. 15
- Management plan*
- (7) Despite section 41(1) of the Reserves Act 1977, as long as the Council is the administering body of Omaru,— 20
- (a) the management plan that was in force immediately before the commencement of the Point England Development Enabling Act 2017 applies to Omaru; and
- (b) when the Council reviews that plan, the Council and the trustees must jointly prepare and approve the management plan. 25
- Precondition applying*
- (8) **Subsections (1) to (7)** do not take effect until the trustees have granted the following registrable easement for the following rights in favour of Hine-nui-o-te-paua and Paoa Whanake on the terms and conditions set out in part 5.3 of the documents schedule: 30
- (a) a right of way; and
- (b) a right to drain sewage; and
- (c) a right to convey water; and
- (d) a right to drain water; and
- (e) a right to convey electricity; and 35
- (f) a right to convey telecommunications; and
- (g) a right to convey gas.

- (9) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and
  - (b) is to be treated as having been granted in accordance with that Act.
- 27 Council improvements attached to Omaru**
- (1) This section applies to the improvements owned by the Council and attached to Omaru (the **property**) at the date of its vesting under **section 26(3)**, and despite that vesting. 5
- (2) Improvements owned by the Council immediately before the vesting—
- (a) remain vested in the Council; and
  - (b) are personal property, no longer forming part of the property, and do not confer an estate or interest in the property; and 10
  - (c) may remain attached to the property without the consent of the owners of the property or the administering body (if no longer the council), and without charge; and
  - (d) may be accessed, used, occupied, repaired, renewed, or maintained by the Council, or those authorised by the Council, at any time without the consent of the owners of the property or the administering body (if no longer the Council), and without charge. 15
- (3) Improvements referred to in **subsection (1)** may, without charge, but subject to any relevant statutory requirement, be removed or demolished by the Council at any time without the consent of the owners of the property or the administering body (if no longer the Council). 20
- (4) However, the Council must—
- (a) give the owners of the property and the administering body (if no longer the Council) not less than 15 working days' written notice of its intention to remove or demolish an improvement; and 25
  - (b) after the removal or demolition, ensure that the land is left in a clean and tidy condition.
- (5) **Subsection (2)** applies subject to any other enactment that governs the ownership of an improvement. 30
- (6) For the purposes of administering the reserve under the Reserves Act 1977, the administering body is responsible for any decisions in respect of a matter that arises from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the property.
- (7) **Subsection (6)** is subject to any other enactment that governs the use of the improvement concerned. 35
- (8) The trustees are not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of the property.

**28 Paoa Ururoa**

- (1) The reservation of Paoa Ururoa (being part of Motuihe Island Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Paoa Ururoa ceases to be part of the Hauraki Gulf Marine Park. 5
- (2) The fee simple estate in Paoa Ururoa vests in the trustees.
- (3) Paoa Ururoa—
- (a) is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977; and
- (b) is included in the Hauraki Gulf Marine Park as provided for by **section 67** of this Act; but 10
- (c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see section 55*).
- (4) The reserve is named Paoa Ururoa Historic Reserve.
- (5) For the purposes of the Fire and Emergency New Zealand Act 2017, Paoa Ururoa must be treated as if it were public conservation land within the meaning of section 144 of that Act. 15

**29 Application of motu plan to Paoa Ururoa**

- (1) On and from the date of its vesting under **section 28(2)**, Paoa Ururoa is subject to the motu plan. 20
- (2) The administering body of the reserve is not required to prepare a management plan under section 41 of the Reserves Act 1977 for the reserve.

**30 Right of entry onto Paoa Ururoa by the Crown**

- (1) Despite the vesting of Paoa Ururoa under **section 28(2)**, the Crown may enter Paoa Ururoa with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes: 25
- (a) species management:
- (b) monitoring pest plants or pest animals:
- (c) controlling pest plants or pest animals.
- (2) The right to enter Paoa Ururoa includes the right to enter any buildings erected on Paoa Ururoa. 30
- (3) If the Crown enters Paoa Ururoa under **subsection (1)**, it must give notice to the owners, orally or by electronic means (as the Crown and the owners agree), at least 24 hours before entering or, if that is not practicable,—
- (a) before entering, if practicable; or 35
- (b) as soon as possible after entering.
- (4) Despite **subsection (3)**, the owners and the Crown may agree the circumstances in which notice is not required before the Crown enters Paoa Ururoa.

- (5) Despite **subsections (3) and (4)**, the Crown may enter Paoa Ururoa under **subsection (1)** without prior notice if responding to a known or suspected incursion of a pest animal.
- (6) Despite **subsections (1), (2), (3), and (5)**, the Crown must not enter a building erected on Paoa Ururoa that may be used for accommodation purposes, unless it— 5
- (a) first obtains the consent of the building owner or occupier to enter the building; and
  - (b) enters the building only in daylight hours.
- 31 Paoa Ururua** 10
- (1) The reservation of Paoa Ururua (being part of Motuihe Island Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Paoa Ururua ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Paoa Ururua vests in the trustees. 15
- (3) Paoa Ururua—
- (a) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and
  - (b) is included in the Hauraki Gulf Marine Park as provided for by **section 67**; but 20
  - (c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see section 55*).
- (4) The reserve is named Paoa Ururua Recreation Reserve.
- (5) For the purposes of the Fire and Emergency New Zealand Act 2017, Paoa Ururua must be treated as if it were public conservation land within the meaning of section 144 of that Act. 25
- 32 Application of motu plan to Paoa Ururua**
- (1) On and from the date of its vesting under **section 31(2)**, Paoa Ururua is subject to the motu plan.
- (2) The administering body of the reserve is not required to prepare a management plan under section 41 of the Reserves Act 1977 for the reserve. 30
- 33 Right of entry onto Paoa Ururua by the Crown**
- (1) Despite the vesting of Paoa Ururua under **section 31(2)**, the Crown may enter Paoa Ururua with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes: 35
- (a) species management:
  - (b) monitoring pest plants or pest animals:

- (c) controlling pest plants or pest animals.
- (2) The right to enter Paoa Ururua includes the right to enter any buildings erected on Paoa Ururua.
- (3) If the Crown enters Paoa Ururua under **subsection (1)**, it must give notice to the owners, orally or by electronic means (as the Crown and the owners agree), at least 24 hours before entering or, if that is not practicable,— 5
- (a) before entering, if practicable; or
- (b) as soon as possible after entering.
- (4) Despite **subsection (3)**, the owners and the Crown may agree the circumstances in which notice is not required before the Crown enters Paoa Ururua. 10
- (5) Despite **subsections (3) and (4)**, the Crown may enter Paoa Ururua under **subsection (1)** without prior notice if responding to a known or suspected incursion of a pest animal.
- (6) Despite **subsections (1), (2), (3), and (5)**, the Crown must not enter a building erected on Paoa Ururua that may be used for accommodation purposes, unless it— 15
- (a) first obtains the consent of the building owner or occupier to enter the building; and
- (b) enters the building only in daylight hours.
- 34 Paoa Whanake** 20
- (1) The reservation of Paoa Whanake as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Paoa Whanake vests in the trustees.
- (3) Paoa Whanake is declared a reserve and classified as a local purpose (marae) reserve subject to section 23 of the Reserves Act 1977. 25
- (4) The reserve is named Paoa Whanake Local Purpose (Marae) Reserve.
- 35 Papakura Pā**
- (1) The reservation of Papakura Pā (being part of Tiritiri Matangi Island Scientific Reserve) as a scientific reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Papakura Pā vests in the trustees. 30
- (3) Papakura Pā—
- (a) is declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977; but
- (b) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clauses 3 and 11 of that schedule (but *see* **section 55**). 35
- (4) Despite the vesting under **subsection (2)**, the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Crown.

- (5) To avoid doubt, because of **subsection (4)**,—
- (a) the reserve is not vested in, or managed and controlled by, an administering body; and
  - (b) the Crown continues to administer, control, and manage the reserve; and
  - (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve; and
  - (d) the reserve continues to form part of the Hauraki Gulf Marine Park.
- (6) However, the Minister of Conservation must not revoke the reserve status of Papakura Pā (but may reclassify it) under that Act.
- (7) For the purposes of the Fire and Emergency New Zealand Act 2017, Papakura Pā must be treated as if it were public conservation land within the meaning of section 144 of that Act.

### 36 Pokai Wawahi Ika

- (1) The reservation of Pokai Wawahi Ika as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Pokai Wawahi Ika ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Pokai Wawahi Ika vests in the trustees.
- (3) Pokai Wawahi Ika—
- (a) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and
  - (b) is included in the Hauraki Gulf Marine Park as provided for by **section 67** of this Act; but
  - (c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see* **section 55**).
- (4) The reserve is named Pokai Wawahi Ika Recreation Reserve.

### 37 Tauwhare Koiora site A and Tauwhare Koiora site B

#### *Vesting site A*

- (1) The parts of Sections 1, 2, 8, 9, and 10 SO 477002 that are road are stopped.
- (2) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the roads.
- (3) Sections 1 and 2 SO 477002 and Section 2 SO 504602 are declared Crown land subject to the Land Act 1948.
- (4) The fee simple estate in Tauwhare Koiora site A vests in the trustees.
- (5) The following land is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977:
- (a) Tauwhare Koiora site A; and
  - (b) 0.4249 hectares, more or less, being Sections 1, 3, 5, and 6 SO 504602.

- (6) The reserve is named Tauwhare Koiora Recreation Reserve.
- (7) To avoid doubt, that part of the reserve referred to in **subsection (5)(b)** remains owned by the Hauraki District Council.
- Vesting site B*
- (8) The fee simple estate in Tauwhare Koiora site B vests in the trustees. 5
- (9) Tauwhare Koiora site B is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (10) The reserve is named Tauwhare Koiora Historic Reserve.
- Joint management of reserves and ownership of improvements*
- (11) The joint management body is the administering body of the reserves referred to in **subsections (5) and (9)**, and the Reserves Act 1977 applies to the reserves as if the reserves were vested in the body (as if the body were trustees) under section 26 of that Act. 10
- (12) However, the joint management body may exercise or perform, as if it were a local authority, a power or function that the Minister of Conservation has delegated to local authorities under section 10 of the Reserves Act 1977, but only to the extent that the power or function is relevant to the reserves. 15
- (13) Improvements in or on Tauwhare Koiora site A or Tauwhare Koiora site B do not vest in the trustees, despite the vestings referred to in **subsections (4) and (8)**. 20
- 38 Te Iwi Rahirahi**
- (1) The reservation of Te Iwi Rahirahi as a local purpose (esplanade) reserve subject to the Reserves Act 1977 is revoked, and accordingly Te Iwi Rahirahi ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Te Iwi Rahirahi vests in the trustees. 25
- (3) Te Iwi Rahirahi is declared a reserve and classified as a local purpose (esplanade) reserve subject to section 23 of the Reserves Act 1977.
- (4) The reserve is named Te Iwi Rahirahi Local Purpose (Esplanade) Reserve.
- (5) The Council is the administering body of the reserve as if the Council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977. 30
- 39 Future interests relating to Te Iwi Rahirahi reserve land**
- (1) In this section and **section 40**, **Te Iwi Rahirahi reserve land** and **reserve land** mean all or the part of Te Iwi Rahirahi that remains a reserve under the Reserves Act 1977. 35
- (2) This section applies to Te Iwi Rahirahi reserve land, but only while the trustees are the owners, and the Council is the administering body, of that land.

*Interests in land*

- (3) Despite the Council being the administering body, the trustees may, as if they were the administering body of the reserve land,—
- (a) accept, grant, or decline to grant any interest in land that affects the reserve land; or 5
- (b) renew or vary such an interest.
- (4) If a person wishes to obtain an interest in land that affects the reserve land, or renew or vary such an interest, the person must apply under this section, in writing, through the Council.
- (5) The Council must— 10
- (a) advise the trustees of any application received under **subsection (4)**; and
- (b) undertake the administrative processes required by the Reserves Act 1977 in relation to each application.
- (6) Before the trustees determine an application, the trustees must consult the Council. 15

*Interests that are not interests in land*

- (7) The Council may—
- (a) accept, grant, or decline to grant an interest that is not an interest in land that affects the reserve land; or 20
- (b) renew or vary such an interest.

*Application of Reserves Act 1977*

- (8) The Reserves Act 1977, except section 59A of that Act, applies to the accepting, granting, or declining of any interests under **subsection (3) or (7)**, or the renewing or varying of such interests. 25

**40 Administration of Te Iwi Rahirahi reserve land**

- (1) This section applies only while the trustees are the owners of the reserve land.
- (2) The trustees and the Council may jointly—
- (a) agree that the Council no longer be the administering body of the reserve land; and 30
- (b) notify the Minister of Conservation (the **Minister**) in writing of the agreement.
- (3) The Minister must, not later than 20 working days after receiving the notice, publish a notice in the *Gazette* declaring that—
- (a) the Council is no longer the administering body of the reserve land; and 35
- (b) the trustees are the administering body of the reserve land.

- (4) The Minister may, at the Minister’s sole discretion, revoke the appointment of the Council as the administering body of the reserve land, if requested in writing to do so by the trustees or the Council.
- (5) Before making a decision under **subsection (4)**, the Minister must consult the trustees and the Council. 5
- (6) When the Minister has determined a request, the Minister must—
- (a) notify the trustees and the Council in writing of the Minister’s decision; and
- (b) if the Minister decides to revoke the appointment of the Council as the administering body of the reserve land, publish a notice in the *Gazette* not later than 20 working days after giving notice under **paragraph (a)**, declaring that— 10
- (i) the Council is no longer the administering body of the reserve land; and
- (ii) the trustees are the administering body of the reserve land. 15
- (7) The trustees are the administering body of the reserve land on and from the date on which a notice is published under **subsection (3) or (6)(b)**.

#### 41 Te Waero Awe Houkura

##### *Vesting and administration*

- (1) The reservation of Te Waero Awe Houkura as a recreation reserve subject to the Reserves Act 1977 is revoked. 20
- (2) The fee simple estate in Te Waero Awe Houkura vests in the trustees.
- (3) Te Waero Awe Houkura—
- (a) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; but 25
- (b) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see section 55*).
- (4) The reserve is named Te Waero Awe Houkura Recreation Reserve.
- (5) The Council is the administering body of the reserve as if the Council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977. 30

##### *Management plan*

- (6) Despite section 41(1) of the Reserves Act 1977, as long as the Council is the administering body of Te Waero Awe Houkura,—
- (a) the management plan that is in force immediately before the settlement date continues to apply to Te Waero Awe Houkura and Blackpool Recreation Reserve; and 35

- (b) when the Council is reviewing that plan, the Council and the trustees must jointly prepare and approve the management plan for Te Waero Awe Houkura and Blackpool Recreation Reserve.
- (7) **Subsections (1) to (6)** do not take effect until the trustees have provided the Council with an unregistered lease on the terms and conditions set out in part 5.2 of the documents schedule. 5
- (8) Despite the provisions of the Reserves Act 1977, the lease—
- (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. 10
- (9) In this section,—
- Blackpool Recreation Reserve** means the Council-owned reserve of that name, comprising 0.1618 hectares, more or less, being Lot 437 DP 25861 and Lot 448 DP 33180, all *Gazette* notice 123129, North Auckland Land District
- management plan** means the management plan that applies to the following land: 15
- (a) North Auckland Land District, Lots 216, 372, 437, 438, 439, 440, 441, 445, 446, and 447 DP 25861; and
- (b) North Auckland Land District, Lot 443 DP 22849; and
- (c) North Auckland Land District, Lots 436 and 448 DP 33180. 20
- 42 Council improvements attached to Te Waero Awe Houkura**
- (1) Despite the vesting of the fee simple estate in Te Waero Awe Houkura under **section 41(2)**, the improvements in or on Te Waero Awe Houkura do not vest in the trustees.
- (2) However, **subsection (1)** does not apply to the improvements in respect of which an unregistered lease is required by **section 41(7)**. 25
- 43 Interests relating to Te Waero Awe Houkura reserve land**
- (1) In this section and **section 44**, **Te Waero Awe Houkura reserve land** and **reserve land** mean all or the part of Te Waero Awe Houkura that remains a reserve under the Reserves Act 1977. 30
- (2) This section applies to Te Waero Awe Houkura reserve land, but only while the trustees are the owners, and the Council is the administering body, of that land.
- Interests in land except lease to Otherworld Productions Incorporated*
- (3) Despite the Council being the administering body, the trustees may, as if they were the administering body of the reserve land,— 35
- (a) accept, grant, or decline to grant any new interest in land that affects the reserve land, or may renew or vary such an interest; and
- (b) renew or vary the lease referred to **section 41(7)** (the **existing lease**).

- (4) A person must apply in writing under this section, through the Council,—
- (a) to obtain a new interest in land in the reserve land, or to renew or vary such an interest; and
  - (b) to renew or vary the existing lease.
- (5) The Council must— 5
- (a) advise the trustees of any application received under **subsection (4)**; and
  - (b) undertake the administrative processes required by the Reserves Act 1977 in relation to each application.
- (6) Before the trustees determine an application, the trustees must consult the Council. 10
- Interests that are not interests in land and lease to Otherworld Productions Incorporated*
- (7) The Council may—
- (a) accept, grant, or decline to grant an interest that is not an interest in land that affects the reserve land, or may renew or vary such an interest; and 15
  - (b) renew or vary the lease to Otherworld Productions Incorporated.
- Application of Reserves Act 1977*
- (8) The Reserves Act 1977, except section 59A of that Act, applies to the accepting, granting, or declining of any interests under **subsection (3) or (7)**, or the renewing or varying of such interests. 20
- (9) In **subsection (7)**, **lease to Otherworld Productions Incorporated** means the unregistered lease to that incorporation dated 9 July 2008 (*see Schedule 1*, third column, item relating to Te Waero Awe Houkura).
- 44 Administration of Te Waero Awe Houkura reserve land** 25
- (1) This section applies only while the trustees are the owners of the reserve land.
- (2) The trustees and the Council may jointly—
- (a) agree that the Council no longer be the administering body of the reserve land; and
  - (b) notify the Minister of Conservation (the **Minister**) in writing of this agreement. 30
- (3) The Minister must, not later than 20 working days after receiving the notice, publish a notice in the *Gazette* declaring that—
- (a) the Council is no longer the administering body of the reserve land; and
  - (b) the trustees are the administering body of the reserve land. 35
- (4) The Minister may, at the Minister’s sole discretion, revoke the appointment of the Council as the administering body of the reserve land if requested in writing to do so by the trustees or the Council.

- (5) Before making a decision under **subsection (4)**, the Minister must consult the trustees and the Council.
- (6) When the Minister has determined a request, the Minister must—
- (a) notify the trustees and the Council in writing of the Minister’s decision; and 5
  - (b) if the Minister decides to revoke the appointment of the Council as the administering body of the reserve land, publish a notice in the *Gazette* not later than 20 working days after giving notice under **paragraph (a)**, declaring that—
    - (i) the Council is no longer the administering body of the reserve land; and 10
    - (ii) the trustees are the administering body of the reserve land.
- (7) The trustees are the administering body of the reserve land on and from the date on which a notice is published under **subsection (3) or (6)(b)**.
- General provisions applying to vesting of cultural redress properties* 15
- 45 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 1**.
- 46 Interests in Papakura Pā** 20
- (1) This section applies to Papakura Pā (the **property**).
  - (2) Any interest in land that affects the property must be dealt with for the purposes of registration as if the Crown were the registered owner of the land.
  - (3) **Subsection (2)** continues to apply despite any subsequent transfer of the property under **section 62**. 25
  - (4) **Subsections (5) and (6)** apply to an interest listed for the property in **Schedule 1** for which there is a grantor, whether or not the interest also applies to land outside the property.
  - (5) The Crown remains the grantor of the interest.
  - (6) The interest applies— 30
    - (a) until the interest expires or is terminated, but any subsequent transfer of the property must be ignored in determining whether the interest expires or is or may be terminated; and
    - (b) despite any change in status of the land in the property; and
    - (c) with any other necessary modifications. 35

**47 Interests in land for certain properties**

- (1) This section applies to all or the part of each property listed in **subsection (2)** 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. 5
- (2) The properties are—
- (a) Omaru; and
  - (b) Tauwhare Koiora site A (being the part of the Tauwhare Koiora Recreation Reserve vested in the trustees); and
  - (c) Sections 1, 3, 5, and 6 SO 504602 (being the part of the Tauwhare Koiora Recreation Reserve owned by the Hauraki District Council); and 10
  - (d) Tauwhare Koiora site B.
- (3) If a property is affected by an interest in land listed for the property in **Schedule 1**, 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. 15
- (4) 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.
- (5) However, **subsections (3) and (4)** do not affect the registration of the easement referred to in **section 26(8)**. 20
- (6) **Subsection (3)** continues to apply to the reserve land described in **subsection (2)(a), (b), and (d)** despite any subsequent transfer of the land under **section 62**.

**48 Interests that are not interests in land**

- (1) **Subsections (2) and (3)** apply if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in **Schedule 1**, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property. 25
- (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. 30
- (3) If all or part of the cultural redress property is reserve land to which **section 47** 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— 35
- (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.  
*Council-owned part of Tauwhare Koiora Recreation Reserve*
- (5) **Subsections (6) and (7)** apply to Sections 1, 3, 5, and 6 SO 504602 (being the part of Tauwhare Koiora Recreation Reserve owned by the Hauraki District Council). 5
- (6) The joint management body must be treated as the grantor of the licence to occupy the land (dated 28 February 2013) in favour of the Kaiaua Boating Club.
- (7) The licence applies—
- (a) until it expires or is terminated, but any subsequent transfer of the property must be ignored in determining whether the licence expires or is or may be terminated; and 10
- (b) with any other necessary modifications; and
- (c) despite any change in status of the land.
- (8) Nothing in this section applies to Papakura Pā. 15
- 49 Registration of ownership**  
*Cultural redress properties vested in trustees*
- (1) **Subsections (2) to (7)** apply to a cultural redress property vested in the trustees under this subpart.
- (2) **Subsection (3)** applies to a cultural redress property (other than Omaru), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate. 20
- (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 25
- (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) **Subsection (5)** applies to—
- (a) a cultural redress property, but only to the extent that **subsection (2)** does not apply to the property; and 30
- (b) Omaru.
- (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 name of the trustees; and 35
- (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.

- (6) **Subsection (5)** is subject to the completion of any survey necessary to create a record of title.
- (7) A record of title must be created under this section as soon as is reasonably practicable after the date on which the property vests, but not later than—
- (a) 24 months after that date; or 5
  - (b) any later date that is agreed in writing by the Crown and the trustees.  
*Council-owned part of Tauwhare Koiora Recreation Reserve*
- (8) **Subsection (9)** applies to the part of Tauwhare Koiora Recreation Reserve that is Sections 1, 3, 5, and 6 SO 504602, part Proclamation 4684.
- (9) The Registrar-General must, in accordance with a written application by an authorised person,— 10
- (a) create a record of title for the fee simple estate in the property in the name of the Hauraki District Council; 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. 15
- (10) In this section, **authorised person** means a person authorised by—
- (a) the chief executive of the Office for Māori Crown Relations—Te Ara-whiti for the following cultural properties:
    - (i) Tauwhare Koiora site A:
    - (ii) Tauwhare Koiora site B: 20
    - (iii) the part of Tauwhare Koiora Recreation Reserve that is Sections 1, 3, 5, and 6 SO 504602:
  - (b) the chief executive of the Ministry of Education, for the Kaiaua School property:
  - (c) the chief executive of the Ministry of Housing and Urban Development, for Hine-nui-o-te-paua: 25
  - (d) the chief executive of the Ministry of Housing and Urban Development and a person authorised by the Director-General, for Omaru:
  - (e) the Director-General, for all other properties.
- 50 Application of Part 4A of Conservation Act 1987** 30
- (1) The vesting of the fee simple estate in a cultural redress property in the trustees under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve property. 35
- (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 sec-

tion 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)**.  
 (5) **Subsection (3)** does not apply to Papakura Pā.

## 51 Matters to be recorded on record of title 5

- (1) The Registrar-General must record on any record of title,—
- (a) for a reserve property (other than Papakura Pā),—
- (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— 10
- (A) **sections 50(3) and 60**; and
- (B) **section 47(4)**, in the case of Tauwhare Koiora site A, Tauwhare Koiora site B, and Omaru; and
- (b) for Papakura Pā,—
- (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 15
- (ii) that the land is subject to **sections 35(4) to (7), 46(2), and 60**; and
- (c) for the Kaiāua School property and Hine-nui-o-te-paua, that the land is subject to Part 4A of the Conservation Act 1987. 20
- (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) The Registrar-General must record on the record of title for the part of Tauwhare Koiora Recreation Reserve that is Sections 1, 3, 5, and 6 SO 504602 that the land is subject to **section 47(4)**. 25

## 52 Effect of change of status of certain reserve properties

- (1) For a reserve property (other than Tauwhare Koiora site A, Tauwhare Koiora site B, Omaru, and Papakura Pā), if the reservation of the property under this subpart is revoked— 30
- (a) for 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 35
- (ii) the property is subject to **sections 50(3) and 60**; or

- (b) for 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.
- (2) For Tauwhare Koiora site A, Tauwhare Koiora site B, and Omaru,—
- (a) if the property remains a reserve but no longer has an administering body that is treated as if the land were vested in it, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notation that the property is subject to **section 47(4)**; or 5
- (b) if the reservation of the property under this subpart is revoked for— 10
- (i) 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—
- (A) section 24 of the Conservation Act 1987 does not apply to that property; and 15
- (B) the property is subject to **sections 50(3) and 60**; and
- (C) the property is subject to **section 47(4)**, if that notation has not been removed under **paragraph (a)**; or
- (ii) part of the property, the Registrar-General must ensure that the notations referred to in **subparagraph (i)** remain only on the record of title for the part of the property that remains a reserve. 20
- Council-owned part of Tauwhare Koiora Recreation Reserve*
- (3) For the part of Tauwhare Koiora Recreation Reserve that is Sections 1, 3, 5, and 6 SO 504602,—
- (a) if the property remains a reserve but the joint management body is no longer the administering body of the property, the chief executive of the Hauraki District Council must apply in writing to the Registrar-General to remove from the record of title for the property the notation that the property is subject to **section 47(4)**; or 25
- (b) if the reservation of the property under this subpart is revoked for— 30
- (i) all of the property, the chief executive of the Hauraki District Council must apply in writing to the Registrar-General to remove from the record of title for the property the notation that the property is subject to **section 47(4)**, if that notation has not been removed under **paragraph (a)**; or 35
- (ii) part of the property, the Registrar-General must ensure that the notation referred to in **paragraph (b)(i)** remains only on the record of title for the part of the property that remains a reserve.
- (4) The Registrar-General must comply with an application received in accordance with **subsection (1)(a), (2)(a), (2)(b)(i), (3)(a), or (3)(b)(i)**. 40

**53 Application of other enactments**

- (1) The Crown Minerals Act 1991 applies, subject to **sections 55 and 56 and subpart 2 of Part 3**, in relation to the vesting of the fee simple estate in a cultural redress property under this subpart.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property. 5
- (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. 10
- (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. 15

**54 Names of Crown protected areas discontinued**

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property (other than Papakura Pā) 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. 20
- (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. 25

*Access to land under Crown Minerals Act 1991***55 Certain land to be treated as if included in Schedule 4 of Crown Minerals Act 1991**

- (1) This section and **section 56** apply to each of the following properties (the **relevant properties**) on and from the date on which each property vests in the trustees under this subpart: 30
- (a) Māwhitipana:
  - (b) Paoa Ururoa:
  - (c) Paoa Ururua:
  - (d) Papakura Pā: 35
  - (e) Pokai Wawahi Ika:
  - (f) Te Waero Awe Houkura.

- (2) Each relevant property must be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991 (land to which access restrictions apply).
- (3) To the extent relevant, section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 applies to each relevant property, but the rest of section 61 does not apply, except as provided for in **section 56(2)(b)** of this Act. 5
- (4) Section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 must be applied in light of the following:
- (a) because of the vestings referred to in **subsection (1)**, the relevant properties are no longer owned by the Crown or, in the case of all properties other than Papakura Pā, held or managed by the Crown; and 10
- (b) because of **section 130**, certain minerals are owned by the trustees.
- (5) In section 61(1A) and (2) of the Crown Minerals Act 1991,—
- (a) a reference to a Minister or Ministers or to the Crown (but not the reference to a Crown owned mineral) must be applied as if it were a reference to the trustees in the case of all properties other than Papakura Pā: 15
- (b) a reference to a Crown owned mineral must be applied as if it included a reference to the minerals owned by the trustees because of **section 130**.
- (6) In **subsections (4)(b) and (5) and section 56(2)(a)**, trustees includes, if relevant, a subsequent owner of a relevant property.
- 56 When land may be treated as no longer included in Schedule 4 of Crown Minerals Act 1991** 20
- (1) The Governor-General may, by Order in Council, declare that any or all of the relevant properties are no longer to be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991.
- (2) The power conferred by **subsection (1)**— 25
- (a) may be exercised only on the advice of the Minister of Energy and Resources and the Minister of Conservation, after those Ministers—
- (i) have consulted the trustees; and
- (ii) have had regard to all the circumstances of the particular case; and
- (b) is subject to section 61(5), (6), (7), and (9) of the Crown Minerals Act 1991. 30

*Further provisions applying to reserve properties*

**57 Application of other enactments to reserve properties**

- (1) The trustees are the administering body of a reserve property, except in the case of— 35
- (a) Omaru; and
- (b) Tauwhare Koiora Site A and Tauwhare Koiora site B; and

- (c) Te Iwi Rahirahi; and
- (d) Te Waero Awe Houkura.
- (See **sections 26(6), 37(11), 38(5), and 41(5).**)
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property. 5
- (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. 10
- (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. 15
- (6) While the Auckland Council is the administering body of Omaru, **subsection (2)** does not apply in respect of that property.
- (7) While the Auckland Council is the administering body of Te Iwi Rahirahi and Te Waero Awe Houkura (or either of them) (the **properties**),—
- (a) **subsection (2)** does not apply in respect of the properties; and 20
- (b) the Council must, to the extent that it is reasonably practicable to distinguish the revenue derived from the properties from any other revenue received by the Council,—
- (i) hold the revenue received from the properties by the Council in its capacity as the administering body; and 25
- (ii) account for that revenue separately from any other revenue of the Council; and
- (iii) use that revenue only in relation to the properties.
- (8) While the joint management body is the administering body of Tauwhare Koiora site A and Tauwhare Koiora site B (or 1 of them) (the **properties**),— 30
- (a) **subsection (2)** does not apply in respect of the properties; and
- (b) Part 4 of the Reserves Act 1977, which relates to financial provisions, applies to the joint management body as if it were a local authority; and
- (c) the Hauraki District Council must, to the extent that it is reasonably practicable to distinguish the revenue derived from the properties from any other revenue received by the Council,— 35
- (i) hold the revenue received from the properties by the joint management body in its capacity as the administering body; and

- (ii) account for that revenue separately from any other revenue of the Council; and
- (iii) use that revenue, under the direction of the joint management body, but only in relation to the properties that continue to be administered by the joint management body. 5
- (9) **Subsections (1) to (4)** do not apply to Papakura Pā.
- 58 Joint management body for Tauwhare Koiora reserves**
- (1) A joint management body is established for—
- (a) Tauwhare Koiora site A (being the part of the Tauwhare Koiora Recreation Reserve that is vested in the trustees); and 10
- (b) Sections 1, 3, 5, and 6 SO 504602 (being the part of the Tauwhare Koiora Recreation Reserve that is owned by the Hauraki District Council); and
- (c) Tauwhare Koiora site B (being the Tauwhare Koiora Historic Reserve).
- (2) The following are appointers for the purposes of this section: 15
- (a) the trustees; and
- (b) the Hauraki District Council.
- (3) Each appointer must appoint 2 members to the joint management body.
- (4) At least 1 member of the members appointed by the Hauraki District Council must be an elected member whose area of representation includes the Tauwhare Koiora reserves. 20
- (5) 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. 25
- (6) An appointment ends after 3 years or when the appointer replaces the member by making another appointment.
- (7) Despite **subsection (6)**, each term of a member referred to in **subsection (4)** ends on the same day as the term of office of that member ends before a triennial general election under the Local Electoral Act 2001. 30
- (8) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (9) In this section and **section 59**, **Tauwhare Koiora reserves** means Tauwhare Koiora Recreation Reserve and Tauwhare Koiora Historic Reserve. 35
- 59 Application of Reserves Act 1977 to joint management body**
- (1) Unless otherwise provided by this section, sections 32 to 34 of the Reserves Act 1977 apply to the joint management body (the **body**) as if it were a board.

- (2) The following provisions apply, despite the specified requirements of the Reserves Act 1977:
- (a) despite section 32(1) of that Act, the first meeting of the body must be held not later than 6 months after the settlement date:
  - (b) despite section 32(5) of that Act,— 5
    - (i) the Hauraki District Council must appoint the chairperson and the trustees must appoint the deputy chairperson for the first term of the body; and
    - (ii) in succeeding 3-year terms, the appointers of the chairperson and the deputy chairperson must alternate between the Hauraki District Council and the trustees: 10
  - (c) despite section 32(7) of that Act,—
    - (i) no casting vote may be exercised and the members must strive to reach a consensus; but
    - (ii) if a consensus cannot be reached within a reasonable time, a decision must be made by majority vote: 15
  - (d) despite section 32(8) and (9) of that Act, all members must be present for all business of the body:
  - (e) despite section 32(10) of that Act, the members must strive to reach a consensus but, if that cannot be reached within a reasonable time, a question must be determined by majority vote: 20
  - (f) despite section 41(1) of that Act, the body must prepare and approve a management plan for the Tauwhare Kōiora reserves not later than 5 years after the settlement date.
- (3) In this section, **consensus** means the absence of a formally recorded dissent by a member at a meeting of the body. 25

#### **60 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. 30
- (2) The fee simple estate in the reserve land in Papakura Pā may be transferred only in accordance with **section 62**.
- (3) The fee simple estate in the reserve land in any other reserve property may be transferred only in accordance with **section 61 or 62**.
- (4) In this section and **sections 61 to 63**, **reserve land** means the land that remains a reserve as described in **subsection (1)**. 35

**61 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— 5
- (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. 10
- (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 15
  - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
  - (c) the written consent of the administering body of the reserve land, if the trustees are transferring the reserve land and are not the administering body; and 20
  - (d) 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. 25
- (6) A transfer that complies with this section need not comply with any other requirements.

**62 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— 30
- (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 35
  - (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.

- 63 Reserve land not to be mortgaged**  
The owners of reserve land must not mortgage, or give a security interest in, the reserve land.
- 64 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. 5
- (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. 10
- Pou whenua*
- 65 Right to construct pou whenua on certain reserves**
- (1) The trustees may construct pou whenua on the Papakura Pā Scientific Reserve and Te Haupa Island Scenic Reserve. 15
- (2) For the purposes of the Reserves Act 1977, the construction of a pou whenua under **subsection (1)** must be treated as having been carried out with the approvals or consents required under that Act.
- (3) To avoid doubt, nothing in this section removes any obligations of the trustees in respect of obtaining any other consents or approvals required to construct pou whenua on the reserves (for example, a building consent under the Building Act 2004). 20
- (4) In this section,—
- Papakura Pā Scientific Reserve** means 1.0000 hectares, more or less, being Section 2 SO 498956 25
- pou whenua** means a traditional boundary marker
- Te Haupa Island Scenic Reserve** means Allotment 298 Parish of Mahurangi, North Auckland Land District, to the extent that it is not within the coastal marine area.
- Consequential amendments to Hauraki Gulf Marine Park Act 2000* 30
- 66 Amendments to Hauraki Gulf Marine Park Act 2000**  
**Section 67** amends the Hauraki Gulf Marine Park Act 2000.
- 67 Schedule 5 amended**  
In Schedule 5, insert in their appropriate alphabetical order:

The land described as Paoa Ururoa in **Schedule 1 of the Ngāti Paoa Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12** of that Act.

The land described as Paoa Ururua in **Schedule 1 of the Ngāti Paoa Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12** of that Act.

The land described as Pokai Wawahi Ika in **Schedule 1 of the Ngāti Paoa Claims Settlement Act 2022**, with effect on and from the settlement date, as defined in **section 12** of that Act.

## Subpart 2—Ruamāhua

### *Property vested in fee simple to be administered as reserve*

#### 68 Interpretation

In this subpart,—

**court** means the Māori Land Court

**descendants** means the descendants of Marutūāhu, Hako, and Hei

**Maori freehold land** has the meaning given in section 4 of Te Ture Whenua Maori Act 1993

**Registrar** has the meaning given in section 4 of Te Ture Whenua Maori Act 1993

**reserve land** means all or the part of Ruamāhua that remains a reserve under the Reserves Act 1977 after the property has vested in the descendants under **section 69(1)**

**specified freehold land** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

**wildlife sanctuary** has the meaning given in section 2(1) of the Wildlife Act 1953.

#### 69 Ruamāhua vests in descendants

(1) The fee simple estate in Ruamāhua (being Aldermen Islands (Ruamaahu) Nature Reserve) vests in the descendants.

(2) Ruamāhua is vested subject to the interests listed for the property in the third column of the table in **Part 2 of Schedule 1**.

(3) Upon vesting under **subsection (1)**, Ruamāhua—

(a) has the status of Maori freehold land; and

(b) is to be treated as specified freehold land.

(4) Despite the vesting, Ruamāhua continues to be—

(a) a nature reserve subject to section 20 of the Reserves Act 1977; and

- (b) a wildlife sanctuary under section 9 of the Wildlife Act 1953; and
- (c) land to which Schedule 4 of the Crown Minerals Act 1991 applies (*see* clauses 2, 6, and 11 of that schedule); and
- (d) part of the Hauraki Gulf Marine Park.
- (5) The fee simple estate in the reserve land must not be transferred. 5
- (6) Improvements in or on Ruamāhua do not vest in the descendants, despite the vesting referred to in **subsection (1)**.
- 70 Application of Te Ture Whenua Maori Act 1993**
- (1) Te Ture Whenua Maori Act 1993 applies to the reserve land, but only in relation to— 10
- (a) the review of the Grey-Faced Petrel (Northern Muttonbird) Notice 1979 (*see* **section 76(1)(a) of the Ngāti Hei Claims Settlement Act 2022**):
- (b) any proposal under section 24 of the Reserves Act 1977— 15
- (i) to change the classification or purpose of that land; or
- (ii) to revoke the reserve status of that land.
- Change of classification or purpose*
- (2) If the Minister of Conservation decides to change the classification or purpose of all or part of Ruamāhua as a reserve under section 24 of the Reserves Act 1977, the Minister must first obtain consent to the proposed change from the representatives of the descendants. 20
- Revocation of reservation*
- (3) Before the Minister of Conservation revokes the reservation of all or part of Ruamāhua as a reserve under section 24 of the Reserves Act 1977, the requirements of **section 71** must be met. 25
- (4) If the reservation of all or part of Ruamāhua as a reserve is revoked, Te Ture Whenua Maori Act 1993 applies to all or the part of the property that is no longer a reserve.
- 71 Requirements before revocation of reservation**
- (1) If the Minister of Conservation decides to revoke the reservation of all or part of Ruamāhua as a reserve, the Director-General must provide written notice of that decision to the Registrar. 30
- (2) When the Registrar receives a written notice, the Registrar must refer the notice to the court.
- (3) The court must initiate a meeting of the descendants. 35
- (4) The purpose of the meeting initiated under **subsection (3)** is to consider, for all or the part of Ruamāhua that is no longer to be a reserve,—
- (a) the constitution of a trust; and

- (b) the terms of the trust; and
- (c) the appointment of trustees for that trust.
- (5) When the Registrar reports to the court on the outcome of the meeting initiated under **subsection (3)**, the court must, by order and in accordance with the decisions of the descendants made at that meeting,— 5
  - (a) specify that the descendants, as a class, are the beneficial owners of all or the part of Ruamāhua that is no longer a reserve; and
  - (b) constitute the trust; and
  - (c) set out the terms of the trust; and
  - (d) appoint trustees under section 222 of Te Ture Whenua Maori Act 1993, as if the trust had been constituted under Part 12 of that Act; and 10
  - (e) vest the land in the trustees under section 220 of Te Ture Whenua Maori Act 1993, as if the trust had been constituted under Part 12 of that Act.
- (6) Orders made under **subsection (5)** take effect only on and from the date on which the reservation of all or part of Ruamāhua as a reserve is revoked. 15
- (7) Before making an order under **subsection (5)**, the court must be satisfied that—
  - (a) the descendants have had sufficient notice of the meeting initiated under **subsection (3)** and sufficient opportunity to consider the matters referred to in **subsection (4)**; and 20
  - (b) the constitution of the trust, the proposed terms of the trust, and the proposed trustees are broadly acceptable to the descendants.
- (8) As soon as is reasonably practicable after the trustees have been appointed,—
  - (a) the Registrar must notify the Director-General of those appointments; and 25
  - (b) the Minister of Conservation must revoke the reservation of all or part of Ruamāhua as a reserve.

## 72 Notices to be given to Māori Land Court

- (1) As soon as is reasonably practicable after the fee simple estate in Ruamāhua vests under **section 69(1)**, the Director-General must notify the Registrar— 30
  - (a) of the status of Ruamāhua as Maori freehold land; and
  - (b) that **sections 70 and 71** of this Act apply to that land.
- (2) As soon as is reasonably practicable after the reservation of Ruamāhua as a reserve is revoked for all or part of the land, the Director-General must notify the Registrar of that revocation. 35
- (3) The Registrar must ensure that all relevant information notified under **subsection (1) or (2)** is entered on the records of the court.

**73 The Crown's rights and obligations**

- (1) The Crown has all the rights and obligations that it would have if it were the registered owner of the reserve land, and must exercise those rights and obligations in the name of the Crown.
- (2) **Subsection (1)** applies despite— 5
- (a) the vesting of Ruamāhua in the descendants; or
- (b) the registration of the descendants as the registered owners of Ruamāhua.
- (3) The Registrar-General and any other relevant person must have regard to **subsection (1)**. 10

**74 Application of Reserves Act 1977 and Fire and Emergency New Zealand Act 2017**

- (1) Despite the vesting of Ruamāhua under **section 69(1)**, the Reserves Act 1977 applies to the reserve land as if it were vested in the Crown.
- (2) To avoid doubt, because of **subsection (1)**,— 15
- (a) the reserve land is not vested in, or managed and controlled by, an administering body; and
- (b) the Crown continues to administer, control, and manage the reserve land; and
- (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve land. 20
- (3) For the purposes of the Fire and Emergency New Zealand Act 2017, Ruamāhua must be treated as if it were public conservation land within the meaning of section 144 of that Act.
- (4) However, **subsection (3)** ceases to apply if, in respect of all of the property,— 25
- (a) the reservation of Ruamāhua as a reserve is revoked; and
- (b) the declaration of Ruamāhua as a wildlife sanctuary is revoked.

**75 Interests that are not interests in land**

- (1) This section applies if Ruamāhua is subject to an interest (other than an interest in land) that is listed for the property in **Part 2 of Schedule 1**, and for which there is a grantor, whether or not the interest also applies to land that is not part of Ruamāhua. 30
- (2) The interest applies as if the Crown were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies. 35
- (3) If all or part of Ruamāhua is no longer a reserve under the Reserves Act 1977, the interest applies as if the owners of that land were the grantor of the interest in respect of all or part of the property.

- (4) The interest applies—
- (a) until the interest expires or is terminated, but any subsequent transfer of Ruamāhua must be ignored in determining whether the interest expires or is or may be terminated; and
  - (b) with any other necessary modifications; and 5
  - (c) despite any change in status of the land in the property.
- 76 Application of Part 4A of Conservation Act 1987**
- (1) The vesting of the fee simple estate in Ruamāhua as a reserve under this sub-part 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. 10
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of Ruamāhua.
- (3) If the reservation of Ruamāhua as a reserve is revoked for all or part of the property, the vesting of the property continues to be exempt from section 24 of the Conservation Act 1987 for all or that part of the property. 15
- (4) **Subsections (2) and (3)** do not limit **subsection (1)**.
- 77 Matters to be recorded on record of title**
- (1) The Registrar-General must record on the record of title for Ruamāhua created under **section 82 of the Ngāti Hei Claims Settlement Act 2022**— 20
- (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) that the land has the status of Maori freehold land and is subject (as specified) to Te Ture Whenua Maori Act 1993 (*see sections 69(3) and 70*); and 25
  - (c) that the land is subject to **sections 69(5) and 73**.
- (2) A notation made under **subsection (1)(a)** 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) If the reservation of Ruamāhua as a reserve is revoked— 30
- (a) for 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 the land is subject to **sections 69(5) and 73**; or
  - (b) for part 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 referred to in **paragraph (a)**, but only for the part of the property that is no longer a reserve. 35

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

### **78 Application of other enactments to Ruamāhua**

- (1) The Crown Minerals Act 1991 applies, subject to **subpart 2 of Part 3**, in relation to the vesting of the fee simple estate in Ruamāhua under this subpart. 5
- (2) If the reservation of Ruamāhua as a reserve is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of the Reserves Act 1977 applies to the revocation, but not the rest of section 25 of that Act.
- (3) If the reservation of Ruamāhua as a reserve and its declaration as a wildlife sanctuary are revoked for all or part of the property, any land that is no longer subject to reservation as a reserve and declaration as a wildlife sanctuary ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies. 10
- (4) To avoid doubt, when performing functions under the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act (including the Wildlife Act 1953) in relation to Ruamāhua, the relevant person or entity must give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi as required by section 4 of the Conservation Act 1987. 15

### **79 Reserve land not to be mortgaged**

The owners of the reserve land must not mortgage, or give a security interest in, the land. 20

### **80 Saving of bylaws, etc**

- (1) This section applies to the following that were made or imposed under the Conservation Act 1987, the Reserves Act 1977, or the Wildlife Act 1953 in relation to Ruamāhua before the property was vested under **section 69**:
- (a) any bylaw: 25
- (b) any prohibition or restriction on use or access:
- (c) any declaration given by notice in the *Gazette*.
- (2) The bylaw, prohibition, restriction, or declaration remains in force until it expires or is revoked under the Conservation Act 1987, the Reserves Act 1977, or the Wildlife Act 1953, as the case may be. 30

### **81 Name change for Ruamāhua**

- (1) The name of the Aldermen Islands (Ruamaahu) Nature Reserve is changed to Ruamāhua Nature Reserve.
- (2) The new name given by **subsection (1)** is to be treated as if— 35
- (a) it were an official geographic name that takes effect on the settlement date; and
- (b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.

- (3) The Board must, as soon as practicable after the settlement date,—
- (a) give public notice of the new name in accordance with section 21(2)(a) and (b) and (3) of the Act; but
  - (b) state in the notice that the new name became an official geographic name on the settlement date. 5
- (4) In this section,—
- Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008
- Board** means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa 10
- official geographic name** has the meaning given in section 4 of the Act.

### Subpart 3—Vesting and vesting back of properties

## 82 Interpretation

In this subpart,—

**coastal marine area** has the meaning given in section 2(1) of the Resource Management Act 1991 15

**Pūkoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area** means Lot 4 DP 181190, Lots 2 and 3 DP 211445, Lots 1 and 2 DP 182633, Lots 4 and 5 DP 199696, Part Lot 3 DP 33407, Sections 4, 5, and 7 Block VI Wharekawa Survey District, Te Moko Block, and Part Wharekawa 1G1, North Auckland Land District (as shown in yellow on OTS-403-278), to the extent that they are not within the coastal marine area 20

**Te Haupa Island Scenic Reserve** means Allotment 298 Parish of Mahurangi, North Auckland Land District (as shown in yellow on OTS-403-279), to the extent that it is not within the coastal marine area 25

**vesting date** means—

- (a) the date proposed by the trustees in accordance with **section 83(1) to (3) or 85(1) to (3)** (as relevant); or
- (b) the date that is 1 year after the settlement date, if no date is proposed.

## 83 Notice appointing delayed vesting date for Pūkoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area 30

- (1) The trustees may give written notice to the Minister of Conservation of the date on which the Pūkoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area is to vest in the trustees.
- (2) The proposed date must not be later than 1 year after the settlement date. 35
- (3) The trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date.

- (4) The Minister of Conservation must publish a notice in the *Gazette*—
- (a) specifying the vesting date; and
  - (b) stating that the fee simple estate in the Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area vests in the trustees on the vesting date. 5
- (5) The notice must be published as early as practicable before the vesting date.
- 84 Delayed vesting and vesting back of Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area**
- (1) The fee simple estate in the Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area vests in the trustees on the vesting date. 10
- (2) On the seventh day after the vesting date, the fee simple estate in the Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area vests in the Crown.
- (3) However, the following matters apply as if the vestings had not occurred: 15
- (a) the Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area remains a reserve under the Reserves Act 1977; and
  - (b) any enactment, instrument, or interest that applied to the Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area immediately before the vesting date continues to apply to it; and 20
  - (c) to the extent that the overlay classification applies to the Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area immediately before the vesting date, it continues to apply to the property; and 25
  - (d) the Crown retains all liability for the Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area.
- (4) The vestings are not affected by—
- (a) Part 4A of the Conservation Act 1987; or
  - (b) section 10 or 11 of the Crown Minerals Act 1991; or 30
  - (c) section 11 or Part 10 of the Resource Management Act 1991; or
  - (d) any other enactment relating to the land.
- (5) The vesting referred to in **subsection (1)** is not a disposal of RFR land under Part 4 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. 35
- 85 Notice of delayed vesting date for Te Haupa Island Scenic Reserve**
- (1) The trustees may give written notice to the Minister of Conservation of the date on which the Te Haupa Island Scenic Reserve is to vest in the trustees.

- (2) The proposed date must not be later than 1 year after the settlement date.
- (3) The trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date.
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
- (a) specifying the vesting date; and 5
  - (b) stating that the fee simple estate in the Te Haupa Island Scenic Reserve vests in the trustees on the vesting date.
- (5) The notice must be published as early as practicable before the vesting date.
- 86 Delayed vesting and vesting back of Te Haupa Island Scenic Reserve**
- (1) The fee simple estate in the Te Haupa Island Scenic Reserve vests in the trustees on the vesting date. 10
- (2) On the seventh day after the vesting date, the fee simple estate in the Te Haupa Island Scenic Reserve vests in the Crown.
- (3) However, the following matters apply as if the vestings had not occurred:
- (a) the Te Haupa Island Scenic Reserve remains a reserve under the Reserves Act 1977; and 15
  - (b) any enactment, instrument, or interest that applied to the Te Haupa Island Scenic Reserve immediately before the vesting date continues to apply to it; and
  - (c) to the extent that the overlay classification applies to the Te Haupa Island Scenic Reserve immediately before the vesting date, it continues to apply to the property; and 20
  - (d) the Crown retains all liability for the Te Haupa Island Scenic Reserve.
- (4) The vestings are not affected by—
- (a) Part 4A of the Conservation Act 1987; or 25
  - (b) section 10 or 11 of the Crown Minerals Act 1991; or
  - (c) section 11 or Part 10 of the Resource Management Act 1991; or
  - (d) any other enactment relating to the land.
- (5) The vesting referred to in **subsection (1)** is not a disposal of RFR land under any enactment that provides for the reserve to be RFR land. 30

#### Subpart 4—Overlay classification

#### 87 Interpretation

In this subpart,—

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

35

<b>New Zealand Conservation Authority</b>	means the Authority established by section 6A of the Conservation Act 1987	
<b>overlay area—</b>		
(a)	means an area that is declared under <b>section 88(1)</b> to be subject to the overlay classification; but	5
(b)	does not include an area that is declared under <b>section 99(1)</b> to be no longer subject to the overlay classification	
<b>overlay classification</b>	means the application of this subpart to each overlay area	
<b>protection principles</b> , for an overlay area,—		10
(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 those principles as they are amended by the written agreement of the trustees and the Minister of Conservation	
<b>specified actions</b> , for an overlay area, means the actions set out for the area in part 1 of the documents schedule		15
<b>statement of values</b> , for an overlay area, means the statement—		
(a)	made by Ngāti Paoa 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.	20
<b>88 Declaration of overlay classification and the Crown’s acknowledgement</b>		
(1)	Each area described in <b>Schedule 2</b> is declared to be subject to the overlay classification.	
(2)	The Crown acknowledges the statements of values for the overlay areas.	
<b>89 Purposes of overlay classification</b>		25
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 <b>section 91</b> ; and	
(b)	to enable the taking of action under <b>sections 92 to 97</b> .	
<b>90 Effect of protection principles</b>		30
The protection principles are intended to prevent the values stated in the statement of values for an overlay area from being harmed or diminished.		
<b>91 Obligations on New Zealand Conservation Authority and Conservation Boards</b>		
(1)	When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or	35

- 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— 5
- (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 10
    - (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. 15
- 92 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. 20
  - (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 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980. 25
- 93 Notification in *Gazette***
- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,— 30
    - (a) the declaration made by **section 88** 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. 35
  - (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 94 or 95**.

**94 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. 5
- (3) The Director-General must notify the trustees in writing of any action that the Director-General intends to take.

**95 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. 10
- (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. 15

**96 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: 20
  - (a) to provide for the implementation of objectives included in a strategy or plan under **section 95(1)**;
  - (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area: 25
  - (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)**: 30
    - (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).

**97 Bylaws** 35

- (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 95(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)**: 5
- (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. 10
- (2) Bylaws made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 98 Effect of overlay classification on overlay areas**
- (1) This section applies if, at any time, the overlay classification applies to any land in— 15
- (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 20
- (b) the classification or purpose of a reserve.
- 99 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. 25
- (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 30
- (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— 35
- (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 under this section is published in the *Gazette*.
- 100 Exercise of powers and performance of functions and duties** 5
- (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. 10
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to the other provisions of this subpart.
- 101 Rights not affected** 15
- (1) The overlay classification does not—
- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
- (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay area. 20
- (2) This section is subject to the other provisions of this subpart.

### Subpart 5—Statutory acknowledgement

#### 102 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 25

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

- (a) made by Ngāti Paoa of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 2 of the documents schedule 30

**statutory acknowledgement** means the acknowledgement made by the Crown in **section 103** in respect of the statutory areas, on the terms set out in this subpart

**statutory area** means an area described in **Schedule 3**, the general location of which is indicated on the deed plan for that area 35

**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. 5

**103 Statutory acknowledgement by the Crown**

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

**104 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 105 to 107**; and 10
- (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 108 and 109**; and 15
- (c) to enable the trustees and any member of Ngāti Paoa to cite the statutory acknowledgement as evidence of the association of Ngāti Paoa with a statutory area, in accordance with **section 110**. 20

**105 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. 25
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

**106 Environment Court to have regard to statutory acknowledgement** 30

- (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. 35

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

**107 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. 5
- (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. 10
- (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 15
- (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. 20

**108 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. 25
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 103 to 107, 109, and 110**; and
- (b) descriptions of the statutory areas wholly or partly covered by the plan; and
- (c) the statement of association for each statutory area. 30
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991. 35

**109 Provision of summary or notice to trustees**

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area: 5
- (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. 10
- (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— 15
- (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. 20
- (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 25
  - (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: 30
  - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

**110 Use of statutory acknowledgement**

- (1) The trustees and any member of Ngāti Paoa may, as evidence of the association of Ngāti Paoa 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— 35
- (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— 5
- (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. 10
- (4) To avoid doubt,—
- (a) neither the trustees nor members of Ngāti Paoa are precluded from stating that Ngāti Paoa 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. 15

#### 111 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement does 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. 20
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Paoa with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.
- (3) **Subsection (2)** does not limit **subsection (1)**. 25
- (4) This section is subject to the other provisions of this subpart.

#### 112 Rights not affected

- (1) The statutory acknowledgement—
- (a) does not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and 30
  - (b) does 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*

- #### 113 Amendment to Resource Management Act 1991 35
- (1) This section amends the Resource Management Act 1991.

- (2) In Schedule 11, insert in its appropriate alphabetical order:  
Ngāti Paoa Claims Settlement Act **2022**

### Subpart 6—Protocols

#### 114 Interpretation

In this subpart,— 5

**protocol**—

(a) means each of the following protocols issued under **section 115(1)(a)**:

- (i) the primary industries protocol;
- (ii) the taonga tūturu protocol; and

(b) includes any amendments made under **section 115(1)(b)** 10

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

#### *General provisions applying to protocols*

#### 115 Issuing, amending, and cancelling protocols

(1) The responsible Minister— 15

- (a) must issue a protocol to the trustees on the terms set out in part 4 of the documents schedule; and
- (b) may amend or cancel that protocol.

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

- (a) the trustees; or 20
- (b) the responsible Minister.

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

#### 116 Protocols subject to rights, functions, and duties

A protocol does not restrict— 25

(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 30

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

(c) the legal rights of Ngāti Paoa or a representative entity. 35

**117 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. 5
- (4) To avoid doubt,—
  - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and 10
  - (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)**.

*Primary industries***118 Primary industries protocol**

- (1) The chief executive of the Ministry for Primary Industries must note a summary of the terms of the primary industries protocol in any fisheries plan that affects the primary industries protocol area. 15
- (2) The noting of the summary is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996. 20
- (3) The primary industries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, assets or other property rights (including in respect of fish, aquatic life, or seaweed) that are held, managed, or administered under any of the following enactments: 25
  - (a) the Fisheries Act 1996;
  - (b) the Maori Commercial Aquaculture Claims Settlement Act 2004;
  - (c) the Maori Fisheries Act 2004;
  - (d) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- (4) In this section,— 30

**fisheries plan** means a plan approved or amended under section 11A of the Fisheries Act 1996

**primary industries protocol area** means the area shown on the map attached to the primary industries protocol, together with the adjacent waters.

*Taonga tūturu***119 Taonga tūturu protocol**

- (1) The taonga tūturu protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu. 5
- (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 7—Name changes for Crown protected areas 10

**120 Name changes for Crown protected areas**

- (1) The name of Miranda Taramaire Government Purpose Reserve Wildlife Management Area is changed to Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area.
- (2) The name of Miranda Scenic Reserve is changed to Pūkorokoro / Miranda Scenic Reserve. 15
- (3) The name of Miranda Scientific Reserve is changed to Pūkorokoro / Miranda Scientific Reserve.
- (4) The name of Te Haupa (Saddle) Island Scenic Reserve is changed to Te Haupa Island Scenic Reserve. 20
- (5) The name of that part of Tiritiri Matangi Island Scientific Reserve that applied to Papakura Pā immediately before the settlement date is changed to Papakura Pā Scientific Reserve.
- (6) The new name given to a reserve under **subsection (1), (2), (3), (4), or (5)** is to be treated as if— 25
- (a) it were an official geographic name that takes effect on the settlement date; and
- (b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.
- (7) The Board must, as soon as practicable after the settlement date,— 30
- (a) give public notice of each new name in accordance with section 21(2)(a) and (b) and (3) of the Act; but
- (b) state in the notice that the new name became an official geographic name on the settlement date.
- (8) The official geographic name of a reserve named under this section must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another 35

enactment for public notice of or consultation about the proposed name do not apply.

(9) In this section,—

**Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 5

**Board** means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa

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

**Papakura Pā** means the cultural redress property known by that name.

### Part 3 10

#### Commercial redress

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

#### 121 Interpretation

In this subpart,—

**commercial property** means a property described in part 3 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied 15

**deferred selection property** means a property described in part 4 of the property redress schedule, if—

- (a) clause 6.10 of the deed of settlement applies; and 20
- (b) the requirements for transfer under the deed of settlement have been satisfied

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

- (a) for a commercial property in part 3 of the property redress schedule; or
- (b) for a deferred selection property, in part 4 of the property redress schedule. 25

#### 122 The Crown may transfer properties

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

- (a) to transfer the fee simple estate in a commercial property or a deferred selection property to the trustees; and 30
- (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 commercial property or a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**. 35

- (3) As soon as is reasonably practicable after the date on which a commercial property or 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). 5

### **123 Records of title for commercial and deferred selection properties**

- (1) This section applies to each commercial property or deferred selection property that is to be transferred to the trustees under **section 122**.
- (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 10
  - (b) the property is all of the land contained in a record of title for a fee simple estate that is limited as to parcels; or
  - (c) there is no record of title for the fee simple estate in all or part of the property. 15
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for the fee simple estate in the property in the name of the Crown; and
  - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but 20
  - (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 **section 124**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property. 25

### **124 Authorised person may grant covenant for later creation of record of title**

- (1) For the purposes of **section 123**, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any commercial property or deferred selection property. 30
- (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. 35

### **125 Application of other enactments**

- (1) This section applies to the transfer to the trustees of the fee simple estate in a commercial 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 Crown Minerals Act 1991 applies subject to **subpart 2**.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer. 5
- (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. 10
- (6) In exercising the powers conferred by **section 122**, 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)**. 15

#### **126 Transfer of deferred selection properties subject to lease**

- (1) This section applies to a deferred selection property—
- (a) for which the land holding agency is the Ministry of Education; and
  - (b) the ownership of which is to be transferred to the trustees; and
  - (c) that, after the transfer, is to be subject to a lease back to the Crown. 20
- (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 127** upon the registration of the transfer. 25
- (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 127**. 30
- (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.

#### **127 Requirements if lease terminates or expires**

- (1) This section applies if the lease referred to in **section 126(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. 35

- (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,— 5
- (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 10
- (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 15
- (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—Vesting of certain Crown owned minerals and related matters

### 128 Application and interpretation 20

- (1) This subpart applies to—
- (a) the land vested in the trustees under **subpart 1 of Part 2**; and
- (b) land transferred to the trustees under **section 122**; and
- (c) an early release commercial property transferred to the trustees; and
- (d) the Pouarua Farm property transferred to the Pouarua Farm Limited Partnership in accordance with the Agreement for Sale and Purchase of Real Estate dated 8 November 2013; and 25
- (e) the land vested in the descendants by **subpart 2 of Part 2**.
- (2) In this subpart, unless the context otherwise requires,—
- actual amount** means the actual amount payable in respect of vested minerals in accordance with **sections 137 and 141** 30
- applicant** means the trustees or Pouarua Farm Limited Partnership, as the case may be, that makes an application under **section 142**
- chief executive** has the meaning given in section 2(1) of the Crown Minerals Act 1991 35
- Crown owned mineral** has the meaning given in section 2(1) of the Crown Minerals Act 1991

**existing privilege** has the meaning given in section 2(1) of the Crown Minerals Act 1991

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

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

5

**permit area** means—

- (a) the area of land over which any prospecting, exploration, or mining permit is granted under the Crown Minerals Act 1991; or
- (b) the area of land over which an existing privilege exists

**privilege**, in relation to any mineral, means—

10

- (a) existing privilege; and
- (b) a prospecting, exploration, or mining permit granted under the Crown Minerals Act 1991, and its associated mining operations (within the meaning of section 2(1) of that Act)

**relevant land** means land referred to in **subsection (1)**

15

**representative amount** means the representative amount—

- (a) payable in accordance with **section 137**; and
- (b) calculated in accordance with **section 138**

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

20

**section 10 minerals** means the minerals named in section 10 of the Crown Minerals Act 1991

**vested minerals** means the minerals referred to in **section 130(1) and (2)**

**year** means the period of 12 months beginning on 1 January and ending on 31 December.

25

### *Existing rights preserved*

#### **129 Certain existing rights preserved**

The following privileges, rights, obligations, functions, and powers (including those preserved by the transitional provisions in Part 2 of the Crown Minerals Act 1991) continue as if **section 130** had not been enacted:

30

- (a) privileges in existence immediately before—
  - (i) the property is vested or transferred as referred to in **section 130(1)**; or
  - (ii) an early release commercial property is transferred to the trustees; or
  - (iii) the Pouarua Farm property is transferred to the Pouarua Farm Limited Partnership:

35

- (b) rights that may be exercised under the Crown Minerals Act 1991 by the holders of those privileges or any other person:
- (c) subsequent rights and privileges granted to those holders or any other person following the exercise of the rights referred to in **paragraph (b)** (including those provided for by section 32 of the Crown Minerals Act 1991): 5
- (d) the obligations on those holders or any other person imposed by or under the Crown Minerals Act 1991:
- (e) the Crown’s performance and exercise of its functions and powers under the Crown Minerals Act 1991 in relation to any of the matters referred to in **paragraphs (a) to (d)**. 10

*Certain minerals vested or transferred under this subpart*

**130 Vested minerals no longer to be reserved to the Crown**

- (1) Despite section 11 of the Crown Minerals Act 1991,—
  - (a) when land referred to in **section 128(1)(a)** is vested in the trustees, any Crown owned minerals in that land (other than section 10 minerals) vest with the land: 15
  - (b) when land referred to in **section 128(1)(b)** is transferred to the trustees, any Crown owned minerals in that land (other than section 10 minerals) transfer with the land: 20
  - (c) when land referred to in **section 128(1)(e)** is vested in the descendants, any Crown owned minerals in that land (other than section 10 minerals) vest with the land.
- (2) Despite section 11 of the Crown Minerals Act 1991, on the settlement date any Crown owned minerals (other than section 10 minerals) in the land referred to— 25
  - (a) in **section 128(1)(c)** become the property of the trustees if, on that date, they own the land; and
  - (b) in **section 128(1)(d)** become the property of Pouarua Farm Limited Partnership. 30
- (3) However, if a share in any relevant land is vested in or transferred to the trustees, the trustees own a share of any Crown owned minerals (other than section 10 minerals) in the same proportion as the shares in which they own the relevant land.
- (4) To avoid doubt, the vesting or transfer of land referred to in **section 128(1)** is 35
  - subject to any mineral interests or rights to which, immediately before the commencement of this subpart, any person other than the Crown was entitled under the Land Transfer Act 2017 or any other Act, whether or not such interests or rights are recorded on the record of title for the land.

**131 Application of Crown Minerals Act 1991**

- (1) Nothing in this subpart—
- (a) limits section 10 of the Crown Minerals Act 1991; or
  - (b) affects other lawful rights to subsurface minerals.
- (2) **Section 49A** of the Crown Minerals Act 1991 applies to the land described in **section 128(1)**. 5

*Registration***132 Notation of mineral ownership on records of title (other than for properties referred to in sections 133 and 134)**

- (1) This section applies instead of section 86 of the Crown Minerals Act 1991 to land referred to in **section 128(1)(a) and (b)** at the time of its vesting or transfer. 10
- (2) An instrument lodged in respect of that land must include a request to the Registrar-General to record on any record of title for the land that the land is subject to **section 130 of the Ngāti Paoa Claims Settlement Act 2022**. 15
- (3) The Registrar-General must comply with a request received under **subsection (2)**.
- (4) In this section, **instrument** means—
- (a) a written application lodged under **section 49(3) or (5)**, as applicable, in respect of land referred to in **section 128(1)(a)**; or 20
  - (b) a transfer instrument lodged in respect of land referred to in **section 128(1)(b)**.

**133 Notation of mineral ownership on records of title for early release commercial properties and Pouarua Farm property**

- (1) This section applies instead of section 86 of the Crown Minerals Act 1991— 25
- (a) to land referred to in **section 128(1)(c)** if that land is owned by the trustees on the settlement date; and
  - (b) to land referred to in **section 128(1)(d)**.
- (2) As soon as is reasonably practicable after the settlement date, the authorised person must make a written request to the Registrar-General— 30
- (a) to record on any record of title for the land that the land is subject to **section 130 of the Ngāti Paoa Claims Settlement Act 2022**; and
  - (b) to remove from the record of title for the land the notation that the land is subject to section 11 of the Crown Minerals Act 1991.
- (3) The Registrar-General must comply with a request received under **subsection (2)**. 35
- (4) In this section, **authorised person** means,—

- (a) in relation to the Pouarua Farm property, the chief executive of the Office for Māori Crown Relations—Te Arawhiti:
- (b) in relation to a property referred to in **section 128(1)(c)**, a person authorised by the chief executive of LINZ.

### 134 Notation of mineral ownership on record of title for Ruamāhua 5

The Registrar-General must record on the record of title for Ruamāhua created under **section 82 of the Ngāti Hei Claims Settlement Act 2022** that the land is subject to **section 130 of the Ngāti Paoa Claims Settlement Act 2022**.

#### *Application provision relating to Ruamāhua* 10

### 135 Application of sections 136 to 145 to Ruamāhua

- (1) **Sections 136 to 145** do not apply to any part of Ruamāhua that remains a reserve.
- (2) However, if the reservation of Ruamāhua as a reserve is revoked in relation to all or part of the property, references to the applicant in those sections must be read as including, in relation to all or that part of Ruamāhua, references to the registered owner of that land. 15

#### *Amounts payable in respect of vested minerals*

### 136 Purpose and scope of arrangement for payments

- (1) The purpose of **sections 137 to 141** is to provide that the rights to vested minerals include the payment by the Crown, in relation to the vested minerals, of— 20
  - (a) the representative amount; or
  - (b) if **section 141(2)** applies, the actual amount.
- (2) Payments made under **subsection (1)** must be made to the applicant. 25
- (3) The representative amount or the actual amount payable is based on the amount of royalties paid to the Crown in the preceding year or years for which an application is made under **section 142** in respect of the vested minerals.
- (4) Payment of the representative amount or the actual amount, as appropriate, discharges the obligations of the Crown under this subpart in respect of any royalties paid to the Crown in respect of the vested minerals. 30

### 137 Obligation to pay representative or actual amount

- (1) The chief executive, on receiving an application under **section 142**, must pay the representative amount or the actual amount, as appropriate, in respect of vested minerals to the applicant. 35

- (2) **Subsection (1)** applies even if the applicant has sold all or any of the relevant land or vested minerals, and the chief executive is not required to transfer payments to, or otherwise deal with, any new owner of the vested minerals.
- (3) The requirement to pay the representative amount or the actual amount applies— 5
- (a) only if the Crown has been paid royalties in respect of the vested minerals in the year or years preceding the year in which an application is made under **section 142**; and
- (b) only in respect of a period of not more than 8 years after the date on which those royalties were received by the Crown. 10
- (4) This section is subject to **sections 140** (shared ownership of land), **142** (application for payment of representative amount), and **144** (other conditions applying to payments).

*Calculation of amount payable*

**138 Calculation of representative amount** 15

The representative amount payable under **section 137** is calculated using the following formula:

$$\$r \times (a \div pa)$$

where—

- a is the area of relevant land within or overlapping the permit area 20
- pa is the total permit area of a privilege that is within or overlaps the relevant land
- \$r is the total amount of royalties paid to the Crown in respect of the vested minerals, for the years applied for under **section 142**, in respect of a privilege whose permit area is within or overlaps the relevant land. 25

**Example**

If—

- a is 4 sq kms; and
  - pa is 20 sq kms; and
  - \$r is \$1,500; then 30
- $\$1,500 \times (4 \div 20) = \$300.$

**139 Calculation of representative amount if more than 1 permit area**

If more than 1 permit area is within or overlaps the relevant land,—

- (a) the representative amounts must be separately calculated for each permit area in accordance with **section 138**; and 35

- (b) the total representative amount payable to the applicant in respect of the vested minerals for the permit areas is the sum of the separate amounts calculated under **paragraph (a)**.

#### 140 Calculation of representative amount if relevant land held in shares

If the relevant land is held in shares, the representative amount payable to the applicant in respect of the vested minerals is calculated using the following formula: 5

$$\text{\$r} \times (\text{a} \div \text{pa}) \times \%$$

where—

a, pa, and \$r have the meanings given to those terms in **section 138** 10

% is the percentage of the vested minerals owned in each share at the time the relevant land is vested in or transferred to the applicant.

#### Example

If—

- a is 4 sq kms; and 15
  - pa is 20 sq kms; and
  - \$r is \$1,500; and
  - the vested minerals are owned in 20% shares; then
- $\text{\$1,500} \times (4 \div 20) \times 20\% = \text{\$60}$ .

#### 141 When actual amount may be paid 20

- (1) When an application is received under **section 142**, the Minister must determine whether the information is sufficient to identify the actual amount paid to the Crown as royalties in respect of vested minerals in the year or years applied for. 25
- (2) If the Minister is satisfied that there is sufficient information to determine the actual amount referred to in **subsection (1)**, the Minister may pay to the applicant the actual amount to which the application relates in respect of those vested minerals, instead of the representative amount that would otherwise be payable. 25
- (3) If there is not sufficient information to enable the Minister to make a determination under **subsection (1)**, the chief executive must determine the representative amount payable in accordance with this subpart. 30
- (4) If the relevant land is owned in shares, any payment of the actual amount in respect of the vested minerals must be made in the same proportion as the proportion of the shares held in the relevant land at the time the land is vested in or transferred to the applicant. 35

*Application for payment of representative amount***142 Application requirements**

- (1) An applicant (but no other person or body) may apply for payment of the representative amount.
- (2) Applications must be made— 5
- (a) in writing to the chief executive; and
  - (b) not more than once a year; and
  - (c) not later than 31 March in respect of the preceding year or years applied for.
- 
- Example relating to paragraph (c)** 10
- The applicant may apply,—
- by 31 March 2023, for a payment relating to the year 2022:
  - by 31 March 2028, for a payment relating to the years 2022 to 2027.
- 
- (3) An application must not relate to any year earlier than 8 years before the date of the application. 15
- (4) An application must contain the information necessary to establish—
- (a) that the relevant land is or was owned by the applicant (for example, a copy of the record of title for the land); and
  - (b) the date on which the land was vested in or transferred to the applicant; and 20
  - (c) the shares (if any) in which the land is held; and
  - (d) the year or years to which the application relates; and
  - (e) the details of the applicant for the purpose of enabling payment to be made.
- (5) No payment may be made unless an application is made under this section. 25
- (6) The chief executive may request further information from an applicant—
- (a) to establish the information required under **subsection (4)**;
  - (b) to enable the Minister to determine whether the actual amount or the representative amount is to be paid.

**143 Advice to be given to applicant** 30

The chief executive must—

- (a) consider the application, including whether the information is sufficient to enable the Minister to determine the actual amount under **section 141**; and
- (b) advise the applicant in writing of the amount that the applicant is to be paid. 35

**144 Other conditions applying to payments**

- (1) Payment of the representative amount or actual amount, as the case requires,—
- (a) must be made as soon as is reasonably practicable after 31 March in each year; but
  - (b) must not be made more than once a year. 5
- (2) For the first year of payment of the representative amount or actual amount, the payment must be calculated—
- (a) from the date on which the relevant land was vested in or transferred to the applicant; and
  - (b) in proportion to the number of days that have elapsed in that year on and from the date of the vesting or transfer of the relevant land. 10
- (3) Interest is not payable on the amounts paid under this subpart, irrespective of the period to which an amount relates.

*Status of certain information***145 Confidentiality of information disclosed or received** 15

- (1) Any information disclosed to the applicant by the Crown under this subpart is a disclosure permitted under section 90A of the Crown Minerals Act 1991.
- (2) Information about the royalties paid to the Crown in respect of the vested minerals may be disclosed to the applicant in fulfilment of the obligations of the Crown under this subpart. 20
- (3) Information disclosed under **subsection (2)** is confidential to the applicant, subject to any legal obligations that the applicant may have to disclose the information, such as any statutory reporting requirements.

**Part 4****Provisions for governance reorganisation and transitional taxation arrangements** 25**146 Interpretation**

In this Part, unless the context otherwise requires,—

**assets and liabilities—**

- (a) means the assets and liabilities owned, controlled, or held, wholly or in part, by the trustees of the Waiheke Station Trust immediately before the commencement of this Act; and 30
- (b) includes—
  - (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and 35

- (ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere)

**responsible trustees of the Waiheke Station Trust** and **responsible trustees** mean the following trustees of the Ngāti Paoa Trust Board: 5

- (a) Bernadette Queenie Mohi:
- (b) Miriata Witika:
- (c) Pauline Ogden:
- (d) Charlie Takahoangakingaiwi Peters:
- (e) Danella Tapahinga Roebeck: 10
- (f) Hauauru Howard Rawiri:
- (g) Michael Jody Paki:
- (h) Mikaera Paraone:
- (i) Sonny Awaroa Thompson

**transferred employee** means an employee to whom **section 155** applies 15

**trustees of Waiheke Station Trust** means the responsible trustees

**Waiheke Station Trust** means the interim trust of that name established by order of the Māori Land Court dated 13 December 1989 under section 437(4) of the Maori Affairs Act 1953.

## Subpart 1—Governance reorganisation 20

### *Dissolution of Waiheke Station Trust*

#### 147 **Dissolution of Waiheke Station Trust**

- (1) On the commencement of this Act,—
- (a) the Waiheke Station Trust is dissolved; and
  - (b) the term of office of the responsible trustees expires; and 25
  - (c) proceedings by or against those trustees may be continued, completed, and enforced by or against the trustees of the Ngāti Paoa Iwi Trust; and
  - (d) a reference to the Waiheke Station Trust (express or implied) in any enactment (other than this Act) or in any instrument, register, agreement, deed (other than the deed of settlement), lease, application, notice, or other document in force immediately before the commencement of this Act must, unless the context otherwise requires, be read as a reference to the trustees of the Ngāti Paoa Iwi Trust. 30
- (2) A person holding office as a responsible trustee immediately before the commencement of this Act is not entitled to compensation as a result of the expiry 35 under this section of his or her term of office.

**148 Vesting of assets and liabilities of responsible trustees**

- (1) On the commencement of this Act, the assets and liabilities of the responsible trustees vest in the trustees of the Ngāti Paoa Iwi Trust and become the assets and liabilities of the trustees of the Ngāti Paoa Iwi Trust, subject to any trusts expressed in the trust deed of the Ngāti Paoa Iwi Trust. 5
- (2) To the extent that any assets and liabilities of the responsible trustees are held subject to—
- (a) any charitable trusts, those assets and liabilities are—
    - (i) freed of all charitable trusts; but
    - (ii) subject to any other trusts expressed in the trust deed of the Ngāti Paoa Iwi Trust; and 10
  - (b) any other trusts, covenants, or conditions affecting an asset or a liability, those assets and liabilities vest in, and become the assets and liabilities of, the trustees of the Ngāti Paoa Iwi Trust subject to those trusts, covenants, or conditions. 15

*General matters relating to reorganisation***149 Matters not affected by transfer**

Nothing given effect to or authorised by this subpart—

- (a) places any person in breach of a contract or confidence, or involves the person in the commission of a civil wrong; or 20
- (b) creates a right for any person to terminate or cancel any contract or arrangement, to accelerate the performance of an obligation, to impose a penalty, or to increase a charge; or
- (c) places any person in breach of an enactment, a rule of law, or a contract that prohibits, restricts, or regulates the assignment or transfer of an asset or a liability or the disclosure of information; or 25
- (d) releases a surety, wholly or in part, from an obligation; or
- (e) invalidates or discharges a contract.

**150 Status of existing instruments**

- (1) The trustees of the Ngāti Paoa Iwi Trust are to be treated as if they were the responsible trustees under any existing instrument— 30
- (a) to which the responsible trustees were a party; or
  - (b) that the responsible trustees gave, received, or were to give or receive.
- (2) An express or implied reference to the responsible trustees in an existing instrument or in a record of title must be read as a reference to the trustees of the Ngāti Paoa Iwi Trust, unless the context otherwise requires. 35

- (3) In this section, **existing instrument** means any agreement, deed, undertaking, application, notice, instrument recording an interest in land, or other document in effect immediately before the commencement of this Act.

#### **151 Status of existing securities**

- (1) A security held by the responsible trustees as security for a debt or other liability to that trust incurred before the commencement of this Act— 5
- (a) is available to the trustees of the Ngāti Paoa Iwi Trust as security for the discharge of that debt or liability; and
- (b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to those trustees incurred on or after the commencement of this Act. 10
- (2) The trustees of the Ngāti Paoa Iwi Trust are entitled to the same rights and priorities, and subject to the same liabilities, in relation to the security as the responsible trustees would be if this Act had not been passed.

#### **152 Continuation of proceedings** 15

- (1) An action, arbitration, proceeding, or cause of action that was pending or existing by, against, or in favour of the responsible trustees before the commencement of this Act may be continued and enforced by, against, or in favour of the trustees of the Ngāti Paoa Iwi Trust.
- (2) It is not necessary to amend a pleading, writ, or other document to continue the action, arbitration, proceeding, or cause of action. 20

#### **153 Books and documents to remain evidence**

- (1) A document, matter, or thing that would have been admissible in evidence for or against the responsible trustees is, on and after the commencement of this Act, admissible in evidence for or against the trustees of the Ngāti Paoa Iwi Trust. 25
- (2) In this section, **document** has the meaning given in section 4(1) of the Evidence Act 2006.

#### **154 Registration of documents**

- (1) The Registrar-General or any other person charged with keeping documents or registers is not required, solely because of the other provisions of this subpart, to change, in the documents or registers, the names of the responsible trustees to the names of the trustees of the Ngāti Paoa Iwi Trust. 30
- (2) If the trustees of the Ngāti Paoa Iwi Trust present an instrument to a Registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in those trustees, as specified in the instrument. 35

- (3) For the purposes of **subsection (2)**, the instrument need not be an instrument of transfer, but must—
- (a) be executed or purport to be executed by the trustees of the Ngāti Paoa Iwi Trust; and
  - (b) relate to assets or liabilities owned, controlled, or held, wholly or in part, by the responsible trustees immediately before the commencement of this Act; and 5
  - (c) be accompanied by a certificate given by the trustees of the Ngāti Paoa Iwi Trust or their lawyer stating that the property was vested in those trustees by or under this Act. 10

### *Employees*

#### **155 Transfer of employees**

On the commencement of this Act, each employee of the responsible trustees ceases to be an employee of those trustees and becomes an employee of the trustees of the Ngāti Paoa Iwi Trust. 15

#### **156 Protection of terms and conditions of employment**

- (1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to him or her immediately before the commencement of this Act.
- (2) **Subsection (1)**— 20
- (a) continues to apply to the terms and conditions of employment of a transferred employee until the terms and conditions are varied by agreement between the transferred employee and the trustees of the Ngāti Paoa Iwi Trust; and
  - (b) does not apply to a transferred employee who accepts any subsequent appointment with those trustees. 25

#### **157 Continuity of employment**

For the purposes of any enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee,—

- (a) the transfer of the person's employment from the responsible trustees to the trustees of the Ngāti Paoa Iwi Trust does not, of itself, break the employment of that person; and 30
- (b) the period of the person's employment by the responsible trustees is to be regarded as having been a period of service with the trustees of the Ngāti Paoa Iwi Trust. 35

**158 No compensation for technical redundancy**

A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that—

- (a) the position held by the employee with the responsible trustees has ceased to exist; or 5
- (b) the employee has ceased, as a result of his or her transfer to the trustees of the Ngāti Paoa Iwi Trust, to be an employee of the responsible trustees.

**159 Liability of employers and agents**

- (1) A responsible trustee, an officer, or a representative of the Waiheke Station Trust who held office at any time before the commencement of this Act is not personally liable for any act or thing done or omitted to be done by that person before the commencement of this Act in the exercise or bona fide exercise of a duty under any enactment or the relevant deed of trust. 10
- (2) This section applies only— 15
  - (a) in the absence of actual fraud; and
  - (b) if the act or omission does not amount to an offence under any enactment or rule of law.

*Final report of Waiheke Station Trust*

- 160 Final report** 20
  - (1) As soon as practicable after the commencement of this Act, the trustees of the Ngāti Paoa Iwi Trust must prepare the final report of the Waiheke Station Trust.
  - (2) The report must show the financial results of the operation for the period—
    - (a) starting on the day after the last day covered by the previous annual report; and 25
    - (b) ending on the day before the commencement of this Act.
  - (3) At the first general meeting of the trustees of the Ngāti Paoa Iwi Trust after the final report has been completed, those trustees must present the final report of the Waiheke Station Trust.

**Subpart 2—Transitional taxation provisions** 30**161 Application and interpretation**

- (1) This subpart applies, by virtue of the governance reorganisation under **subpart 1**, for the purposes of the Inland Revenue Acts.
- (2) In this subpart,—
  - exempt income** has the meaning given in section YA 1 of the Income Tax Act 2007 35

	<b>Inland Revenue Acts</b> has the meaning given in section 3(1) of the Tax Administration Act 1994	
	<b>tax charity</b> has the meaning given in section YA 1 of the Income Tax Act 2007	
	<b>taxable income</b> has the meaning given in section YA 1 of the Income Tax Act 2007	5
	<b>taxable Māori authority distribution</b> has the meaning given in section HF 7 of the Income Tax Act 2007	
	<b>undistributed charitable amount</b> means the amount identified in accordance with <b>section 162(5)</b> , applied as the context may require.	
<b>162</b>	<b>Taxation in respect of transfer of assets and liabilities of Waiheke Station Trust</b>	10
(1)	On and from the date on which the assets and liabilities of the responsible trustees vest in the trustees of the Ngāti Paoa Iwi Trust under <b>section 148</b> ,—	
	(a) those trustees are deemed to be the same persons as the responsible trustees; and	15
	(b) everything done by the responsible trustees before that date is deemed to have been done by the trustees of the Ngāti Paoa Iwi Trust on the date on which it was done by the responsible trustees.	
(2)	Income derived or expenditure incurred by the responsible trustees before the assets and liabilities vest in the trustees of the Ngāti Paoa Iwi Trust does not become income derived or expenditure incurred by those trustees just because the assets and liabilities vest in those trustees under <b>section 148</b> .	20
(3)	<b>Subsection (4)</b> applies if income of the responsible trustees—	
	(a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and	25
	(b) is exempt income of the responsible trustees but is not exempt income of the trustees of the Ngāti Paoa Iwi Trust.	
(4)	If this subsection applies, the trustees of the Ngāti Paoa Iwi Trust must be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property—	30
	(a) on the day that it becomes the property of those trustees; and	
	(b) for a consideration that is its market value on that day.	
(5)	The trustees of the Ngāti Paoa Iwi Trust must identify the undistributed charitable amount, using the following formula:	
	$x - y$	35
	where—	
x	is the total of the amounts derived by the responsible trustees that, but for the application of sections CW 41 and CW 42 of the Income Tax Act	

- 2007, would have been taxable income derived by those trustees before the commencement of this Act
- y is the total of the amounts described in variable x that have been distributed before the commencement of this Act.
- (6) However, if the use of the formula under **subsection (5)** results in a number that is less than 0, the undistributed charitable amount is 0. 5
- (7) The undistributed charitable amount described in **subsection (5)** is excluded from the corpus of the trustees of the Ngāti Paoa Iwi Trust for the purposes of the Income Tax Act 2007, to the extent to which it is otherwise included but for this subsection. 10
- (8) If the trustees of the Ngāti Paoa Iwi Trust distribute any of the undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless **subsection (9)** applies.
- (9) If the trustees of the Ngāti Paoa Iwi Trust distribute any of the undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient. 15
- 163 Election of trustees of Ngāti Paoa Iwi Trust to become Māori authority**
- (1) If the trustees of the Ngāti Paoa Iwi Trust make an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, to the extent that the undistributed charitable amount is distributed in an income year, that distribution will be— 20
- (a) exempt income if the distribution is applied for a charitable purpose; or
- (b) a taxable Māori authority distribution.
- (2) If this section applies, the amount must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007. 25

## Part 5

### Repeal, amendments, and savings

#### *Repeal*

- 164 Point England Development Enabling Act 2017 repealed**
- On the commencement of this Act, the Point England Development Enabling Act 2017 (2017 No 28) is repealed. 30

#### *Consequential amendments*

- 165 Amendment to Reserves and Other Lands Disposal Act 1970**
- (1) This section amends the Reserves and Other Lands Disposal Act 1970.
- (2) Repeal section 6. 35

**166 Amendments to Crown Minerals Act 1991**

- (1) This section amends the Crown Minerals Act 1991.
- (2) After section 25(6)(g), insert:
- (h) **section 129 of the Ngāti Paoa Claims Settlement Act 2022.**
- (3) After section 32(7)(g), insert: 5
- (h) the persons or body referred to in **section 128(1)(a) to (d) of the Ngāti Paoa Claims Settlement Act 2022**, subject to **section 129** of that Act:
- (ha) in relation to Ruamāhua, the registered owners, subject to **section 129 of the Ngāti Paoa Claims Settlement Act 2022**, if **section 135** of that Act applies: 10
- (4) In **Schedule 6**, insert in its appropriate alphabetical order:  
The land described in **section 128(1) of the Ngāti Paoa Claims Settlement Act 2022**.

**167 Amendments to Wildlife Sanctuary (Aldermen Islands) Order 1965** 15

- (1) This section amends the Wildlife Sanctuary (Aldermen Islands) Order 1965.
- (2) Repeal clause 4(a).
- (3) Replace clause 4(b) with:
- (b) the descendants of Marutūāhu, Hako, and Hei, for the purpose of exercising their rights under— 20
- (i) permits issued for the taking of the young of the grey-faced petrel (*Pterodroma macroptera*) under the Grey-Faced Petrel (Northern Muttonbird) Notice 1979; or
- (ii) any notice given in substitution of a permit under that order by the Minister of Conservation: 25
- (4) Replace clause 5(a) with:
- (a) hunt or kill, take for any purpose, molest, capture, disturb, harry, or worry any living creature in the sanctuary, but the descendants of Marutūāhu, Hako, and Hei may hunt or kill the young of the grey-faced petrel (*Pterodroma macroptera*) under a permit or notice referred to in **clause 4(b)**: 30

*Savings relating to Hine-nui-o-te-paua***168 Savings**

- (1) Except as provided in **subsection (2)**, nothing in this Act limits the application of section 35 of the Legislation Act 2019 (powers exercised under repealed or amended legislation have continuing effect). 35
- (2) On and after the commencement of this Act,—

- 
- (a) the amendment deemed to have been made to the Auckland combined plan under section 6(1)(e) of the Point England Development Enabling Act 2017 ceases to apply to the development land, except in relation to Hine-nui-o-te-paua (*see section 23*); and
- (b) the amendments deemed to have been made to the management plan under section 10(1) of the Point England Development Enabling Act 2017 cease to have effect (*see section 26(7)*). 5
- (3) As soon as practicable after the commencement of this Act, and without using the process under Schedule 1 of the Resource Management Act 1991, the Auckland Council must amend the Auckland combined plan to reflect the amendment deemed to have been made under section 6(1)(e) of the Point England Development Enabling Act 2017. 10
- (4) However, **subsections (2) and (3)** do not prevent the subsequent amendment of the Auckland combined plan to make further changes in the zoning of Hine-nui-o-te-paua in accordance with the Resource Management Act 1991 or any other enactment. 15
- (5) In this section,—
- Auckland combined plan** and **development land** have the meanings given to those terms in section 3 of the Point England Development Enabling Act 2017
- management plan** has the meaning given to that term in section 10(4) of the Point England Development Enabling Act 2017. 20

## Schedule 1

### Cultural redress properties and Ruamāhua

ss 12, 22, 43, 45, 46, 47, 48

#### Part 1

#### Cultural redress properties

5

##### *Properties vested in fee simple*

Name of property	Description	Interests
Hine-nui-o-te-paua	<i>North Auckland Land District— Auckland Council</i>  2.0000 hectares, more or less, being Section 1 SO 554976. Part record of title 798085 for the fee simple estate.	Together with the rights specified in the easement referred to in <b>section 26(8)</b> .
Kaiaua School property	<i>North Auckland Land District— Hauraki District</i>  1.2141 hectares, more or less, being Section 1 SO 27611. Part <i>Gazette</i> notice 049005.1.  0.8101 hectares, more or less, being Section 1 SO 41339. All Proclamation 17085.	Subject to the lease referred to in <b>section 24(2)(a)</b> .

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

Name of property	Description	Interests
Māwhitipana	<i>North Auckland Land District— Auckland Council</i>  1.9020 hectares, more or less, being Section 1 SO 495120. Part record of title NA398/288 for the fee simple estate.	Subject to being a recreation reserve, as referred to in <b>section 25(3)(a)</b> .
Omaru	<i>North Auckland Land District— Auckland Council</i>  40.6000 hectares, more or less, being Section 2 SO 554976. Balance records of title 798085 and 798086 for the fee simple estates.	Subject to being a recreation reserve, as referred to in <b>section 26(4)</b> .  Subject to the rights specified in the easement referred to in <b>section 26(8)</b> .  Subject to an unregistered lease dated 3 April 2007 to Tamaki Model Aircraft Club Incorporated.
Paoa Ururoa	<i>North Auckland Land District— Auckland Council</i>  0.4000 hectares, more or less, being Section 3 SO 484950. Part <i>Gazette</i> notice 274308.	Subject to being a historic reserve, as referred to in <b>section 28(3)(a)</b> .  Subject to an unregistered permit with authority number AK-33028-FAU to Tonkin and Taylor Limited.

Name of property	Description	Interests
Paoa Ururua	<p><i>North Auckland Land District— Auckland Council</i></p> <p>1.6000 hectares, more or less, being Section 2 SO 484950. Part <i>Gazette</i> notice 274308.</p>	<p>Subject to an unregistered Wildlife Act Authority permit with authorisation number 76628-RES to the EcoQuest Education Foundation.</p> <p>Subject to an unregistered Wildlife Act Authority permit with authorisation number 74171-FAU to the Motuihe Trust.</p> <p>Subject to an unregistered concession with concession number 81496-GUI to the Motuihe Trust.</p> <p>Subject to being a recreation reserve, as referred to in <b>section 31(3)(a)</b>.</p> <p>Subject to an unregistered permit with authority number AK-33028-FAU to Tonkin and Taylor Limited.</p> <p>Subject to an unregistered Wildlife Act Authority permit with authorisation number 76628-RES to the EcoQuest Education Foundation.</p> <p>Subject to an unregistered Wildlife Act Authority permit with authorisation number 74171-FAU to the Motuihe Trust.</p> <p>Subject to an unregistered concession with concession number 81496-GUI to the Motuihe Trust.</p>
Paoa Whanake	<p><i>North Auckland Land District— Auckland Council</i></p> <p>2.0000 hectares, more or less, being Section 1 SO 504900. Part record of title 798086 for the fee simple estate.</p>	<p>Subject to being a local purpose (marae) reserve referred to in <b>section 34(3)</b>.</p> <p>Together with the rights specified in the easement referred to in <b>section 26(8)</b>.</p>
Papakura Pā	<p><i>North Auckland Land District— Auckland Council</i></p> <p>1.0000 hectares, more or less, being Section 2 SO 498956. Part <i>Gazette</i> notice 831035.1.</p>	<p>Subject to being a scientific reserve, as referred to in <b>section 35(3)(a)</b>.</p> <p>Subject to an unregistered Wildlife Act Authority permit with authorisation number 64057-FAU to the Bushy Park Trust.</p>
Pokai Wawahi Ika	<p><i>North Auckland Land District— Auckland Council</i></p> <p>2.2530 hectares, more or less, being Section 1 SO 495060. Part record of title 363728 for the fee simple estate.</p>	<p>Subject to being a recreation reserve, as referred to in <b>section 36(3)(a)</b>.</p>

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Tauwhare Koiora site A	<i>North Auckland Land District— Hauraki District</i> 1.3411 hectares, more or less, being Section 4 SO 504602. All <i>Gazette</i> 2015-ln6254.	Subject to being a recreation reserve, as referred to in <b>section 37(5)(a)</b> .
Tauwhare Koiora site B	<i>North Auckland Land District— Hauraki District</i> 0.0258 hectares, more or less, being Section 2 SO 504602. Part Proclamation 4684.	Subject to being a historic reserve, as referred to in <b>section 37(9)</b> .
Te Iwi Rahirahi	<i>North Auckland Land District— Auckland Council</i> 0.5975 hectares, more or less, being Lot 1 DP 335144. All record of title 143771 for the fee simple estate.	Subject to being a local purpose (esplanade) reserve, as referred to in <b>section 38(3)</b> .
Te Waero Awe Houkura	<i>North Auckland Land District— Auckland Council</i> 0.0809 hectares, more or less, being Lot 436 DP 33180. Balance record of title NA24D/ 1081 for the fee simple estate. 0.8143 hectares, more or less, being Lots 216, 372, 438, 439, 440, 441, 445, 446, and 447 DP 25861 and Lot 443 DP 22849. Balance <i>Gazette</i> notice 123130.	Subject to being a recreation reserve, as referred to in <b>section 41(3)(a)</b> . Subject to the unregistered lease referred to in <b>section 41(7)</b> . Subject to an unregistered lease to Otherworld Productions Incorporated dated 9 July 2008.

## Part 2

### Ruamāhua

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Ruamāhua	<i>North Auckland Land District— Thames–Coromandel District</i> All that group of islands and reefs known as the Aldermen Islands, being 133.5463 hectares, more or less, as shown on SO 34773.	Subject to being a nature reserve, as referred to in <b>section 69(4)(a)</b> . Subject to being a wildlife sanctuary. Subject to an unregistered research and collection permit with authorisation number 55380-RES to the University of Auckland.

## Schedule 2 Overlay areas

s 88

Overlay area	Location	Description
Pūkoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area	As shown on OTS-403-261	<i>North Auckland Land District— Hauraki District Council</i>  Lot 4 DP 181190, Lots 2 and 3 DP 211445, Lots 1 and 2 DP 182633, Lots 4 and 5 DP 199696, Part Lot 3 DP 33407, Sections 4, 5, and 7 Block VI Wharekawa Survey District, Te Moko Block, and Part Wharekawa 1G1.
Te Haupa Island Scenic Reserve	As shown on OTS-403-260	<i>North Auckland Land District— Auckland Council</i>  Allotment 298 Parish of Mahurangi.

### Schedule 3

### Statutory areas

s 102

<b>Statutory area</b>	<b>Location</b>
Kiripaka Wildlife Scenic Reserve	As shown on OTS-403-268
Mangatawhiri Forest Conservation Area	As shown on OTS-403-275
Matietie Historic Reserve	As shown on OTS-403-262
Mutukaroa / Hamlin Hill	As shown on OTS-403-269
Ngahue Reserve	As shown on OTS-403-267
Paparimu Conservation Area	As shown on OTS-403-272
Pūkoro / Miranda Scenic Reserve	As shown on OTS-403-271
Pūkoro / Miranda Scientific Reserve	As shown on OTS-403-277
Richard Sylvan Memorial Scenic Reserve	As shown on OTS-403-273
Ruapotaka Reserve	As shown on OTS-403-270
Te Matuku Bay Scenic Reserve	As shown on OTS-403-266
Te Morehu Scenic Reserve	As shown on OTS-403-263
Vining Scenic Reserve	As shown on OTS-403-274