Version
as at 12 April 2022

Rongowhakaata Claims Settlement Act 2012

Public Act	2012 No 54
Date of assent	31 July 2012
Commencement	see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Māori Development—Te Puni Kōkiri.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Rongowhakaata Claims Settlement Act 2012.

2 Commencement

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

Part 1
Purpose of Act, acknowledgements and apologies, interpretation provisions, settlement of historical claims, and miscellaneous matters

Subpart 1—Purpose of Act and other matters

3 Purpose

The purpose of this Act is—

(a) to give effect to certain provisions of the deed of settlement, which is a deed that settles the historical claims of Rongowhakaata, dated 30 September 2011 and signed by—

(i) the Minister for Treaty of Waitangi Negotiations, the Honourable Christopher Finlayson, for and on behalf of the Crown; and

(ii) William Stirling Te Aho, Stanley Joseph Pardoe, Jody Balneavis Wyllie, Meka Whaitiri, Tutekawa Wyllie, Maever Cherie Hei Ariki Moeau, and Peter John Richard Moeau as the mandated signatories for and on behalf of Rongowhakaata (including Ngā Uri o Te Kooti Rikirangi); and

(iii) Tutekawa Wyllie, William Stirling Te Aho, Stanley Joseph Pardoe, and Ronald Clifford Nepe as the trustees of the Rongowhakaata Settlement Trust; and

(iv) Maever Cherie Hei Ariki Moeau, Peter John Richard Moeau, and Rangi Wetini Cairns as the trustees of the Ngā Uri o Te Kooti Rikirangi Settlement Trust; and

(b) to record the acknowledgements and apology offered by the Crown in the deed of settlement to—

(i) Rongowhakaata; and

(ii) Ngā Uri o Te Kooti Rikirangi.

4 Act binds the Crown

This Act binds the Crown.

5 Outline

(1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of this Act or of the deed of settlement.

(2) This Part—

(a) sets out the purpose of this Act and specifies that it binds the Crown; and

(b) sets out the acknowledgement and apology of the Crown—

(i) to Rongowhakaata; and

(ii) to Ngā Uri o Te Kooti Rikirangi; and

(c) defines terms used in this Act, including key terms such as Rongowhakaata, Ngā Uri o Te Kooti Rikirangi, and historical claims; and

(d) provides that the settlement of the historical claims is final; and

(e) provides for—

(i) the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body to consider the historical claims; and

(ii) consequential amendments 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, the timing of actions or matters provided for in this Act, and access to the deed of settlement.

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

(a) the vesting of Te Hau ki Tūranga; and

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

(i) protocols to be issued to the trustees by the relevant responsible Ministers; and

(ii) an acknowledgement by the Crown of the statements made by Rongowhakaata of their cultural, spiritual, historical, and traditional association with 8 statutory areas and the effect of that acknowledgement; and

(c) redress that requires the vesting in a named governance entity of a fee simple estate in 9 cultural redress properties.

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

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

(b) in subpart 2, provisions governing the RFR redress.

(5) There are 3 schedules that—

(a) list the 8 statutory areas to which the statutory acknowledgement relates:

(b) list the 9 cultural redress properties:

(c) set out provisions that apply to notices given in relation to RFR land.

Section 5(2)(e)(iv): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

6 Acknowledgements and apologies

(1) Sections 7 and 8 record the acknowledgements of the Crown and the apology offered to Rongowhakaata by the Crown in the deed of settlement, and sections 9 and 10 record those relating to Ngā Uri o Te Kooti Rikirangi.

(2) The acknowledgements and apologies are to be read in conjunction with the account of the historical relations between Rongowhakaata and the Crown, and those between Ngā Uri o Te Kooti Rikirangi and the Crown, as recorded in parts 2 and 3 of the deed of settlement.

7 Acknowledgements of the Crown relating to Rongowhakaata

(1) The Crown acknowledges that—

(a) it has failed to address until now the longstanding and legitimately held grievances of Rongowhakaata in an appropriate manner; and

(b) its recognition of, and redress for, the bitter grievances of Rongowhakaata is long overdue; and

(c) the sense of grief and loss suffered by, and the impact on, Rongowhakaata remains today.

(2) The Crown acknowledges that—

(a) prior to 1865, Rongowhakaata had full control over their lands and resources and were participating successfully in the New Zealand economy; and

(b) when war broke out in other regions before 1865, Rongowhakaata adopted a policy of neutrality; and

(c) the Crown used military force in Tūranga in November 1865 when there was no need to do so; and

(d) the Crown did not pursue all reasonable possibilities for preserving peace in Tūranga after it issued an ultimatum to the occupants of Waerenga a Hika in November 1865; and

(e) the Crown's attack on Waerenga a Hika, whose occupants included women and children, was unwarranted and unjust, caused severe and long-term prejudice to Rongowhakaata, and breached the Treaty of Waitangi and its principles.

(3) The Crown acknowledges that looting by its military forces in the aftermath of the Waerenga a Hika attack contributed to acute food shortages, which caused some loss of life among Tūranga Māori.

(4) The Crown acknowledges that the indefinite detention in harsh conditions of many Rongowhakaata on the Chatham Islands without the laying of charges or bringing them to trial—

(a) was an injustice that deprived those Rongowhakaata of basic human rights; and

(b) inflicted unwarranted hardships on them and their whānau and hapū; and

(c) also inflicted severe hardship on Rongowhakaata who remained in Tūranga; and

(d) could not be legally challenged because of several indemnity acts; and

(e) was wrongful, contrary to natural justice, and a breach of the Treaty of Waitangi and its principles.

(5) The Crown acknowledges that, after being held for more than 2 years with no indication of when they might be released, the prisoners were justified in finally escaping from the Chatham Islands in July 1868, and that they had reason to distrust the Crown when it asked them to lay down their arms after their return to the mainland.

(6) The Crown further acknowledges that—

(a) the Crown's senior military officers at Ngatapa were aware that men captured during the Crown's pursuit of those who fled from the Whakarau Pa were being summarily executed; and

(b) some Rongowhakaata who were prisoners of the Whakarau at Ngatapa were very likely to have been killed during the fighting, or to have been summarily executed by Crown forces after the pa was captured; and

(c) the Crown did not investigate the events at Ngatapa in 1869, despite newspaper reports of a large number of summary executions by Crown forces after the battle; and

(d) the summary executions at Ngatapa by Crown forces in January 1869 breached the Treaty of Waitangi and its principles, and tarnished the honour of the Crown.

(7) The Crown acknowledges that the deaths of many Rongowhakaata at Ngatapa in January 1869 had a severe long-term impact on Rongowhakaata.

(8) The Crown acknowledges that—

(a) it did not obtain, or even seek, the consent of many Rongowhakaata for the 1868 deed of cession; and

(b) the consent to the deed by its Rongowhakaata signatories was given under duress; and

(c) the pressure applied by the Crown when negotiating for the cession, and the resulting extinguishment of all Rongowhakaata's customary land interests, breached the Treaty of Waitangi and its principles.

(9) The Crown acknowledges that it did not secure Rongowhakaata's agreement to the boundaries of the land retained by the Crown out of the area Rongowhakaata ceded under duress in 1868, and that the Crown's effective confiscation of all Rongowhakaata interests in the more than 50 000 acres the Crown retained at Patutahi was wrongful and a breach of the Treaty of Waitangi and its principles.

(10) The Crown acknowledges that it broke its promise in the 1868 deed to compensate loyal Māori for their interests in any land retained by the Crown, and this was a breach of the Treaty of Waitangi and its principles.

(11) The Crown acknowledges that—

(a) the Crown directed the Poverty Bay Commission to exclude those whom the Commission considered rebels from the titles it awarded for land ceded to the Crown in 1868 which was returned to Rongowhakaata between 1869 and 1873; and

(b) the Crown arranged the preparation of a list naming many Rongowhakaata as rebels before the Commission sat, and this led to the exclusion of many Rongowhakaata from titles that the Poverty Bay Commission awarded for Rongowhakaata lands without adequate consideration by the Commission of whether they were actually rebels; and

(c) the effective confiscation from many Rongowhakaata of land interests by their exclusion from titles awarded by the Poverty Bay Commission, and the Crown's failure to provide reserves for these Rongowhakaata, was wrongful and breached the Treaty of Waitangi and its principles.

(12) The Crown acknowledges that—

(a) the Crown did not consult Rongowhakaata about the individualisation of titles by the Poverty Bay Commission, or the introduction of the native land legislation; and

(b) the awarding of titles to individuals by the Poverty Bay Commission and the Native Land Court made Rongowhakaata lands more susceptible to partition, fragmentation, and alienation; and

(c) this had a prejudicial effect on Rongowhakaata because they contributed to the erosion of traditional tribal structures, which were based on collective tribal and hapū custodianship of land. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.

(13) The Crown acknowledges that it failed to enact legislation before 1894 that facilitated the administration of Rongowhakaata land subject to the native land laws on a community basis and this was a breach of the Treaty of Waitangi and its principles.

(14) The Crown acknowledges that—

(a) some Rongowhakaata land became vested in the East Coast Trust; and

(b) its failure to provide for Rongowhakaata beneficial owners to be involved in the development of policy for the administration of their land once it became clear that this Trust would have a long-term existence was a breach of the Treaty of Waitangi and its principles.

(15) The Crown acknowledges that—

(a) it compulsorily acquired land from Rongowhakaata under public works legislation on a number of occasions; and

(b) it took land for roads between 1862 and 1927 without paying compensation; and

(c) there was insufficient justification for takings at Awapuni and Waiohiharore in 1900 and 1902; and

(d) there was generally inadequate consultation with Rongowhakaata about public works takings before the middle of the twentieth century.

(16) The Crown acknowledges the distress caused by the Manutuke consolidation scheme in the years following 1958 as it required many Rongowhakaata to exchange land to which they had significant ancestral connections for land to which they had no connections.

(17) The Crown acknowledges that—

(a) the clearing of indigenous forests in Tūranga between 1890 and 1920 dramatically increased erosion, which led to severe flooding on the Tūranga flats in the middle of the twentieth century; and

(b) the pollution of Tūranga waterways by Gisborne's sewerage system and industrial waste has had a severe effect on Rongowhakaata, including the loss of many traditional sources of kai moana; and

(c) Rongowhakaata have lost control over many of their significant sites, including wāhi tapu, and that this has had an ongoing impact on their physical and spiritual relationship with their land.

(18) The Crown acknowledges that the cumulative effect of the Crown's actions and omissions, including the effective confiscation of land at Patutahi, and the individualisation of Rongowhakaata's land tenure through the operation of the Poverty Bay Commission and native land laws, left Rongowhakaata virtually landless and had a devastating effect on their economic, social, and cultural development. The Crown's failure to ensure that Rongowhakaata retained sufficient lands for its present and future needs was a breach of the Treaty of Waitangi and its principles.

(19) The Crown acknowledges the harmful effects of a State education system that for too long did not value Māori cultural understanding, discouraged the use of te reo Māori, and held generally low expectations for Māori academic achievement.

(20) The Crown acknowledges that Rongowhakaata have lived for too long with poorer housing, lower educational achievements, and worse health than many other New Zealanders.

(21) The Crown acknowledges that—

(a) Rongowhakaata have made a significant contribution to the wealth and development of the nation; and

(b) Rongowhakaata have honoured their obligations and responsibilities under the Treaty of Waitangi in many ways, including their contribution to New Zealand's war efforts overseas. The Crown pays tribute to the contribution made by Rongowhakaata to the defence of the nation.

8 The Crown's apology to Rongowhakaata

(1) The Crown profoundly regrets its breaches of the Treaty of Waitangi and its principles, and the devastating impact these have had on Rongowhakaata.

(2) The Crown acknowledges that its relationship with Rongowhakaata has involved some of the darkest episodes in our country's history. The Crown recognises that Rongowhakaata have long sought to right the injustices they have suffered at the hands of the Crown, and is deeply sorry that it has failed until now to address the injustices in an appropriate manner.

(3) The Crown is deeply remorseful about the oppression of Rongowhakaata in the 1860s, which began with the Crown's attack on Waerenga a Hika. The many Rongowhakaata deaths at Waerenga a Hika, and the exile of many Rongowhakaata to the Chatham Islands, were great injustices. These events led to dishonourable summary executions of Rongowhakaata at Ngatapa, and

an effective confiscation of Rongowhakaata land which was unjustified. The Crown unreservedly apologises for these actions, and for the enormous suffering they caused.

(4) The Crown sincerely apologises for its failures since 1840 to respect Rongowhakaata rangatiratanga, and profoundly regrets that over the generations to the present day its actions have significantly impacted on their social and traditional structures, autonomy, and ability to exercise their customary rights and responsibilities.

(5) The Crown is deeply sorry and unreservedly apologises for the destructive impact and demoralising effects of its actions, which have caused significant damage to the cultural, spiritual, and physical wellbeing of Rongowhakaata, as well as their economic development.

(6) The Crown seeks to restore its tarnished honour with this settlement. The Crown hopes that this settlement will mark the beginning of a new relationship with Rongowhakaata founded on the Treaty of Waitangi and its principles.

9 Acknowledgements of the Crown relating to Ngā Uri o Te Kooti Rikirangi

(1) The Crown acknowledges that several Crown actions provoked Te Kooti Rikirangi into taking up arms against the Crown. In October 1865, a Crown officer was responsible for the summary execution of the Tūranga Rangatira Pita Tamaturi during fighting on the East Coast.

(2) In November 1865, Crown military forces launched an unjustified attack on Waerenga a Hika. Te Kooti was part of the Crown forces at Waerenga a Hika, but was afterwards arrested on suspicion of being a spy. Ngā Uri o Te Kooti Rikirangi consider that, to remove one of his economic rivals from Tūranga, an influential Pākehā trader persuaded the Crown to arrest Te Kooti. The Crown initially released Te Kooti for lack of evidence, but rearrested him in March 1866 without charging him.

(3) Te Kooti persistently requested to be put on trial but the Crown did not put him on trial. The Crown exiled Te Kooti to the Chatham Islands where he was detained without trial in harsh conditions for more than 2 years along with other prisoners. Crown officials told Te Kooti and the other prisoners sent to the Chatham Islands they would not be released until the Crown had settled how much land it would confiscate in Tūranga as a consequence of Waerenga a Hika. The Crown acknowledges that it was reasonable in these circumstances for Te Kooti to lead the escape of prisoners from the Chatham Islands in July 1868.

(4) Te Kooti intended to travel peacefully to Taupo when he led the prisoners back to the mainland. The Crown acknowledges that its unjust treatment of Te Kooti gave him reason to distrust the Crown when he was offered the chance to peacefully return to Tūranga after his arrival back on the mainland.

(5) Te Kooti rejected a Crown requirement for his followers to lay down their arms, but only started to fight after being attacked by Crown forces when he began heading towards Taupo. He then accepted a take that originated with Raharuhi Rukupo to exact utu on the Crown officer responsible for the death of Pita Tamaturi before raiding Tūranga in November 1868.

(6) The most important event in the stigmatisation of Te Kooti is the November 1868 raid on Matawhero during which more than 50 people were summarily executed. Colonel Whitmore, who was in command at Ngatapa in January 1869 when many Tūranga Māori were summarily executed by Crown forces, later said that all Te Kooti's acts were committed "in fair war and did not contravene Māori custom in war". The Crown acknowledges that this attack took place in a time of war, and, as is sometimes the case in war, both sides were guilty of such actions. However, nothing can justify the summary executions that took place at Matawhero, Ngatapa, and other places.

(7) In 1869 and 1870, the Crown effectively confiscated Te Kooti's land interests in the Tūranga flats. The Crown also offered a bounty of £1,000 for the capture of Te Kooti, dead or alive. In 1870 this bounty was increased to £5,000. Crown forces pursued Te Kooti across the North Island, and many members of different iwi were killed during this pursuit. It was marked by the use of scorched earth tactics, which caused enormous suffering for many of those who were associated with Te Kooti during the Crown's pursuit. The Crown only ceased the pursuit in 1872 after Te Kooti was given refuge in Kingitanga territory.

(8) In 1883, the Crown included Te Kooti in a general amnesty for Māori who had fought against it during the New Zealand Wars. However, Te Kooti was never able to return to Tūranga. In 1889, the Crown arrested Te Kooti when he tried to return to Tūranga, and a large armed party from Tūranga and the East Coast region assembled to block his progress. Te Kooti was denied legal representation, and a Resident Magistrate convicted him of disturbing the peace. Te Kooti was briefly imprisoned when he could not pay the excessive surety required for his bail. Te Kooti successfully appealed his conviction to the Supreme Court. However, his conviction was reinstated by the Court of Appeal where one of the Judges made racist remarks about Te Kooti.

(9) Te Kooti's inability to return to Tūranga prevented him from participating in Native Land Court hearings in Tūranga, and he was not included in any of the legal titles for lands which were awarded by the Court sitting in Tūranga. His descendants were deprived of much of their ancestral lands.

(10) Te Kooti died in 1893, and his whānau record that his descendants have been physically attacked, spat at on the street, and ridiculed in public. This has also occurred in schools where Te Kooti's descendants have commonly felt alienated in history lessons which have not addressed the motivations of Te Kooti in a fair and balanced manner. Some of his whānau have had to move districts for their safety.

10 The Crown's apology to Ngā Uri o Te Kooti Rikirangi

(1) The Crown unreservedly apologises for its actions, which led to Te Kooti taking up arms, and contributed to the stigmatisation of Te Kooti and his descendants.

(2) The Crown acknowledges that Te Kooti founded Te Haahi Ringatu and became highly respected and revered by many Māori and Pākehā because of the symbolic leadership that this represented for Māori in terms of spirituality and preservation of te reo me ōna tikanga. The Crown recognises the positive contributions of Te Kooti to New Zealand culture through Te Haahi Ringatu. It acknowledges that Te Kooti was instrumental in promoting the construction of many wharenui throughout the country, which helped strengthen the identity and culture of all of those iwi who he assisted. The Crown recognises that Te Kooti's innovative artistic style promoted greater freedom of expression in modern Māori art. The Crown acknowledges that Te Kooti represents a spiritual and cultural figurehead for many Māori and Pākehā alike.

(3) The Crown hopes that this settlement will help to foster a wider appreciation of Te Kooti's legacy in New Zealand society.

"Ma koutou tatou e kawe ki te wai wehe ai

Kia mutu ake ai te aroha I ahau e"

Thus you will convey us to the sacred, spiritual waters

To end this sorrow that besets me.

Subpart 2—Interpretation provisions

11 Interpretation of Act generally

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

12 Interpretation

In this Act, unless the context requires another meaning,—

actual deferred settlement date, in relation to a deferred selection property, means the date on which settlement of the property takes place under part 6 of the property redress schedule

affected person has the meaning given in section 2AA(2) of the Resource Management Act 1991

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

area of interest means the area that Rongowhakaata identifies as its area of interest, as set out in part 1 of the attachments

attachments means the attachments to the deed of settlement

business 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; or

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

(ba) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

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

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

commercial redress property means a property described as a commercial redress property for no consideration in part 3 of the property redress schedule

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

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

conservation document means a conservation management plan, conservation management strategy, freshwater fisheries management plan, or national park management plan

conservation legislation means—

(a) the Conservation Act 1987; and

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

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

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

conservation protocol means a protocol issued by the responsible Minister under section 24(1)(a), including any amendments made under section 24(1)(b)

conservation protocol area means the area shown in the map attached to the conservation protocol

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

(a) in relation to a company, control of the composition of its board of directors; and

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

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

Crown body means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

Crown mineral means, for the purposes of the Crown minerals protocol, a mineral (as defined by section 2(1) of the Crown Minerals Act 1991)—

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

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

Crown minerals protocol means a protocol issued by the responsible Minister under section 24(1)(a), and includes amendments made under section 24(1)(b)

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

cultural redress property has the meaning given in section 45(1)

date of the deed of settlement means 30 September 2011

deed of settlement—

(a) means the deed of settlement referred to in section 3; and

(b) includes—

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

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

deed plan means a deed plan in the attachments

deferred selection property means a property described in part 4 of the property redress schedule

Director-General means the Director-General of Conservation within the meaning of section 2(1) of the Conservation Act 1987

documents schedule means the documents schedule attached to the deed of settlement

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

encumbrance, in relation to a settlement property, means a covenant, easement, lease, licence, licence to occupy, tenancy, or other right or obligation affecting that property

fisheries protocol means a protocol issued by the responsible Minister under section 24(1)(a), and includes any amendments made under section 24(1)(b)

fisheries protocol area means the area subject to the fisheries protocol, as shown on the map attached to that protocol, together with the adjacent waters

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

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

historical claims has the meaning given in section 14

land holding agency means, for a commercial redress property, or a deferred selection property, the land holding agency specified for that property in part 3 or 4 of the property redress schedule

LINZ means Land Information New Zealand

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

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

natural and physical resources has the meaning given in section 2(1) of the Resource Management Act 1991

Ngā Uri o Te Kooti Rikirangi has the meaning given in section 13(2)

Ngā Uri o Te Kooti Rikirangi Settlement Trust means the trust of that name established by the Ngā Uri o Te Kooti Rikirangi Settlement Trust deed

Ngā Uri o Te Kooti Rikirangi Settlement Trust deed—

(a) means the deed of trust establishing the Ngā Uri o Te Kooti Rikirangi Settlement Trust dated 29 September 2011; and

(b) includes—

  (i) the schedules to the deed of trust; and

  (ii) any amendments to the deed of trust or its schedules

Ngā Uri o Te Kooti Rikirangi trustees means the trustees of the Ngā Uri o Te Kooti Rikirangi Settlement Trust acting in their capacity as trustees

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

protocol means a protocol issued under section 24(1)(a), including any amendments made under section 24(1)(b)

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

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

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

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

representative entity means—

(a) the trustees; and

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

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

(ii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(b) that together form that collective group; or

(iii) 1 or more members of Rongowhakaata

reserve site has the meaning given in section 45

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

responsible Minister means, for the purposes of sections 24 and 25, one of the following Ministers:

(a) for the conservation protocol, the Minister of Conservation:

(b) for the Crown minerals protocol, the Minister of Energy and Resources:

(c) for the fisheries protocol, the Minister within the meaning of section 2(1) of the Fisheries Act 1996:

(d) for the taonga tūturu protocol, the Minister for Arts, Culture and Heritage:

(e) any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to a protocol

RFR deferred selection property has the meaning given in section 68

RFR land has the meaning given in section 69

RFR redress means the redress provided for in subpart 2 of Part 3

Rongowhakaata and **member of Rongowhakaata** mean every individual referred to in section 13(1)(a)

Rongowhakaata Settlement Trust means the trust of that name established by Rongowhakaata under the Rongowhakaata Settlement Trust deed

Rongowhakaata Settlement Trust deed—

(a) means the deed of trust establishing Rongowhakaata Settlement Trust dated 19 September 2011; and

(b) includes any amendments to the deed of trust or its schedules

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

settlement property means—

(a) each cultural redress property; and

(b) each commercial redress property; and

(c) each deferred selection property; and

(d) all RFR land

statements of association has the meaning given in section 31(2)

statutory acknowledgement means the acknowledgement made by the Crown in section 31(1) in respect of each statutory area, on the terms set out in sections 31 to 42

statutory area means an area described in Schedule 1 whose general location is indicated on the deed plan referred to in relation to that area

statutory plan means—

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

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

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

taonga tūturu—

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

(b) includes ngā taonga tūturu (which has the meaning given in section 2(1) of that Act)

taonga tūturu protocol means a protocol issued by the responsible Minister under section 24(1)(a), including any amendments made under section 24(1)(b)

Te Ruruku is the document of that name provided for in clause 6.44 of the deed of settlement and set out in part 7 of the documents schedule

trustees of Rongowhakaata Settlement Trust and **trustees** means the trustees of the Rongowhakaata Settlement Trust acting in their capacity as trustees.

Section 12 **business day** paragraph (a): amended, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 12 **business day** paragraph (ba): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 12 **Heritage New Zealand Pouhere Taonga**: inserted, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 12 **Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

13 Meaning of Rongowhakaata

(1) In this Act, **Rongowhakaata**, which includes Ngā Uri o Te Kooti Rikirangi, means—

(a) the collective group of individuals who descend from 1 or more Rongowhakaata ancestors; and

(b) every whānau, hapū, or group, to the extent that it is composed of the individuals referred to in paragraph (a), including Ngāti Maru, Ngāi Tawhiri, and Ngāti Kaipoho; and

(c) every individual referred to in paragraph (a).

(2) In this Act, **Ngā Uri o Te Kooti Rikirangi** means—

(a) those who descend from Te Kooti Rikirangi through his marriage to Irihapeti Puakanga; and

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

(c) any whānau, hapū, or group of individuals to the extent that that whānau, hapū, or group of individuals is composed of individuals referred to in paragraph (a).

(3) In this section,—

customary rights means rights according to tikanga Māori, including—

(a) rights to occupy land; and

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

descend means—

(a) direct descent by birth; or

(b) legal adoption; or

(c) whāngai (Māori customary adoption) in accordance with,—

(i) in the case of Rongowhakaata, the tikanga of Rongowhakaata; and

(ii) in the case of Ngā Uri o Te Kooti Rikirangi, the tikanga of Ngā Uri o Te Kooti Rikirangi

Rongowhakaata ancestor means, in relation to persons who exercised customary interests within the area of interest after 6 February 1840,—

(a) Rongowhakaata and, in particular, his wives Turahiri, Uetupuke, and Moetai and their issue:

(b) any other ancestor of the hapū named in subsection (1)(b)

tikanga means customary values and practices.

14 Meaning of historical claims

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

(a) means every claim (whether or not the claim has arisen or been considered, researched, notified, or made by or on the settlement date) that Rongowhakaata (or a representative entity) had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that—

(i) is founded on a right arising—

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

(B) under legislation; or

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

(D) from fiduciary duty; or

(E) otherwise; and

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

(A) by, or on behalf of, the Crown; or

(B) by or under legislation; and

(b) includes every claim to the Waitangi Tribunal to which paragraph (a) applies that relates exclusively to Rongowhakaata, including—

(i) Wai 684 (the Rongowhakaata Rohe claim); and

(ii) Wai 856 (Ngā Uri o Te Kooti Rikirangi claim); and

(iii) Wai 1557 (the Rongowhakaata (Stanley Pardoe) claim); and

(iv) Wai 1833 (Whanau of D Jones of Ngāti Maru hapu of Rongowhakaata Iwi claim); and

(v) Wai 1902 (Ngāti Rongowhakaata (Halbert) claim); and

(vi) every other claim to the Waitangi Tribunal to which paragraph (a) applies, so far as it relates to Rongowhakaata (or a representative entity), including—

(A) Wai 91 (the Awapuni Lagoon claim); and

(B) Wai 283 (the East Coast Raupatu claim); and

(C) Wai 337 (the Awapuni Blocks claim); and

(D) Wai 351 (Te Puni Kōkiri mortgage portfolio claim); and

(E) Wai 518 (the Surplus Crown land sales and protection mechanisms claim); and

(F) Wai 828 (the Gisborne District resource management claim); and

(G) Wai 878 (the Waste Water and Social Services claim); and

(H) Wai 909 (the Atmosphere of Aotearoa New Zealand claim); and

(I) Wai 1025 (the Ngāti Ruapani Ki Turanga—Ngai Tawhiri claim); and

(J) Wai 1086 (the Ngāti Ruapani Ki Manutuke lands and resources claim).

(2) However, **historical claims** does not include any claim—

(a) that a member of Rongowhakaata, or a whānau, hapū, or other group referred to in section 13(1)(b) may have that is founded on a right arising as a result of being descended from an ancestor not referred to in section 13(1)(a); or

(b) that a representative entity may have, to the extent that the claim is, or is founded on, a claim referred to in paragraph (a).

Subpart 3—Settlement of historical claims

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

(1) The historical claims are settled.

(2) The settlement of the historical claims is final and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.

(3) Subsections (1) and (2) do not limit the acknowledgements expressed in, or the provisions of, the deed of settlement.

(4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including, without limitation, the jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

(d) the redress provided under the deed of settlement or this Act.

(5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the deed of settlement or this Act.

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

(1) This section amends the Treaty of Waitangi Act 1975.

(2) In Schedule 3, insert in its appropriate alphabetical order: "Rongowhakaata Claims Settlement Act 2012, section 15(4) and (5)".

Protections no longer apply

17 Certain enactments do not apply

(1) Nothing in the enactments listed in subsection (2) applies—

(a) to a settlement property; or

(b) for the benefit of Rongowhakaata or a representative entity.

(2) The enactments are—

(a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975:

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

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

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

(e) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

(3) To avoid doubt, those enactments continue to apply to a deferred selection property if—

(a) the trustees do not elect to acquire the property under the property redress schedule; or

(b) the agreement in part 6 of the property redress schedule is cancelled.

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

18 Removal of memorials

(1) The chief executive of LINZ must issue to the Registrar-General a certificate that identifies (by reference to the relevant legal description, certificate of title, or computer register) each allotment that—

(a) is all or part of a settlement property; and

(b) is contained in a certificate of title or computer register that has a memorial entered under any enactment referred to in section 17(2).

(2) The chief executive of LINZ must issue a certificate under subsection (1) as soon as is reasonably practicable after—

(a) the settlement date, in the case of a settlement property that is not a deferred selection property; or

(b) the actual deferred settlement date, in the case of a deferred selection property.

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

(4) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under subsection (1),—

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

(b) cancel, in respect of each allotment identified in the certificate, each memorial that is entered (in accordance with section 17(2)) on a certificate of title or computer register identified in the certificate.

Subpart 4—Miscellaneous matters

No limit on duration of trusts

Heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

19 Limit on duration of trusts does not apply

(1) No rule of law or provisions of an Act limiting the duration of a trust, including section 16 of the Trusts Act 2019,—

(a) prescribe or restrict the period during which—

(i) the Rongowhakaata Settlement Trust or the Ngā Uri o Te Kooti Settlement Trust may exist in law; or

(ii) the trustees of either or both of those trusts may hold or deal with property (including income derived from property); or

(b) apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

(2) However, if a trust referred to in subsection (1)(a)(i) is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 19 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 19(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 19(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Timing of actions or matters

20 Timing of actions or matters

(1) Actions or matters occurring under this Act occur or take effect on and from the settlement date.

(2) However, if a provision of this Act requires an action or matter to occur or take effect on a date other than the settlement date, that action or matter occurs or takes effect on and from that other date.

Access to deed of settlement

21 Access to deed of settlement

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

(a) for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington on any business day; and

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

Part 2
Cultural redress

22 The Crown not prevented from providing other similar redress

(1) The provision of the specified cultural redress does not prevent the Crown from doing anything that is consistent with that cultural redress, including—

(a) providing, or agreeing to introduce legislation providing or enabling, the same or similar redress to any person other than the trustees or the Ngā Uri o te Kooti Rikirangi trustees, as the case requires; or

(b) disposing of land.

(2) However, subsection (1) is not an acknowledgement by the Crown or Rongowhakaata that any other iwi or group has interests in relation to land or an area to which any of the specified cultural redress relates.

(3) In this section, **specified cultural redress** means each of the following, as provided for in this subpart:

(a) the protocols; and

(b) the statutory acknowledgements; and

(c) Te Ruruku.

Subpart 1—Te Hau ki Tūranga vested in Rongowhakaata

23 Vesting of Te Hau ki Tūranga

(1) Te Hau ki Tūranga vests in the trustees on settlement date.

(2) In this section,—

Museum of New Zealand Te Papa Tongarewa means the museum the Board of which is constituted by section 6 of the Museum of New Zealand Te Papa Tongarewa Act 1992

Te Hau ki Tūranga means the original parts of the whare known by that name that are held by the Board of the Museum of New Zealand Te Papa Tongarewa.

Subpart 2—Cultural redress not requiring vesting of land

Protocols

24 Authority to issue, amend, or cancel protocols

(1) Each responsible Minister may—

(a) issue a protocol to the trustees in the form set out in part 2 of the documents schedule; and

(b) amend or cancel that protocol.

(2) A protocol may be amended or cancelled under subsection (1) at the initiative of—

(a) the trustees; or

(b) the responsible Minister.

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

25 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

(a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and government policy, which includes (without limitation) the ability to—

(i) introduce legislation and change government policy; and

(ii) interact or consult with a person the Crown considers appropriate, including (without limitation) any iwi, hapū, marae, whānau, or other representative of tangata whenua; or

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

(c) the legal rights of Rongowhakaata or a representative entity.

26 Enforcement of protocols

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

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

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

(4) To avoid doubt,—

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

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

27 Conservation protocol

(1) The Director-General must note a summary of the terms of the conservation protocol in the conservation documents affecting the conservation protocol area.

(2) The noting of the summary of the conservation protocol—

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

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

(3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—

(a) rights relating to the common marine and coastal area (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011); or

(b) an estate or interest in land held, managed, or administered under the Conservation Act 1987 or an enactment listed in Schedule 1 of that Act; or

(c) an interest in, or rights relating to, flora or fauna administered or managed under the conservation legislation.

28 Crown minerals protocol

(1) The chief executive within the meaning of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—

(a) a register of protocols maintained by the chief executive; and

(b) the minerals programmes affecting the Crown minerals protocol area when those programmes are replaced.

(2) The noting of the summary—

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

(b) is not an amendment to the minerals programmes for the purposes of the Crown Minerals Act 1991.

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

(4) In this section, **minerals programme** has the meaning given by section 2(1) of the Crown Minerals Act 1991.

Section 28(1): amended, on 24 May 2013, by section 65 of the Crown Minerals Amendment Act 2013 (2013 No 14).

29 Fisheries protocol

(1) The chief executive within the meaning of the Fisheries Act 1996 must note a summary of the terms of the fisheries protocol in fisheries plans affecting the fisheries protocol area.

(2) The noting of the fisheries protocol—

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

(b) is not an amendment to fisheries plans for the purposes of section 11A of the Fisheries Act 1996.

(3) The fisheries 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, and seaweed) that are held, managed, or administered under any of the following enactments:

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

30 Taonga tūturu protocol

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.

Statutory acknowledgement

31 Statutory acknowledgement by the Crown

(1) The Crown acknowledges the statements of association.

(2) In this section and sections 32 to 40, **statements of association** means the statements—

(a) that are made by Rongowhakaata of their particular cultural, spiritual, historical, and traditional association with each statutory area; and

(b) that are in the form set out in part 1 of the documents schedule at the settlement date.

32 Purposes of statutory acknowledgement

(1) The only purposes of the statutory acknowledgement are to—

(a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, as provided for in sections 33 to 35; and

(b) require relevant consent authorities to provide summaries of resource consent applications or, as the case requires, copies of notices of applications, to the trustees, in accordance with section 37; and

(c) enable the trustees and any member of Rongowhakaata to cite the statutory acknowledgement as evidence of the association of Rongowhakaata with the relevant statutory area, as provided for in section 38.

(2) This section does not limit sections 40 to 42.

Section 32(1)(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

33 Relevant consent authorities to have regard to statutory acknowledgement

(1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in respect of an application for a resource consent for an activity that is within or adjacent to, or that directly affects, a statutory area.

(2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

34 Environment Court to have regard to statutory acknowledgement

(1) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in proceedings greater than that of the general public in respect of proceedings relating to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) Subsection (1) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

35 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

(1) If, on or after the effective date, an application is 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,—

(a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have

regard to the statutory acknowledgement relating to the statutory area; and

(b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

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

Section 35: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

36 Recording statutory acknowledgement on statutory plans

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

(2) The information attached to a statutory plan must include the relevant provisions of sections 32 to 35 in full, the descriptions of the statutory areas, and the statements of association.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not—

(a) part of the statutory plan, unless adopted by the relevant consent authority; or

(b) subject to Schedule 1 of the Resource Management Act 1991, unless adopted as part of the statutory plan.

37 Provision of summaries of resource consent applications

(1) Each relevant consent authority must, for a period of 20 years from the effective date, provide the following to the trustees for each resource consent application lodged with it for an activity within, adjacent to, or directly affecting a statutory area:

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

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

(2) A summary provided under subsection (1)(a) must—

(a) be the same as would be given to an affected person under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority; and

(b) be provided as soon as is reasonably practicable—

(i) after an application is received by the relevant consent authority; and

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

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

(4) The trustees may, by notice in writing to a relevant consent authority,—

(a) waive their rights to be notified under this section; and

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

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

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

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

38 Use of statutory acknowledgement

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

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

(2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—

(a) the bodies and the court referred to in subsection (1); or

(b) parties to proceedings before a court or any of those bodies; or

(c) any other person who is entitled to participate in those proceedings.

(3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.

(4) To avoid doubt,—

(a) neither the trustees nor members of Rongowhakaata are precluded from stating that Rongowhakaata 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.

Section 38(1)(c): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

39 Application of statutory acknowledgement to river or stream

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

(a) applies only to—

(i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and

(ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but

(b) does not apply to—

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

(ii) an artificial watercourse; or

(iii) a tributary flowing into the river or stream (unless the statutory acknowledgement provides otherwise).

General provisions relating to statutory acknowledgements

40 Exercise of powers and performance of duties and functions

(1) Except as expressly provided in sections 32 to 39,—

(a) a statutory acknowledgement does not affect, and may not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw; and

(b) no person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, may give greater or lesser weight to the association of Rongowhakaata with a statutory area (as described in a statement of association) than that person would give under the relevant enactment or bylaw if no statutory acknowledgement existed for the statutory area.

(2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

41 Rights not affected

Except as expressly provided in sections 32 to 39, the statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

42 Limitation of rights

Except as expressly provided in sections 32 to 39, the statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

Consequential amendment

43 Amendment to Resource Management Act 1991

(1) This section amends the Resource Management Act 1991.

(2) In Schedule 11, insert in its appropriate alphabetical order: "Rongowhakaata Claims Settlement Act 2012".

Te Ruruku

44 Notification of certain draft conservation management strategies

The Director-General must give notice in writing to the Ngā Uri o Te Kooti Rikirangi trustees, in accordance with clause 5 of part 7 of the documents schedule, when a draft conservation management strategy is publicly notified under section 17F of the Conservation Act 1987.

Subpart 3—Cultural redress requiring vesting of land

45 Interpretation

(1) In this Act, **cultural redress property** means any of the following sites, and each site means the land described by that name in Schedule 2:

- (a) Part AML site:
- (b) 75 Birrell Street:
- (c) London Street site:
- (d) Matawhero site A:
- (e) Matawhero site B:
- (f) 295 Palmerston Road, Gisborne:
- (g) Ex-railway land:
- (h) Rakaukaka:
- (i) Waikanae Creek site.

(2) In this subpart and Schedule 2, **reserve site** means each of the following cultural redress properties:

(a) Matawhero site A:

(b) Rakaukaka:

(c) Waikanae Creek site.

Sites vesting in fee simple

46 Part AML site

(1) The reservation of the Part AML site referred to in section 45(1)(a) as a general utility reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Part AML site referred to in subsection (1) vests in the trustees.

(3) The Part AML site that is not vested in the trustees but is held in trust as a site for a public abattoir ceases to be held subject to that trust.

(4) The legal description of the Part AML site referred to in subsection (3) is set out in Part 3 of Schedule 2.

47 75 Birrell Street

The fee simple estate in 75 Birrell Street vests in the trustees.

48 London Street site

(1) The reservation of the London Street site as a local purpose (playcentre) reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the London Street site vests in the trustees.

49 Matawhero site B

(1) The reservation of Matawhero site B subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Matawhero site B vests in the Ngā Uri o Te Kooti Rikirangi trustees.

(3) Subsections (1) and (2) do not take effect until the Ngā Uri o Te Kooti Rikirangi trustees have provided a registrable right of way easement in gross in favour of the Minister of Conservation over the area labelled Easement on the deed plan (subject to survey) in the form set out in part 3 of the documents schedule.

50 295 Palmerston Road, Gisborne

The fee simple estate in 295 Palmerston Road, Gisborne, vests in the trustees.

51 Ex-railway land

The fee simple estate in the ex-railway land vests in the trustees.

Sites vested in fee simple to be administered as reserves

52 Matawhero site A

(1) The reservation of Matawhero site A (being the Mata Whero Wildlife Management Reserve) subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Matawhero site A vests in the Ngā Uri o Te Kooti Rikirangi trustees.

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

(4) The recreation reserve created by subsection (3) is named Te Maungārongo-o-Te-Kooti Rikirangi Recreation Reserve.

53 Rakaukaka

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

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

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

(4) The reserve created by subsection (3) is named Rakaukaka Scenic Reserve.

54 Waikanae Creek site

(1) The Waikanae Creek site (being part of the Waikanae Conservation Area) ceases to be a conservation area under the Conservation Act 1987.

(2) The fee simple estate in the Waikanae Creek site is vested in the trustees.

(3) The Waikanae Creek site is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The reserve created by subsection (3) is named Waikanae Creek Recreation Reserve.

Provisions of general application to vesting of cultural redress properties

55 Properties vest subject to, or together with, encumbrances

Each cultural redress property vests under this subpart subject to, or together with, any encumbrances listed in relation to the property in the third column of Part 1 or 2 of Schedule 2.

56 Registration of ownership

(1) This section applies in relation to the fee simple estate in a cultural redress property vested under this subpart.

(2) To the extent that a cultural redress property is all of the land contained in a computer freehold register, the Registrar-General must, on written application by an authorised person,—

(a) register the trustees in whom the property is vested under this subpart as the proprietors of the fee simple estate in the land; and

(b) make entries in the register and do all other things necessary to give effect to this Part and to part 6 of the deed of settlement and part 2 of the property redress schedule.

(3) To the extent that a cultural redress property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General must, in accordance with an application received from an authorised person,—

(a) create 1 or more computer freehold registers for the fee simple estate in the property in the name of the trustees or the Ngā Uri o Te Kooti Rikirangi trustees, as the case requires; and

(b) enter on the register any encumbrances that are registered, notified, or notifiable and that are described in the application.

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

(5) A computer freehold register must be created under this section as soon as is reasonably practicable after the settlement date, but no later than—

(a) 24 months after the settlement date; or

(b) any later date that may be agreed in writing by the Crown and, as the case requires,—

(i) the trustees:

(ii) the Ngā Uri o Te Kooti Rikirangi trustees.

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

(a) the Secretary for Justice in the case of—

(i) Part AML site; and

(ii) 75 Birrell Street; and

(iii) 295 Palmerston Road, Gisborne; and

(iv) the ex-railway land; and

(b) the Director-General in the case of—

(i) the London Street site; and

(ii) Matawhero site A and Matawhero site B; and

(iii) the Waikanae Creek site; and

(iv) Rakaukaka.

57 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in a cultural redress property 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) Despite subsection (1) the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site.

(3) If the reservation under this subpart of a reserve site is revoked in relation to all or part of the site, the vesting of the reserve site is no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or that part of the site, as the case may be.

58 Matters to be recorded on computer freehold register

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

(a) a reserve site—

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

(ii) that the land is subject to sections 57(3) and 61 of this Act; and

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

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

(3) If the reservation of a reserve site under this subpart is revoked in relation to—

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

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

(ii) the site is subject to sections 57(3) and 61 of this Act; or

(b) part of the site, then the Registrar-General must ensure that the notifications referred to in paragraph (a) remain only on the computer freehold register for the part of the site that remains a reserve.

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

59 Application of other enactments

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

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

(b) affect other rights to subsurface minerals.

(2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private

road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.

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

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

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

(b) the Part AML site referred to in section 46(4); or

(c) any matter incidental to, or required for the purpose of, a vesting under this subpart.

Provisions relating to sites vested as reserves

60 Application of Reserves Act 1977 to reserve sites

(1) For the purposes of the Reserves Act 1977, the administering body of—

(a) Rakaukaka and the Waikanae Creek site is the trustees; and

(b) Matawhero site A is the Ngā Uri o Te Kooti Rikirangi trustees.

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

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

(4) If the reservation of a reserve site by this subpart is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site,—

(a) section 25(2) of that Act applies to the revocation; but

(b) the other provisions of section 25 of that Act do not apply to the revocation.

61 Subsequent transfer of reserve land

(1) This section applies to all, or the part, of a reserve site that remains a reserve under the Reserves Act 1977 after vesting under this subpart (**reserve land**).

(2) The fee simple estate in the reserve land may be transferred to any other person, but only in accordance with this section, despite any other enactment or rule of law.

(3) The Minister of Conservation must give written consent to the transfer of the fee simple estate in the reserve land to another person or persons (the **new owners**) if, on written application, the registered proprietors of the reserve land satisfy the Minister that the new owners are able to—

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

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

(4) The Registrar-General must, upon receiving the documents specified in subsection (5), register the new owners as the proprietors of the fee simple estate in the reserve land.

(5) The 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 it was held by the administering body immediately before the transfer; and

(b) the written consent of the Minister of Conservation to the transfer of the reserve land; and

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

(6) The new owners, from the time of registration under subsection (4),—

(a) are the administering body of the reserve land for the purposes of the Reserves Act 1977; 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.

(7) Despite subsections (1) and (2), subsections (3) to (6) do not apply to the transfer of the fee simple estate in reserve land if—

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

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

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

62 Reserves must not be mortgaged

The registered proprietors of a reserve site must not mortgage, or give a security interest in, all or any part of the site that, at any time after the site is vested under this subpart, remains a reserve under the Reserves Act 1977.

63 Saving of bylaws, etc, in relation to reserve sites

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

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

64 Authority to alter Gazetteer in respect of certain sites

(1) If a site vested under this subpart comprised, immediately before the vesting, the whole of a reserve or conservation area and an official geographic name was assigned to the site under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008,—

(a) that official geographic name is discontinued; and

(b) the Board must ensure that, as soon as is reasonably practicable after the settlement date, that official geographic name is removed from the Gazetteer.

(2) However, if a site vested under this subpart comprises only part of a reserve or conservation area to which an official geographic name has been assigned,—

(a) the official geographic name is discontinued only in respect of the part of the site that is vested; and

(b) the Board must amend the Gazetteer so that the official geographic name applies only to the part of the reserve or conservation area that is not vested under this subpart.

(3) If a site is vested, reserved, and classified as a reserve under this subpart, the reserve does not become a Crown protected area.

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

(5) 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.

Part 3
Commercial redress

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

65 The Crown may transfer properties

(1) To give effect to part 7 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised to do 1 or both of the following:

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

(b) sign a transfer instrument or other document, or do any other thing to effect that transfer.

(2) As soon as is reasonably practicable after the actual deferred settlement date for a deferred selection property, the chief executive of the land holding agency must provide written notification of that date to the chief executive of LINZ for the purposes of section 18 (which relates to the removal of memorials).

66 Registrar-General to create computer freehold register

(1) This section applies to a commercial redress property or deferred selection property that is to be transferred to the trustees to the extent that—

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

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

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

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

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

(c) omit any statement as to the purpose for the Crown holding the property.

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

(4) The authorised person may grant a covenant to arrange for the later creation of a computer freehold register for land that is to be transferred to the trustees.

(5) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register a covenant (as referred to in subsection (4)) under the Land Transfer Act 1952 by creating a computer interest register; and

(b) the Registrar-General must register the covenant in accordance with paragraph (a).

(6) In this section, **authorised person** means a person authorised by the chief executive of the land holding agency for the property.

67 Application of other enactments

(1) This section applies to the transfer to the trustees of a commercial redress property or a deferred selection property (a **relevant property**).

(2) The transfer of a relevant property—

(a) 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; but

(b) does not—

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

(ii) affect other rights to subsurface minerals; or

(iii) require the permission of a council under section 348 of the Local Government Act 1974 for laying out, forming, granting, or reserving a private road, private way, or right of way that may otherwise be required to fulfil the terms of the deed of settlement.

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

(a) the transfer of a relevant property; or

(b) a matter incidental to, or required for the purpose of, that transfer.

(4) In exercising the powers conferred by this subpart, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a relevant property to the trustees.

(5) Subsection (4) is subject to subsections (2)(a) and (b).

Subpart 2—Right of first refusal in relation to RFR land

Interpretation

68 Interpretation

In this subpart and Schedule 3, unless the context requires another meaning,—

dispose of, in relation to RFR land,—

(a) means to—

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

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

(b) to avoid doubt, does not include to—

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

(ii) grant an easement over the land; or

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

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

expiry date, in relation to an offer, means its expiry date under sections 71(a) and 72

general RFR land means the land described in part 3 (RFR land) of the attachments if, on the settlement date, the land is—

(a) vested in the Crown; or

(b) held in fee simple by the Crown or KiwiRail

KiwiRail means the New Zealand Railways Corporation constituted under section 4 of the New Zealand Railways Corporation Act 1981

notice means a notice by an RFR landowner, given in writing under this subpart

offer means an offer, made in accordance with section 71, by an RFR landowner to dispose of RFR land to the trustees

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

RFR deferred selection property means the Manutuke School site and the Gisborne District and High Court—

(a) that are described in part 4 of the property redress schedule under the heading "*2-year deferred selection properties"*; and

(b) that have not been transferred and are no longer able to be transferred in accordance with parts 5 and 6 of the property redress schedule

RFR land has the meaning given in section 69

RFR landowner, in relation to RFR land,—

(a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and

(b) means a Crown body, if the body holds the fee simple estate in the land; and

(c) includes a local authority to which RFR land has been disposed of under section 77(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested after the settlement date, under section 78(1)

RFR period means the period—

(a) of 100 years from the settlement date for the Tūranga conservation land; and

(b) of 169 years from the settlement date for all other RFR land

Tūranga conservation land means the land described under the heading "Tūranga conservation land" in part 3 of the attachments.

69 Meaning of RFR land

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

(a) the general RFR land; and

(b) an RFR deferred selection property; and

(c) land obtained in exchange for a disposal of RFR land under section 82 or 83(1)(c).

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

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

(i) the trustees or their nominee (for example, under section 75); or

(ii) any other person (including the Crown or a Crown body) under section 70(c); or

(b) the RFR landowner transfers or vests the fee simple estate in the land to, or in a person other than, the Crown or a Crown body—

(i) under any of sections 79 to 85 (which relate to permitted disposals of RFR land); or

(ii) under section 86(1) (which relates to matters that may override the obligations of an RFR landowner under this subpart); or

(c) the RFR period ends.

Restrictions on disposal

70 Restrictions on disposal of RFR land

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

(a) under any of sections 76 to 85; or

(b) under section 86(1); or

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

(i) made in accordance with section 71; and

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

(iii) not withdrawn under section 73; and

(iv) not accepted under section 74.

Trustees' right of first refusal

71 Requirements for offer

An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees and must incorporate—

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

(b) a legal description of the land, including any encumbrances affecting it, and the reference for any computer register that contains the land; and

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

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

72 Expiry date of offer

(1) The expiry date of an offer must be on or after the day that is 40 business days after the date on which the trustees receive notice of the offer.

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

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

(b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and

(c) the earlier offer was not withdrawn.

73 Withdrawal of offer

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

74 Acceptance of offer

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

(a) it has not been withdrawn; and

(b) its expiry date has not passed.

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

75 Formation of contract

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

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

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

(4) The trustees may nominate a nominee, but only—

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

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

(5) The notice must specify—

(a) the full name of the nominee; and

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

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

Disposals if land remains RFR land

76 Disposal to the Crown or Crown body

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

(a) the Crown; or

(b) a Crown body.

(2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 563 of the Education and Training Act 2020.

Section 76(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

77 Disposal of existing public works to local authority

(1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981 to a local authority (as defined in section 2 of the Public Works Act 1981).

(2) To avoid doubt, if RFR land is disposed of to a local authority under subsection (1), the local authority becomes—

(a) the RFR landowner of the land; and

(b) subject to the obligations of an RFR landowner under this subpart.

78 Disposal of reserves to administering body

(1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.

(2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under subsection (1), the administering body does not become—

(a) the RFR landowner of that land; or

(b) subject to the obligations of an RFR landowner under this subpart.

(3) However, if the RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—

(a) the RFR landowner of the land; and

(b) subject to the obligations of an RFR landowner under this subpart.

Disposals if land may cease to be RFR land

79 Disposal in accordance with enactment or rule of law

An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.

80 Disposal in accordance with legal or equitable obligation

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

(a) a legal or an equitable obligation that—

(i) was unconditional before the settlement date; or

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

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

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

81 Disposal by the Crown under certain legislation

The Crown may dispose of RFR land in accordance with—

(a) section 54(1)(d) of the Land Act 1948; or

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

(c) section 34 of the Marine and Coastal Area (Takutai Moana) Act 2011 (concerning reclaimed land).

82 Disposal of land held for public works

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

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

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

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

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

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

(2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993 after an application by an RFR landowner under section 41(1)(e) of the Public Works Act 1981.

83 Disposal for reserve or conservation purposes

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

(a) section 15 of the Reserves Act 1977; or

(b) section 16A or 24E of the Conservation Act 1987.

84 Disposal for charitable purposes

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

85 Disposal to tenants

The Crown may dispose of RFR land that was held—

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

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

(i) before the settlement date; or

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

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

RFR landowner obligations

86 RFR landowner's obligations under this subpart

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

(a) any other enactment or rule of law but, for a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and

(b) any encumbrance or legal or equitable obligation—

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

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

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

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

(3) This subpart does not limit subsection (1).

Notices

87 Notice of RFR land with computer register after settlement date

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

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

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

(4) The notice must specify the legal description of the land and identify the computer register that contains the land.

88 Notice of disposals of RFR land to others

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

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

(3) The notice must—

(a) specify the legal description of the land (including any encumbrances affecting it); and

(b) identify any computer register that contains the land; and

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

(d) identify the person to whom the land is being disposed of; and

(e) explain how the disposal complies with section 75; and

(f) if the disposal is made under section 70(c), include a copy of any written contract for the disposal.

89 Notice of land ceasing to be RFR land

(1) This section applies if land contained in a computer register is to cease being RFR land because—

(a) the RFR landowner is to transfer the fee simple estate in the land to—

(i) the trustees or their nominee (for example, under section 75); or

(ii) any other person (including the Crown or a Crown body) under section 70(c); or

(b) the RFR landowner is to transfer or vest the fee simple estate in the land to or in a person other than the Crown or a Crown body—

(i) under any of sections 76 to 85; or

(ii) under section 86(1).

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

(3) The notice must—

(a) specify the legal description of the land; and

(b) identify the computer register that contains the land; and

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

90 Notice requirements

Schedule 3 applies to notices given under this subpart by or to—

(a) an RFR landowner; or

(b) the trustees.

Memorials for RFR land

91 Recording memorials on computer registers for RFR land

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

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

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

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

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

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

(b) after receiving a notice under section 87 that a computer register has been created for the RFR land or that the land has become RFR land, in the case of any other land.

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

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

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

(a) RFR land as defined in section 69; and

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

92 Removal of memorials when land to be transferred or vested

(1) The chief executive of LINZ must, before registering the transfer or vesting of land described in a notice received under section 89, issue to the Registrar-General a certificate that—

(a) specifies the legal description of the land; and

(b) identifies the computer register that contains the land; and

(c) specifies the details of the transfer or vesting of the land; and

(d) states that it is issued under this section.

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

(3) If the Registrar-General receives a certificate issued under this section, he or she must remove any memorial recorded under section 91 from the computer register identified in the certificate before registering the transfer or vesting described in the certificate.

93 Removal of memorials when RFR period ends

(1) As soon as is reasonably practicable after the RFR period ends in respect of any RFR land, the chief executive of LINZ must issue to the Registrar-General a certificate that—

(a) identifies each computer register that still has a memorial recorded on it under section 91; and

(b) states that it is issued under this section.

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

(3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any memorial recorded under section 91 from any computer register identified in the certificate.

General provisions

94 Waiver and variation

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

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

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

95 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

Schedule 1
Statutory areas

s 12

Statutory area	Location
Turanganui River within Rongowhakaata area of interest	OTS-005-034
Taruheru River within Rongowhakaata area of interest	OTS-005-035
Waipaoa River (including Karaua Stream) within Rongowhakaata area of interest	OTS-005-036
Waimata River within Rongowhakaata area of interest	OTS-005-037
Hangaroa River within Rongowhakaata area of interest	OTS-005-038
Te Arai River within Rongowhakaata area of interest	OTS-005-039
Waikanae Creek within Rongowhakaata area of interest	OTS-005-045
Rongowhakaata coastal marine area within Rongowhakaata area of interest	OTS-005-050

Schedule 2
Cultural redress properties

ss 45, 46, 55

Part 1
Sites vesting in fee simple

Name of site	Description (All Gisborne Land District—Gisborne District)	Encumbrances
Part AML site	1.9285 hectares, more or less, being Lot 1 DP 6263. All Computer Freehold Register GS 4B/409.	226828.1 *Gazette* Notice declaring part adjoining road to be a limited access road.
75 Birrell Street	0.0783 hectares, more or less, being Lot 5 DP 7625. All Computer Freehold Register GS 5B/25.	Subject to a right (in gross) to transmit electric current over part marked F on DP 7625 in favour of the Poverty Bay Electric Power Board created by Transfer 173576.3. Subject to section 309(1)(a) of the Local Government Act 1974.
London Street site	0.1361 hectares, more or less, being Lot 3 DP 5589. All GN 103173.	
Matawhero site B	1.3775 hectares, more or less, being Section 50, Block I, Turanganui Survey District. All Computer Interest Register 69502.	5427983.1 *Gazette* Notice declaring the adjoining State highway No 2 to be a limited access road. 5399552.1 Notice pursuant to section 91 of the Government Roading Powers Act 1989. Subject to an unregistered lease with Concession (lease) number ECHB-17568-OTH dated 27/8/2007 to Ecoworks (NZ) Ltd. Subject to the right of way easement in gross referred to in section 49(3).
295 Palmerston Road, Gisborne	0.0891 hectares, more or less, being Part Section 219 Town of Gisborne. Balance Computer Freehold Register GS 2B/1022.	
Ex-Railway land	1.2772 hectares, more or less, being Lot 1 DP 9549. All Computer Freehold Register GS 6C/1000.	226426.3 Consent notice pursuant to section 221(1) of the Resource Management Act 1991. Together with a right to drain sewage specified in Easement Certificate 230659.3 subject to section 243(a) of the Resource Management Act 1991.

Name of site	Description (All Gisborne Land District—Gisborne District)	Encumbrances
		Subject to development plans for archaeological sites and to conditions relating to any new vehicle crossings in consent notice G.226426.3.
		Subject to an unregistered Lease No. 55190 of Railway premises at Gisborne, HM the Queen to Gisborne Village Railway Society.

Part 2
Sites vesting in fee simple to be administered as reserves

Name of site	Description (All Gisborne Land District—Gisborne District)	Encumbrances
Matawhero site A	1.5327 hectares, more or less, being Lots 3 and 4 DP 4751. All GN 146886.1.	Recreation Reserve subject to section 17 of the Reserves Act 1977.
	46.5927 hectares, more or less, being Section 23, Block I, Turanganui Survey District and Lots 2, 5, 6, and 7 DP 4751. All GN 114343.4.	
Rakaukaka	5.6922 hectares, more or less, being Section 26, Block VIII, Patutahi Survey District. All *Gazette* 1956 p 1228.	Scenic Reserve subject to section 19(1)(a) of the Reserves Act 1977.
Waikanae Creek site	3.6900 hectares, more or less, being Sections 48, 50, and 57, Block II, Turanganui Survey District.	Recreation Reserve subject to section 17 of the Reserves Act 1977.

Part 3
Part AML site not vested under Part 2

Name of site	Description
Part AML site	Gisborne Land District—Gisborne District—2.3736 hectares, more or less, being Section 35, Block VI Turanganui Survey District, Part Awapuni 1 1B and Part Awapuni 1 1C. Part Computer Freehold Register GS 3D/414.

Schedule 3
Notices relating to RFR land

ss 68, 90

1 Requirements for giving notice

A notice by or to an RFR landowner, or the trustees, under subpart 2 of Part 3 must—

(a) be in writing and signed by—

(i) the person giving it; or

(ii) at least 2 of the trustees, in the case of a notice given by the trustees; and

(b) be addressed to the recipient at the street address, postal address, or fax number—

(i) specified for the trustees in accordance with the deed of settlement, for a notice to the trustees:

(ii) specified by the RFR landowner in an offer made under section 71, or identified by the trustees, for a notice by the trustees to an RFR landowner:

(iii) of the national office of LINZ, for a notice given to the chief executive of LINZ under section 87 or 89; and

(c) be given by—

(i) delivering it by hand to the recipient's street address; or

(ii) posting it to the recipient's postal address; or

(iii) faxing it to the recipient's fax number.

2 Time when notice received

(1) A notice is to be treated as having been received—

(a) at the time of delivery, if delivered by hand; or

(b) on the second day after posting, if posted; or

(c) on the day of transmission, if faxed or given by other electronic media.

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

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

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

Notes

1 General

This is a consolidation of the Rongowhakaata Claims Settlement Act 2012 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Education and Training Act 2020 (2020 No 38): section 668

Trusts Act 2019 (2019 No 38): section 161

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Crown Minerals Amendment Act 2013 (2013 No 14): section 65

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2022