Version
as at 1 July 2022

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

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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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Preamble

(1) The iwi and hapū constituting the collective known as Ngā Mana Whenua o Tāmaki Makaurau have claims to Tāmaki Makaurau based on historical breaches of the Treaty of Waitangi (Te Tiriti o Waitangi) by the Crown:

(2) Settlement of these claims is progressing through negotiations between the Crown and each individual iwi and hapū:

(3) At the same time, the Crown has been negotiating other redress with Ngā Mana Whenua o Tāmaki Makaurau—

(a) that relates to certain maunga, motu, and lands of Tāmaki Makaurau; and

(b) in respect of which all the iwi and hapū have interests; and

(c) in respect of which all the iwi and hapū will share:

(4) The maunga and motu are taonga in relation to which the iwi and hapū have always—

(a) maintained a unique relationship; and

(b) honoured their intergenerational role as kaitiaki:

(5) The negotiations between the Crown and Ngā Mana Whenua o Tāmaki Makaurau began in July 2009:

(6) On 12 February 2010, the Crown and Ngā Mana Whenua o Tāmaki Makaurau signed a Framework Agreement:

(7) On 5 November 2011, the Crown and Ngā Mana Whenua o Tāmaki Makaurau signed a Record of Agreement:

(8) On 7 June 2012, the Crown and Ngā Mana Whenua o Tāmaki Makaurau initialled a deed encapsulating the agreed redress arising from the Framework Agreement and the Record of Agreement:

(9) On 8 September 2012, representatives of the Crown and Ngā Mana Whenua o Tāmaki Makaurau signed the deed:

(10) To implement the deed, legislation is required:

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

2 Commencement

(1) Section 164(3) and Schedule 6 come into force on the date specified in an Order in Council made under section 38(1).

(2) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

Section 2(1): section 164(3) and Schedule 6 brought into force, on 17 January 2019, by Authorisation Under Section 38(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (*Gazette* 2018-ln6487).

Part 1
Preliminary provisions

3 Purpose of Act

The purpose of this Act is to give effect to certain provisions of the collective deed, which provides shared redress to the iwi and hapū constituting Ngā Mana Whenua o Tāmaki Makaurau, including by—

(a) restoring ownership of certain maunga and motu of Tāmaki Makaurau to the iwi and hapū, the maunga and motu being treasured sources of mana to the iwi and hapū; and

(b) providing mechanisms by which the iwi and hapū may exercise mana whenua and kaitiakitanga over the maunga and motu; and

(c) providing a right of first refusal regime in respect of certain land of Tāmaki Makaurau to enable those iwi and hapū to build an economic base for their members.

4 Provisions to take effect on effective date

(1) The provisions of this Act take effect on the effective date unless stated otherwise.

(2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required—

(a) for the provision to have full effect on that date; or

(b) for a power to be exercised on that date; or

(c) for a duty to be performed under the provision on that date.

5 Act binds the Crown

This Act binds the Crown.

6 Outline

(1) This section is a guide to the overall scheme and effect of this Act. It does not affect the interpretation or application of the other provisions of this Act or the collective deed.

(2) This Part—

(a) states the purpose of this Act; and

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

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

(d) defines terms used in the Act, including key terms such as Ngā Mana Whenua o Tāmaki Makaurau, maunga, and motu; and

(e) delineates the jurisdiction of a court, tribunal, or other judicial body under Te Ture Whenua Maori Act 1993 in respect of certain matters to which this Act relates; and

(f) provides—

(i) that certain enactments do not apply to certain land transferred by or under this Act or the collective deed; and

(ii) for the removal of certain memorials from certain land transferred by or under this Act or the collective deed; and

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

(iv) for access to the collective deed.

(3) Part 2 provides for cultural redress and comprises a section and 12 subparts, as follows:

(a) section 17 provides an acknowledgement by the Crown of the statements of association of the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau:

(b) subpart 1 provides for the vesting of the maunga (other than Maungauika and Rarotonga / Mount Smart) in the trustee of the Tūpuna Taonga o Tāmaki Makaurau Trust (the trustee) and for the maunga to be administered by the Tūpuna Maunga o Tāmaki Makaurau Authority (the Maunga Authority):

(c) subpart 2 provides for the vesting of Maungauika in the trustee and for the maunga to be administered by the Crown and, subsequently, the Maunga Authority, if certain conditions are met:

(d) subpart 3 provides for the vesting of Rarotonga / Mount Smart in the trustee and for the maunga to continue to be administered by the Auckland Council:

(e) subpart 4 sets out matters relating to all the maunga vested in the trustee:

(f) subpart 5 provides for the administration of the Maungakiekie / One Tree Hill northern land and Māngere Mountain (the administered lands) to be transferred to the Maunga Authority:

(g) subpart 6 provides for the care, management, maintenance, etc, of the maunga and the administered lands by the Maunga Authority and the Auckland Council:

(h) subpart 7 sets out the process by which members of Ngā Mana Whenua o Tāmaki Makaurau may carry out certain cultural activities on the maunga and the administered lands:

(i) subpart 8 provides for the vesting of the motu in the trustee and the subsequent vesting back of the motu in the Crown:

(j) subpart 9 provides for the vesting of Ngā Pona-toru-a-Peretū, the Islington Bay Hall property, and the Islington Bay Bach 80 property (the Rangitoto Island properties) in the trustee and for the administration of the properties:

(k) subpart 10 provides for the preparation and approval of a conservation management plan for the Hauraki Gulf / Tīkapa Moana inner motu:

(l) subpart 11 provides for the alteration and assignment of names for certain geographic features:

(m) subpart 12 limits the liability under the Resource Management Act 1991 of the trustee in respect of the maunga and Rangitoto Island properties.

(4) Part 3 establishes the Tūpuna Maunga o Tāmaki Makaurau Authority and sets out its functions and powers.

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

(a) a right of first refusal in relation to RFR land that may be exercised by the Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership (the Limited Partnership) or the rōpū entities; and

(b) authorisation for the transfer of former deferred selection properties to the Limited Partnership to give effect to the collective deed.

(6) Part 5 provides for transitional matters and consequential amendments.

(7) There are 6 schedules, as follows:

(a) Schedule 1 describes the maunga:

(b) Schedule 2 describes the Maungakiekie / One Tree Hill northern land and Māngere Mountain:

(c) Schedule 3 describes the motu:

(d) Schedule 4 sets out matters relating to the Tūpuna Maunga o Tāmaki Makaurau Authority and its members:

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

(f) Schedule 6 sets out the matters to apply in respect of Maungauika on the transfer of its administration from the Crown to the Tūpuna Maunga o Tāmaki Makaurau Authority, and includes specified modifications to

certain provisions of this Act (which will come into force when the transfer of administration takes place).

Section 6(2)(f)(iii): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Interpretation

7 Interpretation of Act generally

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

8 Interpretation

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

administered lands—

(a) means—

(i) the Maungakiekie / One Tree Hill northern land; and

(ii) Māngere Mountain; and

(b) except in subpart 5 of Part 2, includes any land—

(i) described in section 110(1)(a) or (b); and

(ii) to which section 110(2) and (3) apply

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

annual operational plan means the annual operational plan agreed by the Maunga Authority and the Auckland Council under section 60

Auckland Council or **Council** means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

authorised cultural activity has the meaning given by section 66

Browns Island Recreation Reserve means the land of that name described in Part 3 of Schedule 3

collective deed—

(a) means the deed entitled Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed and signed by—

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

(ii) the mandated signatories for and on behalf of Ngā Mana Whenua o Tāmaki Makaurau (being the individuals whose names appear in print at the end of the main body of the deed as the signatories for each iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau); and

(b) includes—

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

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

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

Conservation Board means the Board, established under section 6L of the Conservation Act 1987, that has jurisdiction over the Hauraki Gulf / Tīkapa Moana inner motu and Tiritiri Matangi Island Scientific Reserve

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

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

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the collective deed

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

financial year means a period of 12 months ending on 30 June

former deferred selection property has the meaning given by section 117(1)

Gazetteer has the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

Geographic Board means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa continued by section 7 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

grantee, in relation to an interest, means the person who is receiving the interest (irrespective of how the instrument creating the interest expresses that relationship)

grantor, in relation to an interest, means the person conferring the interest (irrespective of how the instrument creating the interest expresses that relationship)

Hauraki Gulf / Tīkapa Moana inner motu has the meaning given by section 11(2)

integrated management plan means the integrated management plan prepared and approved under section 58

interest, in relation to land, means a lease, tenancy, licence, licence to occupy, easement, covenant, or other right or obligation affecting the land

Islington Bay Bach 80 property means the land of that name described in Part 2 of Schedule 3

Islington Bay Hall property means the land of that name described in Part 2 of Schedule 3

Limited Partnership means the Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership

LINZ means Land Information New Zealand

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

Māngere Mountain means the land of that name described in Schedule 2

Marutūāhu rōpū entity means the Marutūāhu Rōpū Limited Partnership

Matukutūruru means the land of that name described in Schedule 1

maunga has the meaning given by section 10

Maunga Authority means the Tūpuna Maunga o Tāmaki Makaurau Authority

Maungakiekie / One Tree Hill means the land of that name described in Schedule 1

Maungakiekie / One Tree Hill northern land means the land of that name described in Schedule 2

Maungarei / Mount Wellington means the land of that name described in Schedule 1

Maungauika means the land of that name described in Schedule 1

Maungawhau / Mount Eden means the land of that name described in Schedule 1

member of Ngā Mana Whenua o Tāmaki Makaurau means an individual referred to in section 9(b)

motu has the meaning given by section 11(1)

motu plan means the Tāmaki Makaurau motu plan for the Hauraki Gulf / Tīkapa Moana inner motu, prepared and approved in accordance with subpart 10 of Part 2

Motuihe Island Recreation Reserve means the land of that name described in Part 1 of Schedule 3

Motutapu Island Recreation Reserve means the land of that name described in Part 1 of Schedule 3

Mount Albert means the land of that name described in Schedule 1

Mount Roskill means the land of that name described in Schedule 1

Mount St John means the land of that name described in Schedule 1

Ngā Mana Whenua o Tāmaki Makaurau has the meaning given by section 9

Ngā Pona-toru-a-Peretū means the land of that name described in Part 2 of Schedule 3

Ngāti Whātua rōpū entity means the Ngāti Whātua Rōpū Limited Partnership

official geographic name has the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

Ōhinerau / Mount Hobson means the land of that name described in Schedule 1

Ōhuiarangi / Pigeon Mountain means the land of that name described in Schedule 1

Ōtāhuhu / Mount Richmond means the land of that name described in Schedule 1

property redress schedule means the property redress schedule of the collective deed

Rangitoto Island properties means—

(a) the Islington Bay Bach 80 property; and

(b) the Islington Bay Hall property; and

(c) Ngā Pona-toru-a-Peretū

Rangitoto Island Scenic Reserve means the land of that name described in Part 1 of Schedule 3

Rarotonga / Mount Smart means the land of that name described in Schedule 1

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

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

RFR land has the meaning given by section 118

rōpū entity means the Marutūāhu rōpū entity, the Ngāti Whātua rōpū entity, and the Waiohua Tāmaki rōpū entity

Takarunga / Mount Victoria means the land of that name described in Schedule 1

Te Tātua-a-Riukiuta means the land of that name described in Schedule 1

Tiritiri Matangi Island Scientific Reserve means the land of that name described in Part 1 of Schedule 3

trustee means the Tūpuna Taonga o Tāmaki Makaurau Trust Limited, acting in its capacity as trustee of the Tūpuna Taonga o Tāmaki Makaurau Trust

Tūpuna Maunga o Tāmaki Makaurau Authority means the Tūpuna Maunga o Tāmaki Makaurau Authority established by section 106

Tūpuna Taonga o Tāmaki Makaurau Trust means the Tūpuna Taonga o Tāmaki Makaurau Trust

Waiohua Tāmaki rōpū entity means the Waiohua Tāmaki Alliance Limited Partnership

working day means a day other than—

(a) Saturday, Sunday, Waitangi Day (or the following Monday, if the day falls on a Saturday or a Sunday), Good Friday, Easter Monday, Anzac

Day (or the following Monday, if the day falls on a Saturday or a Sunday), the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day:

(b) a day in the period starting on 25 December in a year and ending on 15 January in the following year:

(c) the day observed as the anniversary of the province of Auckland or the province of Wellington.

(2) In this Act, unless the context requires another meaning, **improvement** includes utilities infrastructure (for example, water, sewerage, electricity, and telecommunications pipes or lines).

(3) Subsection (2) is for the avoidance of doubt.

Section 8(1) **working 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).

9 Meaning of Ngā Mana Whenua o Tāmaki Makaurau

In this Act, **Ngā Mana Whenua o Tāmaki Makaurau**—

(a) means the collective group of the following iwi and hapū:

(i) Ngāi Tai ki Tāmaki; and

(ii) Ngāti Maru; and

(iii) Ngāti Pāoa; and

(iv) Ngāti Tamaoho; and

(v) Ngāti Tamaterā; and

(vi) Ngāti Te Ata; and

(vii) Ngāti Whanaunga; and

(viii) Ngāti Whātua o Kaipara; and

(ix) Ngāti Whātua Ōrākei; and

(x) Te Ākitai Waiohua; and

(xi) Te Kawerau ā Maki; and

(xii) Te Patukirikiri; and

(xiii) hapū of Ngāti Whātua (other than Ngāti Whātua o Kaipara and Ngāti Whātua Ōrākei) whose members are beneficiaries of Te Rūnanga o Ngāti Whātua, including Te Taoū not descended from Tuperiri; and

(b) includes the individuals who are members of 1 or more of the iwi and hapū described in paragraph (a); and

(c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.

10 Meaning of maunga

In this Act, unless the context requires another meaning, **maunga** means—

(a) Matukutūruru; and

(b) Maungakiekie / One Tree Hill; and

(c) Maungarei / Mount Wellington; and

(d) Maungauika; and

(e) Maungawhau / Mount Eden; and

(f) Mount Albert; and

(g) Mount Roskill; and

(h) Mount St John; and

(i) Ōhinerau / Mount Hobson; and

(j) Ōhuiarangi / Pigeon Mountain; and

(k) Ōtāhuhu / Mount Richmond; and

(l) Rarotonga / Mount Smart; and

(m) Takarunga / Mount Victoria; and

(n) Te Tātua-a-Riukiuta.

11 Meaning of motu

(1) In this Act, unless the context requires another meaning, **motu** means—

(a) Motuihe Island Recreation Reserve; and

(b) Motutapu Island Recreation Reserve; and

(c) Rangitoto Island Scenic Reserve; and

(d) Tiritiri Matangi Island Scientific Reserve.

(2) In this Act, unless the context requires another meaning, **Hauraki Gulf / Tīkapa Moana inner motu** means—

(a) Browns Island Recreation Reserve; and

(b) Motuihe Island Recreation Reserve; and

(c) Motutapu Island Recreation Reserve; and

(d) Rangitoto Island Scenic Reserve; and

(e) the Rangitoto Island properties.

Other matters

12 Application of Te Ture Whenua Maori Act 1993

(1) No court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire or to make a finding or recommendation) in

respect of any matter that arises from the application of Te Ture Whenua Maori Act 1993 if the matter relates to—

(a) 1 or more of the maunga; or

(b) 1 or more of the Rangitoto Island properties; or

(c) RFR land (other than land subject to an application under section 41(1)(e) of the Public Works Act 1981); or

(d) land transferred to any of the following persons as the result of a contract formed under section 127 while the land remains in the ownership of the person:

(i) the Limited Partnership or a nominee of the Limited Partnership:

(ii) a rōpū entity or a nominee of the rōpū entity:

(iii) an RFR holder within the meaning of section 153(4)(b); or

(e) a former deferred selection property transferred to the Limited Partnership in accordance with section 154—

(i) while the property remains in the ownership of the Limited Partnership; or

(ii) if the property is transferred to a rōpū entity or a representative entity of an iwi or a hapū described in section 9(a), while the property remains in the ownership of the entity; or

(f) any governance arrangement over land or a property described in paragraphs (a) to (e), including governance arrangements relating to the carrying out of authorised cultural activities; or

(g) any decision made or other action taken by the Limited Partnership, a rōpū entity, or, if applicable, a representative entity of an iwi or a hapū described in section 9(a) in relation to land or a property described in paragraphs (c) to (e) before the transfer of the land or property to the Limited Partnership or entity.

(2) To avoid doubt, nothing in subsection (1) applies to a matter relating to land given by way of an exchange under section 15 of the Reserves Act 1977 and no longer forming part of a maunga.

(3) In subsection (1), **ownership** includes any interest less than full ownership, whether legal or equitable.

(4) To avoid doubt, in subsection (1),—

nominee includes a representative entity of an iwi or a hapū described in section 9(a) if nominated as such under section 127

RFR holder includes a representative entity of an iwi or a hapū described in section 9(a) if the representative entity has been assigned the rights and obligations of the Limited Partnership under section 153.

13 Certain enactments do not apply

(1) The enactments listed in subsection (2) do not apply to—

(a) a maunga; or

(b) a Rangitoto Island property; or

(c) land transferred under a contract formed under section 127; or

(d) a former deferred selection property, but only on and from the date on which the property is transferred to the Limited Partnership under section 154.

(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.

Section 13(2)(c): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

14 Removal of memorials

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

(a) that is—

(i) all or part of a maunga; or

(ii) all or part of a Rangitoto Island property; or

(iii) land transferred under a contract formed under section 127; or

(iv) all or part of a former deferred selection property; and

(b) that is subject to a resumptive memorial recorded under any enactment listed in section 13(2).

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

(a) the effective date, for a maunga or a Rangitoto Island property; or

(b) the date on which the land is transferred, for land transferred under a contract formed under section 127; or

(c) the date on which the property is transferred to the Limited Partnership, for a former deferred selection property transferred under section 154.

(3) A 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 computer register or certificate of title identified in the certificate; and

(b) remove each resumptive memorial recorded under an enactment listed in section 13(2) from each computer register or certificate of title identified in the certificate, but only in respect of each allotment described in the certificate.

15 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 Tūpuna Taonga o Tāmaki Makaurau Trust may exist in law; or

(ii) the trustee may hold or deal with property or income derived from property; or

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

(2) However, if the Tūpuna Taonga o Tāmaki Makaurau Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

Section 15 heading: replaced, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 15(1): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 15(2): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

16 Access to collective deed

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

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

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

Part 2
Cultural redress

17 Statements of association

(1) The Crown acknowledges the statements of association of iwi and hapū.

(2) However, the statements—

(a) must not affect, or be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw made by a local authority under an enactment; and

(b) do not affect the lawful rights or legal obligations of any person; and

(c) do not grant, create, or affect any interests or rights relating to the lands referred to in the statements.

(3) In this section,—

lands means the maunga, the Maungakiekie / One Tree Hill northern land, Māngere Mountain, the motu, and the Rangitoto Island properties

statements of association of iwi and hapū means the statements—

(a) that are made by the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau of their particular spiritual, ancestral, cultural, customary, and historical interests in the lands referred to in the statements; and

(b) that are in the form—

(i) set out in part 1 of the documents schedule:

(ii) set out in a deed of settlement between the Crown and 1 or more iwi or hapū specified in section 9(a).

Subpart 1—Vesting of maunga (other than Maungauika and Rarotonga / Mount Smart)

18 Matukutūruru

(1) The reservation of Matukutūruru (being Wiri Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Matukutūruru then vests in the trustee.

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

(4) The Maunga Authority is the administering body of Matukutūruru for the purposes of the Reserves Act 1977, and that Act applies as if Matukutūruru were a reserve vested in the administering body.

(5) Subsections (1) to (4) do not take effect until the trustee has provided—

(a) Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule; and

(b) the Crown with a registrable right of way easement on the terms and conditions set out in part 3 of the documents schedule.

(6) The easement referred to in subsection (5)(a)—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

(7) The easement referred to in subsection (5)(b)—

(a) is enforceable in accordance with its terms despite the provisions of the Reserves Act 1977; and

(b) is to be treated as having been granted in accordance with that Act.

19 Maungakiekie / One Tree Hill

(1) The reservation of Maungakiekie / One Tree Hill as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Maungakiekie / One Tree Hill then vests in the trustee.

(3) Maungakiekie / One Tree Hill is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The Maunga Authority is the administering body of Maungakiekie / One Tree Hill for the purposes of the Reserves Act 1977, and that Act applies as if Maungakiekie / One Tree Hill were a reserve vested in the administering body.

(5) Subsections (1) to (4) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(6) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

20 Maungarei / Mount Wellington

(1) The reservation of the part of Maungarei / Mount Wellington that is a reserve for a site for a borough depot subject to the Reserves Act 1977 is revoked.

(2) The reservation of the parts of Maungarei / Mount Wellington that are recreation reserve subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in Maungarei / Mount Wellington then vests in the trustee.

(4) The part of Maungarei / Mount Wellington referred to in subsection (1) is then declared a reserve and classified as a local purpose reserve, for the purpose of a site for a council depot, subject to section 23 of the Reserves Act 1977.

(5) The parts of Maungarei / Mount Wellington referred to in subsection (2) are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(6) The Maunga Authority is the administering body of Maungarei / Mount Wellington for the purposes of the Reserves Act 1977, and that Act applies as if Maungarei / Mount Wellington were reserves vested in the administering body.

(7) Subsections (1) to (6) do not take effect until the trustee has provided—

(a) Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule; and

(b) the Auckland Council with a registrable lease on the terms and conditions set out in part 4 of the documents schedule.

(8) The easement referred to in subsection (7)(a)—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

(9) The lease referred to in subsection (7)(b)—

(a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and

(b) is to be treated as having been granted in accordance with that Act.

21 Maungawhau / Mount Eden

(1) The reservation of the part of Maungawhau / Mount Eden that is a historic reserve subject to the Reserves Act 1977 is revoked.

(2) The reservation of the parts of Maungawhau / Mount Eden that are recreation reserve subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in Maungawhau / Mount Eden then vests in the trustee.

(4) The part of Maungawhau / Mount Eden referred to in subsection (1) is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(5) The parts of Maungawhau / Mount Eden referred to in subsection (2) are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(6) The Maunga Authority is the administering body of Maungawhau / Mount Eden for the purposes of the Reserves Act 1977, and that Act applies as if Maungawhau / Mount Eden were reserves vested in the administering body.

(7) Subsections (1) to (6) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(8) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

22 Mount Albert

(1) The reservation of Mount Albert as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Mount Albert then vests in the trustee.

(3) Mount Albert is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The Maunga Authority is the administering body of Mount Albert for the purposes of the Reserves Act 1977, and that Act applies as if Mount Albert were a reserve vested in the administering body.

(5) Subsections (1) to (4) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(6) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

23 Mount Roskill

(1) The reservation of Mount Roskill as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Mount Roskill then vests in the trustee.

(3) Mount Roskill is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The Maunga Authority is the administering body of Mount Roskill for the purposes of the Reserves Act 1977, and that Act applies as if Mount Roskill were a reserve vested in the administering body.

(5) Subsections (1) to (4) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(6) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

24 Mount St John

(1) The reservation of Mount St John as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Mount St John then vests in the trustee.

(3) Mount St John is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The Maunga Authority is the administering body of Mount St John for the purposes of the Reserves Act 1977, and that Act applies as if Mount St John were a reserve vested in the administering body.

25 Ōhinerau / Mount Hobson

(1) The reservation of Ōhinerau / Mount Hobson as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Ōhinerau / Mount Hobson then vests in the trustee.

(3) Ōhinerau / Mount Hobson is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The Maunga Authority is the administering body of Ōhinerau / Mount Hobson for the purposes of the Reserves Act 1977, and that Act applies as if Ōhinerau / Mount Hobson were a reserve vested in the administering body.

(5) Subsections (1) to (4) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(6) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

26 Ōhuiarangi / Pigeon Mountain

(1) The reservation of the part of Ōhuiarangi / Pigeon Mountain that is a historic reserve subject to the Reserves Act 1977 is revoked.

(2) The reservation of the part of Ōhuiarangi / Pigeon Mountain that is a local purpose (site for community buildings) reserve subject to the Reserves Act 1977 is revoked.

(3) The reservation of the parts of Ōhuiarangi / Pigeon Mountain that are recreation reserve subject to the Reserves Act 1977 is revoked.

(4) The fee simple estate in Ōhuiarangi / Pigeon Mountain then vests in the trustee.

(5) The part of Ōhuiarangi / Pigeon Mountain referred to in subsection (1) is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.

(6) The part of Ōhuiarangi / Pigeon Mountain referred to in subsection (2) is then declared a reserve and classified as a local purpose reserve, for the purpose of a site for community buildings, subject to section 23 of the Reserves Act 1977.

(7) The parts of Ōhuiarangi / Pigeon Mountain referred to in subsection (3) are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(8) The Maunga Authority is the administering body of Ōhuiarangi / Pigeon Mountain for the purposes of the Reserves Act 1977, and that Act applies as if Ōhuiarangi / Pigeon Mountain were reserves vested in the administering body.

(9) Subsections (1) to (8) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(10) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

27 Ōtāhuhu / Mount Richmond

(1) The reservation of Ōtāhuhu / Mount Richmond as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Ōtāhuhu / Mount Richmond then vests in the trustee.

(3) Ōtāhuhu / Mount Richmond is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The Maunga Authority is the administering body of Ōtāhuhu / Mount Richmond for the purposes of the Reserves Act 1977, and that Act applies as if Ōtāhuhu / Mount Richmond were a reserve vested in the administering body.

(5) Subsections (1) to (4) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(6) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

28 Takarunga / Mount Victoria

(1) The reservation of the parts of Takarunga / Mount Victoria that are recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The reservation of the part of Takarunga / Mount Victoria that is a local purpose (community use) reserve subject to the Reserves Act 1977 is revoked.

(3) The reservation of the part of Takarunga / Mount Victoria that is a local purpose (community buildings) reserve subject to the Reserves Act 1977 is revoked.

(4) The fee simple estate in Takarunga / Mount Victoria then vests in the trustee.

(5) The parts of Takarunga / Mount Victoria referred to in subsection (1) are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(6) The part of Takarunga / Mount Victoria referred to in subsection (2) is then declared a reserve and classified as a local purpose reserve, for the purpose of community use, subject to section 23 of the Reserves Act 1977.

(7) The part of Takarunga / Mount Victoria referred to in subsection (3) is then declared a reserve and classified as a local purpose reserve, for the purpose of community buildings, subject to section 23 of the Reserves Act 1977.

(8) The Maunga Authority is the administering body of Takarunga / Mount Victoria for the purposes of the Reserves Act 1977, and that Act applies as if Takarunga / Mount Victoria were reserves vested in the administering body.

(9) Subsections (1) to (8) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(10) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

29 Te Tātua-a-Riukiuta

(1) The reservation of Te Tātua-a-Riukiuta (commonly known as Big King Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Te Tātua-a-Riukiuta then vests in the trustee.

(3) Te Tātua-a-Riukiuta is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) The Maunga Authority is the administering body of Te Tātua-a-Riukiuta for the purposes of the Reserves Act 1977, and that Act applies as if Te Tātua-a-Riukiuta were a reserve vested in the administering body.

(5) Subsections (1) to (4) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(6) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or

(ii) any rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

Improvements attached to maunga

30 Ownership of improvements

(1) This section applies to improvements attached to the maunga vested in the trustee under this subpart—

(a) on the vesting of the maunga in the trustee; and

(b) despite the vesting.

(2) An improvement that is governed by an interest to which section 42(1) applies is vested, or remains vested, in accordance with the enactment or agreement by or under which the interest was created.

(3) The improvements specified in part 4.1 of the property redress schedule vest in the trustee.

(4) Any other improvements vest in accordance with subsections (5) to (10).

(5) Improvements owned by the Crown immediately before the vesting and attached to Takarunga / Mount Victoria or Matukutūruru vest in the Maunga Authority.

(6) Improvements owned by the Auckland Council immediately before the vesting remain vested in the Auckland Council. However, the improvements must be treated as if they were vested in the Maunga Authority for the purposes of administering the maunga under the Reserves Act 1977.

(7) The improvements referred to in section 2(3) of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1912 vest in the Cornwall Park Trust Board.

(8) An improvement to which any of subsections (5) to (7) apply—

(a) no longer forms part of the maunga; and

(b) must be treated as personal property and not as land or an interest in land; and

(c) may remain attached to the maunga without the consent of, and without charge by, the trustee or the Maunga Authority.

(9) Any other improvement attached to a maunga with the consent of the Crown or the administering body of the maunga at the time of its attachment is vested in—

(a) the person or body who attached the improvement; or

(b) if the person or body is deceased, dissolved, or otherwise no longer exists, or the person or body no longer has an interest in the improvement, the person or body who, immediately before the vesting of the maunga, would have had a proprietary right to the improvement were the improvement to be treated as personal property.

(10) Subsections (5) to (9) apply subject to any other enactment that governs the ownership of the improvement concerned.

(11) To avoid doubt, subsection (9)—

(a) relates only to the ownership of an improvement to which that subsection applies; and

(b) does not affect or limit any rights in relation to the maunga to which the improvement is attached that may arise from the ownership of the improvement.

(12) The trustee is not liable for an improvement for which it would, apart from this section, be liable by reason of its ownership of the maunga.

31 Improvements where ownership reverts to Maunga Authority

(1) Subsection (2) applies to an improvement that is attached to a maunga and described in section 30(2), the ownership of which reverts to the Maunga Authority by operation of section 42(2) and (3).

(2) On and from the date of the reversion, the improvement—

(a) no longer forms part of the maunga; and

(b) must be treated as personal property and not as land or an interest in land; and

(c) may remain attached to the maunga without the consent of, and without charge by, the trustee.

32 Improvements: exercise of rights, use, access, etc

(1) For the purposes of administering under the Reserves Act 1977 the maunga vested in the trustee under this subpart, the Maunga Authority is responsible for any decisions in respect of any matter that may arise from a person exercising, or purporting to exercise, a right in relation to any improvement attached to a maunga.

(2) Subsection (1) is subject to subsections (3) to (8) and any other enactment that governs the use of the improvement concerned.

(3) On and from the vesting of Matukutūruru in the trustee under section 18, the Maunga Authority must provide the trustee with access to the improvement described in part 4.1(a) of the property redress schedule for the purpose of the trustee maintaining the improvement.

(4) On and from the vesting of Ōhinerau / Mount Hobson in the trustee under section 25, the Maunga Authority must provide the trustee with access to the improvements described in part 4.1(b) of the property redress schedule for the purpose of the trustee maintaining the improvements.

(5) Subsections (3) and (4) apply subject to any terms and conditions agreed between the Maunga Authority and the trustee.

(6) The Maunga Authority must not require the payment of any rent, royalty, fee, or other charge from the trustee in respect of any interest or arrangement granted to the trustee under the Reserves Act 1977 and that relates to—

(a) the use by the trustee of the improvements described in part 4.1 of the property redress schedule; or

(b) the use by the trustee of the land over which access is provided to those improvements.

(7) Despite subclause (6), the Maunga Authority may require a processing charge from the trustee in relation to any such interest or arrangement in order to recover its actual and reasonable costs.

(8) On and from the vesting of Maungakiekie / One Tree Hill in the trustee under section 19, the Maunga Authority must provide the Cornwall Park Trust Board with access, without charge, to the improvements referred to in section 2(3) of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1912 for the purposes of maintaining and keeping them in good order in accordance with section 2(3) of that Act.

(9) An improvement described in section 30(5), (6), or (7) or 31(1)—

(a) may be accessed, used, occupied, repaired, or maintained at any time without the consent of, and without charge by, the trustee; and

(b) may be removed or demolished at any time without the consent of, and without charge by, the trustee; but,—

(i) before doing so, the trustee must be given not less than 15 working days' written notice of the intended removal or demolition; and

(ii) after the removal or demolition, the Maunga Authority must ensure that the land is left in a clean and tidy condition.

(10) In subsections (3), (4), and (6), **trustee** includes 1 or more members of Ngā Mana Whenua o Tāmaki Makaurau authorised by the trustee.

(11) To avoid doubt, nothing in subsection (9)(b) limits or affects the requirements of the Reserves Act 1977 and any other enactment that may apply to the removal or demolition of an improvement to which that subsection applies.

Subpart 2—Vesting of Maungauika

[Repealed]

Subpart 2: repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

33 Maungauika

[Repealed]

Section 33: repealed, on 17 January 2019, by section 38(1) (and see clauses 15(2) and 16 of Schedule 6 for application).

34 Ownership of improvements

[Repealed]

Section 34: repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

35 Improvements: exercise of rights, use, access, etc

[Repealed]

Section 35: repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

36 Trustee right of first refusal over certain Crown improvements

[Repealed]

Section 36: repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

37 Crown must allow access to improvements to which section 36 applies if purchased by trustee

[Repealed]

Section 37: repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

38 Order in Council triggering different arrangements for administration of Maungauika

[Repealed]

Section 38: repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

Subpart 3—Vesting of Rarotonga / Mount Smart

39 Rarotonga / Mount Smart

(1) The reservation of Rarotonga / Mount Smart as a recreation reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Rarotonga / Mount Smart then vests in the trustee.

(3) Rarotonga / Mount Smart is then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

(4) Subsections (1) to (3) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule.

(5) The easement—

(a) is enforceable in accordance with its terms despite—

(i) the provisions of the Reserves Act 1977; and

(ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and

(b) is to be treated as having been granted in accordance with the Reserves Act 1977.

(6) Despite the revocation, vesting, declaration, and classification under subsections (1) to (3),—

(a) any enactment or instrument applying to Rarotonga / Mount Smart immediately before the revocation, vesting, and declaration, including the following, continues to apply as if the revocation, vesting, and declaration had not occurred:

(i) the Mount Smart Regional Recreation Centre Act 1985; and

(ii) the Local Government (Tamaki Makaurau Reorganisation) Council-controlled Organisations Vesting Order 2010; and

(iii) any instrument in relation to which the Auckland Council or Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland) is a party, including the licence between the Auckland Council and Regional Facilities Auckland Limited dated 22 December 2011; and

(b) the Reserves Act 1977 continues to apply to Rarotonga / Mount Smart as if the reserve were vested in the Auckland Council.

(7) To avoid doubt, as a result of subsection (6), the Auckland Council—

(a) retains all the powers conferred upon it under the Mount Smart Regional Recreation Centre Act 1985 in respect of Rarotonga / Mount Smart; and

(b) subject to section 4 of that Act, retains all management and administrative authority for Rarotonga / Mount Smart as the administering body for the reserve under the Reserves Act 1977.

40 Other lawful rights and interests not affected

(1) Nothing in this subpart limits or affects any other lawful right or interest in relation to Rarotonga / Mount Smart.

(2) This section is for the avoidance of doubt.

Subpart 4—General provisions applying to all maunga

41 Maunga must remain as reserves vested in trustee

(1) This section applies to each maunga once the maunga is—

(a) vested in the trustee under subpart 1, 2, or 3 of this Part; and

(b) declared a reserve under any of sections 18 to 29, 33, and 39.

(2) The maunga is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.

(3) The trustee must not—

(a) transfer the fee simple estate in the maunga to any other person; or

(b) mortgage, or give a security interest in, the maunga.

(4) The reserve status of the maunga must not be revoked, but may be reclassified in accordance with the Reserves Act 1977.

(5) Subsection (2) does not of itself create any right on which a cause of action may be founded.

(6) Subsection (2) does not affect the application of section 16(8) of the Reserves Act 1977.

(7) Despite subsection (3), the trustee may transfer the fee simple estate in the maunga if—

(a) the transfer is to give effect to an exchange of any part of the maunga in accordance with section 15 of the Reserves Act 1977; and

(b) the instrument to transfer the land in the maunga is accompanied by a certificate given by the trustee, or its solicitor, verifying that paragraph (a) applies.

(8) The prohibition in subsection (4) does not apply to any part of the maunga transferred in accordance with subsection (7).

42 Maunga vest subject to, or together with, specified interests

(1) Each maunga vests in the trustee under subpart 1, 2, or 3 of this Part subject to, or together with, any interests listed for the maunga in Schedule 1 (whether as an existing interest that continues to affect the maunga after the vesting or as a new interest that first affects the maunga immediately after the vesting).

(2) Subsection (3) applies if a maunga vests subject to, or together with, an interest listed in Schedule 1 that is an interest in land.

(3) On and from the vesting,—

(a) for Maungauika, the Crown must be treated as the grantor of the interest until clause 3 of Schedule 6 comes into force (in accordance with section 38(1)):

(b) for Rarotonga / Mount Smart, the Auckland Council must be treated as the grantor of the interest:

(c) for any other maunga, the Maunga Authority must be treated as the grantor or the grantee of the interest, as the case may be.

(4) Subsections (5) and (6) apply if a maunga vests subject to an interest listed in Schedule 1 that is not an interest in land, whether or not the interest also applies to any other land.

(5) The interest applies in respect of the maunga—

(a) until the interest expires or is terminated; and

(b) with any other necessary modifications; and

(c) despite any change in status of the land in the maunga.

(6) If the interest has a grantor,—

(a) for Maungauika, the Crown remains the grantor of the interest until clause 3 of Schedule 6 comes into force (in accordance with section 38(1)):

(b) for any other maunga, the interest applies as if the Maunga Authority were the grantor.

(7) Nothing in subsection (6)(b) applies to Rarotonga / Mount Smart.

(8) In this section, **interest** means the interest or any renewal of the interest, including any variations.

43 Registration of ownership

(1) This section applies in relation to the fee simple estate in each maunga vested in the trustee under subpart 1, 2, or 3 of this Part.

(2) To the extent that the maunga (other than a specified maunga) 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 trustee as the proprietor of the fee simple estate in the land; and

(b) record anything on the register and do anything else that is necessary to give effect to this Part and to the collective deed.

(3) To the extent that subsection (2) does not apply to the maunga, or that the maunga is a specified maunga, the Registrar-General must, in accordance with a written application by an authorised person,—

(a) create 1 or more computer freehold registers for the fee simple estate in the land in the name of the trustee; and

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

(4) Subsection (3) is 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 effective date, but not later than—

(a) 24 months after the effective date; or

(b) any later date that may be agreed in writing by the Crown and the trustee.

(6) In this section,—

authorised person means a person authorised by the Director-General

specified maunga means each of the following maunga:

(a) the part of Maungawhau / Mount Eden that is Section 2 SO 454833:

(b) Mount Albert:

(c) Mount Roskill:

(d) the part of Mount St John that is Section 1 SO 454980:

(e) the part of Ōtāhuhu / Mount Richmond that is Section 1 SO 454943:

(f) Rarotonga / Mount Smart.

44 Recording of iwi and hapū interests

(1) The Registrar-General must record on any computer freehold register for each maunga that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that maunga in part 3 of the property redress schedule have spiritual, ancestral, cultural, customary, and historical interests in the maunga.

(2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the maunga.

45 Application of Part 4A of Conservation Act 1987

(1) The vesting of the fee simple estate in each maunga in the trustee under subpart 1, 2, or 3 of this Part is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24, 24A, and 24AA of that Act do not apply to the disposition.

(2) Subsection (3) applies if any part of a maunga is no longer subject to reservation as a reserve under the Reserves Act 1977 as the result of an exchange in accordance with section 15 of that Act.

(3) The vesting of that part of the maunga in the trustee under subpart 1, 2, or 3 of this Part is no longer exempt from section 24 of the Conservation Act 1987 (other than subsection (2A) of that section).

46 Application of other enactments

(1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under subpart 1, 2, or 3 of this Part, of the reserve status of each maunga.

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

(a) the vesting of the fee simple estate in each maunga under subpart 1, 2, or 3 of this Part; or

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

(3) The vesting of the fee simple estate in each maunga under subpart 1, 2, or 3 of this Part does not—

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

(b) affect other rights to subsurface minerals.

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

47 Application of Reserves Act 1977

(1) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to the maunga (other than Rarotonga / Mount Smart) despite sections 48A(6), 114(5), and 115(6) of that Act.

(2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to Rarotonga / Mount Smart despite—

(a) sections 48A(6), 114(5), and 115(6) of that Act; and

(b) section 4 of the Mount Smart Regional Recreation Centre Act 1985.

(3) Otherwise, the Reserves Act 1977 applies to the maunga subject to the provisions of this Act.

Section 47(1): amended, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

48 Saving of bylaws, etc, in relation to maunga

(1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation has made or imposed under the Reserves Act 1977 or the Conservation Act 1987 in relation to a maunga before the maunga vested in the trustee under subpart 1 or 2 of this Part.

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

49 Names of maunga in respect of status as Crown protected areas and reserves

(1) The official geographic name for North Head Historic Reserve is changed to Maungauika / North Head Historic Reserve, and the Geographic Board must amend the Gazetteer accordingly.

(2) Subsection (3) applies to the land, or the part of the land, in any other maunga that, immediately before the vesting of the maunga under subpart 1 or 3 of this Part, was all or part of a Crown protected area.

(3) The official geographic name is discontinued in respect of the land, or the part of the land, and the Geographic Board must amend the Gazetteer accordingly.

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

(5) *[Repealed]*

(6) The Minister of Conservation must not name or change the name of a maunga under section 16(10) of the Reserves Act 1977 without the written consent of the trustee, and section 16(10A) of that Act does not apply to the proposed name or change.

(7) Subsection (6) does not apply to Rarotonga / Mount Smart.

(8) The Auckland Council must not change the name of Rarotonga / Mount Smart under section 16(10) of the Reserves Act 1977 without the written consent of the trustee, and section 16(10A) of that Act does not apply to the proposed change.

Section 49(5): repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

50 Recording of certain matters on computer freehold registers

(1) This section applies in respect of each maunga.

(2) The Registrar-General must record on any computer freehold register for the maunga—

(a) the iwi and hapū interests as required by section 44; and

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

(c) that the land is subject to—

(i) this subpart and subpart 2 of this Part, if the register relates to Maungauika:

(ii) this subpart and subpart 3 of this Part, if the register relates to Rarotonga / Mount Smart:

(iii) this subpart and subpart 1 of this Part, if the register relates to any other maunga.

(3) A notation made under subsection (2)(b) is to be treated as having been made in compliance with section 24D(1) of the Conservation Act 1987.

(4) The Registrar-General must act under subsection (5) if, in accordance with section 15 of the Reserves Act 1977, any part of the maunga is no longer subject to reservation as a reserve under that Act.

(5) The Registrar-General must ensure that the following notations remain only on any computer freehold register for the maunga:

(a) the part of the notation referred to in subsection (2)(b) that section 24 of the Conservation Act 1987 does not apply; and

(b) the relevant notation referred to in subsection (2)(c).

(6) For the purposes of any registration matter relating to an interest,—

(a) for Maungauika, the Crown must be treated as the registered proprietor of the fee simple estate in the maunga until clause 14 of Schedule 6 comes into force (in accordance with section 38(1)):

(b) for Rarotonga / Mount Smart, the Auckland Council must be treated as the registered proprietor of the fee simple estate in the maunga:

(c) for any other maunga, the Maunga Authority must be treated as the registered proprietor of the fee simple estate in the maunga.

(7) Subsection (6) does not apply to the granting and initial registration of the easement and lease interests referred to in sections 18(5), 19(5), 20(7), 21(7), 22(5), 23(5), 25(5), 26(9), 27(5), 28(9), 29(5), 33(4), and 39(4).

51 Application of this Part if maunga land exchanged

(1) This section applies to land in a maunga that is subject to an exchange under section 15 of the Reserves Act 1977.

(2) The land given by way of the exchange no longer forms part of the maunga on and from the exchange.

(3) Subsections (4) to (7) apply to the land acquired by way of the exchange.

(4) On and from the exchange, the land forms part of the maunga and this Part applies to the land.

(5) Despite section 15(6) of the Reserves Act 1977, the fee simple estate in the land is transferred to the trustee.

(6) To avoid doubt, the land is subject to the same reserve classification and administration regime as that which applied to the land given in the exchange.

(7) The Registrar-General must make entries in the appropriate registers and do anything else necessary to give effect to this section.

Subpart 5—Maungakiekie / One Tree Hill northern land and Māngere Mountain (administered lands)

52 Meaning of administered lands in this subpart

In this subpart, **administered lands** means administered lands as that term is defined in section 8(1)(a).

53 Maungakiekie / One Tree Hill northern land

(1) The vesting in trust in the Auckland Council of the Maungakiekie / One Tree Hill northern land is cancelled.

(2) The Maungakiekie / One Tree Hill northern land then vests back in the Crown.

(3) The Maunga Authority is the administering body of the Maungakiekie / One Tree Hill northern land for the purposes of the Reserves Act 1977, and that Act applies as if the Maungakiekie / One Tree Hill northern land were a reserve vested in the administering body.

(4) Subsection (2) is for the avoidance of doubt.

54 Māngere Mountain

(1) Any vestings in trust in, or control and management appointments over, any parts of Māngere Mountain in favour of the Auckland Council are cancelled.

(2) The fee simple estate in those parts of Māngere Mountain that were vested in trust in the Auckland Council then vest back in the Crown so that the Crown again holds the entire fee simple estate in Māngere Mountain.

(3) The Maunga Authority is the administering body of Māngere Mountain for the purposes of the Reserves Act 1977, and that Act applies as if Māngere Mountain were a reserve vested in the administering body.

(4) Subsection (2) is for the avoidance of doubt.

55 Status and use of administered lands continue with certain exceptions

(1) The following matters apply despite the operation of sections 53(1) and 54(1):

(a) the administered lands remain reserves subject to the classifications of the Reserves Act 1977 that applied immediately before the operation of sections 53(1) and 54(1):

(b) any enactment or any instrument applying to the administered lands, or any part of them, immediately before the operation of sections 53(1) and 54(1) continues to apply to the administered lands, or the part of them:

(c) any interest that affected the administered lands, or any part of them, immediately before the operation of sections 53(1) and 54(1) continues to affect the administered lands, or the part of them.

(2) Despite subsection (1), on and from the effective date,—

(a) the Reserves Act 1977 applies to the administered lands subject to the provisions of this Act; and

(b) the Maunga Authority must be treated as the grantor or the grantee, as the case may be, of an interest described in subsection (1)(c); and

(c) if an interest described in subsection (1)(c) is not an interest in land, whether or not the interest also applies to any other land, the interest applies in respect of the administered lands—

(i) until the interest expires or is terminated; and

(ii) with any other necessary modifications; and

(iii) despite any change in status of the land in the administered lands; and

(d) any improvement attached to the administered lands and owned by the Auckland Council immediately before the effective date—

(i) must be treated as if it were vested in the Maunga Authority for the purposes of administering the lands under the Reserves Act 1977; and

(ii) no longer forms part of the administered lands; and

(iii) must be treated as personal property and not as land or an interest in land; and

(iv) may remain attached to the administered lands without the consent of, and without charge by, the Crown; and

(v) may be accessed, used, occupied, repaired, or maintained at any time without the consent of, and without charge by, the Crown; and

(vi) may be removed or demolished at any time without the consent of, and without charge by, the Crown; but,—

(A) before doing so, the Crown must be given not less than 15 working days' written notice of the intended removal or demolition; and

(B) after the removal or demolition, the Maunga Authority must ensure that the land is left in a clean and tidy condition; and

(e) for the purposes of any registration matter relating to an interest, the Maunga Authority must be treated as the registered proprietor of the fee simple estate in the administered lands.

(3) Subparagraphs (i) to (iv) of subsection (2)(d) apply subject to any other enactment that governs the ownership of the improvements.

(4) For the purposes of administering the administered lands under the Reserves Act 1977, the Maunga Authority is responsible for any decisions in respect of any matter that may arise from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the administered lands.

(5) Subsection (4) is subject to any other enactment that governs the use of the improvement concerned.

(6) To avoid doubt, nothing in subsection (1)(a) limits or affects the application of section 24 of the Reserves Act 1977 to the administered lands.

(7) To avoid doubt, nothing in subsection (2)(d)(vi) limits or affects the requirements of the Reserves Act 1977 and any other enactment that may apply to the removal or demolition of an improvement to which that subsection applies.

56 Recording of iwi and hapū interests

(1) The Registrar-General must record on any computer freehold register for the administered lands that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for the administered lands in part 3 of the property redress schedule have spiritual, ancestral, cultural, customary, and historical interests in the administered lands.

(2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the administered lands.

Subpart 6—Care, management, maintenance, etc, of maunga and administered lands

57 Meaning of maunga in this subpart

In this subpart, **maunga** does not include Rarotonga / Mount Smart.

Section 57: amended, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

58 Integrated management plan

(1) The Maunga Authority must prepare and approve an integrated management plan—

(a) that applies to the following land:

(i) the maunga; and

(ii) *[Repealed]*

(iii) the administered lands; and

(iv) any land for which any other enactment requires the Maunga Authority to be the administering body; and

(b) that complies with the requirements of section 59.

(2) Despite subsection (1),—

(a) *[Repealed]*

(b) the Maunga Authority must make the entire plan available for inspection by the Minister of Conservation whenever the Minister requires.

(3) Section 41 of the Reserves Act 1977 applies to a plan prepared under this section—

(a) with any necessary modifications; but

(b) subject to this section.

(4) To avoid doubt, the Minister of Conservation may still require the Maunga Authority to—

(a) review the plan under section 41(4) of the Reserves Act 1977; or

(b) consult another administering body under section 41(14) of that Act.

Section 58(1)(a)(ii): repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

Section 58(2)(a): repealed, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

59 Integrated management plan and authorised cultural activities

(1) The integrated management plan must prescribe any terms and conditions in relation to members of Ngā Mana Whenua o Tāmaki Makaurau carrying out an authorised cultural activity specified in section 66(a) to (h).

(2) Terms and conditions may relate to carrying out an activity on—

(a) 1 or more maunga:

(b) some or all of the administered lands:

(c) 1 or more maunga and some or all of the administered lands.

(3) To avoid doubt, terms or conditions must not be of such a nature that an activity is effectively prohibited.

(4) The Maunga Authority must consider including in the integrated management plan—

(a) provisions relating to members of Ngā Mana Whenua o Tāmaki Makaurau carrying out other activities for cultural or spiritual purposes on the lands described in subsection (2); and

(b) provisions that recognise the members' traditional or ancestral ties to those lands.

(5) Without limiting subsection (4), the Maunga Authority must consider including provisions in the plan that relate to members of Ngā Mana Whenua o Tāmaki Makaurau carrying out the following activities:

(a) limited land cultivation for harvesting traditional food and plants:

(b) limited collection of other materials, including volcanic rock:

(c) archaeological activities:

(d) hāngi:

(e) tribally significant tangihanga or hari tūpāpaku and the interment of tūpāpaku:

(f) spiritual and cultural traditional practices and ceremonies other than those described in section 66(a) to (h):

(g) nohoanga:

(h) the permanent erection of symbolic structures and signage:

(i) activities that exercise kaitiakitanga or manaakitanga, including overnight occupation.

(6) If, after consideration under subsection (5), the Maunga Authority includes provisions in the plan relating to the carrying out of an activity described in that subsection, the plan must prescribe any terms and conditions in relation to the carrying out of the activity.

(7) The terms and conditions may relate to carrying out the activity on—

(a) all of the lands described in subsection (2); or

(b) specified lands described in subsection (2).

60 Annual operational plan

(1) For each financial year, the Maunga Authority and the Auckland Council must agree an annual operational plan to provide a framework in which the Council will carry out its functions under section 61 for that financial year.

(2) An annual operational plan must be—

(a) agreed before the commencement of the financial year to which it relates; and

(b) prepared and adopted concurrently with the Council's annual plan; and

(c) included in the Council's annual plan in summary form.

(3) An annual operational plan must include the following information:

(a) information relating to the matters specified in subsection (4) for the financial year to which the plan relates for each maunga and the administered lands; and

(b) indicative information in respect of the matters referred to in paragraph (a) for the following 2 financial years; and

(c) relevant financial information contained in the Council's long-term plan and, as the case may be, draft long-term plan, for all activities and functions relating to the maunga and the administered lands; and

(d) any other information relating to the maunga and the administered lands agreed by the Maunga Authority and the Council.

(4) The matters referred to in subsection (3)(a) are—

(a) funding:

(b) restoration work:

(c) capital projects:

(d) strategic, policy, and planning projects:

(e) maintenance and operational projects:

(f) levels of service to be provided by the Council:

(g) contracts for management or maintenance activities on the maunga and the administered lands:

(h) facilitation of authorised cultural activities:

(i) educational programmes:

(j) Ngā Mana Whenua o Tāmaki Makaurau programmes, including iwi or hapū programmes:

(k) opportunities for members of Ngā Mana Whenua o Tāmaki Makaurau to carry out or participate in any of the activities described in paragraphs (b) to (i).

(5) For the purposes of subsection (2),—

(a) the Maunga Authority and the Council must agree a draft annual operational plan and a summary of that plan; and

(b) the Council must include the summary in the Council's draft annual plan; and

(c) the Maunga Authority and the Council must jointly consider submissions relating to that part of the Council's draft annual plan relating to the summary; and

(d) the Maunga Authority and the Council must agree the annual operational plan and a summary of that plan; and

(e) the Council must include the summary of the annual operational plan in the Council's annual plan.

(6) The Maunga Authority and the Council must agree the first annual operational plan under this section for the 2015/2016 financial year.

(7) In this section, **annual plan** and **long-term plan** have the meanings given in section 5(1) of the Local Government Act 2002.

61 Auckland Council responsible for routine management

(1) The Auckland Council is responsible for the routine management of the maunga and the administered lands.

(2) The Council must carry out this responsibility—

(a) under the direction of the Maunga Authority; and

(b) in accordance with—

(i) the current annual operational plan; and

(ii) any standard operating procedures agreed between the Maunga Authority and the Council; and

(iii) any delegations made to the Council under section 113.

(3) Despite subsection (2), the Council may carry out its responsibility in relation to Maungakiekie / One Tree Hill in whole or in part through the One Tree Hill Domain/Maungakiekie maintenance agreement until the agreement terminates. However, the Maunga Authority may direct the Council to terminate the agreement and, if the Maunga Authority does so, the Council must comply with that direction in accordance with the termination provisions of the agreement.

(4) For the purposes of carrying out its responsibilities under this section, the Reserves Act 1977 applies—

(a) as if the Council were the administering body of the maunga and the administered lands; and

(b) with any necessary modification; but

(c) subject to subsection (2).

(5) This section is subject to section 62.

(6) In subsection (3), **One Tree Hill Domain/Maungakiekie maintenance agreement** and **agreement** mean the agreement dated 12 April 2007 between the Auckland City Council (now Auckland Council) and Cornwall Park Trust Board.

62 Auckland Council responsible for costs

(1) The Auckland Council is responsible for the costs in relation to the maunga and the administered lands—

(a) incurred by the Council in carrying out its functions under this Act; and

(b) incurred by the Maunga Authority in carrying out its functions under this Act or the Reserves Act 1977.

(2) However, the Council is required to fulfil this responsibility only to the extent that funding and revenue for the maunga and the administered lands allow.

(3) Subsection (2) does not apply in relation to the payment of remuneration and expenses of members of the Maunga Authority.

(4) In this section, **funding** and **revenue** have the meanings given by section 63(8).

63 Financial management, financial reporting, and operational accountability

(1) Funding and revenue for the maunga and the administered lands must be applied only for the purposes of the maunga and the administered lands.

(2) To this end, the funding and revenue must be—

(a) held by the Auckland Council and accounted for separately from any other funding, revenue, or other income of the Council; and

(b) applied by the Council—

(i) under the direction of the Maunga Authority; and

(ii) in accordance with the annual operational plan; and

(iii) for the purposes of fulfilling its responsibilities under section 62.

(3) In each financial year, the Auckland Council must—

(a) report quarterly to the Maunga Authority on—

(i) the costs, funding, and revenue of the maunga and the administered lands for that quarter; and

(ii) any variation from the forecast costs, funding, and revenue for the maunga and the administered lands for that quarter; and

(b) provide to the Maunga Authority—

(i) an annual financial report on the maunga and the administered lands for the year; and

(ii) a letter, signed by the Council's chief executive, confirming that the report described in subparagraph (i) is accurate and that the Council's accounts relating to the maunga and the administered lands for the year have been operated appropriately.

(4) In each financial year, the Auckland Council must provide to the Maunga Authority an annual operational report on the maunga and the administered lands for the year.

(5) The Maunga Authority may direct the Auckland Council, in writing, to have the Council's accounts relating to the maunga and the administered lands reviewed by the Council's auditor.

(6) As soon as practicable after receiving a direction under subsection (5), the Auckland Council must arrange for the accounts to be reviewed by the Council's auditor and a report by the auditor must be provided to the Maunga Authority.

(7) Subsection (2) applies despite—

(a) the provisions of the Reserves Act 1977 or any other enactment; and

(b) any agreement or rule of law.

(8) In this section,—

funding, in relation to the maunga and the administered lands, means—

(a) funding from the Auckland Council that is dedicated under the annual operational plan or otherwise held by the Council as funding for the maunga or the administered lands; and

(b) funding from any other source

revenue means revenue generated from any source, including all income derived from leases, licences, concessions, rentals, or other interests in the maunga and the administered lands, whether payable to the Maunga Authority or to the Auckland Council.

64 Annual meeting of Auckland Council and Ngā Mana Whenua o Tāmaki Makaurau

(1) The Auckland Council must meet annually with Ngā Mana Whenua o Tāmaki Makaurau to discuss matters relating to the maunga and the administered lands, including—

(a) the performance of the Maunga Authority during the year; and

(b) the proposed activities of the Maunga Authority in the following year.

(2) The process and particulars in relation to each meeting, including the date, time, place, and agenda, must be agreed between the trustee and the Auckland Council.

Subpart 7—Ngā Mana Whenua o Tāmaki Makaurau cultural activities in relation to maunga and administered lands

65 Crown acknowledgement

The Crown acknowledges—

(a) the importance to Ngā Mana Whenua o Tāmaki Makaurau of cultural activities on and traditional uses of the tūpuna maunga o Tāmaki Makaurau; and

(b) the importance of cultural activities on and traditional uses of the tūpuna maunga o Tāmaki Makaurau as integral parts of the relationship of Ngā Mana Whenua o Tāmaki Makaurau with the tūpuna maunga o Tāmaki Makaurau; and

(c) the desirability of restoring and facilitating the exercise by Ngā Mana Whenua o Tāmaki Makaurau of cultural activities on and traditional uses of the tūpuna maunga o Tāmaki Makaurau.

66 Meaning of authorised cultural activity

In this Act, **authorised cultural activity** means—

(a) the erection of pou or flags:

(b) an instructional or educational hīkoi:

(c) a wānanga, hui, or pōwhiri:

(d) an event that celebrates the maunga and volcanic activity as distinguishing and land-shaping features of Tāmaki Makaurau:

(e) an event that marks or celebrates the history of Aotearoa, Waitangi Day, or Matariki:

(f) an event that celebrates the ancestral association, or exercises the mana, of Ngā Mana Whenua o Tāmaki Makaurau with or over the maunga:

(g) an event that celebrates Ngā Mana Whenua o Tāmaki Makaurau in its collective capacity:

(h) an event that celebrates an iwi or a hapū of Ngā Mana Whenua o Tāmaki Makaurau:

(i) any other activity in relation to which provisions are included in the integrated management plan in accordance with section 59(4) to (7).

67 Carrying out of authorised cultural activities by members of Ngā Mana Whenua o Tāmaki Makaurau

(1) The trustee may grant approval to 1 or more members of Ngā Mana Whenua o Tāmaki Makaurau to carry out an authorised cultural activity on—

(a) 1 or more maunga:

(b) some or all of the administered lands:

(c) 1 or more maunga and some or all of the administered lands.

(2) However, if requested by a rōpū entity, or a representative entity of an iwi or a hapū described in section 9(a), the trustee must devolve the decision-making role in subsection (1) in respect of authorising cultural activities for members of that iwi or hapū to the entity.

(3) The trustee must notify the Maunga Authority if it devolves its responsibility under subsection (1) in accordance with subsection (2).

(4) The trustee, a representative entity, or a rōpū entity may grant approval for the carrying out of an authorised cultural activity only if it is satisfied that—

(a) the activity will comply with the relevant provisions of the integrated management plan, including any terms and conditions prescribed in the plan in respect of the activity or an activity of that type; and

(b) the activity will comply with the Resource Management Act 1991; and

(c) any permission or other authorisation required under the Reserves Act 1977 from any person other than the Maunga Authority in respect of the carrying out of the activity has been obtained; and

(d) the activity will comply with any other relevant enactment (for example, the Heritage New Zealand Pouhere Taonga Act 2014, the Burial and Cremation Act 1964, and the Health Act 1956).

(5) If the authorised cultural activity involves the erection of 1 or more structures, the trustee, representative entity, or rōpū entity must also be satisfied that each structure is—

(a) temporary or moveable; or

(b) if permanent, symbolic only (for example, pou whenua or waharoa), or necessary for cultural interpretation (for example, a sign explaining a feature or an event).

(6) The trustee, a representative entity, or a rōpū entity must give the Maunga Authority notice, in writing or electronically, of an activity for which it has granted approval under subsection (1).

(7) Notice must be given as soon as possible, but not later than 5 working days before the day, or the first day, on which the activity is to be carried out.

(8) If the trustee, a representative entity, or a rōpū entity grants approval to carry out an authorised cultural activity under this section, any permission or other authorisation required under the Reserves Act 1977 from the Maunga Authority in respect of the carrying out of the activity is deemed to have been granted.

(9) In this section, **maunga** does not include Rarotonga / Mount Smart.

Section 67(9): amended, on 17 January 2019, by section 38(1) (and see clause 16 of Schedule 6 for application).

Subpart 8—Vesting and vesting back of motu

68 Notice appointing vesting date for motu

(1) The trustee may give written notice to the Minister of Conservation of the date on which the motu are to vest in the trustee (**proposed date**).

(2) The proposed date must be not later than 1 year after the effective date.

(3) The trustee must give the Minister of Conservation not less than 40 working days' notice of the proposed date. However, the Minister may agree to a shorter

notice period, in which case the trustee must give notice within the period of the agreed number of working days.

(4) In this section and section 69, **motu vesting date** is—

(a) the date proposed by the trustee in accordance with subsections (1) to (3); or

(b) the date that is 1 year after the effective date, if no such date is proposed.

(5) The Minister of Conservation must publish a notice in the *Gazette* that—

(a) specifies the motu vesting date; and

(b) states that the fee simple estate in each motu vests in the trustee on the motu vesting date; and

(c) states, for each motu, that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that motu in part 3 of the property redress schedule have spiritual, ancestral, cultural, customary, and historical interests in the motu.

(6) The notice must be published as early as practicable before the motu vesting date.

(7) The stating of interests under subsection (5)(c) does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the motu.

69 Vesting and vesting back of motu

(1) The fee simple estate in each motu vests in the trustee on the motu vesting date (the **vestings**).

(2) The fee simple estate in each motu vests back in the Crown on the 32nd day after the motu vesting date.

(3) The following matters apply as if the vestings had not occurred:

(a) each motu remains a reserve under the Reserves Act 1977 and that Act continues to apply to the motu; and

(b) any other enactment or any instrument that applied to a motu immediately before the motu vesting date continues to apply to the motu; and

(c) any interest that affected a motu immediately before the motu vesting date continues to affect the motu.

(4) To avoid doubt, as a result of subsection (3), the Crown retains, as if the vestings had not occurred,—

(a) all liability for the motu; and

(b) all management and administrative authority for the motu.

(5) The vestings are not affected by Part 4A of the Conservation Act 1987, section 11 and Part 10 of the Resource Management Act 1991, or any other enactment.

Subpart 9—Vesting of Ngā Pona-toru-a-Peretū, Islington Bay Hall property, and Islington Bay Bach 80 property (Rangitoto Island properties)

Ngā Pona-toru-a-Peretū

70 Ngā Pona-toru-a-Peretū

(1) The reservation of Ngā Pona-toru-a-Peretū (being part of Rangitoto Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in Ngā Pona-toru-a-Peretū then vests in the trustee.

(3) Ngā Pona-toru-a-Peretū is then declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

(4) Despite the vesting under subsection (2), the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Crown.

(5) To avoid doubt, as a result of subsection (4),—

- (a) the reserve is not vested in, or managed and controlled by, an administering body; and
- (b) the Crown continues to administer, control, and manage the reserve; and
- (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve; and
- (d) the reserve continues to form part of the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000.

(6) However, the Minister of Conservation must not—

- (a) authorise the exchange of Ngā Pona-toru-a-Peretū under the Reserves Act 1977; or
- (b) revoke the reserve status of Ngā Pona-toru-a-Peretū (but may reclassify it) under that Act.

(7) The trustee must not—

- (a) transfer the fee simple estate in Ngā Pona-toru-a-Peretū to any other person; or
- (b) mortgage, or give a security interest in, the land.

71 Ngā Pona-toru-a-Peretū vests subject to specified interests

(1) Ngā Pona-toru-a-Peretū vests in the trustee under section 70 subject to the interests listed for Ngā Pona-toru-a-Peretū in Part 2 of Schedule 3 (whether as an existing interest that continues to affect Ngā Pona-toru-a-Peretū after the vesting or as a new interest that first affects Ngā Pona-toru-a-Peretū immediately after the vesting).

(2) Subsection (3) applies to any interest listed in Part 2 of Schedule 3 that is an interest in land.

(3) On and from the vesting, the Crown must be treated as the grantor of the interest.

(4) Subsections (5) and (6) apply to any interest listed in Part 2 of Schedule 3 that is not an interest in land, whether or not the interest also applies to any other land administered by the Department of Conservation.

(5) The interest applies in respect of Ngā Pona-toru-a-Peretū—

(a) until the interest expires or is terminated; and

(b) with any other necessary modifications; and

(c) despite any change in status of the land in Ngā Pona-toru-a-Peretū.

(6) If the interest has a grantor, the Crown remains the grantor of the interest.

(7) In this section, **interest** means the interest, or any renewal of the interest, including any variations.

72 Crown improvements attached to Ngā Pona-toru-a-Peretū

(1) This section applies to the improvements attached to Ngā Pona-toru-a-Peretū—

(a) on the vesting of Ngā Pona-toru-a-Peretū in the trustee under section 70; and

(b) despite the vesting.

(2) The improvements remain vested in the Crown, and each improvement—

(a) may remain attached to Ngā Pona-toru-a-Peretū without the consent of, and without charge by, the trustee; and

(b) may be used, occupied, accessed, repaired, or maintained at any time without the consent of, and without charge by, the trustee; and

(c) may be removed or demolished by the Crown at any time without the consent of, and without charge by, the trustee.

(3) If an improvement is removed or demolished, the Crown must leave the land in a clean and tidy condition.

(4) The trustee is not liable for an improvement for which it would, apart from this section, be liable by reason of its ownership of Ngā Pona-toru-a-Peretū.

(5) To avoid doubt, nothing in subsection (2)(c) limits or affects the requirements of the Reserves Act 1977 and any other enactment that may apply to the removal or demolition of an improvement.

Islington Bay Hall property

73 Islington Bay Hall property

(1) The reservation of the Islington Bay Hall property (being part of Rangitoto Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Islington Bay Hall property then vests in the trustee.

(3) The Islington Bay Hall property is then—

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

(b) included in the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000 in accordance with section 164(2) of this Act.

(4) The trustee is the administering body of the reserve created under subsection (3).

(5) The trustee must not—

(a) transfer the fee simple estate in the Islington Bay Hall property to any other person; or

(b) mortgage, or give a security interest in, the property; or

(c) consent to the exchange of the property under section 15 of the Reserves Act 1977.

(6) The reserve status of the Islington Bay Hall property must not be revoked, but may be reclassified in accordance with the Reserves Act 1977.

74 Islington Bay Hall property vests subject to specified interests

(1) The Islington Bay Hall property vests in the trustee under section 73 subject to the interests listed for the property in Part 2 of Schedule 3 (whether as an existing interest that continues to affect the property after the vesting or as a new interest that first affects the property immediately after the vesting).

(2) Subsections (3) and (4) apply to the interest listed in Part 2 of Schedule 3 that is not the interest in land, whether or not that interest also applies to any other land administered by the Department of Conservation.

(3) The interest applies in respect of the property—

(a) until the interest expires or is terminated; and

(b) with any other necessary modifications; and

(c) despite any change in status of the land in the property.

(4) If the interest has a grantor, the interest applies in respect of the property as if the trustee were the grantor.

(5) In this section, **interest** means the interest, or any renewal of the interest, including any variations.

75 Crown improvements attached to Islington Bay Hall property

(1) This section applies to the improvements attached to the Islington Bay Hall property, and owned by the Crown immediately before the vesting of the property in the trustee under section 73,—

(a) on the vesting of the property in the trustee under that section; and

(b) despite the vesting.

(2) The improvements remain vested in the Crown, and each improvement—

(a) may remain attached to the property without the consent of, and without charge by, the trustee; and

(b) may be accessed, used, occupied, repaired, or maintained by the Crown at any time without the consent of, and without charge by, the trustee; and

(c) may be removed or demolished by the Crown at any time without the consent of, and without charge by, the trustee.

(3) For the purposes of managing the improvement, the Reserves Act 1977 continues to apply as if the Crown administers that part of the property occupied by the improvement.

(4) If the improvement is removed or demolished, the Crown must leave the land in a clean and tidy condition.

(5) The trustee is not liable for an improvement for which it would, apart from this section, be liable by reason of its ownership of the property.

(6) In subsection (2)(b), the **Crown** includes any person with the consent of the Crown to access, use, or occupy the property.

(7) To avoid doubt, nothing in subsection (2)(c) limits or affects the requirements of the Reserves Act 1977 and any other enactment that may apply to the removal or demolition of the improvement.

76 Use of Islington Bay Hall property by Ngā Mana Whenua o Tāmaki Makaurau and trustee

(1) Ngā Mana Whenua o Tāmaki Makaurau may use an improvement described in section 75(1) for activities that would otherwise be authorised only by a permit under the Hauraki Gulf Maritime Park Bylaws 1984—

(a) without charge; but

(b) subject to availability, as regulated by the Crown (in its capacity as the administrator of that part of the property).

(2) The trustee may—

(a) place temporary or moveable structures on the open spaces of the Islington Bay Hall property during Ngā Mana Whenua o Tāmaki Makaurau spiritual or cultural events so long as the structures do not damage the improvements; and

(b) fix or place permanent symbolic structures (for example, pou whenua or waharoa) that reflect Ngā Mana Whenua o Tāmaki Makaurau associations with Rangitoto or other motu on the open spaces of the Islington Bay Hall property so long as the structures do not damage the improvements.

(3) For the purposes of the Reserves Act 1977, any activity carried out by the trustee under subsection (2) must be treated as having been carried out with the approvals or consents required under that Act.

(4) To avoid doubt, nothing in this section removes any obligations of the trustee in respect of obtaining any other consents or approvals required to erect a structure referred to in subsection (2) (for example, a building consent under the Building Act 2004).

Islington Bay Bach 80 property

77 Islington Bay Bach 80 property

(1) The reservation of the Islington Bay Bach 80 property (being part of Rangitoto Island Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked.

(2) The fee simple estate in the Islington Bay Bach 80 property then vests in the trustee subject to the interest listed for the property in Part 2 of Schedule 3 as a new interest that first affects the property immediately after the vesting.

(3) The Islington Bay Bach 80 property is then—

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

(b) included in the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000 in accordance with section 164(2) of this Act.

(4) The trustee is the administering body of the reserve created under subsection (3).

(5) The trustee must not—

(a) transfer the fee simple estate in the Islington Bay Bach 80 property to any other person; or

(b) mortgage, or give a security interest in, the property; or

(c) consent to the exchange of the property under section 15 of the Reserves Act 1977.

(6) The reserve status of the Islington Bay Bach 80 property must not be revoked, but may be reclassified in accordance with the Reserves Act 1977.

78 Trustee may erect certain improvements on Islington Bay Bach 80 property as if Reserves Act 1977 approvals granted

(1) The trustee may erect an ancillary building or structure on the Islington Bay Bach 80 property so that the existing Bach 80 building may be lawfully used as overnight accommodation.

(2) The trustee may erect, as a Ngā Mana Whenua o Tāmaki Makaurau spiritual or cultural wānanga centre, a single-storey building of not more than 200 m² floor area on the open space of the Islington Bay Bach 80 property.

(3) For the purposes of the Reserves Act 1977, any activity carried out by the trustee that complies with subsection (1) or (2) must be treated as having been carried out with the approvals or consents required under that Act.

(4) To avoid doubt, nothing in this section removes any obligations of the trustee in respect of obtaining any other consents or approvals required to erect the structure or buildings referred to in subsections (1) and (2) (for example, a building consent under the Building Act 2004).

79 Trustee may restrict or prohibit access to improvements on Islington Bay Bach 80 property

(1) The trustee may—

(a) restrict or prohibit public access to the improvements (whether existing or erected under section 78) on the Islington Bay Bach 80 property; or

(b) for spiritual or cultural purposes, authorise exclusive private use of those improvements by the trustee or invitees of the trustee.

(2) Subsection (1) applies despite anything to the contrary in the Reserves Act 1977.

General provisions applying to Rangitoto Island properties

80 Registration of ownership

(1) This section applies in relation to the fee simple estate in each Rangitoto Island property vested in the trustee under this subpart.

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

(a) create 1 computer freehold register for the fee simple estate in the property in the name of the trustee; and

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

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

(4) A computer freehold register must be created under this section as soon as is reasonably practicable after the effective date, but not later than—

(a) 24 months after the effective date; or

(b) any later date that may be agreed in writing by the Crown and the trustee.

81 Recording of iwi and hapū interests

(1) The Registrar-General must record on any computer freehold register for each Rangitoto Island property that the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau specified for that property in part 3 of the property redress schedule have spiritual, ancestral, cultural, customary, and historical interests in the property.

(2) The recording of interests under this section does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, the property.

82 Application of Part 4A of Conservation Act 1987

The vesting of the fee simple estate in each Rangitoto Island property in the trustee 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.

83 Application of other enactments

(1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of the Rangitoto Island properties.

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

(a) the vesting of the fee simple estate in the Rangitoto Island properties under this subpart; or

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

(3) The vesting of the fee simple estate in the Rangitoto Island properties 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.

84 Application of Reserves Act 1977

(1) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to the Islington Bay Hall property and the Islington Bay Bach 80 property, despite sections 48A(6), 114(5), and 115(6) of that Act.

(2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply to the Islington Bay Hall property or the Islington Bay Bach 80 property.

(3) Otherwise, the Reserves Act 1977 applies to the Rangitoto Island properties subject to the provisions of this Act.

85 Application of Forest and Rural Fires Act 1977

For the purposes of the Forest and Rural Fires Act 1977, each Rangitoto Island property must be treated as if it were a State area within the meaning of section 2(1) of that Act.

86 Saving of bylaws, etc, in relation to Rangitoto Island properties

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

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

87 Names of Rangitoto Island properties in respect of status as Crown protected areas and reserves

(1) The official geographic name—

(a) for that part of Rangitoto Island Scenic Reserve that is Ngā Pona-toru-a-Peretū is changed to Ngā Pona-toru-a-Peretū Scenic Reserve, and the Geographic Board must amend the Gazetteer accordingly:

(b) for the Islington Bay Hall property is discontinued in respect of the land, and the Geographic Board must amend the Gazetteer accordingly:

(c) for the Islington Bay Bach 80 property is discontinued in respect of the land, and the Geographic Board must amend the Gazetteer accordingly.

(2) The Islington Bay Hall property and the Islington Bay Bach 80 property are not Crown protected areas, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

(3) The Minister of Conservation must not name or change the name of a Rangitoto Island property under section 16(10) of the Reserves Act 1977 without the written consent of the trustee, and section 16(10A) of that Act does not apply to the proposed name or change.

88 Recording of certain matters on computer freehold registers

(1) This section applies in respect of each Rangitoto Island property.

(2) The Registrar-General must record on any computer freehold register for the property—

(a) the iwi and hapū interests as required by section 81; and

(b) that the land is subject to Part 4A of the Conservation Act 1987; and

(c) that the land is subject to—

(i) section 70(4) to (7) and subsection (4) of this section, if the register relates to Ngā Pona-toru-a-Peretū:

(ii) section 73(5) and (6), if the register relates to the Islington Bay Hall property:

(iii) section 77(5) and (6), if the register relates to the Islington Bay Bach 80 property.

(3) A notation made under subsection (2)(b) is to be treated as having been made in compliance with section 24D(1) of the Conservation Act 1987.

(4) For the purposes of any registration matter relating to an interest for Ngā Pona-toru-a-Peretū, the Crown must be treated as the registered proprietor of the fee simple estate in Ngā Pona-toru-a-Peretū.

Subpart 10—Conservation management plan for Hauraki Gulf / Tīkapa Moana inner motu (Tāmaki Makaurau motu plan)

89 Process for preparation and approval of Tāmaki Makaurau motu plan for Hauraki Gulf / Tīkapa Moana inner motu

(1) A conservation management plan for the Hauraki Gulf / Tīkapa Moana inner motu (the **Tāmaki Makaurau motu plan** or **motu plan**) must be prepared and approved in accordance with this subpart.

(2) The Reserves Act 1977 applies to the motu plan as if the plan were a conservation management plan prepared and approved under section 40B of that Act.

(3) Sections 17E (except subsection (9)), 17F to 17I, and 49(2) and (3) of the Conservation Act 1987 do not apply to the preparation, approval, review, or amendment of the motu plan, despite section 40B of the Reserves Act 1977.

(4) The Director-General must start preparing the first motu plan not later than 6 months after the effective date.

(5) This section is subject to section 90.

90 Browns Island Recreation Reserve

The requirements of this subpart, and the motu plan, apply in relation to the Browns Island Recreation Reserve only while the Crown administers the reserve.

91 Preparation of draft motu plan

The Director-General must prepare a draft motu plan in consultation with—

(a) the trustee; and

(b) the Conservation Board; and

(c) the Auckland Council, in respect of that part of the draft plan relating to the Browns Island Recreation Reserve; and

(d) any other persons or organisations that the Director-General considers it practicable and appropriate to consult.

92 Notification of draft motu plan

(1) The Director-General must give notice of the draft motu plan as follows:

(a) by public notice under section 49(1) of the Conservation Act 1987, as if he or she were the Minister of Conservation; and

(b) by written notice to—

(i) the Auckland Council; and

(ii) the rōpū entities; and

(iii) iwi authorities (as defined in section 2(1) of the Resource Management Act 1991) of Auckland and of the Hauraki Gulf / Tīkapa Moana; and

(iv) the Hauraki Gulf Forum (as defined in section 4 of the Hauraki Gulf Marine Park Act 2000).

(2) The notices must be given not later than 12 months after the start of the preparation of the draft plan.

(3) Each notice must—

(a) state that the draft plan is available for inspection at the places and times specified in the notice; and

(b) invite any person or organisation to make written submissions to the Director-General on the draft plan on or before the date specified in the notice, which must be no earlier than 2 months after the date the notice is given.

93 Submissions on draft motu plan

(1) Any person or organisation may make written submissions to the Director-General on the draft motu plan at the place, and on or before the date, specified in a notice given under section 92.

(2) The Director-General may, after consulting the trustee and the Conservation Board, obtain public opinion on the draft plan from any person or organisation by any other means.

(3) The Director-General must make the draft plan available for public inspection between 9 am and 5 pm on any working day—

(a) on and from the date notice is given under section 92(1)(a) until the date referred to in section 92(3)(b); and

(b) in places and quantities that are likely to encourage public participation in the development of the plan.

94 Hearing of submissions

(1) Submissions on the draft motu plan must be heard by a meeting of representatives of the Director-General, the trustee, and the Conservation Board.

(2) A submitter who requests to be heard in support of a submission must be given a reasonable opportunity to be heard.

(3) Any other person or organisation that was consulted on the draft plan may be heard at the discretion of the representatives.

(4) The representatives must determine the procedures at any hearing under this section.

(5) The hearing of submissions must end not later than 2 months after the last date for written submissions.

(6) The Director-General must—

(a) prepare a summary of the submissions received, and any public opinion obtained, on the draft plan; and

(b) provide the summary to the trustee and the Conservation Board not later than 1 month after the end of the hearing of submissions.

95 Revision of draft motu plan

(1) The Director-General must consider the submissions received, and any public opinion obtained, on the draft motu plan.

(2) The Director-General then—

(a) may revise the draft plan in consultation with the representatives of the trustee and the Conservation Board who heard submissions; and

(b) must provide the draft plan, including any revisions, to the trustee and the Conservation Board not later than 4 months after the end of the hearing of submissions.

(3) The trustee and the Conservation Board,—

(a) on receiving the draft plan, must together consider the draft plan and the summary of submissions; and

(b) not later than 4 months after receiving the draft plan and the summary, may request the Director-General to revise the draft plan.

(4) If the Director-General receives a request under subsection (3)(b), he or she must—

(a) revise the draft plan in accordance with the request; and

(b) provide the revised draft plan to the trustee and the Conservation Board not later than 2 months after receiving the request.

(5) In subsection (3)(a) and section 96(1), **summary of submissions** means a summary prepared under section 94(6)(a) of the submissions received, and any public opinion obtained, on a draft plan.

96 Referral of draft motu plan to Conservation Authority and Minister of Conservation

(1) The trustee and the Conservation Board must provide the draft motu plan and the summary of submissions to—

(a) the Conservation Authority for its comments on matters relating to the national public conservation interest in the motu; and

(b) the Minister of Conservation for his or her comments.

(2) The draft plan must be provided in the form of—

(a) the draft plan provided by the Director-General under section 95(2)(b), if a request is not made under section 95(3)(b); or

(b) the revised draft plan provided by the Director-General under section 95(4)(b), if a request is made under section 95(3)(b).

(3) The Conservation Authority and the Minister of Conservation must provide any comments on the draft plan to the trustee and the Conservation Board not later than 4 months after receiving the draft plan.

97 Approval of draft motu plan

(1) The trustee and the Conservation Board must—

(a) consider any comments received from the Conservation Authority and the Minister of Conservation under section 96(3); and

(b) make any changes to the draft motu plan that are considered necessary.

(2) The trustee and the Conservation Board must, not later than 2 months after receiving the comments,—

(a) approve the draft plan; or

(b) refer any disagreement about the draft plan to the Conservation Authority by providing a written statement of the matters of disagreement and the reasons for them.

98 Referral of disagreement to Conservation Authority

(1) If a disagreement is referred to the Conservation Authority under section 97(2)(b), the Conservation Authority must—

(a) make a recommendation on any matter of disagreement; and

(b) give written notice of the recommendation to the trustee and the Conservation Board.

(2) The notice of recommendation must be given not later than 3 months after the disagreement is referred to the Conservation Authority.

(3) The trustee and the Conservation Board must, after receiving and considering the notice of recommendation,—

(a) try to resolve any matters of disagreement; and

(b) make any changes to the draft motu plan that are considered necessary.

(4) If any matter of disagreement has not been resolved within 2 months after the trustee and the Conservation Board receive the notice of recommendation,—

(a) the recommendations in the notice become binding; and

(b) the trustee and the Conservation Board must make any changes to the draft plan that are necessary to implement any recommendations.

(5) The trustee and the Conservation Board must approve the draft plan not later than 4 months after receiving the notice of recommendation.

99 Mediation of disagreement

(1) The trustee, the Conservation Board, and the Director-General—

(a) must all agree on a mediator not later than 3 months after the effective date; and

(b) may all agree on a different mediator at any time.

(2) If a disagreement arises between the persons referred to in subsection (1) at any time during the process under sections 91 to 98, the parties to the disagreement (the **parties**) must first try to resolve the matter in a co-operative, open-minded, and timely manner.

(3) If a party considers that it is necessary to resort to mediation, the party must refer the matter to mediation by giving written notice to the 1 or more other parties.

(4) The mediation must be conducted by the mediator agreed on under subsection (1).

(5) The parties must participate in the mediation in a co-operative, open-minded, and timely manner, having particular regard to—

(a) the purpose of having a conservation management plan for the Hauraki Gulf / Tīkapa Moana inner motu; and

(b) the conservation purposes for which the motu are held.

(6) The parties must do their best to continue with the preparation and approval of the motu plan while the disagreement is mediated.

(7) Each party must—

(a) pay its own costs of the mediation; and

(b) pay an equal share of the costs associated with the mediation.

(8) The mediation must end not later than 3 months after the day on which the matter was referred to mediation.

(9) The period of time starting on the day on which the matter is referred to mediation and ending on the last day of the mediation must be excluded from any time limit specified in sections 91 to 98.

100 Review of motu plan

(1) The Director-General may at any time initiate a review of all or part of the motu plan, after first consulting the trustee and the Conservation Board.

(2) The trustee or the Conservation Board may at any time request the Director-General to initiate a review of all or part of the motu plan. The Director-General must consider the request.

(3) Any review of the motu plan must be carried out and approved in accordance with sections 91 to 98, which apply with any necessary modifications.

(4) The Director-General must review all of the motu plan not later than 10 years after the date on which it was last approved.

(5) The Minister of Conservation may extend the time limit in subsection (4), but only after consulting the trustee and the Conservation Board.

101 Amendment of motu plan

(1) The Director-General may at any time initiate the amendment of all or part of the motu plan, after first consulting the trustee and the Conservation Board.

(2) Any amendment of the motu plan must be carried out and approved in accordance with sections 91 to 98, which apply with any necessary modifications.

(3) However, an amendment may instead be made under subsections (4) to (6) if the Director-General, the trustee, and the Conservation Board all consider that the amendment will not materially affect—

(a) the objectives or policies expressed in the motu plan; or

(b) the public interest in the relevant area.

(4) The Director-General must provide the draft amendment to the trustee and the Conservation Board.

(5) The trustee and the Conservation Board—

(a) must consider the draft amendment; and

(b) may amend the motu plan as proposed and approve the amended plan.

(6) Any approval under subsection (5)(b) must be given not later than 2 months after the trustee and the Conservation Board receive the proposed amendment.

Subpart 11—Geographic names

102 New official names of features

(1) The name specified in the first column of the table in clause 5.1 of the collective deed is assigned to the feature described in the second and third columns of that table.

(2) A name specified in the first column of the table in clause 5.2 of the collective deed is altered to the name specified in the second column of that table for the feature described in the third and fourth columns of that table.

(3) Each assignment or alteration is to be treated as if it were an assignment or alteration of the official geographic name by a determination of the Geographic Board under section 19 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 that takes effect on the effective date.

103 Publication of new official names

(1) The Geographic Board must, as soon as practicable after the effective date, give public notice of each assignment or alteration of a name under section 102 in accordance with section 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

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

104 Alteration of new official names

(1) The Geographic Board need not comply with the requirements of sections 16 to 18, 19(1), and 20 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 in making a determination to alter the official geographic name of a feature named under this subpart.

(2) Instead, the Geographic Board may make the determination as long as it has the written consent of the trustee.

(3) To avoid doubt, the Geographic Board must give public notice of the determination in accordance with section 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Subpart 12—Limitation of liability for maunga and Rangitoto Island properties

105 Limitation of liability under section 314(1)(da) of Resource Management Act 1991

(1) No enforcement order may be made by the Environment Court requiring the trustee to act under section 314(1)(da) of the Resource Management Act 1991 to avoid, remedy, or mitigate any actual or likely adverse effect on the environment relating to—

(a) 1 or more of the maunga vested in the trustee under this Act; or

(b) 1 or more of the Rangitoto Island properties.

(2) Subsection (1) applies only to the extent that the effect—

(a) is caused by or results from 1 or more activities or events that were carried out or occurred at any time before the vesting of the maunga or, in the case of the Rangitoto Island properties, before the effective date; and

(b) is not identified in the disclosure information provided by the Crown to Ngā Mana Whenua o Tāmaki Makaurau, as described in clause 1.1 of the property redress schedule.

(3) In this section, **enforcement order** and **environment** have the meanings given in section 2(1) of the Resource Management Act 1991.

Part 3
Tūpuna Maunga o Tāmaki Makaurau Authority

106 Establishment of Tūpuna Maunga o Tāmaki Makaurau Authority

This section establishes the Tūpuna Maunga o Tāmaki Makaurau Authority.

107 Membership

(1) The Maunga Authority comprises—

(a) 2 members appointed by the Marutūāhu rōpū entity; and

(b) 2 members appointed by the Ngāti Whātua rōpū entity; and

(c) 2 members appointed by the Waiohua Tāmaki rōpū entity; and

(d) 6 members appointed by the Auckland Council; and

(e) 1 non-voting member appointed by the Minister for Arts, Culture and Heritage—

(i) for the first 3 years of the Maunga Authority's existence; and

(ii) for any longer period agreed between the Minister, the trustee, and the Auckland Council.

(2) An appointer may appoint a member only by giving written notice with the following details to the member, all other appointers, and the Maunga Authority:

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

(b) the date on which the appointment takes effect in accordance with this section; and

(c) the date of the notice.

(3) An appointment takes effect on the 60th day after the polling day of the triennial general election that is held, under section 10 of the Local Electoral Act 2001, immediately after the date of the notice under subsection (2).

(4) Despite subsection (3), an appointment to fill an extraordinary vacancy takes effect on the date on which the notice under subsection (2) is given to the relevant appointers and the Maunga Authority.

(5) In this section,—

appointer means a person who is entitled to appoint a member under subsection (1)

extraordinary vacancy has the meaning given by clause 4 of Schedule 4.

108 Chairperson and deputy chairperson

(1) The members appointed by the rōpū entities must appoint the chairperson of the Maunga Authority from among its members.

(2) The members appointed by the Auckland Council must appoint the deputy chairperson of the Maunga Authority from among its members.

(3) The chairperson must preside at all meetings of the Maunga Authority at which he or she is present.

(4) The deputy chairperson must preside at all meetings of the Maunga Authority at which he or she is present and from which the chairperson is absent.

(5) An appointer may appoint a chairperson or deputy chairperson only by giving written notice with the following details to the other appointers and the Maunga Authority:

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

(b) the date on which the member's appointment as chairperson or deputy chairperson takes effect, which must be not earlier than the date of the notice.

109 Functions and powers

(1) The Maunga Authority has the powers and functions conferred on it by or under this Act or any other enactment.

(2) In exercising its powers and carrying out its functions in relation to the maunga, the Maunga Authority must have regard to—

(a) the spiritual, ancestral, cultural, customary, and historical significance of the maunga to Ngā Mana Whenua o Tāmaki Makaurau; and

(b) section 41(2).

(3) In exercising its powers and carrying out its functions in relation to the administered lands, the Maunga Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the administered lands to Ngā Mana Whenua o Tāmaki Makaurau.

110 Maunga Authority administering body for certain other land

(1) To enable integrated management, the Maunga Authority may consent to being appointed as the administering body of land of the following description:

(a) land owned by the Crown—

(i) that is subject to the Reserves Act 1977; and

(ii) to which the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau have a historical and cultural relationship similar to the one that they have to the maunga; and

(iii) in respect of which the Crown has determined that the Maunga Authority is best suited to manage the land; and

(iv) in respect of which the Auckland Council has consented to the appointment of the Maunga Authority as the administering body:

(b) land owned by or vested in the Auckland Council—

(i) that is subject to the Reserves Act 1977; and

(ii) to which the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau have a historical and cultural relationship similar to the one that they have to the maunga; and

(iii) in respect of which the Auckland Council has determined that the Maunga Authority is best suited to manage the land.

(2) An appointment is made and takes effect on the day that the Minister of Conservation, by notice in the *Gazette*, declares the Maunga Authority to be the administering body of the land for the purposes of the Reserves Act 1977.

(3) Land in respect of which the Maunga Authority has been appointed as the administering body under subsection (2) must be administered as if it were vested in the Maunga Authority and, subject to any terms and conditions specified in the notice,—

(a) this Act and the Reserves Act 1977 apply, with any necessary modifications, to the land as if the land were administered lands; and

(b) for the purposes of any registration matter relating to an interest, the Maunga Authority must be treated as the registered proprietor of the fee simple estate in the land.

(4) Subsection (5) applies—

(a) if the Crown—

(i) no longer wishes the Maunga Authority to administer Crown-owned land in accordance with an appointment made under subsection (2); and

(ii) has consulted the Maunga Authority; and

(iii) has notified the Minister of Conservation in writing of the matters in subparagraphs (i) and (ii); or

(b) if the Auckland Council—

(i) no longer wishes the Maunga Authority to administer land owned by or vested in the Auckland Council in accordance with an appointment made under subsection (2); and

(ii) has consulted the Maunga Authority; and

(iii) has notified the Minister of Conservation in writing of the matters in subparagraphs (i) and (ii).

(5) The Minister of Conservation must, by notice in the *Gazette*, revoke the appointment, and, on the date of the notice, responsibility for the land for

the purposes of the Reserves Act 1977 returns to the Crown or the Auckland Council, as the case may be.

111 Ministerial delegations under Reserves Act 1977

(1) The Maunga Authority may exercise or perform, in relation to the maunga and the administered lands, a power or function—

(a) that the Minister of Conservation has delegated to all local authorities under section 10 of the Reserves Act 1977; and

(b) that is relevant to the maunga and the administered lands.

(2) The delegation applies to the Maunga Authority with all necessary modifications.

112 Local authority powers under Reserves Act 1977

(1) Subject to the other provisions of this Act, the Maunga Authority may exercise or perform, in relation to the maunga and the administered lands, a power or function—

(a) that a local authority is authorised to exercise or perform under the Reserves Act 1977; and

(b) that is relevant to the maunga and the administered lands.

(2) For the purposes of subsection (1), the Reserves Act 1977 applies with all necessary modifications.

(3) To avoid doubt, subsection (1) applies where a local authority is authorised to exercise or perform the power or function—

(a) as the administering body of a reserve vested in the local authority; or

(b) as the administering body appointed to control and manage a reserve; or

(c) in any other capacity.

113 Maunga Authority delegations for purposes of routine management of maunga and administered lands

(1) For the purposes of section 61, the Maunga Authority may delegate to the Auckland Council—

(a) a power or function to which section 111 or 112 applies; and

(b) 1 or more of its general functions, duties, and powers as the administering body of a maunga under the Reserves Act 1977.

(2) The Council may delegate any of the functions, duties, and powers delegated to it under this section by the Maunga Authority to another person, subject to any conditions, limitations, or prohibitions imposed on the Council by the Maunga Authority when making the original delegation.

(3) The Council or a person to which or to whom the Council has delegated functions, duties, or powers under this section may, without confirmation by

the Maunga Authority or the Council (as the case may be), exercise or perform the powers, functions, or duties in the same manner and with the same effect as the Maunga Authority could itself have exercised or performed them.

(4) No delegation under this section relieves the Maunga Authority or the Council of the liability or legal responsibility to perform or to ensure the performance of any function or duty.

(5) This section applies despite the provisions of the Reserves Act 1977.

114 Administrative support for Maunga Authority

(1) The Auckland Council must provide the Maunga Authority with the administrative support necessary for the Maunga Authority to carry out its functions and to exercise its powers under this Act.

(2) The Council must provide the support—

(a) from within the Council's current administrative framework; and

(b) at a level equivalent to that provided to a committee of the Council.

(3) Subsection (2) applies unless and until the Council and the Maunga Authority agree otherwise in writing.

(4) To avoid doubt, **administrative support** includes administrative support for meetings held by the Maunga Authority.

115 Maunga Authority not council organisation, council-controlled organisation, committee, or joint committee

(1) The Maunga Authority is not a council organisation or a council-controlled organisation for the purposes of the Local Government Act 2002.

(2) The Maunga Authority is not a committee or a joint committee of the Auckland Council.

(3) Subsection (2) is for the avoidance of doubt.

116 Procedures

(1) Schedule 4 applies to the Maunga Authority and its members.

(2) Otherwise, the Maunga Authority and its members may regulate their own procedures.

Part 4
Commercial redress

Interpretation

117 Interpretation

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

former deferred selection property means a property that—

(a) is situated in the RFR area; and

(b) is defined or specified as a deferred selection property in a deed of settlement between the Crown and 1 or more iwi or hapū specified in section 9(a)(i) to (vii) and (ix) to (xiii); and

(c) has not been transferred, and is no longer available for transfer, to the iwi or hapū, or a representative entity of the iwi or hapū, in accordance with that deed of settlement

RFR area means the area shown as the RFR area on the RFR plan in the attachments to the collective deed.

(2) In this Part and Schedule 5, unless the context requires another meaning,—

Crown body has the meaning given by section 119

dispose of, in relation to RFR land,—

(a) means to transfer or vest the fee simple estate in the land or to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 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, for an offer, means its expiry date under sections 123(1)(a) and 124

former deferred selection RFR land means a former deferred selection property that—

(a) would have been subject to a lease back to the Crown under the relevant deed of settlement; and

(b) has not been transferred, and is no longer available for transfer, to the Limited Partnership in accordance with part 7 of the collective deed

land holding agency means the agency specified for a deferred selection property (as described in paragraph (b) of the definition of former deferred selection property in subsection (1)) in the deed of settlement concerned (or an attachment to that deed)

notice means a notice under section 120 or subpart 1 of this Part

offer means an offer by an RFR landowner to dispose of RFR land under subpart 1 of this Part

RFR land required for another Treaty settlement has the meaning given in section 120(3)

RFR landowner, for 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 129(1); but

(d) to avoid doubt, does not include an administering body in which RFR land is vested on the effective date or (under section 130(1)) after the effective date

RFR period means the period of 172 years starting on the effective date

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

tertiary education institution means an institution as that term is defined in section 10(1) of the Education and Training Act 2020

Unitec means Unitec New Zealand Limited.

Section 117(2) **tertiary education institution**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 117(2) **Unitec**: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

118 Meaning of RFR land

(1) In this Act, **RFR land** means—

(a) the land within the RFR area, but only if, on the effective date, the land—

(i) is vested in the Crown and not occupied by a tertiary education institution; or

(ii) is held in fee simple by the Crown and not occupied by a tertiary education institution; or

(iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revest in the Crown; and

(b) former deferred selection RFR land; and

(c) the land described in table 1 of part 4 of the attachments to the collective deed, but only if, on the effective date, the land is held in fee simple by a Crown body; and

(d) the land obtained in exchange for a disposal of RFR land under section 134(1)(c) or 135; and

(e) the land described in table 2 of part 4 of the attachments to the collective deed, but only if, on the effective date, the land is—

(i) vested in or held in fee simple by the Crown and occupied by Unitec; or

(ii) vested in or held in fee simple by Unitec; and

(f) the land described in table 3 of part 4 of the attachments to the collective deed, but only if, on the effective date, the land is—

(i) vested in or held in fee simple by the Crown and occupied by the University of Auckland; or

(ii) vested in or held in fee simple by the University of Auckland.

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

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

(i) the Limited Partnership or to a rōpū entity or to the Limited Partnership's or rōpū entity's nominee (for example, under a contract formed under section 127); or

(ii) any other person (including the Crown or a Crown body) under section 121(3); or

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

(i) under any of sections 131 to 141; or

(ii) under anything referred to in section 142(1); or

(iii) in accordance with a waiver or variation given under section 151; or

(c) the RFR period ends; or

(d) for RFR land required for another Treaty settlement, notice is given for the land under section 120.

119 Meaning of Crown body

(1) In this Act, **Crown body** means—

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

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

(c) the New Zealand Railways Corporation; and

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

(i) the Crown:

(ii) a Crown entity:

(iii) a State enterprise:

(iv) the New Zealand Railways Corporation; and

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

(2) For the purposes of subsection (1)(d), **controlled** means,—

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

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

(3) For the purposes of subsection (1)(e), **related company** has the meaning given in section 2(3) of the Companies Act 1993.

120 Land required for another Treaty settlement ceasing to be RFR land

(1) The Minister for Treaty of Waitangi Negotiations must, for RFR land required for another Treaty settlement, give notice to both the RFR landowner and the Limited Partnership that the land ceases to be RFR land.

(2) The notice may be given at any time before a contract is formed under section 127 for the disposal of the land.

(3) In this section, **RFR land required for another Treaty settlement** means RFR land that is to be vested or transferred as part of the settling of historical claims under the Treaty of Waitangi, being the historical claims relating to acts or omissions of the Crown before 21 September 1992.

Subpart 1—RFR land

Restrictions on disposal of RFR land

121 Restrictions on disposal of RFR land

(1) An RFR landowner must not dispose of RFR land to any person other than the Limited Partnership or a rōpū entity (or the Limited Partnership's or rōpū entity's nominee) unless the land is disposed of under subsection (2) or (3).

(2) The RFR land may be disposed of under any of sections 128 to 141 or under anything referred to in section 142(1) or in accordance with a waiver or variation given under section 151.

(3) The RFR land may be disposed of within 12 months after the expiry date of an offer by the RFR landowner to dispose of the land to the Limited Partnership if the offer to the Limited Partnership was—

(a) made in accordance with section 123; and

(b) made on terms that were the same as, or more favourable to the Limited Partnership than, the terms of the disposal to the person referred to in subsection (1); and

(c) not withdrawn under section 125; and

(d) not accepted under section 126.

Notice of potential disposal of RFR land

122 Notice to Limited Partnership of potential disposal of RFR land

(1) This section applies if an RFR landowner is considering whether to dispose of RFR land that, in order to be disposed of, may ultimately require the landowner to offer to dispose of the land to the Limited Partnership under this subpart.

(2) The landowner must give the Limited Partnership notice that, if the landowner decides to dispose of the land, the landowner may be required to offer to dispose of the land to the Limited Partnership under this subpart.

(3) The notice must—

(a) specify the legal description of the land and identify any computer register that contains the land; and

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

(c) if the land does not have a street address, include a narrative or diagrammatic description of the land with enough information so that a person who is not familiar with the land can locate it.

(4) The giving of the notice does not, of itself, mean that an obligation has arisen under—

(a) section 564(3) of the Education and Training Act 2020; or

(b) section 23(1) or 24(4) of the New Zealand Railways Corporation Restructuring Act 1990; or

(c) section 40 of the Public Works Act 1981 or that section as applied by another enactment.

Section 122(4)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Limited Partnership's right of first refusal

123 Requirements for offer

(1) An offer by an RFR landowner to dispose of RFR land to the Limited Partnership under this subpart must be by notice to the Limited Partnership, incorporating—

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

(b) a legal description of the land (including any interests 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 Limited Partnership to give notice to the RFR landowner in relation to the offer.

(2) An offer may not be made in accordance with this section unless—

(a) the RFR landowner has previously given notice to the Limited Partnership under section 122 in respect of the land; and

(b) at least 40 working days have elapsed since that notice was given.

124 Expiry date of offer

(1) The expiry date of an offer must be on or after the date that is 40 working days after the date on which the Limited Partnership receives notice of the offer.

(2) However, the expiry date of an offer may be on or after the date that is 20 working days after the date on which the Limited Partnership receives notice of the offer if—

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

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

(c) the earlier offer was not withdrawn.

125 Withdrawal of offer

An RFR landowner may, by notice to the Limited Partnership, withdraw an offer at any time before it is accepted.

126 Acceptance of offer

(1) The Limited Partnership 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 Limited Partnership must accept all the RFR land offered, unless the offer permits it to accept less.

(3) The notice must specify whether the Limited Partnership is accepting the offer—

(a) on its own behalf; or

(b) on behalf of a rōpū entity.

127 Formation of contract

(1) If the Limited Partnership accepts, under section 126, an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and the purchaser on the terms in the offer, including the terms set out in subsections (3) to (6).

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

(3) Under the contract, the purchaser may nominate any person who is lawfully able to hold the RFR land (the **nominee**) to receive the transfer of the land.

(4) The purchaser may nominate a nominee only by giving notice to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.

(5) The notice must specify—

(a) the full name of the nominee; and

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

(6) If the purchaser nominates a nominee, the purchaser remains liable for the obligations of the transferee under the contract.

(7) In this section, **purchaser** means—

(a) the Limited Partnership, if the Limited Partnership is specified in the notice of acceptance; or

(b) the rōpū entity, if the rōpū entity is specified in the notice of acceptance.

Disposals to others where land remains RFR land

128 Disposals to the Crown or Crown bodies

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

(a) the Crown; or

(b) a Crown body.

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

Section 128(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

129 Disposals of existing public works to local authorities

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

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

(a) the RFR landowner of the land; and

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

130 Disposals of reserves to administering bodies

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

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

(a) the RFR landowner of the land; or

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

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

(a) the RFR landowner of the land; and

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

Disposals to others where land may cease to be RFR land

131 Disposals 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.

132 Disposals in accordance with legal or equitable obligation

(1) An RFR landowner may dispose of RFR land in accordance with a legal or equitable obligation that—

(a) was unconditional before the effective date; or

(b) was conditional before the effective date but became unconditional on or after the effective date; or

(c) arose after the exercise (whether before, on, or after the effective date) of an option existing before the effective date.

(2) An RFR landowner may dispose of RFR land in accordance with the requirements, existing before the effective date, of a gift, an endowment, or a trust relating to the land.

133 Disposals under certain legislation

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

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

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

(c) subpart 3 of Part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011.

134 Disposals of land held for public works

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

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

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

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

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

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

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

135 Disposals 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.

136 Disposals for State housing purposes

An RFR landowner may dispose of RFR land that is held for State housing purposes if the Minister of Housing has given notice to the Limited Partnership that, in the Minister's opinion, the disposal is to achieve, or to assist in achieving, the Crown's social objectives in relation to housing or services related to housing.

137 Disposals by Health New Zealand

(1) Health New Zealand may dispose of RFR land if the Minister of Health has given notice to the Limited Partnership that, in the Minister's opinion, the disposal is to achieve, or to assist in achieving, Health New Zealand's objectives.

(2) *[Repealed]*

Section 137 heading: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 137(1): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 137(2): repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

138 Disposals for charitable purposes

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

139 Disposals to tenants

The Crown may dispose of RFR land—

(a) that was held for education purposes on the effective date to a person who, immediately before the disposal, is a tenant of the land or of 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—

(i) granted before the effective date; or

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

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

140 Disposals of Unitec land

The RFR landowner may dispose of RFR land described in table 2 of part 4 of the attachments to the collective deed if the chief executive of Unitec has given notice to the Limited Partnership that Unitec has determined that the disposal—

(a) is to further, or to assist in furthering, the provision of tertiary education, including the funding of tertiary education, on other land owned or occupied by Unitec; and

(b) is not merely because the land is no longer required by Unitec.

141 Disposals of University of Auckland land

The RFR landowner may dispose of RFR land described in table 3 of part 4 of the attachments to the collective deed if the chief executive of the University of Auckland has given notice to the Limited Partnership that, in the Council of the University's opinion, the disposal will assist in giving effect to the University's policies relating to the provision of tertiary education.

142 RFR landowner's obligations subject to other things

(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 interest, or legal or equitable obligation,—

(i) that prevents or limits an RFR landowner's disposal of RFR land to the Limited Partnership or a rōpū entity; 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 anything referred to in subsection (1).

Notices

143 Notice of RFR land for purposes of computer register

(1) If a computer register is first created for RFR land after the effective 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 effective 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.

144 Notice to Limited Partnership of disposals of RFR land to others

(1) An RFR landowner must give the Limited Partnership notice of the disposal of RFR land by the landowner to a person other than the Limited Partnership or a rōpū entity (or a nominee of the Limited Partnership or of the rōpū entity).

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

(3) The notice must—

(a) specify the legal description of the land (including any interests affecting it) and identify any computer register that contains the land; and

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

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

(d) explain how the disposal complies with section 121; and

(e) if the disposal is made under section 121(3), include a copy of the written contract for the disposal.

145 Notice of land ceasing to be RFR land

(1) Subsections (2) and (3) apply if land contained in a computer register is to cease being RFR land because—

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

(i) the Limited Partnership or a rōpū entity (or the Limited Partnership's or the rōpū entity's nominee) (for example, under a contract formed under section 127); or

(ii) any other person (including the Crown or a Crown body) under section 121(3); or

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

(i) under any of sections 131 to 141; or

(ii) under anything referred to in section 142(1); or

(iii) in accordance with a waiver or variation given under section 151.

(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 identify the computer register that contains the land; and

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

(4) Subsections (5) and (6) apply if land contained in a computer register ceases to be RFR land because the land is land in relation to which a notice has been given under section 120.

(5) The RFR landowner must, as soon as practicable after receiving the notice under section 120, give the chief executive of LINZ notice that the land has ceased to be RFR land.

(6) The notice must—

(a) specify the legal description of the land and identify the computer register that contains the land; and

(b) include a copy of the notice given under section 120.

146 Notice to LINZ of transfer of certain RFR land

As soon as is reasonably practicable after the date on which land is transferred under a contract formed under section 127, the RFR landowner must give notice of that date to the chief executive of LINZ for the purposes of section 14.

147 Notice requirements

Schedule 5 applies to notices given under section 120 or this subpart by or to—

(a) an RFR landowner; or

(b) the Limited Partnership; or

(c) a rōpū entity.

Memorials for RFR land

148 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 effective date; and

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

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

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

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

(b) after receiving notice under section 143 that a computer register has been created for the RFR land or that the land has become RFR land, for any other land.

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

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

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

(a) RFR land, as defined in section 118 of this Act; and

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

149 Removal of memorials

(1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under section 145(2), issue to the Registrar-General a certificate that—

(a) specifies the legal description of the land and identifies the computer register that contains the land; and

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

(c) states that it is issued under this subsection.

(2) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under section 145(5), issue to the Registrar-General a certificate that—

(a) specifies the legal description of the land, and identifies the computer register that contains the land, described in the notice; and

(b) includes a copy of the notice given under section 120; and

(c) states that it is issued under this subsection.

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

(4) If the Registrar-General receives a certificate issued under subsection (1), he or she must remove any memorial recorded under section 148 from the computer register identified in the certificate before registering the transfer or vesting described in the certificate.

(5) If the Registrar-General receives a certificate issued under subsection (2), he or she must remove any memorial recorded under section 148 from the computer register identified in the certificate as soon as is reasonably practicable.

150 Removal of memorials when RFR period ends

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

(a) identifies each computer register for that RFR land that still has a memorial recorded on it under section 148; and

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

(2) The chief executive must provide a copy of each certificate to the Limited Partnership 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 a memorial recorded under section 148 from any computer register identified in the certificate.

General provisions

151 Waiver and variation

(1) The Limited Partnership may, by notice to an RFR landowner, waive any of the rights the Limited Partnership has in relation to the landowner under this subpart.

(2) The Limited Partnership and an RFR landowner may agree in writing or electronically 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.

152 Disposal of Crown bodies not affected

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

(2) To avoid doubt, the sale or disposition does not remove or avoid any obligation of the Crown or the Crown body under this subpart.

153 Assignment of rights and obligations under this subpart

(1) Subsection (3) applies if an RFR holder—

(a) assigns the RFR holder's rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder's constitutional documents; and

(b) has given the notices required by subsection (2).

(2) Notices must be given to each RFR landowner that—

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

(b) specify the date of the assignment; and

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

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

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

(4) In this section, **RFR holder** means the 1 or more persons who have the rights and obligations of the Limited Partnership under this subpart, because—

(a) they are the Limited Partnership; or

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

Subpart 2—Option to purchase former deferred selection properties

154 The Crown may transfer former deferred selection properties

(1) The Crown (acting by and through the chief executive of the land holding agency) is authorised to do the following to give effect to the collective deed:

(a) transfer the fee simple estate in a former deferred selection property to the Limited Partnership:

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

(2) As soon as is reasonably practicable after the date on which a former deferred selection property is transferred to the Limited Partnership under subsection (1), the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of section 14.

155 Registrar-General to create computer freehold register

(1) To the extent that a former deferred selection property to be transferred to the Limited Partnership under section 154 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 a written application by an authorised person,—

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

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

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

(2) Subsection (1) is subject to the completion of any survey necessary to create a computer freehold register.

(3) The authorised person may grant a covenant to arrange for the later creation of a computer freehold register for any land that is to be transferred to the Limited Partnership under section 154.

(4) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register a covenant (as referred to in subsection (3)) under that Act by creating a computer interest register; and

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

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

156 Application of other enactments

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

(a) the transfer of a former deferred selection property to the Limited Partnership under section 154; or

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

(2) The transfer of a former deferred selection property to the Limited Partnership under section 154 does not—

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

(b) affect other rights to subsurface minerals.

(3) The transfer of a former deferred selection property to the Limited Partnership under section 154 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.

(4) In exercising the powers conferred by section 154, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a former deferred selection property.

(5) Subsection (4) is subject to subsections (2) and (3).

(6) 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 transfer of a former deferred selection property to the Limited Partnership under section 154.

Part 5
Transitional provisions and consequential amendments

Subpart 1—Transitional provisions

157 Initial members of Maunga Authority may be elected before effective date

(1) Despite section 4, the initial members of the Tūpuna Maunga o Tāmaki Makaurau Authority may be appointed at any time—

(a) after the commencement of this Act; and

(b) before the effective date.

(2) For the purposes of subsection (1), section 107 applies as if the appointment were an appointment to fill an extraordinary vacancy.

158 First meeting of Maunga Authority

(1) The first meeting of the Tūpuna Maunga o Tāmaki Makaurau Authority must take place at the Auckland Town Hall not later than 4 weeks after the effective date.

(2) At the meeting, the Maunga Authority must—

(a) appoint the chairperson and deputy chairperson; and

(b) agree a schedule of meetings for the following 12 months; and

(c) adopt standing orders for the conduct of its meetings; and

(d) make initial delegations for the purposes of section 113; and

(e) adopt the interim operational plan required by section 159.

159 Routine management of maunga and administered lands until first annual operational plan takes effect

(1) The Maunga Authority and the Auckland Council must agree an interim operational plan to provide the framework in which the Council will carry out its functions under section 61 until the first annual operational plan takes effect.

(2) The interim operational plan—

(a) must include, to the extent relevant, the same information as required for an annual operational plan under section 60(3); and

(b) takes effect on and from the date it is adopted by the Maunga Authority under section 158(2)(e).

(3) Until the interim operational plan takes effect, the Auckland Council must carry out routine management of the maunga and the administered lands at service levels that are not less than those that applied immediately prior to the effective date.

(4) To avoid doubt, the Maunga Authority and the Auckland Council are not required to follow any particular process, or consult any person, for the purposes of agreeing the interim operational plan under subsection (1).

(5) To avoid doubt, in this section, **maunga** does not include Maungauika or Rarotonga / Mount Smart.

160 Existing management plans for maunga and administered lands to continue

(1) The management plans for the maunga that applied immediately before the effective date continue to apply to the maunga and the administered lands until the integrated management plan prepared by the Maunga Authority under section 58 takes effect.

(2) In this section,—

management plans means the current management plans prepared and approved under section 41 of the Reserves Act 1977

maunga does not include Maungauika or Rarotonga / Mount Smart.

161 Carrying out of authorised cultural activities prior to integrated management plan taking effect

(1) Not later than 3 months after the effective date, the Maunga Authority may prescribe interim terms and conditions to be imposed in relation to the carrying out of an authorised cultural activity on a maunga or the administered lands until the first integrated management plan prepared by the Maunga Authority under section 58 takes effect.

(2) During that 3-month period, the trustee, a representative entity of an iwi or a hapū described in section 9(a), or a rōpū entity may not grant approval under

section 67 authorising the carrying out of an authorised cultural activity on a maunga or the administered lands.

(3) On the expiry of the 3-month period and until the first integrated management plan prepared under section 58 takes effect,—

(a) subsection (4) applies if the Maunga Authority has acted under subsection (1):

(b) subsection (5) applies if the Maunga Authority has not acted under subsection (1).

(4) The trustee, a representative entity, or a rōpū entity may grant approval under section 67 for the carrying out of an authorised cultural activity if the activity complies with the interim terms and conditions prescribed by the Maunga Authority under subsection (1) of this section, and, for that purpose, section 67 applies as if the requirement in subsection (4)(a) of that section had been satisfied.

(5) The trustee, a representative entity, or a rōpū entity may grant approval under section 67 for the carrying out of an authorised cultural activity, and that section applies as if the requirement in subsection (4)(a) of that section had been satisfied.

(6) The Maunga Authority must make copies of the interim terms and conditions prescribed under this section available—

(a) for inspection free of charge, and for purchase at a reasonable price, at the offices of the Auckland Council; and

(b) free of charge on an Internet site maintained by or on behalf of the Maunga Authority or the Council.

(7) To avoid doubt, the Maunga Authority is not required to follow any particular process, or consult any person, for the purposes of prescribing terms and conditions under subsection (1).

(8) To avoid doubt, in this section, **authorised cultural activity** includes only those activities described in paragraphs (a) to (h) of section 66.

(9) To avoid doubt, nothing in this section authorises the carrying out of an authorised cultural activity on Maungauika or Rarotonga / Mount Smart.

162 Financial management, financial reporting, and operational accountability

(1) This section applies only for the financial year in which this Act comes into force.

(2) The Auckland Council is not required to report to the Maunga Authority under section 63(3) or (4) if the effective date is within the period of 3 months before the end of the financial year.

(3) The Maunga Authority is not required to prepare an annual report under clause 27 of Schedule 4 if the effective date is within the period of 3 months before the end of the financial year.

(4) Despite subsection (2), the Auckland Council must nevertheless keep records of the relevant information.

Subpart 2—Consequential amendments

163 Conservation Act 1987 amended

(1) This section amends the Conservation Act 1987.

(2) In section 6P(2), after "subsections", insert "(4A),".

(3) After section 6P(4), insert:

(4A) The Board whose area of jurisdiction includes that part of Auckland and the islands of the Hauraki Gulf / Tīkapa Moana within the Ngā Mana Whenua o Tāmaki Makaurau Collective RFR area (as that area is defined in section 117(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014) must comprise—

(a) no more than 9 members appointed under subsection (2); and

(b) 1 member appointed by the Minister on the recommendation of the Marutūāhu rōpū entity (as defined in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014); and

(c) 1 member appointed by the Minister on the recommendation of the Ngāti Whātua rōpū entity (as defined in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014); and

(d) 1 member appointed by the Minister on the recommendation of the Waiohua Tāmaki rōpū entity (as defined in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014).

(4B) Subsection (3) does not apply to the appointments made by the Minister to the Board whose jurisdiction is described in subsection (4A).

164 Hauraki Gulf Marine Park Act 2000 amended

(1) This section amends the Hauraki Gulf Marine Park Act 2000.

(2) After section 33(2)(g), insert:

(h) all land—

(i) included in the Park to give effect to legislation settling historical claims of iwi and hapū under the Treaty of Waitangi (being claims relating to acts or omissions of the Crown before 21 September 1992); and

(ii) described in Schedule 5.

(3) In Schedule 5 (as inserted by subsection (4)), insert the following item:

The land described as Maungauika in Schedule 1 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

(4) After Schedule 4, insert the Schedule 5 set out in Schedule 7 of this Act.

165 Local Government Official Information and Meetings Act 1987 amended

(1) This section amends the Local Government Official Information and Meetings Act 1987.

(2) In Part 2 of Schedule 1, insert in its appropriate alphabetical order "Tūpuna Maunga o Tāmaki Makaurau Authority (as established by section 106 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014)".

166 Ngāti Whātua o Kaipara Claims Settlement Act 2013 amended

(1) This section amends the Ngāti Whātua o Kaipara Claims Settlement Act 2013.

(2) In section 13(3)(b)(xvi), after "claim", insert "; and".

(3) After section 13(3)(b), insert:

(c) every claim to the following, to the extent that the claim relates to Ngāti Whātua o Kaipara or a representative entity and subsection (2) applies to the claim:

(i) the maunga as defined in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; and

(ii) the motu as defined in section 11(1) of that Act; and

(iii) the Rangitoto Island properties as defined in section 8(1) of that Act; and

(iv) Māngere Mountain as defined in section 8(1) of that Act; and

(v) the Maungakiekie / One Tree Hill northern land as defined in section 8(1) of that Act.

(4) In the heading to section 14, after "**of**", insert "**section 13(2), (3)(a), and (3)(b)**".

(5) Before section 14(1), insert:

(1AA) In this section, **historical claims** means the claims described in section 13(2), (3)(a), and (3)(b).

(6) After section 14, insert:

14A Settlement of section 13(3)(c) historical claims

(1) In this section,—

collective deed has the same meaning as in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

effective date has the same meaning as in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

historical claims means the claims described in section 13(3)(c) of this Act.

(2) The historical claims are settled.

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

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

(5) Despite any other enactment or rule of law, on and from the effective date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the collective deed; or

(c) the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; or

(d) the redress provided under the collective deed or that Act.

(6) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the collective deed of settlement or the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

167 Ngāti Whātua Ōrākei Claims Settlement Act 2012 amended

(1) This section amends the Ngāti Whātua Ōrākei Claims Settlement Act 2012.

(2) In section 12(3)(c)(ii), after "1992", insert "; and".

(3) After section 12(3)(c), insert:

(d) every claim to the following, to the extent that the claim relates to Ngāti Whātua Ōrākei or a representative entity and subsection (2) applies to the claim:

(i) the maunga as defined in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; and

(ii) the motu as defined in section 11(1) of that Act; and

(iii) the Rangitoto Island properties as defined in section 8(1) of that Act; and

(iv) Māngere Mountain as defined in section 8(1) of that Act; and

(v) the Maungakiekie / One Tree Hill northern land as defined in section 8(1) of that Act.

(4) In the heading to section 13, after "**of**", insert "**section 12(2) and (3)(a) to (c)**".

(5) Before section 13(1), insert:

(1AA) In this section, **historical claims** means the claims described in section 12(2) and (3)(a) to (c).

(6) After section 13, insert:

13A Settlement of section 12(3)(d) historical claims

(1) In this section,—

collective deed has the same meaning as in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

effective date has the same meaning as in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

historical claims means the claims described in section 12(3)(d) of this Act.

(2) The historical claims are settled.

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

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

(5) Despite any other enactment or rule of law, on and from the effective date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the collective deed; or

(c) the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014; or

(d) the redress provided under the collective deed or that Act.

(6) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of the collective deed of settlement or the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Schedule 1
Maunga descriptions

ss 6(7)(a), 8(1), 42

Name	Description (all North Auckland Land District)	Interests
Matukutūruru	3.8413 hectares, more or less, being Sections 1 and 2 SO 382028. All computer interest register 394893.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the easement in gross referred to in section 18(5)(a). Subject to the right of way easement referred to in section 18(5)(b).
Maungakiekie / One Tree Hill	45.9690 hectares, more or less, being Section 1 SO 454862. Part *Gazette* Notice 596717.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement in gross referred to in section 19(5). Subject to a memorandum of encumbrance created by D326273.1. Subject to an unregistered lease to Auckland Observatory and Planetarium Trust Board dated 10 May 1999. Subject to an unregistered lease to Auckland Archery Club Incorporated dated 26 April 2005. Subject to an unregistered lease to The Sorrento Group Limited and Neil McCormack dated 10 November 2004.
Maungarei / Mount Wellington	26.7460 hectares, more or less, being Section 1 SO 454947. Part *Gazette* 1880 page 1723, part *Gazette* Notice 260258, and all *Gazette* 1909 page 1500.	Recreation reserve subject to section 17 of the Reserves Act 1977 (affects Section 1 SO 454947). Local purpose (site for a council depot) reserve subject to section 23 of the Reserves Act 1977 (affects Allotment 201 Section 12 Suburbs of Auckland).
	1.0813 hectares, more or less, being Allotment 201 Section 12 Suburbs of Auckland. Part *Gazette* Notice 260258.	*Interests relating to recreation reserve* Subject to the easement in gross referred to in section 20(7)(a). Subject to an unregistered lease to Mt Wellington Roller Sports Club Incorporated dated 27 May 2010. *Interests relating to local purpose (site for a council depot) reserve* Subject to the lease referred to in section 20(7)(b).
Maungauika	10.4990 hectares, more or less, being Section 1 SO 454837. Part *Gazette* 1980 page 1429.	Historic reserve subject to section 18 of the Reserves Act 1977. Subject to the easement in gross referred to in section 33(4). Subject to an unregistered guiding concession to Magic Broomstick Tours Limited held in concession number AK-29235-GUI (and

Name	Description (all North Auckland Land District)	Interests
		referred to in the document as Magic Broomstick (Segway) Tours Limited). Subject to an unregistered concession to Bus and Coach Association (New Zealand) Incorporated held in concession number WC-27582-LAN, PAC-11-06-442. Subject to an unregistered guiding concession to Historic Forts of Auckland Limited held in concession number AK-28245-GUI.
Maungawhau / Mount Eden	10.4455 hectares, more or less, being Section 1 SO 454833. Part *Gazette* Notice B244847.1. 17.0205 hectares, more or less, being Section 2 SO 454833. Part *Gazettes* 1876 page 405 and 1951 page 1030, all Proclamation 18803, all computer freehold register NA824/102, all *Gazette* Notice 16192, and all *Gazette* 1990 page 19.	Recreation reserve subject to section 17 of the Reserves Act 1977 (affects Section 2 SO 454833). Historic reserve subject to section 18 of the Reserves Act 1977 (affects Section 1 SO 454833). *Interests relating to recreation reserve* Subject to the easement in gross referred to in section 21(7). Subject to an unregistered lease to The Scout Association of New Zealand dated 30 May 2000. *Interests relating to historic reserve* Subject to the easement in gross referred to in section 21(7).
Mount Albert	9.5470 hectares, more or less, being Section 1 SO 454869. All *Gazette* 1931 page 465, part *Gazettes* 1903 page 736 and 1933 page 1370, and all computer freehold register NA47A/143.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement in gross referred to in section 22(5). Subject to an unregistered lease to Mountain Green Archery Club Incorporated dated 22 September 2010.
Mount Roskill	9.0730 hectares, more or less, being Section 1 SO 454876. Balance computer freehold register NA621/252, all *Gazette* Notice 15584, all computer interest register 559441, and all computer freehold registers NA13D/812, NA21D/757, NA6A/1488, and NA14D/117.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement in gross referred to in section 23(5). Subject to a stormwater pipe line easement created by Certificate K64304. Subject to a fencing agreement in Transfer A263125 (affects that part formerly held in NA13D/812). Subject to an unregistered agreement for acquisition of land for SH20 Winstone Park, dated 31 May 2005. Together with a stormwater pipeline easement created by certificate K64304 (affects those parts formerly held in NA21D/757 and NA13D/812).

Name	Description (all North Auckland Land District)	Interests
		Subject to *Gazette* notice B378083.2 defining the middleline of the Southdown Avondale Railway (affects that part formerly held in NA621/252).
Mount St John	4.4880 hectares, more or less, being Section 1 SO 454980. Part *Gazette* 1902 page 734, all computer freehold registers NA309/209, NA1038/123, NA975/186, NA672/48, and NA671/94, and balance *Gazette* Notices 792484.1 and B096302.1. 0.1576 hectares, more or less, being Part Lot 23 of Allotment 18 Section 11 Suburbs of Auckland. All computer freehold register NA505/200 limited as to parcels. 0.0033 hectares, more or less, being Part Allotment 15 Section 11 Suburbs of Auckland. All computer freehold register NA1058/220 limited as to parcels.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to a fencing agreement created by Transfer 154277 (affects that part formerly held in NA671/94).
Ōhinerau / Mount Hobson	9.0235 hectares, more or less, being Section 1 SO 454849. Part *Gazette* 1880 page 635.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement in gross referred to in section 25(5).
Ōhuiarangi / Pigeon Mountain	7.7325 hectares, more or less, being Sections 1 and 2 SO 454949 and Section 5 SO 434440. Part *Gazette* Notice 894244.1. 3.5763 hectares, more or less, being Section 6 SO 434440. All *Gazette* 2011 page 317. 0.5445 hectares, more or less, being Allotment 23 Section 5 Small Farms Near Howick. Part *Gazette* Notice 894244.1.	Historic reserve subject to section 18 of the Reserves Act 1977 (affects Section 6 SO 434440). Recreation reserve subject to section 17 of the Reserves Act 1977 (affects Sections 1 and 2 SO 454949 and Section 5 SO 434440). Local purpose (site for community buildings) reserve subject to section 23 of the Reserves Act 1977 (affects Allotment 23 Section 5 Small Farms Near Howick). *Interests relating to historic reserve* Subject to the easement in gross referred to in section 26(9). *Interests relating to recreation reserve* Subject to an unregistered lease to Pakuranga Tennis Club Incorporated dated 19 November 1981. Subject to an unregistered lease to Pigeon Mountain Cricket Club Incorporated dated 2009. Subject to an unregistered lease to BMX Mountain Raiders Club Incorporated dated 16 October 1995. Subject to the easement in gross referred to in section 26(9).

Name	Description (all North Auckland Land District)	Interests
		Interests relating to local purpose (site for community buildings) reserve Subject to an unregistered lease to Young Mariners of New Zealand Incorporated dated 15 August 2000. Subject to an unregistered lease to The Scout Association of New Zealand dated 17 May 1991. Subject to an unregistered lease to Auckland Kindergarten Association dated 1 November 1983. Subject to the easement in gross referred to in section 26(9).
Ōtāhuhu / Mount Richmond	20.4790 hectares, more or less, being Section 1 SO 454943. All computer freehold registers NA6/188 and NA43B/507. 0.0582 hectares, more or less, being Part Hamlin's Grant. All computer freehold register NA583/71 limited as to parcels.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement in gross referred to in section 27(5). Subject to drainage rights created by Deed 238138 (affects NA583/71). Subject to water supply rights created by Deed 113190 as partially surrendered by Transfer B139544.6 (affects that part formerly held in NA43B/507). Subject to a water supply right created by Transfer 653527 (affects that part formerly held in NA43B/507). Subject to an unregistered lease to Otahuhu Rovers Rugby League Football Club Incorporated dated 26 January 2011. Subject to an unregistered lease to Northern Sports Car Club Incorporated dated 7 August 2009. Subject to an unregistered lease to Mt Richmond Bowling Club Incorporated (now Mt Richmond Bowls Incorporated) dated 1999.
Rarotonga / Mount Smart	22.3723 hectares, more or less, being Section 1 SO 454939. All computer freehold registers NA490/239 and NA54D/1031, balance computer freehold registers NA491/75, NA620/46, and NA680/114, and all *Gazette* Notices A329195, A375934, and A532457.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to the easement in gross referred to in section 39(4).
Takarunga / Mount Victoria	6.5540 hectares, more or less, being Section 1 SO 454608. Part *Gazette* 1880 page 1242. 0.0726 hectares, more or less, being Section 2 SO 454608. All *Gazette* 2005 page 1868.	Recreation reserve subject to section 17 of the Reserves Act 1977 (affects Section 1 SO 454608). Local purpose (community buildings) reserve subject to section 23 of the Reserves Act 1977 (affects Section 3 SO 454608).

Name	Description (all North Auckland Land District)	Interests
	1.0355 hectares, more or less, being Section 3 SO 454608. All *Gazette* Notice D316947.1.	Local purpose (community use) reserve subject to section 23 of the Reserves Act 1977 (affects Section 2 SO 454608). *Interests relating to recreation reserve* Subject to the easement in gross referred to in section 28(9). Subject to a right of ingress, egress, and regress in favour of Auckland Harbour Board (now Ports of Auckland Limited) created by section 3(2) of the Reserves and other Lands Disposal Act 1935. Subject to an unregistered lease to Devonport Folk Music Club Incorporated commencing 16 May 2009. *Interests relating to local purpose (community buildings) reserve* Subject to the easement in gross referred to in section 28(9). Subject to an unregistered lease to The Depot Incorporated dated 23 March 2006. Subject to an unregistered lease to The North Shore Playcentre Association Incorporated dated 17 November 2004. Subject to a right of ingress, egress, and regress in favour of Auckland Harbour Board (now Ports of Auckland Limited) created by section 3(2) of the Reserves and other Lands Disposal Act 1935. *Interests relating to local purpose (community use) reserve* Subject to an unregistered lease to Michael King Writers' Studio Trust dated 12 September 2010. Subject to a right of ingress, egress, and regress in favour of Auckland Harbour Board (now Ports of Auckland Limited) created by section 3(2) of the Reserves and other Lands Disposal Act 1935.
Te Tātua-a-Riukiuta	7.7295 hectares, more or less, being Section 1 SO 34827. Part Proclamation 12901.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to a sewage easement created by Certificate K61272. Subject to the easement in gross referred to in section 29(5).

Schedule 2
Maungakiekie / One Tree Hill northern land and Māngere Mountain descriptions

ss 6(7)(b), 8(1)

Name	Description (all North Auckland Land District)
Maungakiekie / One Tree Hill northern land	*Recreation reserve* 2.5596 hectares, more or less, being Part Allotment 11 Section 12 Suburbs of Auckland. All computer freehold register NA87/219. As shown on deed plan OTS-115-04.
Māngere Mountain	*Recreation reserve* 5.3805 hectares, more or less, being Section 2 SO 68568. Part *Gazette* 1890 page 897. 0.1889 hectares, more or less, being Section 1 SO 40483. All *Gazette* 1958 page 210. 0.0460 hectares, more or less, being Allotment 270 Parish of Manurewa. All *Gazette* 1959 page 762. 0.0865 hectares, more or less, being Lot 16 DP 42381. All *Gazette* 1955 page 1712. *Local purpose (community buildings) reserve* 0.9453 hectares, more or less, being Section 1 SO 41481 and Sections 3 and 4 SO 68568. Part *Gazette* Notice D478576.3. *Historic reserve* 31.8291 hectares, more or less, being Section 1 SO 68568. Part *Gazette* Notice D478576.3. As shown on deed plan OTS-115-16.

Schedule 3
Motu descriptions

ss 6(7)(c), 8(1), 71, 74, 77(2)

Part 1

Name	Description (all North Auckland Land District)
Motuihe Island Recreation Reserve	178.6433 hectares, more or less, being Sections 1 and 2 and Parts Motuihe Island Block XIII Rangitoto Survey District. All *Gazette* Notice 274308. As shown on SO 448555.
Motutapu Island Recreation Reserve	1508.6679 hectares, more or less, being Section 10 Block V Rangitoto Survey District. All *Gazette* Notice A256297. 1.7000 hectares, more or less, being Section 11 Block V Rangitoto Survey District. All *Gazette* 1986 page 4858. As shown on SO 448556.
Rangitoto Island Scenic Reserve	22.0680 hectares, more or less, being Section 2 SO 34085 and Section 1 Block XI Rangitoto Survey District. All *Gazette* 1983 page 1931. 2254.5138 hectares, more or less, being Section 3 SO 455194 (being formerly Part Section 7 Block XI Rangitoto Survey District). Balance *Gazette* Notice 274309. As shown on SO 448817.
Tiritiri Matangi Island Scientific Reserve	14.0856 hectares, more or less, being Sections 2 and 8 Block III Tiritiri Survey District. All *Gazette* 1987 page 3439. 206.5282 hectares, more or less, being Sections 5, 6, and 7 Block III Tiritiri Survey District. All *Gazette* Notice 831035.1. As shown on SO 448554.

Part 2

Name	Description (all North Auckland Land District)	Interests
Islington Bay Bach 80 property	0.4600 hectares, more or less, being Section 2 SO 455194. Part *Gazette* Notice 274309.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Islington Bay Hall property	0.4420 hectares, more or less, being Section 1 SO 455194. Part *Gazette* Notice 274309.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to the right for clients and invitees of the concessionaire to use any part of the reserve for recreation purposes as provided for in clause 42 of Schedule II of an unregistered concession to Motutapu Outdoor Education Trust (relating to Motutapu Island Recreation Reserve) held in concession number AK-0002-ACC (and referred to in that document as Motutapu Outdoor Education Camp Trust).

Name	Description (all North Auckland Land District)	Interests
Ngā Pona-toru-a-Peretū	55.4270 hectares, more or less, being Section 1 SO 454538. Part *Gazette* Notice 274309.	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977. Subject to an unregistered concession to Fullers Group Limited held in concession number PAC-02-06-06. Subject to an unregistered concession to Antipodes Travel Limited held in concession number PAC/13/06/229. Subject to an unregistered concession to ANZ Nature Tours Limited held in concession number TT-28206-GUI. Subject to an unregistered concession to Auckland Sea Kayaks Limited held in concession number AK-29563-GUI. Subject to an unregistered concession to Glenn and Les Handley held in concession number AK-26910-OTH. Subject to an unregistered concession to Tom McMurdo held in concession number AK-27618-GUI (and referred to in that document as Hopper McMurdo Partnership). Subject to an unregistered concession to Ian Ferguson Marine Sports Centre Limited (now Ferg's Kayaks Limited) held in concession number AK-31171-GUI. Subject to an unregistered concession to Motutapu Island Restoration Trust held in concession number AK-28055-SSE. Subject to an unregistered concession to Outdoor Discoveries (2009) Limited held in concession number AK-34230-GUI. Subject to an unregistered concession to Rangitoto Island Historic Conservation Trust held in concession number AK-25549-GUI. Subject to an unregistered concession to Waitemata Honey Co Limited held in concession number AK-26786-OTH (and referred to in that document as Waitemata Honey Company Limited). Subject to an unregistered concession to C & E Tours

Name	Description (all North Auckland Land District)	Interests
		Limited held in concession number CA-25567-GUI. Subject to the right for clients and invitees of the concessionaire to use any part of the reserve for recreation purposes as provided for in clause 42 of Schedule II of an unregistered concession to Motutapu Outdoor Education Trust (relating to Motutapu Island Recreation Reserve) held in concession number AK-0002-ACC (and referred to in that document as Motutapu Outdoor Education Camp Trust).

Part 3

Name	Description (North Auckland Land District)
Browns Island Recreation Reserve	59.8935 hectares, more or less, being the island of Motukorea commonly known as Browns Island and defined on DP 16315. All computer freehold register NA364/284.

Schedule 4
Tūpuna Maunga o Tāmaki Makaurau Authority

ss 6(7)(d), 107(5), 116(1), 162(3)

Membership

1 Qualifications of members

(1) To be a member of the Maunga Authority, a person must—

(a) be a natural person; and

(b) consent to being appointed; and

(c) not be disqualified under subclause (2); and

(d) if appointed by a rōpū entity, whakapapa to 1 or more of the iwi or hapū comprising the rōpū.

(2) The following people are disqualified from being members:

(a) a person who is under 18 years of age:

(b) a person who is an undischarged bankrupt:

(c) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Securities Act 1978, the Securities Markets Act 1988, or the Takeovers Act 1993:

(d) a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988:

(e) a person in respect of whom a personal order has been made under the Personal and Property Rights Act 1988 that reflects adversely on the person's—

(i) competence to manage his or her own affairs in relation to his or her property; or

(ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare:

(f) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence:

(g) a current member of Parliament.

2 Term of membership

(1) The term of office of a member of the Maunga Authority—

(a) begins on the day on which the appointment of the member takes effect in accordance with section 107; and

(b) ends on the close of the 59th day after polling day of the triennial election that is held, under section 10 of the Local Electoral Act 2001, immediately after the appointment takes effect.

(2) A member may be reappointed.

3 When member ceases to hold office

(1) A member of the Maunga Authority remains a member until the earliest of the following:

(a) his or her term of office ends:

(b) he or she becomes disqualified under clause 1(2):

(c) he or she dies:

(d) he or she resigns by giving 20 working days' written notice to the Authority and the body or individual that appointed the member:

(e) if the member is a member appointed by the Auckland Council, he or she is removed under subclause (2).

(2) The Auckland Council may, at any time for just cause, remove a member appointed by the Council.

(3) In subclause (2), **just cause** includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the collective duties of the Maunga Authority or the individual duties of members (depending on the seriousness of the breach).

(4) The removal must be made by written notice to the member (with a copy to the Maunga Authority).

(5) The notice must state—

(a) the date on which the removal takes effect, which must not be earlier than the date on which the notice is received by the member; and

(b) the reasons for the removal.

4 Extraordinary vacancies

(1) If a member of the Maunga Authority ceases to remain a member before the end of his or her term, his or her office becomes vacant and the vacancy is an extraordinary vacancy.

(2) An extraordinary vacancy must be filled in the manner in which the appointment to the vacant office was originally made.

5 No compensation for loss of office

A member of the Maunga Authority is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

Meetings

6 Meetings of Maunga Authority

(1) Meetings of the Maunga Authority must be held at a time and place fixed by the Authority.

(2) A member has a right to attend any meeting, unless lawfully excluded.

(3) The Maunga Authority may invite to meetings any advisers whom the Maunga Authority considers necessary to facilitate the efficient transaction of the meeting's business.

(4) A member unable to attend a meeting in person may attend by way of telephone, video, Internet link, or any other facility that enables audio, or audio and visual, communication by that member with the other members (**remote access**).

(5) Notice of meetings must be given as follows:

(a) the notice must be given at least 5 working days before a meeting:

(b) the chairperson must give the notice:

(c) the notice must be given to each member:

(d) the notice must state the date, time, and place of the meeting:

(e) the notice must be given by hand, by post, or by an electronic means.

(6) A member may waive the requirement of giving notice of a meeting to him or her.

(7) A member may request leave of absence from a particular meeting.

7 Minutes

The Maunga Authority must keep and approve the minutes of its meetings. The properly kept and approved minutes are prima facie evidence of the business transacted at the meetings.

8 Voting

(1) A matter to be decided by the Maunga Authority must be decided at a meeting of the Authority and by a majority of the votes cast by members who are present and voting.

(2) The chairperson, or any person who is acting as the chairperson, has a deliberative vote, but no casting vote if there is an equality of votes (and therefore the act or question is defeated and the status quo is preserved).

(3) To avoid doubt, a member is present if he or she is attending the meeting by way of remote access (as described in clause 6(4)).

9 Standing orders

(1) The Maunga Authority must adopt a set of standing orders for the conduct of its meetings.

(2) A member of the Maunga Authority must abide by the standing orders.

(3) After the adoption of the first standing orders of the Maunga Authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members who are present and voting.

(4) The Maunga Authority or a committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.

10 Subordinate decision-making bodies (committees, subcommittees, etc)

(1) The Maunga Authority may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate.

(2) A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the Maunga Authority.

(3) A subordinate decision-making body is subject in all things to the control of the Maunga Authority, and must carry out all general and special directions of the Maunga Authority given in relation to the body or the affairs of the body.

(4) A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs.

(5) The Maunga Authority may discharge or reconstitute a subordinate decision-making body and a committee may discharge or reconstitute a subcommittee.

(6) Nothing in this clause entitles the Maunga Authority or a committee to rescind or amend a decision made under a delegation authorising the making of decision by a committee, a subcommittee, or other subordinate decision-making body.

11 Membership of committees and subcommittees

(1) The Maunga Authority may appoint or discharge any member of a committee or a subcommittee.

(2) Unless directed otherwise by the Maunga Authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.

(3) The members of a committee or subcommittee may, but need not, be members of the Maunga Authority, and the Maunga Authority or a committee may appoint to a committee or subcommittee a person who is not a member of the Maunga Authority or committee if, in the opinion of the Maunga Authority, that person has skills, attributes, or knowledge that will assist the work of the committee or subcommittee.

(4) Despite subclause (3), at least 2 members of a committee must be members of the Maunga Authority, and, of those 2 members, 1 must be a member

appointed by the rōpū entities and 1 must be a member appointed by the Auckland Council.

12 Quorums

(1) A meeting is properly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.

(2) At least a quorum must be present during the whole of the time at which the business is transacted at the meeting.

(3) A quorum for a meeting of the Maunga Authority consists of one-half of the number of members, but no meeting may be held or continue unless—

(a) the chairperson or deputy chairperson is present; and

(b) at least 2 members appointed by the rōpū entities and 2 members appointed by the Auckland Council are present.

(4) A quorum for a meeting of a committee of the Maunga Authority consists of one-half of the number of members, but no meeting may be held or continue unless at least the members of the committee described in clause 11(4) are present.

Remuneration

13 Remuneration and expenses of members

(1) The Auckland Council must fulfil its responsibility under section 62(1)(b) in relation to the remuneration and expenses of members of the Maunga Authority appointed by a rōpū entity in accordance with subclause (2).

(2) A member must be paid remuneration by way of fees and allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951, and that Act applies as if the members were members of a statutory Board within the meaning of that Act.

Delegations

14 Ability to delegate

(1) The Maunga Authority may delegate any of its functions or powers, either generally or specifically, to any of the following persons by resolution and written notice to the person or persons:

(a) a member or members:

(b) a committee:

(c) any other person or persons approved by the Maunga Authority.

(2) Despite subclause (1), the Maunga Authority must not delegate the following functions and powers:

(a) the approval of the integrated management plan:

(b) the agreement of the annual operational plan:

(c) any other functions or powers specified in this Act as not being capable of delegation.

(3) The Maunga Authority must not delegate the general power of delegation.

(4) A Maunga Authority member must not delegate the function of attending the Maunga Authority's meetings.

(5) The power in this clause is in addition to the power in section 113.

15 Powers of delegate

(1) A delegate to whom any function or power of the Maunga Authority is delegated may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the Maunga Authority.

(2) A delegate who purports to perform a function or exercise a power under a delegation—

(a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and

(b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

16 Effect of delegation on Maunga Authority

No delegation in accordance with this Act—

(a) affects or prevents the performance of any function or the exercise of any power by the Maunga Authority; or

(b) affects the responsibility of the Maunga Authority for the actions of any delegate acting under the delegation; or

(c) is affected by any change in the membership of the Maunga Authority or of any committee or class of persons.

17 Revocation of delegations

A delegation under clause 14 may be revoked at will by—

(a) a resolution of the Maunga Authority and written notice to the delegate; or

(b) any other method provided for in the delegation.

Liability, validity, and invalidity

18 Liability of members

A member of the Maunga Authority is not liable for anything done or omitted to be done in good faith in the performance of the Maunga Authority's functions or the exercise of its powers.

19 Validity and invalidity

(1) The appointment of a member is not invalid because of a defect in the appointment.

(2) Nothing done by the Maunga Authority is invalid because of—

(a) a vacancy in the membership of the Authority at the time the thing was done; or

(b) the subsequent discovery of a defect in the appointment of a person acting as a member; or

(c) the subsequent discovery that the person was incapable of being a member.

Conflict of interest disclosure rules

20 Conflict of interest disclosure rules

A member of the Maunga Authority must, when acting as a member, act in good faith.

21 When person is interested in matter

(1) In this clause, **matter** means—

(a) the Maunga Authority's performance of its functions or exercise of its powers; or

(b) an arrangement, an agreement, or a contract made or entered into, or proposed to be entered into, by the Maunga Authority.

(2) A person is **interested** in a matter if he or she—

(a) may derive a financial benefit from the matter; or

(b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or

(c) may have a financial interest in a person to whom the matter relates; or

(d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or

(e) may be interested in the matter because this Act so provides; or

(f) is otherwise directly or indirectly interested in the matter.

(3) However, a person is not interested in a matter—

(a) only because he or she is a member of Ngā Mana Whenua o Tāmaki Makaurau or a member of the Auckland Council; or

(b) because he or she receives an indemnity, insurance cover, remuneration, or other benefits authorised under this Act; or

(c) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as being likely to influence him or her in carrying out his or her responsibilities under this Act; or

(d) if this Act provides that he or she is not interested, despite this clause.

22 Obligation to disclose interest

(1) A member who is interested in a matter relating to the Maunga Authority must disclose details of the interest in accordance with clauses 23 and 24 as soon as practicable after the member becomes aware that he or she is interested.

(2) A general notice of an interest in a matter relating to the Maunga Authority, or in a matter that may in future relate to the Maunga Authority, that is disclosed in accordance with clause 23 is a standing disclosure of that interest for the purposes of this clause.

(3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.

23 Where and to whom disclosure of interest must be made

The member must disclose details of the interest in an interests register kept by the Maunga Authority and to—

(a) the chairperson or, if there is no chairperson or if the chairperson is unavailable or interested, the deputy chairperson; and

(b) the Auckland Council.

24 What must be disclosed

The details that must be disclosed under clause 22 are—

(a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or

(b) the nature and extent of the interest (if the monetary value cannot be quantified).

25 Consequences of being interested in matter

A member who is interested in a matter relating to the Maunga Authority—

(a) must not vote or take part in any discussion or decision of the Maunga Authority, or of any committee that relates to the matter, or otherwise participate in any activity of the Maunga Authority that relates to the matter; and

(b) must not sign any document relating to the entry into a transaction or the initiation of the matter; and

(c) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the Maunga Authority or committee during which a discussion or decision relating to the matter occurs or is made.

26 Permission to act despite being interested in matter

(1) The chairperson of the Maunga Authority may, by prior written notice to the Maunga Authority, permit 1 or more members, or members with a specified class of interest, to do anything otherwise prohibited by clause 25 if the chairperson is satisfied that it is in the public interest to do so.

(2) The permission may state conditions that the member must comply with.

(3) The deputy chairperson may give the permission if there is no chairperson or if the chairperson is unavailable or interested.

(4) The permission may be amended or revoked in the same way as it may be given.

(5) The Maunga Authority must disclose an interest to which a permission relates in its annual report, together with a statement of who gave the permission and any conditions or amendments to, or revocation of, the permission.

Accountability

27 Reporting and audit

(1) The Maunga Authority must prepare an annual report for each financial year.

(2) The report—

(a) must include the dates and times of the Authority's meetings in the financial year; and

(b) must include a summary of the Authority's activities in the financial year; and

(c) may include anything else that the Authority wants to put in it.

(3) The Maunga Authority must—

(a) make copies of the report available—

(i) free of charge, and for purchase at a reasonable price, at the offices of the Auckland Council; and

(ii) free of charge on an Internet site maintained by or on behalf of the Authority or the Council; and

(b) provide copies to the Auckland Council and the trustee.

Schedule 5
Notices in relation to RFR land

ss 6(7)(e), 117(2), 147, 153(3)

1 Requirements for giving notice

(1) A notice by or to an RFR landowner, the Limited Partnership, or a rōpū entity under Part 4 must be—

(a) in writing and signed by the person giving it; and

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

(i) specified for the Limited Partnership in accordance with the collective deed, for a notice to the Limited Partnership; or

(ii) specified by the rōpū entity to the RFR landowner or the Limited Partnership, for a notice to a rōpū entity; or

(iii) specified by the RFR landowner in an offer made under section 123, specified in a later notice given to the Limited Partnership or rōpū entity, or identified as the current address or fax number of the RFR landowner, for a notice to an RFR landowner; or

(iv) of the national office of LINZ, for a notice to the chief executive of LINZ under section 143 or 145; and

(c) given by—

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

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

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

(2) This clause is subject to clause 3.

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) at the time of transmission, if faxed.

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

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

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

3 Electronic notices

Despite clause 1, the following notices may be given by electronic notice if delivered to an electronic address specified by the recipient of the notice:

(a) notice under section 120(1):

(b) notice under section 122(2):

(c) notice under section 136:

(d) notice under section 137(1):

(e) notice under section 140:

(f) notice under section 141:

(g) notice under section 143(1) or (2):

(h) notice under section 144(1):

(i) notice under section 145(2) or (5):

(j) notice under section 151(1).

Schedule 6
Administration of Maungauika

ss 2(1), 6(7)(f), 38(1), 42, 50(6)

1 Meaning of specified date

In this schedule, unless the context requires another meaning, **specified date** means the date specified in the Order in Council referred to in section 38(1).

2 Maunga Authority administering body of Maungauika

On and from the specified date, the Maunga Authority is the administering body of Maungauika for the purposes of the Reserves Act 1977, and that Act applies as if the reserve were a reserve vested in the administering body.

3 Status of interests in relation to Maungauika

(1) On and from the specified date, the Maunga Authority must be treated as the grantor or the grantee, as the case may be, of any interest in relation to Maungauika existing immediately before the specified date.

(2) Subclause (3) applies if an interest described in subclause (1) is not an interest in land, whether or not the interest also applies to any other land.

(3) On and from the specified date, the interest applies in respect of Maungauika—

(a) until the interest expires or is terminated; and

(b) with any other necessary modifications.

(4) In this clause, **interest** means the interest, or any renewal of the interest, including any variations.

4 Ownership of improvements

(1) This clause applies to improvements attached to Maungauika immediately before the specified date.

(2) On the specified date, improvements owned by the Crown immediately before the specified date vest in the Maunga Authority.

(3) Despite subclause (2), the improvements located on that part of Maungauika identified as Area C1 or Area C2 on deed plan OTS-115-12 vest in the Maunga Authority only if, immediately before the specified date, the Crown is not occupying the improvements that are buildings in those areas.

(4) On the specified date, improvements owned by the Auckland Council immediately before the specified date remain vested in the Auckland Council. However, the improvements must be treated as if they were vested in the Maunga Authority for the purposes of administering Maungauika under the Reserves Act 1977.

(5) If not already the case as a result of the operation of section 34(8), an improvement to which subclause (2) or (4) applies—

(a) no longer forms part of Maungauika; and

(b) must be treated as personal property and not as land or an interest in land; and

(c) may remain attached to Maungauika without the consent of, and without charge by, the trustee.

(6) Subclauses (2) to (5) apply subject to any other enactment that governs the ownership of the improvement concerned.

(7) On the specified date, any other improvement attached to Maungauika on the vesting of the maunga in the trustee under section 33 remains vested in accordance with section 34(2), (3), (4), and (9) to (11) as those subsections read immediately before their repeal by clause 15 of this schedule.

(8) The trustee is not liable for an improvement for which it would, apart from this section, be liable by reason of its ownership of Maungauika.

5 Improvements: exercise of rights, use, access, etc

(1) For the purposes of administering Maungauika under the Reserves Act 1977, on and from the specified date, the Maunga Authority is responsible for any decisions in respect of any matter that may arise from a person exercising, or purporting to exercise, a right in relation to any improvement attached to Maungauika.

(2) Subclause (1) is subject to subclause (3), clauses 6 to 11, and any other enactment that governs the use of the improvement concerned.

(3) On and from the specified date, an improvement described in clause 4(2) or (4)—

(a) may be accessed, used, occupied, repaired, or maintained at any time without the consent of, and without charge by, the trustee; and

(b) may, subject to the requirements of the Reserves Act 1977 and any other enactment, be removed or demolished at any time without the consent of, and without charge by, the trustee; but,—

(i) before doing so, the trustee must be given not less than 15 working days' written notice of the intended removal or demolition; and

(ii) after the removal or demolition, the Maunga Authority must ensure that the land is left in a clean and tidy condition.

6 Maunga Authority must allow access to certain Crown land to continue

(1) Subclauses (2) and (3) apply to the improvements located on that part of Maungauika identified as Area C1 or C2 on deed plan OTS-115-12 if, immediately before the specified date, the Crown owns and is occupying the improvements that are buildings in those areas.

(2) On and from the specified date, the Maunga Authority must unconditionally authorise the following:

(a) the Crown to continue to occupy and use the improvements; and

(b) the Crown to have access to and use of Area C1 or C2 as is reasonably required for the continued occupation and use of the improvements; and

(c) 24-hour vehicular access for the Crown to the improvements over the route shown dotted in red on deed plan OTS-115-12.

(3) The obligation in subclause (2) applies until the Crown notifies the Maunga Authority in writing that it no longer wishes to own and occupy the buildings.

7 Right of first refusal over certain Crown improvements

(1) Subclauses (2) and (3) apply if the Crown decides it no longer wishes to own and occupy the buildings located on that part of Maungauika identified as Area C1 on deed plan OTS-115-12.

(2) The Crown must offer the buildings to the trustee for purchase on any terms the Crown thinks fit. However, the Crown may sell the buildings to the trustee only if the trustee can demonstrate that it is able to secure the right to use the buildings for a purpose compatible with the reserve classification under the Reserves Act 1977 that applies to Maungauika on the proposed date of sale.

(3) If the trustee purchases the buildings,—

(a) the Crown must given written notice to the Maunga Authority of that fact; and

(b) any remaining improvements owned by the Crown in Area C1 vest in the Maunga Authority on the date specified by the Crown in the notice.

(4) If the trustee declines to purchase the buildings, or the offer to purchase expires in accordance with subclause (13),—

(a) the Crown must given written notice to the Maunga Authority of that fact; and

(b) the buildings, and any other improvements owned by the Crown in Area C1, vest in the Maunga Authority on the date specified by the Crown in the notice.

(5) Subclauses (6) to (10) apply if the Crown decides it no longer wishes to own and occupy the buildings located on that part of Maungauika identified as Area C2 on deed plan OTS-115-12.

(6) The Crown must offer the buildings to the trustee for purchase on any terms the Crown thinks fit. However, the Crown may sell the buildings to the trustee only if the trustee can demonstrate that it is able to secure the right to use the buildings for a purpose compatible with the reserve classification under the Reserves Act 1977 that applies to Maungauika on the proposed date of sale.

(7) If the trustee purchases the buildings,—

(a) the Crown must given written notice to the Maunga Authority of that fact; and

(b) any remaining improvements owned by the Crown in Area C2 vest in the Maunga Authority on the date specified by the Crown in the notice.

(8) If the trustee declines to purchase the buildings, the Crown must offer the buildings to the Maunga Authority for purchase on any terms the Crown thinks fit.

(9) If the Maunga Authority purchases the buildings, any remaining improvements owned by the Crown in Area C2 vest in the Maunga Authority on the date that the purchase settles.

(10) If the Maunga Authority declines to purchase the buildings, or the offer to purchase expires in accordance with subclause (13), the Crown must remove or demolish the buildings after complying with the following requirements and any other relevant enactment:

(a) the trustee must be given not less than 15 working days' written notice of the intended removal or demolition; and

(b) after the removal or demolition, the Crown must ensure that the land is left in a clean and tidy condition.

(11) To avoid doubt, the consent of the trustee is not required for the removal or demolition of the buildings, nor may the trustee charge for their removal or demolition.

(12) If the buildings are removed or demolished,—

(a) the Crown must given written notice to the Maunga Authority of that fact; and

(b) any remaining improvements owned by the Crown in Area C2 vest in the Maunga Authority on the date specified by the Crown in the notice.

(13) An offer by the Crown made under subclause (2), (6), or (8) expires on the 40th working day after the trustee or the Maunga Authority, as the case may be, receives notice of the offer.

8 Crown or Maunga Authority must allow access to improvements to which clause 7 applies if purchased by trustee

(1) Subclause (2) applies if the trustee purchases, in accordance with clause 7, the buildings located on that part of Maungauika identified as Area C1 or C2 on deed plan OTS-115-12.

(2) On and from the date that the purchase settles, the Crown or the Maunga Authority, or both, as the case may be, must unconditionally authorise the following:

(a) the trustee to have access over Maungauika to the buildings as is reasonably required for the occupation and use of the buildings for the purpose referred to in clause 7(2) or (6) and, for the purposes of this paragraph,

use of the land, and any remaining improvements, in Area C1 or C2 as is reasonably required; and

(b) 24-hour vehicular access for the trustee to the buildings over the route shown dotted in red on deed plan OTS-115-12 and, for that purpose, 24-hour vehicular access over and use of the land, and any remaining improvements, in Area C1 or C2 as is reasonably required.

(3) In this clause, **remaining improvements in Area C1 or C2** means the improvements referred to in clause 7(3)(b) or (7)(b).

9 Access to improvements specified in part 4.2(a) of property redress schedule

(1) This clause applies if, immediately before the specified date, no arrangements for access to the improvements specified in part 4.2(a) of the property redress schedule have been made in accordance with clause 2.20 of the collective deed (and, as the case may be, section 35(8)).

(2) The Maunga Authority must provide the trustee with access to the improvements—

(a) on and from the specified date; and

(b) for the purpose of the trustee maintaining the improvements.

(3) Subclause (2) applies subject to any terms and conditions agreed between the Maunga Authority and the trustee.

(4) In this section, **trustee** includes 1 or more members of Ngā Mana Whenua o Tāmaki Makaurau authorised by the trustee.

10 Use of improvement specified in part 4.2(b) of property redress schedule

(1) This clause applies if, immediately before the specified date, the Crown is still using the improvement specified in part 4.2(b) of the property redress schedule as an interpretation centre.

(2) On the specified date, the Maunga Authority must decide whether to use the improvement as an interpretation centre.

(3) If, on the specified date, the Maunga Authority decides to use the improvement as an interpretation centre, it may do so without charge but subject to any terms and conditions agreed between itself and the trustee.

(4) However, on and from the date that the Maunga Authority notifies the trustee in writing that it no longer wishes to use the improvement as an interpretation centre, it must provide the trustee with access to the improvement for the purpose of the trustee maintaining the improvement.

(5) If, on the specified date, the Maunga Authority decides not to use the improvement as an interpretation centre, or makes no decision, on and from that date it must provide the trustee with access to the improvement for the purpose of the trustee maintaining the improvement.

(6) Subclauses (3) and (4) apply subject to any terms and conditions agreed between the Maunga Authority and the trustee.

(7) In this section, **trustee** includes 1 or more members of Ngā Mana Whenua o Tāmaki Makaurau authorised by the trustee.

11 Maunga Authority not authorised to require payment from trustee for use or access to certain land

(1) The Maunga Authority must not require any rent, royalty, fee, or other charge from the trustee in respect of any interest or arrangement granted to the trustee under the Reserves Act 1977 that relates to—

(a) the use by the trustee of the improvements described in part 4.2(a) and (b) of the property redress schedule; or

(b) the use by the trustee of the land over which access is provided to those improvements.

(2) Despite subclause (1), the Maunga Authority may require a processing charge from the trustee in relation to any such interest or arrangement in order to recover its actual and reasonable costs.

12 Maungauika ceases to be Crown protected area

On the specified date, the official geographic name for Maungauika is discontinued in respect of the land, and the Geographic Board must amend the Gazetteer accordingly.

13 Director-General must notify Registrar-General of certain matters

(1) As soon as practicable after the specified date, the Director-General must notify the Registrar-General, in writing, that, on and from the specified date, the Maunga Authority is the administering body for Maungauika.

(2) The Registrar-General must replace the notation made under section 50(2)(c)(i) on any computer freehold register for Maungauika with a statement that the land is subject to subpart 4 of Part 2 and this schedule.

14 Recording of certain matters on computer freehold register

On and from the specified date, for the purposes of any registration matter relating to an interest, the Maunga Authority must be treated as the registered proprietor of the fee simple estate in Maungauika.

15 Modifications to Act

(1) On the specified date, this Act is amended as follows:

(a) repeal subpart 2 of Part 2 (sections 33 to 38):

(b) in section 47(1), delete “Maungauika and”:

(c) repeal section 49(5):

(d) in section 57, delete “Maungauika or”:

(e) repeal section 58(1)(a)(ii):

(f) repeal section 58(2)(a):

(g) in section 67(9), delete "Maungauika or".

(2) Despite the repeal of section 33 by subclause (1), the easement in favour of Watercare Services Limited described in that section—

(a) continues to be enforceable in accordance with its terms,—

(i) despite the provisions of the Reserves Act 1977, the Property Law Act 2007, and any other enactment; and

(ii) despite any rule of law; and

(b) continues to be treated as having been granted in accordance with the Reserves Act 1977.

16 Effect of modifications to Act

(1) The repeal of subpart 2 of Part 2 by clause 15 of this schedule, and any other amendment made to this Act by that clause, does not affect the previous operation of that subpart (including, but without limitation, the vesting of Maungauika in the trustee and its classification as a historic reserve subject to section 18 of the Reserves Act 1977) or the previous operation of any other provision of this Act.

(2) This clause is for the avoidance of doubt and does not limit or affect the provisions of the Interpretation Act 1999 relating to the repeal or amendment of enactments.

Schedule 7
New Schedule 5 inserted into Hauraki Gulf Marine Park Act 2000

s 164(4)

Schedule 5
Land included in Park to give effect to legislation settling historical Treaty of Waitangi claims

s 33(2)(h)

The land described as the Islington Bay Bach 80 property in Part 2 of Schedule 3 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

The land described as the Islington Bay Hall property in Part 2 of Schedule 3 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Notes

1 General

This is a consolidation of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 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

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

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

Authorisation Under Section 38(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (*Gazette* 2018-ln6487)

Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52): section 38(1)

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