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Ngāti Tamaoho Claims Settlement Act 2018

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Commencement	see section 2

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Note

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

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

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

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Ngāti Tamaoho Claims Settlement Act 2018.

2 Commencement

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

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

Preliminary matters

3 Purpose

The purpose of this Act is—

(a) to record in English and te reo Māori the acknowledgements and apology given by the Crown to Ngāti Tamaoho in the deed of settlement; and

(b) to give effect to certain provisions of the deed of settlement that settles the historical claims of Ngāti Tamaoho.

4 Provisions to take effect on settlement date

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

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

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

(b) a power to be exercised under the provision on that date; or

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

5 Act binds the Crown

This Act binds the Crown.

6 Outline

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

(2) This Part—

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

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

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

(d) sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Tamaoho, as recorded in the deed of settlement; and

(e) defines terms used in this Act, including key terms such as Ngāti Tamaoho and historical claims; and

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

(g) provides for—

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

(ii) a consequential amendment to the Treaty of Waitangi Act 1975; and

(iii) the effect of the settlement on certain memorials; and

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

(v) access to the deed of settlement.

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

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

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

(ii) a statutory acknowledgement by the Crown of the statements made by Ngāti Tamaoho of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with a deed of recognition for the specified areas; and

(iii) the provision of official geographic names; and

(b) cultural redress requiring vesting in the trustees of the fee simple estate in certain cultural redress properties.

(4) Part 3 provides for commercial redress, including the transfer of land.

(5) There are 2 schedules, as follows:

(a) Schedule 1 describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which a deed of recognition is issued:

(b) Schedule 2 describes the cultural redress properties.

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

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

7 Summary of historical account, acknowledgements, and apology

(1) Section 8 summarises in English and te reo Māori the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.

(2) Sections 9 and 10 record in English and te reo Māori the text of the acknowledgements and apology given by the Crown to Ngāti Tamaoho in the deed of settlement.

(3) The acknowledgements and apology are to be read together with the historical account recorded in part 2 of the deed of settlement.

8 Summary of historical account

(1) Prior to 1840, Ngāti Tamaoho rangatira sought to develop commercial relationships with Pākehā settlers by entering into land transactions with them. After Crown-appointed Old Land Commissioners investigated these pre-Treaty transactions, the Crown granted land to Pākehā settlers but retained 400 acres of "surplus" land in which Ngāti Tamaoho had interests.

(2) After te Tiriti o Waitangi/the Treaty of Waitangi was signed in 1840, Ngāti Tamaoho continued to seek new economic opportunities by selling land to the Crown. Ngāti Tamaoho rangatira also sold land in Remuera directly to Pākehā after the Crown temporarily waived pre-emption in 1844. Despite Crown assurances that one-tenth of pre-emption waiver sales lands would be retained for public purposes and the benefit of Māori, the Crown failed to reserve most of the tenths. The benefits that the Crown led Ngāti Tamaoho to expect from selling land were not always realised. Crown purchasing activities also contributed to tension, and ultimately armed conflict, between Ngāti Tamaoho and neighbouring iwi.

(3) In the 1840s and 1850s, Ngāti Tamaoho rangatira were recognised as being friendly to Pākehā, and were reasonably successful in engaging with the emerging Pākehā economy. Although Ngāti Tamaoho shared Kīngitanga aspirations, they did not believe these were incompatible with loyalty to the Crown.

(4) In July 1863, the Crown required Māori in the South Auckland region to swear an oath of allegiance or vacate their settlements. The Crown did not give Ngāti Tamaoho sufficient time to understand the oath, and despite Ngāti Tamaoho never having been in rebellion, Crown troops burned buildings and looted property at Pokeno prior to the invasion of Waikato. The Crown unfairly labelled most Ngāti Tamaoho as "rebels", evicted them from their settlements, and confiscated most of their remaining lands.

(5) After the Waikato war, the Crown considered the majority of Ngāti Tamaoho ineligible for compensation. The Crown made small land grants and payments to 1 "loyal" Ngāti Tamaoho rangatira, and set aside 3 reserves from a Crown purchase for the few Ngāti Tamaoho people who the Crown considered had not been in rebellion. The title to these reserves was later individualised and they were subsequently alienated. Other Ngāti Tamaoho were allowed to occupy 2 reserves, but lived for decades in a state of uncertainty because of the uncertain legal status of these lands. Grants were formalised in 1915 and 1949, but the fragmentation of titles over time limited their owners' ability to use their land productively, and contributed to significant portions later being alienated.

(6) By 1900, Ngāti Tamaoho were virtually landless. Many experienced severe social and economic marginalisation and deplorable housing conditions. Māori children experienced discrimination and segregation at a state-run school in Pukekohe.

(7) Pākehā settlement in the Ngāti Tamaoho rohe resulted in significant environmental modifications over which Ngāti Tamaoho exercised little control. Introduced flora and fauna adversely impacted on traditional Ngāti Tamaoho resources like eels, while dam construction and wetlands reclamation resulted in significant environmental damage.

He whakarāpopototanga o ngā Kōrero Tuku iho e Pā ana ki ngā Kerēme a Ngāti Tamaoho

(1) I mua i te tau 1840, i te whai ngā rangatira o Ngāti Tamaoho kia whakatupu tikanga hokohoko ratou ki ngā manene Pākehā mā te whakaotioti tikanga whakawhiti whenua ki a rātou. I muri i te wherawheratanga a ngā kaikōmihana Kerēme Whenua tawhito, nā te Karauna i tohu, ka karātitia e te Karauna ētehi whenua ki ngā manene Pākehā, engari i puritia ētehi whenua 400 eka, he "toenga" i whai pānga ai a Ngāti Tamaoho ki roto.

(2) I muri i te hainatanga o te Tiriti o Waitangi/the Treaty of Waitangi i te tau 1840, i haere tonu te kimihanga a Ngāti Tamaoho i ētehi whāinga wāhi hōu mā te hoko whenua ki te Karauna. I hoko whenua hoki ngā rangatira o Ngāti Tamaoho i Remuera ki ētehi Pākehā, i muri i te whakatārewatanga rangitahi a te Karauna i te mōtika hoko tōmua i 1844. Ahakoa ngā kī taurangi a te Karauna tērā e puritia tētehi tekau o ngā hokonga o mua i te tuku mōtika hoko tōmua mō ngā mahi tūmatanui me te painga o te iwi Māori, kāore rawa te Karauna i rāhui i te nuinga o ngā tekau. Kāore i hua mai te tini o ngā painga i kīa rā e te Karauna ki a Ngāti Tamaoho, tērā tonu e hua ake i te hoko whenua. Nā ngā mahi hoko whenua a te Karauna, i hua ake ai te tautohetohe, me te whawhai ā-rākau nei, i waenga i a Ngāti Tamaoho me ngā iwi i te taha.

(3) Nō ngā tau i te takiwā o ngā ngahuru tau 1840, 1850 anō hoki, i mōhio nuitia te mahi whakahoahoa o ngā rangatira o Ngāti Tamaoho ki te Pākehā, ā, he nanakia tonu te whakauruuru ki te ōhanga Pākehā e tupu haere ana i te motu. Ahakoa i tautoko a Ngāti Tamaoho i ngā moemoeā o te Kīngitanga, ki a rātou kāore rawa ēnei i taupatupatu ki te piripono ki te Karauna.

(4) I te marama o Hūrae 1863, i whakahau anō te Karauna kia oati ngāi Māori i te tonga o Tāmakimakaurau, ki te kore e whakaae, me wehe atu i ō rātou kāinga. Kāore kē te Karauna i whakawātea i te wā tika ki a Ngāti Tamaoho kia mārama ia ki te hōhonutanga o te oati, ā, ahakoa kāore anō a Ngāti Tamaoho kia tutū, i tahuna e te Karauna ngā whare, i murua hoki ngā rawa i Pōkeno i mua i te whakaekenga o Waikato. I whakaingoatia pōhēhētia te nuinga o Ngāti Tamaoho e te Karauna he "iwi tutū", me te pana i a rātou i ō rātou kāinga, me te muru i te nuinga o ō rātou whenua toenga.

(5) I muri i te pakanga o Waikato, ka whakatau te Karauna ko te nuinga o Ngāti Tamaoho kāore e whai mana kia whiwhi kāpiheihana. I wehea e te Karauna ētehi karāti whenua itiiti, me ētehi utunga ki tētehi rangatira kotahi o Ngāti Tamaoho i kīa he "piripono", ā, ka wehea ētehi rāhui e toru mai i tētehi hokonga Karuna mō ētehi tāngata torutoru nō Ngāti Tamaoho, i whakaarotia ai e te Karauna he hunga kāore i tutū i mua. I wāhia te taitara mō ēnei rāhui i muri

mai hei taitara takitahi, ā, hokona atu ana ki te tangta kē. I whakaaetia ētehi atu o Ngāti Tamaoho kia noho i ētehi rāhui e rua anake, engari i noho mō te wā tino roa i roto i te rangiruatanga nā te kore e mārama ki te tūnga ā-ture o aua whenua. I whakapūmautia he karāti i te tau 1915, i 1949 anō hoki, engari nā te wāwāhanga o ngā taitara i roto i ngā tau kāore i taea e ngā rangatira o aua whenua te āta whakamahi i ō rātou whenua kia whai hua, nā konei anō hoki i ngarongaro ai i muri ki ngā ringaringa o te tangata kē.

(6) Ka tae nei ki te tau 1900, kua tino whenua kore rawa a Ngāti Tamaoho. Ko ētehi i te noho i te rawakoretanga, i ngā tino taumahatanga o te korekore, waihoki ngā whare, he kāinga kanukanu noa o te nuinga. Ko te kai a ngā tamariki Māori i te kura kāwanatanga i Pukekohe, he kaikiri, he noho wehe kē i ō rātou hoa Pākehā.

(7) Nā te noho mai a ngā manene Pākehā i te rohe o Ngāti Tamaoho ka whakarerekētia nuitia te taiao, ā, kāore he mana o Ngāti Tamaoho ki runga ki aua mahi. Nā ngā otaota hōu, ngā manu, ngā ika, ngā kararehe hōu i te rohe, i tino pāngia ai ngā mahinga kai o mua o Ngāti Tamaoho, pēnei i te tuna, otirā i muri i te hanganga matatara me te whakamimititanga o ngā repo ka tūkinotia nuitia te taiao.

9 Acknowledgements

(1) The Crown acknowledges that Ngāti Tamaoho sought to establish friendly and co-operative relations with settlers and the Crown. To strengthen these relations, Ngāti Tamaoho participated in land transactions that have contributed to the development of the city of Auckland and New Zealand as a nation.

(2) The Crown acknowledges that some of its investigations into pre-Treaty transactions in the Ngāti Tamaoho rohe were flawed and that by 1851 Ngāti Tamaoho found settlers occupying land Ngāti Tamaoho did not consider that they had been paid for. The Crown acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles by—

(a) not always adequately considering the customary interests of Ngāti Tamaoho before granting land to settlers; and

(b) taking land it considered to be "surplus" from some pre-Treaty transactions without assessing the adequacy of lands retained by Ngāti Tamaoho.

(3) The Crown acknowledges that, in regards to pre-emption waiver transactions,—

(a) it retained Ngāti Tamaoho lands as "surplus" from disallowed pre-emption waiver purchases, without assessing the adequacy of lands that Ngāti Tamaoho retained; and

(b) it did not always adequately investigate Ngāti Tamaoho interests before approving these transactions or retaining lands as surplus; and

(c) it failed to honour promises to set aside one-tenth of the purchased lands for public purposes, especially for the benefit of Māori, including Ngāti Tamaoho.

The Crown acknowledges that these actions breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(4) The Crown acknowledges that it purchased a large amount of land in the Ngāti Tamaoho rohe without ensuring that Ngāti Tamaoho retained adequate reserves of land for their own use, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(5) The Crown acknowledges that its purchasing activities in the Ngāti Tamaoho rohe and the granting of pre-emption waivers to settlers contributed to tensions that led to conflict between Ngāti Tamaoho and other iwi.

(6) The Crown further acknowledges that it led Ngāti Tamaoho to expect benefits from land sales, including the development of schools, medical care, and a range of commercial opportunities, that were not always realised, and this remains a grievance for Ngāti Tamaoho.

(7) The Crown has previously acknowledged that its representatives and advisers acted unjustly and in breach of te Tiriti o Waitangi/the Treaty of Waitangi in its dealings with the Kīngitanga, which included Ngāti Tamaoho, in sending its forces across the Mangatawhiri in July 1863, and occupying and subsequently confiscating land in the Waikato claims area, and these actions resulted in Ngāti Tamaoho being unfairly labelled as rebels.

(8) The Crown further acknowledges that after the New Zealand Wars it confiscated additional lands in which Ngāti Tamaoho had interests known as the East Wairoa, Waiuku North and Waiuku South blocks. The confiscation was unjust and excessive, and in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(9) The Crown acknowledges that in July 1863 it required Ngāti Tamaoho to swear an oath of allegiance or retire south of the Mangatawhiri. The Crown did so without ensuring they understood the conditions of the oath, including that a failure to comply could make the confiscation of their lands more likely, and without giving them sufficient time to consider it. The Crown further acknowledges that some members of Ngāti Tamaoho later considered swearing the oath but were taken prisoner by the Crown before they could do so.

(10) The Crown further acknowledges that on 10–11 July 1863, prior to Governor Grey's declaration of war on the Kīngitanga, Crown soldiers attacked and looted Ngāti Tamaoho settlements despite Ngāti Tamaoho never having been in rebellion, and this led some Ngāti Tamaoho to flee their homes and take up arms to defend themselves.

(11) The Crown acknowledges that, through the Compensation Court and later through the operation and impact of the native land laws, title to land was awarded to Ngāti Tamaoho individuals rather than the iwi, and this made those

lands more susceptible to partition, fragmentation, and alienation. This further contributed to the erosion of the traditional tribal structures of Ngāti Tamaoho, which were based on collective tribal and hapū custodianship of land and resources. The Crown failed to protect these traditional tribal structures and this had a prejudicial effect on Ngāti Tamaoho and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(12) The Crown acknowledges that the cumulative effect of its acts and omissions has left Ngāti Tamaoho virtually landless. The alienation of Ngāti Tamaoho from their lands hindered their economic, social, and cultural development, and their effective participation in the developing settler economy. From the 1860s, Ngāti Tamaoho became socially and economically marginalised within New Zealand society and lived as if strangers in their own rohe. The Crown's failure to ensure that Ngāti Tamaoho retained sufficient land for their present and future needs is a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

(13) The Crown acknowledges that, for too long, Ngāti Tamaoho lived with poorer housing and worse health than many other New Zealanders, and that for too long the education system generally held low expectations for Māori educational achievement. The Crown further acknowledges the segregation and discrimination suffered by Māori students while attending a school in the Ngāti Tamaoho rohe during the 1940s.

(14) The Crown acknowledges the significance to Ngāti Tamaoho of the natural resources in their rohe. The Crown further acknowledges that—

(a) it has modified significant parts of the natural environment by clearing forest, draining wetlands, and diverting rivers for the construction of dams, which has resulted in the loss of mahinga kai and caused prejudice and distress to Ngāti Tamaoho; and

(b) the modification and degradation of the environment has undermined the ability of Ngāti Tamaoho to exercise kaitiakitanga, manaakitanga and whanaungatanga and other rights and responsibilities; and

(c) the Crown has failed to provide and protect the special relationship of Ngāti Tamaoho with the wāhi tapu, culturally significant sites, and environmental reserves in their rohe.

He Whakaaetanga

(1) Kei te whakaae te Karauna i mahi nui a Ngāti Tamaoho ki te whakahoa atu ki ngā manene noho tauhou me te Karauna, otirā ki te mahi tahi me rātou. Hei whakapakari i te noho whanaunga, ka uru a Ngāti Tamaoho ki ngā whakawhitinga whenua, i tupu ai te tāone o Tāmakimakaurau, me Aotearoa nui tonu hei whenua pakari.

(2) Kei te whakaae te Karauna ko ētehi o āna wherawheratanga i ngā whakawhitinga o mua i te Tiriti i te rohe o Ngāti Tamaoho i hē te whakahaere, ā, ka tae nei ki 1851 ka kitea Ngāti Tamaoho ētehi manene e noho ana i ngā

whenua o Ngāti Tamaoho, e ai ki a rātou kāore anō kia ea te utu. Kei te whakaae te Kārauna kāore rawa i tika ēnei hē i raro i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono nā tana—

(a) kore e āta whiriwhiri i ngā pānga whenua tuku iho o Ngāti Tamaoho i mua i tana karātitanga whenua ki ngā manene; ā

(b) tangohanga i ngā whenua i whakaarotia ai e ia he "whenua toenga" mai i ētehi o ngā whakawhitinga o mua atu i te Tiriti, kāore he whiriwhiri i te tōtika me te nui o ngā whenua i puritia ai e Ngāti Tamaoho.

(3) Kei te whakaae te Karauna mō te āhua o ngā whakawhitinga i raro i te tuku mōtika hoko tōmua—

(a) i puritia e ia ngā whenua o Ngāti Tamaoho hei "toenga" mai i ngā hoko tuku mōtika hoko tōmua kāore i whakaaetia, me tana kore e āta whiriwhiri i te tōtika o ngā whenua i puritia ai e Ngāti Tamaoho; ā

(b) kāore i āta wherawhera i ngā wā katoa ngā pānga o Ngāti Tamaoho i mua i tana whakaaetanga i ēnei whakawhitinga, i mua rānei i tana puritanga i ngā whenua hei toenga; ā

(c) kīhai i tutuki āna kī taurangi kia wehea tētehi tekau o ngā whenua i hokona mō ngā mahi tūmatatanui, otirā hei painga mō te iwi Māori tae atu ki a Ngāti Tamaoho.

Kei te whakaae te Kārauna ka noho ēnei mahi hei takahitanga i te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

(4) Kei te whakaae te Karauna i hokona e ia ētehi wāhanga whenua nunui i te rohe o Ngāti Tamaoho me tana wareware ki te whakaū i te tōtika o te rahi o ngā whenua rāhui hei whenua whakamahinga rawa mō Ngāti Tamaoho, ā, he takahanga anō tēnei o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

(5) Kei te whakaae te Karauna nā āna mahi hoko whenua i te rohe o Ngāti Tamaoho me tana hoatuanga i ngā tuku mōtika hoko tōmua ki ngā manene noho tauhou i tupu ai ngā kūrakuraku, i tupu ai ngā whaiwhai a Ngāti Tamaoho ki ētehi atu iwi.

(6) Kei te whakaae hoki te Karauna, nā āna kōrero ka tupu te tūmanako i waenga i a Ngāti Tamaoho tērā e puta mai ētehi hua nunui i ngā hoko whenua, arā, te whakatū kura, te tiaki tūroro a te takuta, ngā whāinga wāhi ki ngā mahi oranga mō te iwi, ēnei mea kāore i tutuki katoa, ā, ka noho ēnei hei nawe nui mō Ngāti Tamaoho i ēnei rā.

(7) Kua whakaae kē te Karauna i mua i hē te mahi o āna kanohi me āna kaitohutohu, me te mahi hē, me te takahi anō i te Tiriti o Waitangi/the Treaty i āna kōrero ki te Kīngitanga, tae atu ki a Ngāti Tamaoho, i tāna tononga i ana hōia kia whakawhiti i te awa o Mangatawhiri i te marama o Hūrae 1863, i tāna noho me tana raupatu o muri mai i ngā whenua i te rohe o ngā kerēme o Waikato, i hē te tapatanga o ngā tāngata o Ngāti Tamaoho hei iwi tutū.

(8) Kei te whakaae hoki te Karauna, i muri i ngā pakanga o Āotearoa i raupatuhia e ia ētehi atu whenua i whai wāhi ai a Ngāti Tamaoho ki roto, arā, ngā poraka o Wairoa-ki-te-rāwhiti, Waiuku-ki-te-raki me Waiuku-ki-te-tonga. Kāore rawa i tika te raupatu, he taumaha tawa te whakawhiu, ā, he takahanga anō tēnei o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

(9) Kei te whakaae te Karauna, i te marama o Hūrae 1863, ka whakahau ia kia oati a Ngāti Tamaoho i tōna noho piripono, me hoki whakamuri rānei ki te tonga o te awa o Mangatawhiri. I pērā anō te Karauna me tana kore e whakarite tikanga kia mārama te iwi ki ngā here o te oati, e mōhio ai rātou me i kore rātou e whakaae tērā tonu e murua ō rātou whenua, me te kore hoki a te Karauna e āta tatari kia pai ai te whiriwhiri a te iwi i tēnei take. Kei te whakaae hoki te Karauna ko ētehi o ngā mema o Ngāti Tamaoho i whakaae ki te oati i muri mai, engari i mauheretia rātou i mua i te āheinga kia pērā.

(10) Kei te whakaae hoki te Kāwanatanga i te 10–11 Hūrae 1863, i mua i te kōkiritanga a Kāwana Kerei ki te Kingitanga, i whakaeke ngā hōia a te Karauna ki ngā kāinga o Ngāti Tamaoho me te muru i ā rātou rawa, ahakoa kāore rawa a Ngāti Tamaoho i tutū ki te mana kāwanatanga, ā, nā konei i tahuti ai ētehi o Ngāti Tamaoho i ō rātou kāinga, i hāpai hoki i ngā rākau whawhai hei kaupare i ā rātou anō.

(11) Kei te whakaae hoki te Karauna, nā te Kōti Kāpiheihana, ā, nā ngā mahi me te pānga o ngā ture whenua Māori, otirā, te whakawhiwhinga taitara takitahi te mea matua, ki ngā tāngata takitahi o Ngāti Tamaoho, hāunga ia te iwi me te hapū, te take i wāhia ai, i marara ai, i ngaro rawa ai aua whenua. Nā ēnei āhuatanga ka horohoro ngā tikanga here tuku iho a Ngāti Tamaoho, he tikanga ēnei i takea mai i te mana pupuru whenua o te katoa o te hapū, me tāna whakahaere i ngā whenua me ngā rawa. Kāore rawa te Karauna i tiaki i ēnei here whakahaere tuku iho o te iwi, ā, he taumaha rawa te whakawhiu mō Ngāti Tamaoho, ā, he takahanga anō tēnei o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

(12) Kei te whakaae te Karauna nā te huinga o ēnei mahi katoa kua waiho whenua kore a Ngāti Tamaoho. Nā te wehenga o Ngāti Tamaoho i ō rātou whenua i pōraru ai te whanaketanga ā-ōhanga, ā-pāpori, ā-ahurea o te iwi me tōna whāinga wāhi ki te ōhanga whakatupu o ngā manene nohonoho i te whenua. Mai i te ngahuru tau 1860, ka parea a Ngāti Tamaoho ki tahaki, ā-pāpori, ā-ōhanga hoki i Aotearoa nui tonu, ā, ka noho hei tauhou ki tō rātou rohe ake. Nā ngā mahi hē a te Karuana, i kore ai e whakarite tikanga e mau ai tētehi rahinga whenua tōtika mō ō rātou hiahia o aua wā, mō raurangi hoki, he tika tēnei kia kīa he takahanga o te Tiriti o Waitangi/the Treaty of Waitangi me ōna mātāpono.

(13) Kei te whakaae te Karauna i noho a Ngāti Tamaoho mō ngā tau roa rawa i roto i ngā kāinga kino kē atu, me te hauora kino kē atu i ō te nuinga o ngā tāngata o Aotearoa, ā, mō te wā roa rawa kāore ngā kura me ngā whare mātauranga o te motu i tūmanako nui mō te kakenga taumata o ngāi Māori. Kei te whakaae

hoki te Karauna ki ngā mahi wehewehe ā-tinana, me te kaikiri anō i pā ki ngā ākonga Māori i tētehi o ngā kura i te rohe o Ngāti Tamaoho i te ngahuru tau 1940.

(14) Kei te whakaae te Karauna ki te hira me te manako nui a te iwi ki ngā rawa taiao o te rohe ki a Ngāti Tamaoho. Kei te whakaae te Karauna—

(a) kua whakahōutia e ia ētehi wāhi nui o te taiao māori, nā te tuatua i te ngahere, nā te whakamimiti i ngā repo, te parepare kē i ngā awa hei hanga matatara, ā, nā ēnei mea katoa kua ngaro ngā mahinga kai, kua taumaha rawa te whiu me te mamae mō Ngāti Tamaoho; ā

(b) i pēhia te kaitiakitanga a Ngāti Tamaoho, ka uaua te manaakitanga a te iwi i ōna marae, ka raru hoki te whanaungatanga o ngā hapū, te āhua o te kawenga i ngā tikanga tauutuutu o ngā tūpuna, nā ngā whakarerekētanga me te tūkinotanga i te taiao; ā

(c) kīhai rawa te Karauna i tiaki i ngā here o Ngāti Tamaoho ki ōna wāhi tapu, ki ōna wāhi mana nui, tae atu ki ngā rāhui taiao i tō rātou rohe.

10 Apology

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

"(a) The Crown makes the following apology to the iwi of Ngāti Tamaoho, to your tūpuna and to your mokopuna.

(b) The Crown apologises for its failure to honour its obligations to you under te Tiriti o Waitangi/the Treaty of Waitangi and recognises that this failure has harmed successive generations of Ngāti Tamaoho. For too long you have endured adversity and been treated as strangers within your own rohe. The Crown is deeply sorry for failing to appropriately respond in a timely and meaningful way to your long-standing and acutely felt grievances.

(c) The Crown sincerely regrets unfairly labelling Ngāti Tamaoho as rebels and confiscating much of your remaining land. The Crown also unreservedly apologises for the hurt and ongoing grievance caused by the burning and looting of Pokeno. The Crown attacked the settlement prior to its invasion of Waikato despite Ngāti Tamaoho never having been in rebellion and for this it is truly sorry.

(d) The Crown is deeply sorry for the loss of life and injuries Ngāti Tamaoho suffered during the New Zealand Wars of the 1860s, and the resulting destruction of property and disruption of social life.

(e) The Crown's acts and omissions and its promotion of injurious laws and policies have harmed Ngāti Tamaoho, undermined your rangatiratanga and contributed to the loss of Ngāti Tamaoho autonomy. The Crown profoundly apologises that the cumulative effects of its actions have led to Ngāti Tamaoho's landlessness and socio-economic marginalisation.

(f) Through this settlement, the Crown seeks to atone for the past injustices it has inflicted upon Ngāti Tamaoho. The Crown hopes to restore its honour and relieve Ngāti Tamaoho's justified sense of grievance. The Crown looks forward to building a new relationship with Ngāti Tamaoho based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles."

He Whakapāha

"(a) Tēnei te Karauna te tuku whakapāha nei ki te iwi o Ngāti Tamaoho, ki ō koutou tūpuna me ā koutou mokopuna.

(b) Kei te tino whakapāha te Karauna mō tana kore e whakatutuki i ōna haepapa ki a Ngāti Tamaoho, i raro i te Tiriti o Waitangi, me tana whakaae nā tēnei tino korenga i whara ai ngā whakatupuranga o Ngāti Tamaoho. Kua whiua koutou, kua mamae koutou i ngā taumahatanga nui, ā, kua noho koutou hei manene i tō koutou rohe ake. Kei te tino pouri te Karauna mōna i kore ai e hoki ki te whakautu, ki te whakatikatika i ā koutou nawe nui, i noho tārewa mō te whia tau, me te mamae anō o ō koutou ngākau.

(c) Kei te tino pouri te Karauna mō tāna tapa i te ingoa iwi tutū, ki a Ngāti Tamaoho me tāna murunga i te rahi o ngā whenua i te toe ki a koutou. Kei te tino pouri hoki te Karauna mō ngā mamae me te nawe nui i pā ki a koutou nā te weranga me te murunga rawa o Pōkeno. I whakaekea taua kāinga e te Karauna i mua i tōna huaki i te rohe o Waikato, ahakoa kāore rawa a Ngāti Tamaoho i tutū, ā, e tino pouri ana mō tēnei āhuatanga.

(d) Kei te tino pouri te Karauna mō ngā mate me ngā wharanga i pā ki a Ngāti Tamaoho i ngā pakanga o Aotearoa i te ngahuru tau 1860, mō te ngaromanga o ngā rawa me te whakamararatanga o te iwi.

(e) Nā ngā mahi me ngā ngoikoretanga o te Karauna me tana kōkiritanga i ngā ture me ngā kaupapa tūkino i whara ai a Ngāti Tamaoho, i horoa ai tō rangatiratanga, i ngaro ai te mana motuhake o Ngāti Tamaoho. Kei te tino pouri te Karauna mō ngā āhuatanga kino i noho whenua kore ai a Ngāti Tamaoho, i parea hoki te iwi kia noho rawakore noa.

(f) Mā roto i tēnei whakataunga, kei te whai te Karauna kia ea ngā hara o mua, nāna i uta ki runga i a Ngāti Tamaoho. Ko te hiahia o te Karauna kia tū tonu anō tōna mana, kia tino whakamāmātia hoki ngā nawe o Ngāti Tamaoho. E titiro whakamua ana te Karauna ki tōna whanaungatanga hou ki a Ngāti Tamaoho, i runga i te whakapono, tētehi ki tētehi, te mahi tahi, me te whakamana i te Tiriti o Waitangi me ōna kaupapa nui."

Interpretation provisions

11 Interpretation of Act generally

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

12 Interpretation

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

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

attachments means the attachments to the deed of settlement

commercial redress property has the meaning given in section 70

computer register—

(a) has the meaning given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002; and

(b) includes, where relevant, a certificate of title issued under the Land Transfer Act 1952

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

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

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

cultural redress property has the meaning given in section 47

deed of recognition—

(a) means the deed of recognition issued under section 37 by the Minister of Conservation and the Director-General; and

(b) includes any amendments made under section 37(3)

deed of settlement—

(a) means the deed of settlement dated 30 April 2017 and signed by—

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

(ii) Dennis Raniera Kirkwood, Te Roto Mary Jenkins, Gordon David Katipa, Nicholas Maaka, Tori Ngataki, Panetuku Shaman Rae, Lynette Ann Tamara Taka, George Tumohe Wheatley, and Kiri Waitai Wilson, for and on behalf of Ngāti Tamaoho; and

(iii) Dennis Raniera Kirkwood, Diana Jensen, Nicholas Maaka, David Taka, Lynette Ann Tamara Taka, and Te Roto Mary Jenkins, being the trustees of the Ngāti Tamaoho Settlement Trust; and

(b) includes—

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

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

deferred selection property has the meaning given in section 70

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

historical claims has the meaning given in section 14

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

LINZ means Land Information New Zealand

member of Ngāti Tamaoho means an individual referred to in section 13(1)(a)

Ngāi Tai ki Tāmaki Trust means the trust of that name established by a trust deed dated 2 May 2013

Ngāti Tamaoho Settlement Trust means the trust of that name established by a trust deed dated 23 June 2014

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

Registrar-General means the Registrar-General of Land appointed in accordance with section 4 of the Land Transfer Act 1952

representative entity means—

(a) the trustees; and

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

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

(ii) 1 or more members of Ngāti Tamaoho; or

(iii) 1 or more of the whānau, hapū, or groups referred to in section 13(1)(c)

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

reserve property has the meaning given in section 47

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

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

statutory acknowledgement has the meaning given in section 28

tikanga means customary values and practices

trustees of the Ngāti Tamaoho Settlement Trust and **trustees** mean the trustees, acting in their capacity as trustees, of the Ngāti Tamaoho Settlement Trust

working day means a day other than—

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

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

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

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

(2) In this Act,—

(a) a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property; and

(b) a reference to the transfer of the deferred selection property, or the transfer of the fee simple estate in that property, includes the transfer of an undivided share of the fee simple estate in the property.

Section 12(1) **working day** paragraph (a): replaced, 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).

13 Meaning of Ngāti Tamaoho

(1) In this Act, **Ngāti Tamaoho**—

(a) means the collective group composed of individuals who are descended from a tupuna of Ngāti Tamaoho; and

(b) includes those individuals; and

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

(2) In this section and section 14,—

area of interest means the area shown as the Ngāti Tamaoho area of interest in part 1 of the attachments

customary rights means rights exercised according to tikanga Māori, including—

(a) rights to occupy land; and

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

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

(a) birth; or

(b) legal adoption; or

(c) Māori customary adoption in accordance with Ngāti Tamaoho tikanga

tupuna of Ngāti Tamaoho means an individual who—

(a) exercised customary rights by virtue of being descended from Tamaoho; and

(b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840.

14 Meaning of historical claims

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

(a) means the claims described in subsection (2); and

(b) includes the claims described in subsection (3); but

(c) does not include the claims described in subsection (4).

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

(a) is founded on a right arising—

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

(ii) under legislation; or

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

(iv) from a fiduciary duty; or

(v) otherwise; and

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

(i) by or on behalf of the Crown; or

(ii) by or under legislation.

(3) The historical claims include—

(a) every claim to the Waitangi Tribunal that relates exclusively to Ngāti Tamaoho or a representative entity, including Wai 1126 (Ngāti Tamaoho Lands and Resources Claim), to the extent that subsection (2) applies to the claim; and

(b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that subsection (2) applies to the claim and the claim relates to Ngāti Tamaoho or a representative entity:

(i) Wai 8 (Manukau Harbour Claim):

(ii) Wai 1992 (Ngāti Mahanga, Ngāti Tamaoho and Ngāti Apakura (Tahapeehi) Lands Claim):

(iii) Wai 2039 (Ngāti Amaru and Ngāti Pou Lands Claim).

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

(a) a claim that a member of Ngāti Tamaoho, or a whānau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right arising by virtue of being descended from a tupuna who is not a tupuna of Ngāti Tamaoho; or

(b) a claim that a member of Ngāti Tamaoho, or a whānau, hapū, or group referred to in section 13(1)(c), may have that is, or is founded on, a right arising as a result of being descended from a tupuna other than Tamaoho; or

(c) a claim that a representative entity had or may have that is based on a claim referred to in paragraph (a) or (b).

(5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final

(1) The historical claims are settled.

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

(3) Subsections (1) and (2) do not limit—

(a) the deed of settlement; or

(b) the collective deed.

(4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—

(a) the historical claims; or

(b) the deed of settlement; or

(c) this Act; or

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

(e) each of the following, to the extent that it relates to Ngāti Tamaoho:

(i) the collective deed:

(ii) the collective Act:

(iii) the redress provided under the collective deed or collective Act.

(5) Subsection (4) does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of—

(a) the deed of settlement; or

(b) the collective deed; or

(c) this Act; or

(d) the collective Act.

(6) In this section,—

collective Act means the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

collective deed has the meaning given in section 8 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

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

(2) In Schedule 3, insert in its appropriate alphabetical order:

Ngāti Tamaoho Claims Settlement Act 2018, section 15(4) and (5)

Resumptive memorials no longer to apply

17 Certain enactments do not apply

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

(a) to a cultural redress property (other than the Hūnua Falls property); or

(b) to the Hūnua Falls property on and from the date of its vesting in the trustees; or

(c) to a commercial redress property; or

(d) to the deferred selection property on and from the date of its transfer to the trustees or the trustees of the Ngāi Tai ki Tāmaki Trust; or

(e) for the benefit of Ngāti Tamaoho or a representative entity.

(2) The enactments are—

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

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

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

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

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

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

18 Resumptive memorials to be cancelled

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

(a) is all or part of—

(i) a cultural redress property:

(ii) a commercial redress property:

(iii) the deferred selection property; and

(b) is subject to a resumptive memorial recorded under an enactment listed in section 17(2).

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

(a) the settlement date, for a cultural redress property (other than the Hūnua Falls property) or a commercial redress property; or

(b) the date of the vesting of the property in the trustees, for the Hūnua Falls property; or

(c) the date of transfer of the property to the trustees or the trustees of the Ngāi Tai ki Tāmaki Trust, for the deferred selection property.

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

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

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

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

Miscellaneous matters

19 Limit on duration of trusts does not apply

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

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

(i) the Ngāti Tamaoho Settlement Trust may exist in law; or

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

(b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that

Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.

(2) However, if the Ngāti Tamaoho Settlement Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

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

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

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

20 Access to deed of settlement

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

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

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

21 Provisions that have same effect

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

Part 2
Cultural redress

Subpart 1—Protocols

22 Interpretation

In this subpart,—

protocol—

(a) means each of the following protocols issued under section 23(1)(a):

(i) the Crown minerals protocol:

(ii) the taonga tūturu protocol; and

(b) includes any amendments made under section 23(1)(b)

responsible Minister means,—

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

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

(c) for either of those protocols, any other Minister of the Crown authorised by the Prime Minister to exercise powers and perform functions and duties in relation to the protocol.

General provisions applying to protocols

23 Issuing, amending, and cancelling protocols

(1) Each responsible Minister—

(a) must issue a protocol to the trustees on the terms set out in part 3 of the documents schedule; and

(b) may amend or cancel that protocol.

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

(a) the trustees; or

(b) the responsible Minister.

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

24 Protocols subject to rights, functions, and duties

Protocols do not restrict—

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

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

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

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

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

25 Enforcement of protocols

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

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

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

(4) To avoid doubt,—

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

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

Crown minerals

26 Crown minerals protocol

(1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—

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

(b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed.

(2) The noting of the summary is—

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

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

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

(4) In this section,—

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

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

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

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

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

Taonga tūturu

27 Taonga tūturu protocol

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

(2) In this section, **taonga tūturu**—

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

(b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Subpart 2—Statutory acknowledgement and deed of recognition

28 Interpretation

In this subpart,—

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

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

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

(b) set out in part 1 of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in section 29 in respect of the statutory areas, on the terms set out in this subpart

statutory area means an area described in Schedule 1, the general location of which is indicated on the deed plan for that area

statutory plan—

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

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

Statutory acknowledgement

29 Statutory acknowledgement by the Crown

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

30 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 31 to 33; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 34 and 35; and

(c) to enable the trustees and any member of Ngāti Tamaoho to cite the statutory acknowledgement as evidence of the association of Ngāti Tamaoho with a statutory area, in accordance with section 36.

31 Relevant consent authorities to have regard to statutory acknowledgement

(1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.

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

32 Environment Court to have regard to statutory acknowledgement

(1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.

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

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

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

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

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

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

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

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

34 Recording statutory acknowledgement on statutory plans

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

(2) The information attached to a statutory plan must include—

(a) a copy of sections 29 to 33, 35, and 36; and

(b) descriptions of the statutory areas wholly or partly covered by the plan; and

(c) the statement of association for each statutory area.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—

(a) part of the statutory plan; or

(b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

35 Provision of summary or notice to trustees

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

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

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

(2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as agreed between the trustees and the relevant consent authority.

(3) The summary must be provided—

(a) as soon as is reasonably practicable after the relevant consent authority receives the application; but

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

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

(5) The trustees may, by written notice to a relevant consent authority,—

(a) waive the right to be provided with a summary or copy of a notice under this section; and

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

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

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

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

36 Use of statutory acknowledgement

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

(a) the relevant consent authorities; or

(b) the Environment Court; or

(c) Heritage New Zealand Pouhere Taonga; or

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

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

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

(b) parties to proceedings before those bodies; or

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

(3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.

(4) To avoid doubt,—

(a) neither the trustees nor members of Ngāti Tamaoho are precluded from stating that Ngāti Tamaoho has an association with a statutory area that is not described in the statutory acknowledgement; and

(b) the content and existence of the statutory acknowledgement do not limit any statement made.

Deed of recognition

37 Issuing and amending deed of recognition

(1) This section applies in respect of the statutory areas listed in Part 2 of Schedule 1.

(2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 2 of the documents schedule for the statutory areas administered by the Department of Conservation.

(3) The Minister of Conservation and the Director-General may amend the deed, but only with the written consent of the trustees.

General provisions relating to statutory acknowledgement and deed of recognition

38 Application of statutory acknowledgement and deed of recognition to river, stream, or lake

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

(a) applies only to—

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

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

(b) does not apply to—

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

(ii) an artificial watercourse.

(2) If any part of a deed of recognition applies to a river or stream, including a tributary, that part of the deed—

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

(b) does not apply to—

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

(ii) the bed of an artificial watercourse.

(3) The part of the statutory acknowledgement that applies to Lake Pokorua—

(a) applies only to—

(i) the body of fresh water in the lake; and

(ii) the bed of the lake; but

(b) does not apply to—

(i) any part of the bed of the lake that is not owned by the Crown; or

(ii) any land that the waters of the lake do not cover at their highest level without overflowing the banks of the lake.

(4) In this section, **Lake Pokorua** means the body of fresh water known by that name.

39 Exercise of powers and performance of functions and duties

(1) The statutory acknowledgement and the deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.

(2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngāti Tamaoho with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.

(3) Subsection (2) does not limit subsection (1).

(4) This section is subject to—

(a) the other provisions of this subpart; and

(b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition.

40 Rights not affected

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

(a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and

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

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

Consequential amendment to Resource Management Act 1991

41 Amendment to Resource Management Act 1991

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

(2) In Schedule 11, insert in its appropriate alphabetical order:

Ngāti Tamaoho Claims Settlement Act 2018

Subpart 3—Official geographic names

42 Interpretation

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

43 Official geographic names

(1) A name specified in the second column of the table in clause 5.31 of the deed of settlement is the official geographic name of the feature described in the third and fourth columns of that table.

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

44 Publication of official geographic names

(1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under section 43.

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

45 Subsequent alteration of official geographic names

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

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

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

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

46 Name change for Crown protected area

(1) The name of Pratts Road Historic Reserve is changed to Te Maketu Historic Reserve.

(2) The new name given to the reserve under subsection (1) is to be treated as if—

(a) it were an official geographic name that takes effect on the settlement date; and

(b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.

(3) The Board must, as soon as practicable after the settlement date,—

(a) give public notice of the new name in accordance with section 21(2)(a) and (b) and (3) of the Act; but

(b) state in the notice that the new name became an official geographic name on the settlement date.

(4) The official geographic name of the reserve named under this section must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.

Subpart 4—Vesting of cultural redress properties

47 Interpretation

In this subpart,—

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

Properties vested in fee simple

(a) Clarks Creek property:

(b) Karaka property:

Properties vested in fee simple to be administered as reserves

(c) Hūnua Falls property:

(d) Waitete Pā property

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

Properties vested in fee simple

48 Clarks Creek property

The fee simple estate in the Clarks Creek property vests in the trustees.

49 Karaka property

The fee simple estate in the Karaka property vests in the trustees.

Properties vested in fee simple to be administered as reserves

50 Hūnua Falls property

(1) This section and sections 51 to 55 take effect on and from the latest of the following dates:

(a) the settlement date:

(b) the settlement date under the Ngāi Tai ki Tāmaki settlement legislation:

(c) the settlement date under the Ngāti Koheriki settlement legislation:

(d) the settlement date under the Ngaati Whanaunga settlement legislation.

(2) The reservation of the Hūnua Falls property as a scenic reserve subject to the Reserves Act 1977 is revoked.

(3) The fee simple estate in the Hūnua Falls property vests as undivided quarter shares in the following as tenants in common:

(a) a share vests in the trustees under this paragraph; and

(b) a share vests in the trustees of the Ngāi Tai ki Tāmaki Trust under the Ngāi Tai ki Tāmaki settlement legislation; and

(c) a share vests in the Ngāti Koheriki entity under the Ngāti Koheriki settlement legislation; and

(d) a share vests in the Ngaati Whanaunga entity under the Ngaati Whanaunga settlement legislation.

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

(5) The reserve is named Hūnua Falls Scenic Reserve.

(6) The Council is the administering body of the reserve as if the Council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977.

(7) Despite section 41(1) of the Reserves Act 1977, and as long as the Council is the administering body of the Hūnua Falls property,—

(a) the regional parks management plan currently in force continues to apply to the Hūnua Falls property; and

(b) when the Council is reviewing that plan, to the extent that it applies to the Hūnua Falls property, the Council and the owners must jointly prepare and approve the section of that plan that relates to the Hūnua Falls property.

(8) In this section,—

Ngāi Tai ki Tāmaki settlement legislation means legislation that—

(a) settles the historical claims of Ngāi Tai ki Tāmaki; and

(b) provides for the vesting of an undivided quarter share of the fee simple estate in the Hūnua Falls property in the trustees of the Ngāi Tai ki Tāmaki Trust

Ngāti Koheriki settlement legislation means legislation that—

(a) settles the historical claims of Ngāti Koheriki; and

(b) provides for the vesting of an undivided quarter share of the fee simple estate in the Hūnua Falls property in the entity that represents the members of Ngāti Koheriki (the **Ngāti Koheriki entity**)

Ngaati Whanaunga settlement legislation means legislation that—

(a) settles the historical claims of Ngaati Whanaunga; and

(b) provides for the vesting of an undivided quarter share of the fee simple estate in the Hūnua Falls property in the entity that represents the members of Ngaati Whanaunga (the **Ngaati Whanaunga entity**)

regional parks management plan means the plan approved by the Council and the Minister of Conservation under the Local Government Act 2002 and the Reserves Act 1977.

(9) In this section and sections 51 to 53,—

Council means the Auckland Council

owners and **owners of the property** mean the persons in whom the Hūnua Falls property is vested in accordance with subsection (3).

51 Improvements attached to Hūnua Falls property

(1) This section applies to improvements attached to the Hūnua Falls property (the **property**) as at the date of its vesting in accordance with section 50(3), and despite that vesting.

(2) Improvements owned by the Council immediately before the vesting—

(a) remain vested in the Council; and

(b) are personal property, no longer forming part of the property, and do not confer an estate or interest in the property; and

(c) may remain attached to the property without the consent of the owners of the property or the administering body (if no longer the Council) and without charge; and

(d) may be accessed, used, occupied, repaired, or maintained by the Council or those authorised by it at any time without the consent of the owners of the property or the administering body (if no longer the Council) and without charge.

(3) Improvements referred to in subsection (2) may, subject to any relevant statutory requirement, be removed or demolished by the Council at any time without the consent of the owners of the property or the administering body (if no longer the Council) and without charge.

(4) However, the Council must—

(a) give the owners of the property and the administering body (if no longer the Council) not less than 15 working days' written notice of the intended removal or demolition; and

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

(5) Any other improvement attached to the property with the consent of the Crown or the administering body of the property at the time of its attachment—

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

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

(6) Subsections (2) and (5) apply subject to any other enactment that governs the ownership of an improvement.

(7) Subsection (5) does not affect or limit any rights in relation to the property that may arise from the ownership of the improvement.

(8) For the purposes of administering the reserve under the Reserves Act 1977, the administering body is responsible for any decisions in respect of a matter that arises from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the property.

(9) Subsection (8) is subject to any other enactment that governs the use of the improvement concerned.

(10) The trustees are not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of the property.

52 Future interests relating to the Hūnua Falls reserve land

(1) In this section and sections 53 to 55, **Hūnua Falls reserve land** and **reserve land** mean all or the part of the Hūnua Falls property that remains a reserve under the Reserves Act 1977.

(2) This section applies to the Hūnua Falls reserve land, but only while the Council is the administering body of that land.

Interests in land

(3) Despite the Council being the administering body, the owners may, as if they were the administering body of the reserve land,—

(a) accept, grant, or decline to grant any interest in land that affects the reserve land; or

(b) renew or vary such an interest.

(4) If a person wishes to obtain an interest in land in the reserve land, or renew or vary such an interest, the person must apply under this section, in writing, through the Council.

(5) The Council must—

(a) advise the owners of any application received under subsection (4); and

(b) undertake the administrative processes required under the Reserves Act 1977 in relation to each application.

(6) Before the owners determine an application, the owners must consult the Council.

Interests that are not interests in land

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

Application of Reserves Act 1977

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

53 Administration of Hūnua Falls reserve land

(1) The owners and the Council may jointly—

(a) agree that the Council no longer be the administering body of the Hūnua Falls reserve land; and

(b) notify the Minister of Conservation (the **Minister**) in writing of the agreement.

(2) The Minister may, at his or her sole discretion, revoke the appointment of the Council as the administering body of the reserve land, if requested in writing to do so by the owners or by the Council.

(3) Before making a decision under subsection (2), the Minister must consult the owners and the Council.

(4) When the Minister has determined a request, the Minister must notify the owners and the Council in writing of his or her decision on the request.

(5) If the Minister receives a notice under subsection (1) or decides to grant the request to revoke the appointment of the Council as the administering body of the reserve land, a joint management body must be established for the Hūnua Falls reserve land in accordance with section 54 not later than 40 working days after—

(a) the Minister is notified under subsection (1); or

(b) notice is received under subsection (4).

(6) Not later than 10 working days after a joint management body is established in accordance with subsection (5), the appointers of the body must jointly notify the Minister and the Council of that fact.

(7) The Minister must, not later than 20 working days after being notified under subsection (6), publish a notice in the *Gazette* declaring that—

(a) the Council is no longer the administering body of the reserve land; and

(b) the joint management body established in accordance with section 54 is the administering body of the reserve land, and the Reserves Act 1977 applies to the reserve land as if the reserve land were vested in that body (as if the body were trustees) under section 26 of that Act.

54 Joint management body for Hūnua Falls reserve land

(1) The joint management body is the administering body of the reserve land on and from the date on which a notice is published under section 53(7).

(2) The following are appointers for the purposes of this section and section 53:

(a) the trustees; and

(b) the trustees of the Ngāi Tai ki Tāmaki Trust; and

(c) the Ngāti Koheriki entity (as defined in section 50(8)); and

(d) the Ngaati Whanaunga entity (as defined in section 50(8)).

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

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

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

(b) the date on which the appointment takes effect, which must not be earlier than the date of the notice.

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

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

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

(8) However, the following provisions apply in relation to meetings of the joint management body:

(a) despite section 32(1) of the Reserves Act 1977, the first meeting of the body must be held not later than 6 months after the date on which the body is declared to be the administering body under section 53(7):

(b) despite section 32(7) of the Reserves Act 1977,—

(i) no casting vote may be exercised, and the members must strive to reach a consensus; but

(ii) if a consensus cannot be reached within a reasonable time, a decision must be made by majority vote:

(c) despite section 32(9) of the Reserves Act 1977, a quorum for a meeting of the body consists of at least 1 member appointed by each appointer.

55 Matter to be recorded on computer freehold register for Hūnua Falls reserve land

(1) If section 58(1) applies, the trustees must provide to the Registrar-General a copy of the *Gazette* notice published under section 53(7) as soon as is reasonably practicable after publication.

(2) Upon receiving a copy of the *Gazette* notice, the Registrar-General must note on any computer freehold register, created under section 59 or derived from a computer freehold register created under that section, for the Hūnua Falls reserve land that the land is subject to section 58(3).

56 Waitete Pā property

(1) The reservation of the Waitete Pā property (being Waiau Pa Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked.

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

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

(4) The reserve is named Waitete Pā Historic Reserve.

General provisions applying to vesting of cultural redress properties

57 Properties vest subject to or together with interests

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in Schedule 2.

58 Interests for Hūnua Falls property

(1) This section applies to all or the part of the Hūnua Falls property that remains a reserve under the Reserves Act 1977 (the **reserve land**) after its vesting in accordance with section 50(3), but only while the reserve land is administered by the joint management body appointed under section 54.

(2) If, at the time the joint management body is declared to be the administering body under section 53(7), the reserve land is affected by—

(a) an interest in land, the interest applies as if the body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land:

(b) any other interest for which there is a grantor, whether or not the interest also applies to land outside the reserve land, the interest applies as if the body were the grantor of the interest in respect of the reserve land.

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

(4) Subsections (2)(a) and (3) continue to apply despite any subsequent transfer of the land under section 67.

(5) Any other interest referred to in subsection (2)(b) applies—

(a) until the interest expires or is terminated, but any subsequent transfer of the reserve land must be ignored in determining whether the interest expires or is or may be terminated; and

(b) with any other necessary modifications; and

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

59 Registration of ownership

(1) This section applies to a cultural redress property vested in the trustees under this subpart.

(2) Subsection (3) applies to a cultural redress property (other than the Hūnua Falls property), but only to the extent that the property is all of the land contained in a computer freehold register.

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

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

(b) record any entry on the computer freehold register and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.

(4) Subsection (5) applies to a cultural redress property (other than the Hūnua Falls property), but only to the extent that subsection (2) does not apply to the property.

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

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

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

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

(a) create a computer freehold register for an undivided quarter share of the fee simple estate in the property in the names of the trustees; and

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

(7) Subsections (5) and (6) are subject to the completion of any survey necessary to create a computer freehold register.

(8) A computer freehold register must be created under this section as soon as is reasonably practicable after the date on which the property vests, but not later than—

(a) 24 months after that date; or

(b) any later date that may be agreed in writing,—

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

(ii) in the case of the Hūnua Falls property, by the Crown, the trustees, and the other persons in whom the property is jointly vested.

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

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

(i) Clarks Creek property:

(ii) Karaka property:

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

60 Application of Part 4A of Conservation Act 1987

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

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

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

(4) Subsections (2) and (3) do not limit subsection (1).

61 Matters to be recorded on computer freehold register

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

(a) for the Waitete Pā property,—

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

(ii) that the land is subject to sections 60(3) and 65; and

(b) created under section 59(6) for the Hūnua Falls property,—

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

(ii) that the land is subject to sections 60(3) and 65; and

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

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

(3) For the Waitete Pā property, if the reservation of the property under this subpart is revoked for—

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

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

(ii) the property is subject to sections 60(3) and 65; or

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

(4) For the Hūnua Falls property, if the reservation of the property under this subpart is revoked for—

(a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from any computer freehold register created under section 59 for the property the notifications that—

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

(ii) the property is subject to sections 60(3) and 65 and, if the case requires, section 58(3); or

(b) part of the property, the Registrar-General must ensure that the notifications referred to in paragraph (a) remain only on any computer freehold register created under section 59, or derived from a computer freehold register created under that section, for the part of the property that remains a reserve.

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

62 Application of other enactments

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

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

(b) affect other rights to subsurface minerals.

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

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

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

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

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

63 Names of Crown protected areas discontinued

(1) Subsection (2) applies to the land in the Waitete Pā property that, immediately before the settlement date, was part of a Crown protected area.

(2) The official geographic name of the Crown protected area is discontinued in respect of that land, and the Board must amend the Gazetteer accordingly.

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

Further provisions applying to reserve properties

64 Application of other enactments to reserve properties

(1) The trustees are the administering body of the Waitete Pā property.

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

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

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

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

(6) While the Auckland Council is the administering body of the Hūnua Falls property,—

(a) subsection (2) does not apply to the Hūnua Falls property; and

(b) the Council must, to the extent that it is reasonably practicable to distinguish the revenue from that property from any other revenue received by the Council,—

(i) hold the revenue received by the Council in its capacity as the administering body of the property; and

(ii) account for that revenue separately from any other revenue of the Council; and

(iii) use that revenue only in relation to the property or the Hunua Ranges Parkland.

(7) In this section, **Hunua Ranges Parkland** means the land described by that name in the Schedule of the Local Government (Auckland Regional Parks) Order 2008.

65 Subsequent transfer of reserve land

(1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in the trustees under this subpart.

(2) The fee simple estate in the reserve land in the Hūnua Falls property may be transferred only in accordance with section 67.

(3) The fee simple estate in the reserve land in the Waitete Pā property may be transferred only in accordance with section 66 or 67.

(4) In this section and sections 66 to 68, **reserve land** means the land that remains a reserve as described in subsection (1).

66 Transfer of reserve land to new administering body

(1) The registered proprietors of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).

(2) The Minister of Conservation must give written consent to the transfer if the registered proprietors satisfy the Minister that the new owners are able—

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

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

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

(4) The required documents are—

(a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and

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

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

(5) The new owners, from the time of their registration under this section,—

(a) are the administering body of the reserve land; and

(b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.

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

67 Transfer of reserve land to trustees of existing administering body if trustees change

The registered proprietors of the reserve land may transfer the fee simple estate in the reserve land if—

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

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

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

68 Reserve land not to be mortgaged

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

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

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

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

Part 3
Commercial redress

70 Interpretation

In this Part,—

commercial redress property—

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

(b) does not include a property to which clause 8.7 of the deed of settlement applies

deferred selection property means the property described in part 5 of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied

land holding agency means the land holding agency specified,—

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

(b) for the deferred selection property, in part 5 of the property redress schedule.

71 The Crown may transfer properties

(1) To give effect to part 8 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—

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

(b) to transfer the fee simple estate in the deferred selection property to 1 or more governance entities:

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

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

(3) As soon as is reasonably practicable after the date on which the deferred selection property is transferred to a governance entity, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of section 18 (which relates to the cancellation of resumptive memorials).

(4) In this section, **governance entity** means either or both of the following:

(a) the trustees:

(b) the trustees of the Ngāi Tai ki Tāmaki Trust.

72 Computer freehold registers for commercial redress properties and deferred selection property that are not shared redress

(1) This section applies to—

(a) each commercial redress property that is to be transferred under section 71 to the trustees (but to no other person or entity); and

(b) the deferred selection property if it is to be transferred under section 71—

(i) to the trustees (but to no other person or entity); or

(ii) to the trustees of the Ngāi Tai ki Tāmaki Trust (but to no other person or entity).

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

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

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

(3) 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.

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

(5) In this section and sections 73 and 74, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

73 Computer freehold registers for shared deferred selection property

(1) This section applies to the deferred selection property if that property is to be transferred to tenants in common under section 71.

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

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

(b) record on each computer freehold register any interests that are registered, notified, or notifiable and that are described for that register in the application; and

(c) omit any statement of purpose from each computer freehold register.

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

74 Authorised person may grant covenant for later creation of computer freehold register

(1) For the purposes of sections 72 and 73, the authorised person may grant a covenant for the later creation of a computer freehold register for any commercial redress property or the deferred selection property.

(2) Despite the Land Transfer Act 1952,—

(a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a computer interest register; and

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

75 Application of other enactments

(1) This section applies to the transfer of the fee simple estate in a commercial redress property or the deferred selection property under section 71.

(2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.

(3) The transfer does not—

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

(b) affect other rights to subsurface minerals.

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

(5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.

(6) In exercising the powers conferred by section 71, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.

(7) Subsection (6) is subject to subsections (2) and (3).

76 Transfer of property subject to lease

(1) This section applies to the deferred selection property if—

(a) the ownership of the property is to be transferred under section 71; and

(b) after the transfer, it is to be subject to a lease back to the Crown.

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

(3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to section 77 upon the registration of the transfer.

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

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

(b) the land is subject to section 77.

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

77 Requirements if lease terminates or expires

(1) This section applies if the lease referred to in section 76(1)(b) (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.

(2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.

(3) The registered proprietors of the property must apply in writing to the Registrar-General,—

(a) if no part of the property remains subject to such a lease, to remove from the computer freehold register for the property the notifications that—

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

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

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

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

(ii) that part is subject to this section.

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

Schedule 1
Statutory areas

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Part 1
Areas subject only to statutory acknowledgement

Statutory area	Location
Awaroa River and its tributaries	As shown on OTS-129-01
Awhitu Conservation Area	As shown on OTS-129-02
Coastal Marine Area	As shown on OTS-129-03
Drury Conservation Area and Drury Creek Marginal Strip	As shown on OTS-129-04
Drury Creek Islands Recreation Reserve	As shown on OTS-129-05
Hingaia Stream and its tributaries	As shown on OTS-129-06
Hunua Stream and its tributaries	As shown on OTS-129-07
Karaka Creek and its tributaries	As shown on OTS-129-08
Kellyville Conservation Area	As shown on OTS-129-09
Lake Pokorua and Waraha Stream (unnamed) and its tributaries	As shown on OTS-129-10
Lake Pokorua Conservation Area and Lake Pokorua Marginal Strip	As shown on OTS-129-11
Maioro Sands Marginal Strip	As shown on OTS-129-12
Mangatangi Stream and its tributaries	As shown on OTS-129-13
Mangatawhiri River and its tributaries	As shown on OTS-129-15
Maramarua River and its tributaries (excludes Mangatangi Stream and its tributaries)	As shown on OTS-129-16
Mauku Stream and its tributaries	As shown on OTS-129-17
Miranda Scientific Reserve	As shown on OTS-129-18
Ngakoroa Stream and its tributaries	As shown on OTS-129-20
Oira Creek and its tributaries	As shown on OTS-129-21
Otūwairoa Stream and its tributaries (includes Waipokapū Stream, Mangapū Stream, and Waihoehoe Stream)	As shown on OTS-129-22
Part Mercer Domain Recreation Reserve (Te Pou o Mangatawhiri)	As shown on OTS-129-23
Puhitahi Creek and its tributaries	As shown on OTS-129-25
Raventhorpe Scenic Reserve and Raventhorpe Conservation Area	As shown on OTS-129-26
Te Hihi Creek and its tributaries	As shown on OTS-129-28
Te Toro Recreation Reserve	As shown on OTS-129-30
Waipipi Scenic Reserve	As shown on OTS-129-32
Waipokapū Stream Conservation Area	As shown on OTS-129-33
Wairoa Gorge Scenic Reserve	As shown on OTS-129-34
Whangamaire Stream and its tributaries	As shown on OTS-129-35
Whangamarino River and adjacent Whangamarino River Marginal Strip	As shown on OTS-129-36
Whangapouri Creek and its tributaries	As shown on OTS-129-37

Part 2
Areas subject to both statutory acknowledgement and deed of recognition

Statutory area	Location
Mangatawhiri Forest Conservation Area	As shown on OTS-129-14
Mount William Scenic Reserve	As shown on OTS-129-19
Paparimu Conservation Area	As shown on OTS-129-24
Richard Sylvan Memorial Scenic Reserve	As shown on OTS-129-27
Te Maketu Historic Reserve	As shown on OTS-129-29
Vining Scenic Reserve	As shown on OTS-129-31

Schedule 2
Cultural redress properties

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Properties vested in fee simple

Name of property	Description	Interests
Clarks Creek property	*North Auckland Land District—Auckland Council* 0.6910 hectares, more or less, being Section 1 SO 476100.	
Karaka property	*North Auckland Land District—Auckland Council* 2.3300 hectares, more or less, being Section 1 SO 499927.	

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Hūnua Falls property	*North Auckland Land District—Auckland Council* 236.2146 hectares, more or less, being Section 1 SO 484943, Sections 2 and 3 SO 484944, and Allotment 137 Parish of Otau. Part *Gazette* 1926, p 58 and all *Gazette* 1952, p 1761.	Subject to being a scenic reserve, as referred to in section 50(4).
Waitete Pā property	*North Auckland Land District—Auckland Council* 0.4836 hectares, more or less, being Section 1 SO 512322. Part transfer 762595.1 and all transfer 762596.1.	Subject to being a historic reserve, as referred to in section 56(3).

Notes

1 General

This is a consolidation of the Ngāti Tamaoho Claims Settlement Act 2018 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

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

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

3 Editorial and format changes

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

4 Amendments incorporated in this consolidation

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

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

Trusts Act 2019 (2019 No 38): section 161

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