



# Ngāti Pāoa Claims Settlement Act 2025

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

**1 Title**

This Act is the Ngāti Pāoa Claims Settlement Act 2025.

## 2 Commencement

This Act comes into force on 13 November 2025.

Section 2: editorial change made by the PCO, on 24 December 2025, under sections 86(1) and 87(m) of the Legislation Act 2019 (2019 No 58).

### Part 1

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

### *Preliminary matters*

## 3 Purpose

The purpose of this Act is—

- (a) to record the acknowledgements and apology given by the Crown to Ngāti Pāoa 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 Pāoa.

## 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 Pāoa, as recorded in the deed of settlement; and
  - (e) defines terms used in this Act, including key terms such as Ngāti Pāoa 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) the exclusion of the jurisdiction of the Māori Land Court under Te Ture Whenua Maori Act 1993; and
    - (vi) access to the deed of settlement.
- (3) Part 2 provides for cultural redress, including—
- (a) cultural redress requiring vesting in the trustees of the fee simple estate in cultural redress properties; and
  - (b) the vesting of Ruamāhua in the descendants; and
  - (c) the vesting of 2 properties in the trustees and the subsequent vesting back of the properties in the Crown; and
  - (d) cultural redress that does not involve the vesting of land, namely,—
    - (i) an overlay classification applying to certain areas of land; and
    - (ii) a statutory acknowledgement by the Crown of the statements made by Ngāti Pāoa of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement; and
    - (iii) protocols for primary industries and taonga tūturu on the terms set out in the documents schedule; and
    - (iv) name changes for certain Crown protected areas; and
    - (v) a right to construct pou whenua on certain reserves.
- (4) Part 3 provides for commercial redress, including,—
- (a) in subpart 1, the transfer of commercial and deferred selection properties; and
  - (b) in subpart 2, the vesting of certain Crown owned minerals and related matters.

- (5) Part 4 provides for—
  - (a) the reorganisation of Ngāti Pāoa governance arrangements in relation to the Waiheke Station Trust; and
  - (b) transitional taxation provisions that relate to the reorganisation.
- (6) Part 5 sets out a repeal, amendments to other legislation that are required as a consequence of certain settlement arrangements provided for in this Act, and savings in relation to 1 property.
- (7) There are 3 schedules, as follows:
  - (a) Schedule 1 describes the cultural redress properties and Ruamāhua;
  - (b) Schedule 2 describes the overlay areas to which the overlay classification applies;
  - (c) Schedule 3 describes the statutory areas to which the statutory acknowledgement relates.

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

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

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

**8 Summary of historical account**

- (1) In 1840, a number of rangatira of Ngāti Pāoa signed te Tiriti o Waitangi/the Treaty of Waitangi in Tāmaki and the Coromandel. After Auckland was established as the capital in 1841, Ngāti Pāoa supplied the settlement with produce.
- (2) In 1841, the Crown purchased 6,000 acres at Kohimarama and 220,000 acres at Mahurangi and Ōmaha from Ngāti Pāoa and other iwi. No reserves were made in these lands. In the 1840s and 1850s, the Crown retained approximately 90,000 acres of land in which Ngāti Pāoa had interests as surplus from pre-Treaty transactions and pre-emption waiver transactions. This included approximately 78,000 acres in south Tāmaki which had been purchased by a missionary in 1836 and 1837.
- (3) In July 1863, the Crown invaded the Waikato when its forces crossed the Mangatāwhiri. Some Ngāti Pāoa rangatira expressed their loyalty to the Crown. Other Ngāti Pāoa resisted the occupation of their lands. In October 1863, HMS *Miranda* shelled the Ngāti Pāoa village Pūkorokoro, and in December a Crown militia made a surprise attack on a group of 40 to 50 Māori, including some Ngāti Pāoa, near Paparata in East Wairoa.

- (4) The Crown proclaimed confiscation blocks in Waikato and Pōkeno in December 1864, and in East Wairoa in January 1865. Ngāti Pāoa had interests in the 51,000-acre East Wairoa confiscation block and in the Central Waikato confiscation district, which included Maramarua and Pūkorokoro. The confiscated lands included Kohukohunui and Rātāroa, Ngāti Pāoa's sacred maunga. No land was returned to Ngāti Pāoa in the East Wairoa confiscation block.
- (5) Between April and June 1864, the Crown conducted military operations against Māori in Tauranga Moana. After the conflict ended, the Crown proclaimed a confiscation district of 214,000 acres, and in 1868 a further 76,000 acres were added to this district. Ngāti Pāoa had interests in lands that were included in the confiscation district.
- (6) In 1865, the Crown promoted legislation that introduced the native land laws, under which title to much Māori land was individualised. The individualisation of title made Ngāti Pāoa lands more susceptible to alienation. Much of Ngāti Pāoa land on Waiheke and on the Wharekawa Coast was sold to private purchasers in the late nineteenth and early twentieth centuries. Crown purchasing activity from the 1870s also led to the alienation of a lot of Ngāti Pāoa land, including 45,000 acres at Piako.
- (7) Over the course of the twentieth century, almost all of Ngāti Pāoa's remaining land was alienated to private purchasers and the Crown. Some land was taken under the Public Works Act 1981. These public works takings sometimes resulted in the destruction of pā and wāhi tapu. In 1908, the Crown authorised a project to drain and develop the Hauraki wetlands. Over the following decades, the Crown altered the waterways, drained the wetlands, and changed the courses of the Waihou and Piako rivers.
- (8) By the end of the twentieth century, only 27% of Ngāti Pāoa spoke te reo Māori. The decline of Ngāti Pāoa tribal structures and the loss of te reo Māori contributed to a loss of Ngāti Pāoa mātauranga Māori. In the twentieth and twenty-first centuries, Ngāti Pāoa, like other Hauraki Māori, generally experienced poorer health, including lower life expectancy and higher infant mortality, than Pākehā. Ngāti Pāoa also experienced higher unemployment than the general population, and a lower median annual income.

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

- (1) I te tau 1840, i hainatia te Tiriti o Waitangi e ētehi o ngā rangatira o Ngāti Pāoa i Tāmaki me Te Paeroa-o-Toi. He pānga tauhokohoko a Ngāti Pāoa ki ngā iwi Pākehā i Tāmaki i mua i te hainatanga o te Tiriti o Waitangi, ā, i muri hoki i te whakatūnga o Tāmaki Makaurau hei tāone matua i te tau 1841, ka whakaratohia e Ngāti Pāoa he hua kai.
- (2) I te tau 1841, ka hoko te Karauna i te 6,000 eka i Kohimarama me te 220,000 eka i Mahurangi me Ōmaha, mai i a Ngāti Pāoa me ētehi atu iwi. Kīhai ēnei whenua i wāwāhi hei whenua rāhui. I ngā tau o 1840 ki te 1850, i pupuru tonu

te Karauna i tata ki te 90,000 eka o te whenua i whaipānga ai a Ngāti Pāoa hei whenua tuwhene mai i ngā tauwhitinga i mua i te hainatanga o te Tiriti me ngā tauwhitinga whakawātea i te rāhui hoko. Ko te whenua hoki, tata ki te 78,000 eka i Tāmaki ki te Tonga kua hokona e tētehi mihinare i ngā tau 1836 me te 1837.

- (3) I te marama o Hūrae 1863, ka urutomo te Karauna ki roto o Waikato, te whakawhitinga o āna hōia ki Mangatāwhiri. I whakapuaki ētehi rangatira o Ngāti Pāoa o rātou whakapono ki te Karauna. I ātete ētehi atu o Ngāti Pāoa i te nohoanga o o rātou whenua. I te marama o Oketopa 1863, ka pahū tō Ngāti Pāoa kāinga a Pūkorokoro, e HMS *Miranda*, ā, i te marama o Tīhema ka tukipoto ngā miriha o te Karauna ki tētehi rōpū tāngata Māori 40 ki te 50, ko ētehi nō Ngāti Pāoa, tata atu ki te takiwā o Paparata ki te Rāwhiti o Wairoa.
- (4) I te marama o Tīhema 1864, ka pānuitia e te Karauna he poraka raupatu i Waikato me Pōkeno, ki te Rāwhiti o Wairoa i te marama o Hānuere 1865. I whaipānga a Ngāti Pāoa ki te poraka raupatu i te rāwhiti o Wairoa, 51,000 eka te rahi, me te rohe raupatu i te pōkapu o Waikato kei roto hoki a Maramarua me Pūkorokoro. Kei ēnei whenua raupatu a Kohukohunui me Rātāroa, ngā maunga tapu o Ngāti Pāoa. Kore rawa i whakahoki mai ki a Ngāti Pāoa he whenua i te poraka raupatu o te Rāwhiti o Wairoa.
- (5) I te marama o Āperira ki te marama o Hune 1864, ka pakanga te Karauna ki a ngāi Māori i Tauranga Moana. Ka mutu mai ana te pakanga, ka pānuitia e te Karauna he rohe raupatu 214,000 eka te rahi, ā, i te tau 1868 i tāpirihia anō e 76,000 eka ki tēnei rohe. He whaipānga a Ngāti Pāoa ki ngā whenua i whakauruhia ki te rohe raupatu.
- (6) I te tau 1865, i kōkiritia e te Karauna he ture ka whakamana i ngā Ture Whenua Māori, e whakatakitaingia ai te taitara ki te nuinga o ngā whenua Māori. Nā te whakatakitaingia o ngā taitara ka whakarere rawa ake ngā whenua o Ngāti Pāoa. I te mutunga o te rautau tekau mā iwa ki te tīmatanga o te rautau rua tekau, he nui ngā whenua o Ngāti Pāoa i hokona atu i Waiheke me te Takutai moana o Wharekawa. Nā ngā mahi hoko whenua a te Karauna mai i ngā tau 1870, ka whakarere rawa ngā whenua o Ngāti Pāoa, ka tāpiri ai te 45,000 eka i Piako.
- (7) I te roanga atu o te rautau rua tekau i hokona atu tata ki te katoa o ngā whenua e toe ana ki a Ngāti Pāoa ki ngā kaihoko tauwiwi, ki ngā kaunihera ā-rohe me te Karauna. I riro ētehi whenua i raro i te Ture Mahi Tūmatanui. I ētehi wā ko te mutunga iho o aua rironga i raro i te Ture Mahi Tūmatanui ko te urupatunga o ngā pā me ngā wāhi tapu. I te tau 1908, ka whakamanaia e te Karauna he kaupapa kia whakamimiti me te whakapai ake i ngā repo o Hauraki. I roto i ngā ngahuru tau i whai ake ka whakarerekē te Karauna i te takoto o ngā hōpua wai, ka whakamimiti i ngā repo, ā, ka whakapeka i te rere o ngā awa o Waihou me Piako.
- (8) I te mutunga o te rautau rua tekau, e 27 ōrau noa iho o Ngāti Pāoa i kōrero i te reo Māori. Nā te memehatanga iho o te reo Māori, i ngaro ai te mātauranga Māori o Ngāti Pāoa. I ngā rautau rua tekau me te rua tekau mā tahi, ka pā mai

te raruraru ki a Ngāti Pāoa, whērā ki ngā Māori o Hauraki, ka pā mai te hauora kore, ka whakaheke te ora me te nui ake o ngā matenga kōhungahunga o te Māori, i te Pākehā. He maha kē atu te kore mahi a Ngāti Pāoa i tō te iwi whānui me te whakahekenga iho o te moni whiwhi tauwaenga ia te tau.

## 9 Acknowledgements

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

- (5) The Crown acknowledges that when it purchased an extensive area at Mahurangi and Ōmaha in 1841, including 200,000 acres between Te Ārai and Maungauika, it failed to ensure adequate reserves would be protected in the ownership of Ngāti Pāoa, and this was in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (6) The Crown acknowledges that—
- (a) it took Ngāti Pāoa lands, including lands at Waiheke, as surplus from disallowed pre-emption waiver claims and that its policy of taking surplus land has long been a source of grievance to Ngāti Pāoa; and
  - (b) it failed to correctly apply all the regulations that were designed to protect Māori and that governed pre-emption waiver transactions; and
  - (c) it did not always protect Māori interests during investigations into these transactions; and
  - (d) its policy of taking surplus land from pre-emption waiver purchases breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it failed to require any assessment of whether Ngāti Pāoa retained adequate lands for their needs. The Crown also acknowledges that this failure was compounded by flaws in the way the Crown implemented the policy in further breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (7) The Crown acknowledges that by failing to set aside one-tenth of the lands transacted during the pre-emption waiver period for public purposes, especially the establishment of schools and hospitals for the future benefit of Māori including Ngāti Pāoa, it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (8) The Crown acknowledges that—
- (a) its representatives and advisers acted unjustly and in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles in sending its forces across the Mangatāwhiri in July 1863, invading and occupying land in which Ngāti Pāoa had interests; and
  - (b) it intimidated Ngāti Pāoa by using heavily armed gunboats to blockade Hauraki Gulf/Tīkapa Moana, and destroying waka; and
  - (c) it caused the deaths of Ngāti Pāoa individuals when its forces—
    - (i) shelled an unfortified village at Pūkorokoro in November 1863; and
    - (ii) attacked a number of Ngāti Pāoa without warning in December 1863; and
  - (d) the Crown further acknowledges that the suffering caused by its actions was compounded by the renaming of Pūkorokoro after the warship that shelled its inhabitants.

- (9) The Crown acknowledges that the confiscation of land in which Ngāti Pāoa had interests, including land in Waikato and East Wairoa, extinguished native title and alienated sacred sites including the maunga Kohukohunui and Rātāroa, as well as traditional resource-gathering sites, and was unjust and a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (10) The Crown acknowledges that it compulsorily and unjustly extinguished Ngāti Pāoa's customary interests in the Tauranga confiscation district and these actions breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (11) The Crown further acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it failed to actively protect Ngāti Pāoa interests in lands they wished to retain when it initiated the purchase of Te Puna and Katikati blocks in 1864 without investigating the rights of Ngāti Pāoa.
- (12) The Crown acknowledges that—
  - (a) it broke its promise that those who had not taken up arms in war, including a number of Ngāti Pāoa, would not be deprived of their lands through the confiscation; and
  - (b) it made no provision for the Compensation Court to return land to Māori who were not considered to be in rebellion when the Court heard Ngāti Pāoa claims for compensation in East Wairoa; and
  - (c) it did not return any land in these districts to those members of Ngāti Pāoa it did not consider to have been rebels; and
  - (d) its failure to protect the interests of those members of Ngāti Pāoa whom it did not consider to be rebels was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (13) The Crown acknowledges that—
  - (a) it did not consult Ngāti Pāoa about the introduction of the native land laws; and
  - (b) the resulting individualisation of land tenure was inconsistent with Ngāti Pāoa tikanga; and
  - (c) the operation and impact of the native land laws, in particular the awarding of land to individual owners, made those lands more susceptible to partition, fragmentation, and alienation; this contributed to the erosion of the traditional tribal structures of Ngāti Pāoa, which were based on collective tribal and hapū custodianship of land; and
  - (d) the Crown's failure to protect the tribal structures of Ngāti Pāoa was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (14) The Crown acknowledges that it sought to purchase Ngāti Pāoa interests in the Piako blocks before title to the land was determined by the Native Land Court.

- (15) The Crown acknowledges that Ngāti Pāoa had to sell unreasonable amounts of land to pay for survey costs at Te Hoe o Tainui. The Crown's failure to protect Ngāti Pāoa from this burden breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
- (16) The Crown acknowledges that valuable mineral resources on lands leased by Ngāti Pāoa and others provided economic benefits to the nation.
- (17) The Crown acknowledges that environmental changes and pollution since the nineteenth century have been a source of distress and grievance for Ngāti Pāoa. In particular, the Crown acknowledges that modifications to the course of the Piako River and its tributaries since the 1890s have drained resource-rich wetlands, destroyed Ngāti Pāoa wāhi tapu, and caused significant harm to kaimoana sources relied on by Ngāti Pāoa.
- (18) The Crown acknowledges the harm endured by many Ngāti Pāoa children from decades of Crown policies that strongly discouraged the use of te reo Māori in school. The Crown also acknowledges the detrimental effects on Māori language proficiency and fluency and the impact on the inter-generational transmission of te reo Māori and knowledge of tikanga Māori practices.
- (19) The Crown acknowledges that the health of Ngāti Pāoa has been worse than that of many other New Zealanders, and they have not had the same opportunities in life that many other New Zealanders have enjoyed.
- (20) The Crown acknowledges that the cumulative effect of the Crown's actions and omissions, including confiscation, the operation and impact of the native land laws, and continued Crown purchasing, has left Ngāti Pāoa virtually landless and undermined their economic, social, and cultural development. The Crown's failure to ensure that they retained sufficient land for their present and future needs was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

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

- (1) E whakaae ana te Karauna he tika—
  - (a) tae mai ki nāianeī kāore anō kia tatū ngā nawe nui a Ngāti Pāoa, ā, kua roa rawa hoki te taringa rahirahi a te iwi ki te whakawā me te whakatika i aua nawe; ā
  - (b) i whai ngā rangatira o Ngāti Pāoa ki te whakatū whanaungatanga ki te Karauna i te tau 1840, nā te hainatanga i te Tiriti o Waitangi; ā
  - (c) kīhai te Karauna i whakatutuki i tōna wāhanga o taua noho whanaunga.
- (2) E whakaae ana te Karauna ko ngā whenua nā Ngāti Pāoa i whakarite mai mō ngā mahi whakanoho tangata mai ka noho hei waiū hei oranga nui mō te whakatūranga o te ōhanga o tauīwi i ngā rohe o Ngāti Pāoa me te whanaketanga o Aotearoa.
- (3) E whakaae ana te Karauna—

- (a) i tangohia e ia ētehi whenua 78,000 eka te rahi i te poraka o Tāmaki kua kīa e ia i mua he whenua tuwhene ki ērā i taunahatia e tētehi tangata o tauīwi. I kerēme tēnei tangata i tētehi whenua i hokona i mua atu i te Tiriti, ko ētehi o ngā whenua o taua poraka he whenua whai pānga nō Ngāti Pāoa; ā
  - (b) ko tētehi wāhanga nui o ngā “whenua tuwhene” i te poraka o Tāmaki he whenua i whakaaetia e te tangata o tauīwi i noho ki taua poraka tērā tonu e whakahokia ki te iwi Māori, ā tōna wā, ā, kua roa rawa tēnei nawe e noho ana hei pōuritanga nui mō Ngāti Pāoa; ā
  - (c) kīhai rawa i ea te utu mō ngā pānga o Ngāti Pāoa i aua “whenua tuwhene” i te poraka o Tāmaki, pērā i ētehi atu iwi i uru ki tēnei hoko; ā
  - (d) kīhai i wehe mai ngā whenua rāhui i kōrerotia rā mō Ngāti Pāoa mō ētehi atu iwi o Marutūāhu hoki i roto i ngā whaitua o te hoko whenua o Tāmaki; ā
  - (e) kīhai te Karauna i āta whakahau i te rūritanga tika i te poraka o Tāmaki, kāore hoki i poua e ia he tikanga e whakawāngia ai mehemea i nui ngā whenua “tuwhene” i Tāmaki, nā konei i takahia ai te Tiriti o Waitangi me ōna mātāpono.
- (4) E whakaae ana te Karauna—
- (a) i tangohia e ia ētehi whenua 17,000 eka te rahi i te poraka o Te Weiti me Takapuna kua kīia e ia he whenua tuwhene ki ērā i taunahatia e ētehi tāngata o tauīwi i muri i ngā hokonga i mua atu i te Tiriti, ko ētehi o ngā whenua o taua poraka he whenua whai pānga nō Ngāti Pāoa; ā
  - (b) kīhai hoki te Karauna i whakahau i te rūritanga tika i te poraka o Takapuna me Te Weiti, kīhai hoki i poua e ia he tikanga e whakawāngia ai mehemea i nui ngā whenua “tuwhene”, nā konei ka takahia te Tiriti o Waitangi me ōna kaupapa.
- (5) E whakaae ana anō hoki te Karauna, nō tana hoko i te wāhanga whenua nui tonu i Mahurangi ki Ōmaha i te tau 1841, tae atu ki te 200,000 eka i waenga i Te Ārai me Maungauika, kīhai tonu i whakahau kia tiakina he whenua rāhui nui tonu i roto i ngā ringaringa o Ngāti Pāoa, nā konei anō i takahia ai te Tiriti o Waitangi me ōna mātāpono.
- (6) E whakaae ana te Karauna—
- (a) i tangohia e ia ngā whenua nō Ngāti Pāoa, tae atu ki ōna whenua i Waiheke, hei tuwhene mai i ngā kerēme whenua kīhai i whakaaetia mai i te wā o te rāhui hoko, ā, kua roa hoki tana kaupapa tango whenua tuwhene e noho ana hei nawe nui mō Ngāti Pāoa; ā
  - (b) kīhai hoki i tika tana hoatu i ngā rekureihana katoa i whakaritea rā i mua hei tiaki i te Māori, i anga katoa ki runga i te whakawāteatanga rāhui hoko; ā

- (c) kīhai i tika tana tiaki i ngā pānga Māori i ngā wā katoa i roto i ngā whakawā whenua ki aua hoko; ā
- (d) nā tana kaupapa here tango whenua tuwhene i ngā hoko i whakawātea i ngā rāhui hoko, i takahia ai te Tiriti o Waitangi me ōna mātāpono, nā runga i tana kore e whakahau kia tirohia mehemea i tika anō ngā whenua i waiho hei whenua mō te iwi i roto i ngā ringaringa o Ngāti Pāoa, i muri i te hoko. E whakaae ana te Karauna i hē kē atu tēnei raruraru i runga anō i te whakatinanatanga a te Karauna i ana kaupapa here, ā, ka noho tēnei hei takitahitanga anō i te Tiriti o Waitangi me ōna mātāpono.
- (7) E whakaae ana te Karauna nā tana kore e whakarite i tētehi whakatekau o ngā whenua i hokona atu mō ngā kaupapa ā-iwi whānui, i te wā o te whakawātea i te rāhui hoko, otirā mō ngā kaupapa ā-tangata, arā, mō te whakatū i ngā kura me ngā hōhipera, ēnei mahi katoa, hei oranga mō ngāi Māori tae atu ki a Ngāti Pāoa, ka takahia e ia te Tiriti o Waitangi me ōna mātāpono.
- (8) E whakaae ana te Karauna—
- (a) kīhai rawa atu i tika tā rātou mahi ko ana kaitohutohu i raro i te Tiriti o Waitangi me ōna mātāpono i tana tonono i ana hōia kia whakawhiti i te awa o Mangatāwhiri i te marama o Hūrae 1863, i tana huaki hoki i aua whenua, me tana whakanoho i a tauwi ki aua whenua ahakoa ngā pānga o Ngāti Pāoa ki roto; ā
- (b) ka whakaweti ia i a Ngāti Pāoa nā tana mahi ki te tonono manuaohai whai pūrepo hei ārai i te rerenga waka ki runga o Tīkapa Moana, me tana turaki i ngā waka o te iwi; ā
- (c) ka whakamate rawa i ētehi tāngata takitahi o Ngāti Pāoa i te tahuritanga o ngā hōia o te Karauna ki te—
- (i) pupuhi pahū nui ki te kāinga i Pūkorokoro i te marama o Nōema 1863; me tana; ā
- (ii) kōkiri i ētehi o Ngāti Pāoa, kāore he whakaara i a rātou, i te marama o Tīhema 1863; ā
- (d) e whakaae ana hoki te Karauna i hē kē atu te mamae i takea mai i ana mahi, nā runga i tana tapanga o te kāinga o Pūkorokoro ki te ingoa o te manuaohai i pūhia ai ngā pahū ki runga i ōna tāngata noho.
- (9) E whakaae ana anō hoki te Karauna nā tana mahi raupatu i ngā whenua i whai pānga a Ngāti Pāoa ki roto, tae atu ki ngā whenua i Waikato me Wairoa ki te Rāwhiti, i whakaweto i ngā take tuku iho o te iwi ki ō rātou whenua, i ngaro ai hoki ngā wāhi tapu, tae atu ki te maunga tapu o Kohukohunui me Rātāroa, waihoki ngā wāhi mahinga kai o ngā tūpuna, kāore i tika, he takahi tonu i te Tiriti o Waitangi me ōna mātāpono.
- (10) E whakaae ana te Karauna i raupatuhia i murua hoki e ia i runga i te kino ngā pānga tikanga tuku iho o Ngāti Pāoa i te rohe whenua raupatu o Tauranga, ā, nā ēnei mahi katoa i takahia ai te Tiriti o Waitangi me ōna mātāpono.

- (11) E whakaae ana anō hoki te Karauna i takahia e ia te Tiriti o Waitangi me ōna mātāpono nā tana kore e huri mai ki te āta tiaki marire i ngā whāinga pānga o Ngāti Pāoa ki ngā whenua i hiahia rā ia ki te pupuru, i tana whakarewanga i te hoko o Te Puna me Katikati i te tau 1864, me te kore e tūhura i te rangatiratanga o Ngāti Pāoa.
- (12) E whakaae ana te Karauna—
- (a) i takahia e ia tana kī taurangi ki ērā kāore i hāpai pū i te pakanga, tae atu ki ētehi o Ngāti Pāoa, e kore e tangohia ō rātou whenua mā te raupatu; ā
  - (b) kāore i whakaritea he wāhanga mō te Kōti Kāpeneheihana kia whakahoki whenua ki ngāi Māori kāore i whakatuma ki te Karauna, e ai ki ōna whakaaro, i te whakawā a te Kōti i ngā kerēme a Ngāti Pāoa mō tētehi kāpeneheihana mō Wairoa ki te Rāwhiti; ā
  - (c) kāore i tutuki i a ia tana kī ka whakahokia ētehi whenua i ētehi o ēnei takiwā ki ngā mema o Ngāti Pāoa i mea rā ia ehara i te hunga whakatuma; ā
  - (d) ka noho tana korenga e tiaki i ngā pānga o ngā mema o Ngāti Pāoa i mea rā ia ehara i te hunga whakatuma, hei takahitanga i te Tiriti o Waitangi me ōna mātāpono.
- (13) E whakaae ana te Karauna—
- (a) kāore rawa ia i hoki mai ki te kōrerorero ki a Ngāti Pāoa mō te whakaurunga mai o ana ture whenua taketake Māori; ā
  - (b) ka taupatupatu ngā whakaritenga taitara ā-tangata takitahi ki ngā tikanga tuku iho a Ngāti Pāoa; ā
  - (c) nā te mahinga me te pānga o ngā ture whenua taketake Māori, otirā ngā mahi whakawhiwhi whenua ki te tangata takitahi, i horapa ai te wehewehe o ngā whenua, i ngāwari ai te hoko atu ki te tangata kē, te whakakore rawatanga rānei; nā konei i horo ai ngā pou matua o ngā tikanga tuku iho o te iwi o Ngāti Pāoa, he mea whakatū ki runga tonu i te pupuru ā-hapū, ā-iwi, i te whenua; ā
  - (d) ka noho te korenga o te Karauna e tiaki i ngā pou matua o te iwi o Ngāti Pāoa hei takahitanga nui i te Tiriti o Waitangi me ōna mātāpono.
- (14) E whakaae ana te Karauna i ngana ia ki te hoko i ngā pānga o Ngāti Pāoa i ngā poraka whenua o Piako i mua i te whakawātanga o te taitara e te Kōti Whenua Māori.
- (15) E whakaae ana te Karauna i herea a Ngāti Pāoa kia hoko atu i ngā whenua tino nui rawa hei utu i ngā nama mō te rūri i Te Hoe o Tainui. Nā te kore o te Karauna e tiaki i a Ngāti Pāoa i tēnei kawenga i takahia ai te Tiriti o Waitangi me ōna mātāpono.
- (16) E whakaae ana te Karauna i puta ake he hua nui i ngā rawa manawa whenua i rīhitia rā i ngā whenua o Ngāti Pāoa me ētehi atu, hei painga ohanga hoki ki te motu katoa.

- (17) Kei te whakaae te Karauna nā ngā huringa ki te taiao me ngā parahanga kua maringi mai ki te whenua me te wai, mai i te rau tau tekau mā iwa, kua noho hei pōuritanga nui mā Ngāti Pāoa. E whakaae ana anō hoki te Karauna nā ngā huringa ki te rere o te awa o Piako me ōna peka mai i ngā tau mai i 1890 i mimiti ai ngā repo hua te kai, hua te mātaimai, i ngaro ai ngā wāhi tapu o Ngāti Pāoa, i raru ai hoki ngā mahinga kaimoana i whirinaki rā a Ngāti Pāoa i mua.
- (18) E whakaae ana anō hoki te Karauna nā ngā mahi whakamataku i ngā tamariki maha o Ngāti Pāoa i roto i ngā ngahuru tau, arā, nā ngā kaupapa here a te Karauna i whakakāhoretia ai te reo Māori i roto i ngā kura. Kei te whakaae hoki te Karauna ki ngā pānga kino o ēnei mahi ki te matatau o te tangata me te huatau o tōna reo, tae atu ki te pānga o ēnei mahi ki te whāngaihanga o te reo me ngā tikanga tuku iho mai i tēnā whakatupuranga, ki tēnā whakatupuranga.
- (19) E whakaae ana te Karauna kua kino kē atu te hauora o Ngāti Pāoa i ētehi atu tāngata noa iho o Aotearoa, ā, kāore hoki i rite rawa ngā whāinga wāhi ki te āta noho i runga i te ora me te pai mō rātou, ki ērā atu tāngata o Aotearoa.
- (20) E whakaae ana te Karauna nā te pānga putuputu o ēnei mahinga, me ēnei hapanga a te Karauna, tae atu ki te raupatu, i te mahinga me te pānga o ngā ture whenua Māori i noho tata whenua kore tonu a Ngāti Pāoa, i raru ai hoki tō rātou whanaketanga ā-ōhanga, ā-iwi, ā-tikanga hoki. Ka noho ko te korenga o te Karauna e whakahau tikanga e puritia ai he whenua nui tonu mō rātou i roto i ngā tau, mō ngā rā hoki e heke mai nei hei takahitanga nui i te Tiriti o Waitangi me ōna mātāpono.

## 10 Apology

### *Crown apology*

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

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

Ngāti Pāoa in 1840, begin the process of healing, and enter a new age of co-operation with your people.”

*Te whakapāha*

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

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

*Interpretation provisions*

**11 Interpretation of Act generally**

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

**12 Interpretation**

In this Act, unless the context otherwise requires,—

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

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

**attachments** means the attachments to the deed of settlement

**coastal marine area** has the meaning given in section 83

**commercial property** has the meaning given in section 122

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

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

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

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

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

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

**cultural redress property** has the meaning given in section 23

**deed of settlement**—

- (a) means the deed of settlement dated 20 March 2021 and signed by—
  - (i) the Honourable Andrew James Little, Minister for Treaty of Waitangi Negotiations, and the Honourable Grant Murray Robertson, Minister of Finance, for and on behalf of the Crown; and
  - (ii) Anthony Dean Morehu Wilson and Hauāuru Eugene Raymond Rawiri, for and on behalf of Ngāti Pāoa; and
  - (iii) Mihingarangi Forbes, Tania Aroha Rochelle Tarawa, Glen Andrew Tupuhi, James Bruce Tetai Ratahi, Herearoha Francis Skipper, Lorraine Rangitahi Pompey, and Anahera Sadler, being the trustees of the Ngāti Pāoa Iwi 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 122

**descendants** has the meaning given in section 69

**Director-General** means the Director-General of Conservation

**documents schedule** means the documents schedule of the deed of settlement

**early release commercial property** means a property described in part 8 of the property redress schedule

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

**general matters schedule** means the general matters schedule of the deed of settlement

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

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

**LINZ** means Land Information New Zealand

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

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

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

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

**Ngāti Hei settlement legislation** has the meaning given in section 69

**Ngāti Pāoa Iwi Trust** means the trust of that name established by a trust deed dated 4 October 2013

**overlay classification** has the meaning given in section 88

**Pouarua Farm Limited Partnership** means the limited partnership of that name registered on 8 November 2013 with registration number 2591742

**Pouarua Farm property** means the land held by the Pouarua Farm Limited Partnership that is comprised in record of title 317403

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

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

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

**representative entity** means—

- (a) the trustees; and
- (b) any person, including any trustee, acting for or on behalf of—
  - (i) the collective group referred to in section 13(1)(a); or
  - (ii) 1 or more members of Ngāti Pāoa; 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 23

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

**Ruamāhua** means the land of that name described in Part 2 of Schedule 1

**settlement date** means the date that is 60 working days after the date on which this Act comes into force

**tikanga** means customary values and practices

**trustees of the Ngāti Pāoa Iwi Trust** and **trustees** mean the trustees, acting in their capacity as trustees, of the Ngāti Pāoa Iwi Trust

**working day** means a day other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day;
- (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday;
- (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year;
- (d) the days observed as the anniversaries of the provinces of Auckland and Wellington.

### 13 Meaning of Ngāti Pāoa

(1) In this Act, **Ngāti Pāoa**—

- (a) means the collective group composed of individuals who are descended from an ancestor of Ngāti Pāoa; 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,—

**ancestor of Ngāti Pāoa** means an individual who—

- (a) exercised customary rights by virtue of being descended from—
  - (i) Pāoa; or
  - (ii) any other recognised ancestor of a group referred to in part 10 of the deed of settlement; and
- (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840

**area of interest** means the area shown as the Ngāti Pāoa 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 Pāoa tikanga.

## 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 subsections (3) and (4); but
  - (c) does not include the claims listed in subsection (5).
- (2) The historical claims are every claim that Ngāti Pāoa or a representative entity had on or before the settlement date, or may have after the settlement date, and that—
  - (a) is founded on a right arising—
    - (i) from the Treaty of Waitangi or its principles; or
    - (ii) under legislation; or
    - (iii) at common law (including aboriginal title or customary law); or
    - (iv) from a fiduciary duty; or
    - (v) otherwise; and
  - (b) arises from, or relates to, acts or omissions before 21 September 1992—
    - (i) by or on behalf of the Crown; or
    - (ii) by or under legislation.
- (3) The historical claims include—
  - (a) a claim to the Waitangi Tribunal that relates exclusively to Ngāti Pāoa or a representative entity, including each of the following claims, to the extent that subsection (2) applies to the claim:
    - (i) Wai 10 (Waiheke Island claim):
    - (ii) Wai 72 (Ngāti Pāoa Lands and Fisheries claim):
    - (iii) Wai 321 (Treaty of Waitangi Fisheries Commission claim):
    - (iv) Wai 369 (Waiheke Island Land claim):
    - (v) Wai 392 (Te Runanga O Ngāti Pāoa claim):
    - (vi) Wai 563 (Kaiāua School Lands claim):
    - (vii) Wai 810 (Waiheke Island Domain and Te Huruhi Lands claim):
    - (viii) Wai 826 (Te Kawakawa Block (Clevedon) claim):
    - (ix) Wai 1702 (Ngāti Pāoa and Te Urikaraka (Andrews) claim); and
  - (b) every other claim to the Waitangi Tribunal, including the claims listed in subsection (4), if and to the extent that—
    - (i) the claim relates to Ngāti Pāoa or a representative entity; and
    - (ii) subsection (2) applies to the claim.
- (4) The claims referred to in subsection (3)(b) include—
  - (a) Wai 96 (East Wairoa Raupatu claim):

- (b) Wai 100 (Hauraki Māori Trust Board claim):
  - (c) Wai 345 (Fairburn Block claim):
  - (d) Wai 364 (Tamaki-Hauraki (Tooke) claim):
  - (e) Wai 365 (Matakana Island (No 3) claim):
  - (f) Wai 373 (Maramarua State Forest claim):
  - (g) Wai 374 (Auckland Central Railways Land claim):
  - (h) Wai 394 (Central Auckland Railway Lands claim):
  - (i) Wai 454 (Marutūāhu Tribal Region claim):
  - (j) Wai 475 (Whangapoua Forest claim):
  - (k) Wai 496 (Tamaki Girls College and Other Lands within Tāmaki Makaurau claim):
  - (l) Wai 650 (Athenree Forest and Surrounding Lands claim):
  - (m) Wai 693 (Matamataharakeke Blocks claim):
  - (n) Wai 704 (Whangamata 4D4B2A Block and other blocks claim):
  - (o) Wai 720 (Mahurangi–Omaha (Hauraki Gulf) claim):
  - (p) Wai 808 (Hoe O Tainui Ki Mahurangi Land claim):
  - (q) Wai 811 (Coromandel Township and Other Lands (Te Patukirikiri) claim):
  - (r) Wai 812 (Marutūāhu Land and Taonga claim):
  - (s) Wai 887 (Ngawaka Tautari Lands (Auckland Kaipara) claim):
  - (t) Wai 1492 (Tikirahi Marae Trust claim):
  - (u) Wai 1530 (Descendants of Hurikino Hetaraka and Mihi Herewini claim):
  - (v) Wai 1696 (Tararu Land (Nicholls) claim):
  - (w) Wai 1807 (Descendants of Tipa claim):
  - (x) Wai 1825 (Descendants of Hetaraka Takapuna claim):
  - (y) Wai 1891 (Ngaromaki Block Trust Mining claim):
  - (z) Wai 1897 (Boyd Turongo Dixon claim):
  - (za) Wai 2039 (Ngāti Amaru and Ngāti Pou Lands claim):
  - (zb) Wai 2169 (Descendants of Hetaraka Takapuna claim):
  - (zc) Wai 2298 (W T Nicholls Estate Lands and Resources (Tukerangi) claim).
- (5) However, the historical claims do not include—
- (a) a claim that a member of Ngāti Pāoa, or a whānau, hapū, or group referred to in section 13(1)(c), had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of Ngāti Pāoa; or

- (b) a claim that a representative entity had or may have that is based on a claim referred to in paragraph (a).
- (6) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

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

**15 Settlement of historical claims final**

- (1) The historical claims are settled.
- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) Subsections (1) and (2) do not limit—
  - (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 Pāoa:
    - (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** means the collective deed as defined in section 8(1) of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

*Amendment to Treaty of Waitangi Act 1975*

**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 Pāoa Claims Settlement Act 2025, section 15(4) and (5)

*Resumptive memorials no longer to apply*

**17 Certain enactments do not apply**

- (1) The enactments listed in subsection (2) do not apply—
  - (a) to a cultural redress property; or
  - (b) to a commercial property on and from the date of its transfer to the trustees; or
  - (c) to a deferred selection property on and from the date of its transfer to the trustees; or
  - (d) to an early release commercial property; or
  - (e) to the Pouarua Farm property; or
  - (f) for the benefit of Ngāti Pāoa or a representative entity.
- (2) The enactments are—
  - (a) Part 3 of the Crown Forest Assets Act 1989;
  - (b) sections 568 to 570 of the Education and Training Act 2020;
  - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;
  - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986;
  - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

**18 Resumptive memorials to be cancelled**

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal description of, and identify the record of title for, each allotment that—
  - (a) is all or part of—
    - (i) a cultural redress property;
    - (ii) a commercial property;
    - (iii) a deferred selection property;
    - (iv) an early release commercial property;

- (v) the Pouarua Farm property; and
  - (b) is subject to a resumptive memorial recorded under an enactment listed in section 17(2).
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—
- (a) the settlement date, for a cultural redress property, an early release commercial property, and the Pouarua Farm property; or
  - (b) the date of transfer of the property to the trustees, for a commercial property or a deferred selection property.
- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
- (a) register the certificate against each record of title identified in the certificate; and
  - (b) cancel each memorial recorded under an enactment listed in section 17(2) on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.

#### *Miscellaneous matters*

### **19 Limit on duration of trust does not apply**

- (1) A limit on the duration of a trust in any rule of law and a limit on the provisions of any Act, including section 16 of the Trusts Act 2019,—
- (a) do not prescribe or restrict the period during which—
    - (i) the Ngāti Pāoa Iwi 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 Pāoa Iwi Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

### **20 Treatment of Ngāti Pāoa Iwi Trust under Te Ture Whenua Maori Act 1993**

- (1) The Ngāti Pāoa Iwi Trust is not a trust constituted in respect of—
- (a) any Maori land for the purpose of section 236(1)(b) of Te Ture Whenua Maori Act 1993; or
  - (b) any General land owned by Maori for the purpose of section 236(1)(c) of that Act.

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

## 21 Access to deed of settlement

The chief executive of the Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau must make copies of the deed of settlement available—

- (a) for inspection free of charge, and for purchase at a reasonable price, at that Office in Wellington between 9 am and 5 pm on any working day; and
- (b) free of charge on an Internet site maintained by or on behalf of that Office.

## 22 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—Vesting of cultural redress properties

### 23 Interpretation

- (1) In this subpart,—

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

*Properties vested in fee simple*

- (a) Hine-nui-o-te-pāua:
- (b) Kaiāua School property:

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

- (c) Māwhitipana:
- (d) Ōmaru:
- (e) Pāoa Ururoa:
- (f) Pāoa Ururua:
- (g) Pāoa Whanake:
- (h) Papakura Pā:
- (i) Pōkai Wāwāhi Ika:
- (j) Tauwhare Koiora site A:
- (k) Tauwhare Koiora site B:
- (l) Te Iwi Rahirahi:

(m) Te Waero Awe Houkura

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

**joint management body** means the body established by section 59

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

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

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

- (a) Tauwhare Koiora site A; and
  - (b) Sections 1, 3, 5, and 6 SO 504602 (owned by the Hauraki District Council).
- (2) In sections 27 and 28, and sections 39 to 45, **Council** means the Auckland Council.

*Properties vested in fee simple*

**24 Hine-nui-o-te-pāua**

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

**25 Kaiaua School property**

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

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

**26 Māwhitipana**

- (1) The reservation of Māwhitipana as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Māwhitipana vests in the trustees.
- (3) Māwhitipana—
  - (a) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; but
  - (b) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see* section 56).
- (4) The reserve is named Māwhitipana Recreation Reserve.

**27 Ōmaru**

*Vesting and administration*

- (1) The reservation of the part of Ōmaru that is a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The part of Ōmaru that is held for State housing purposes is declared to be Crown land subject to the Land Act 1948.
- (3) The fee simple estate in Ōmaru vests in the trustees.
- (4) Ōmaru is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (5) The reserve is named Ōmaru Recreation Reserve.
- (6) The Council is the administering body of the reserve and the Reserves Act 1977 applies as if the reserve were vested in the Council under section 26 of that Act.

*Management plan*

- (7) Despite section 41(1) of the Reserves Act 1977, as long as the Council is the administering body of Ōmaru,—
  - (a) the management plan that was in force immediately before the commencement of the Point England Development Enabling Act 2017 applies to Ōmaru; and
  - (b) when the Council reviews that plan, the Council and the trustees must jointly prepare and approve the management plan.

*Precondition applying*

- (8) Subsections (1) to (7) do not take effect until the trustees have granted the following registrable easement for the following rights in favour of Hine-nui-ote-pāua and Pāoa Whanake on the terms and conditions set out in part 5.3 of the documents schedule:

- (a) a right of way; and
  - (b) a right to drain sewage; and
  - (c) a right to convey water; and
  - (d) a right to drain water; and
  - (e) a right to convey electricity; and
  - (f) a right to convey telecommunications; and
  - (g) a right to convey gas.
- (9) Despite the provisions of the Reserves Act 1977, the easement—
- (a) is enforceable in accordance with its terms; and
  - (b) is to be treated as having been granted in accordance with that Act.

## **28 Council improvements attached to Ōmaru**

- (1) This section applies to the improvements owned by the Council and attached to Ōmaru (the **property**) at the date of its vesting under section 27(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, renewed, or maintained by the Council, or those authorised by the Council, at any time without the consent of the owners of the property or the administering body (if no longer the Council), and without charge.
- (3) Improvements referred to in subsection (1) may, without charge, but subject to any relevant statutory requirement, be removed or demolished by the Council at any time without the consent of the owners of the property or the administering body (if no longer the Council).
- (4) However, the Council must—
- (a) give the owners of the property and the administering body (if no longer the Council) not less than 15 working days' written notice of its intention to remove or demolish an improvement; and
  - (b) after the removal or demolition, ensure that the land is left in a clean and tidy condition.
- (5) Subsection (2) applies subject to any other enactment that governs the ownership of an improvement.

- (6) For the purposes of administering the reserve under the Reserves Act 1977, the administering body is responsible for any decisions in respect of a matter that arises from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the property.
- (7) Subsection (6) is subject to any other enactment that governs the use of the improvement concerned.
- (8) The owners of the property are not liable for an improvement for which they would, apart from this section, be liable by reason of their ownership of the property.

## **29 Pāoa Ururoa**

- (1) The reservation of Pāoa Ururoa (being part of Motuihe Island Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Pāoa Ururoa ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Pāoa Ururoa vests in the trustees.
- (3) Pāoa Ururoa—
  - (a) is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977; and
  - (b) is included in the Hauraki Gulf Marine Park as provided for by section 68 of this Act; but
  - (c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see* section 56).
- (4) The reserve is named Pāoa Ururoa Historic Reserve.
- (5) For the purposes of the Fire and Emergency New Zealand Act 2017, Pāoa Ururoa must be treated as if it were public conservation land within the meaning of section 144 of that Act.

## **30 Application of motu plan to Pāoa Ururoa**

- (1) On and from the date of its vesting under section 29(2), Pāoa Ururoa is subject to the motu plan.
- (2) The administering body of the reserve is not required to prepare a management plan under section 41 of the Reserves Act 1977 for the reserve.

## **31 Right of entry onto Pāoa Ururoa by the Crown**

- (1) Despite the vesting of Pāoa Ururoa under section 29(2), the Crown may enter Pāoa Ururoa with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes:
  - (a) species management:
  - (b) monitoring pest plants or pest animals:
  - (c) controlling pest plants or pest animals.

- (2) The right to enter Pāoa Ururoa includes the right to enter any buildings erected on Pāoa Ururoa.
- (3) If the Crown enters Pāoa Ururoa under subsection (1), it must give notice to the owners, orally or by electronic means (as the Crown and the owners agree), at least 24 hours before entering or, if that is not practicable,—
  - (a) before entering, if practicable; or
  - (b) as soon as possible after entering.
- (4) Despite subsection (3), the owners and the Crown may agree the circumstances in which notice is not required before the Crown enters Pāoa Ururoa.
- (5) Despite subsections (3) and (4), the Crown may enter Pāoa Ururoa under subsection (1) without prior notice if responding to a known or suspected incursion of a pest animal.
- (6) Despite subsections (1), (2), (3), and (5), the Crown must not enter a building erected on Pāoa Ururoa that may be used for accommodation purposes, unless it—
  - (a) first obtains the consent of the building owner or occupier to enter the building; and
  - (b) enters the building only in daylight hours.

### **32 Pāoa Ururua**

- (1) The reservation of Pāoa Ururua (being part of Motuihe Island Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Pāoa Ururua ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Pāoa Ururua vests in the trustees.
- (3) Pāoa Ururua—
  - (a) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and
  - (b) is included in the Hauraki Gulf Marine Park as provided for by section 68; but
  - (c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see* section 56).
- (4) The reserve is named Pāoa Ururua Recreation Reserve.
- (5) For the purposes of the Fire and Emergency New Zealand Act 2017, Pāoa Ururua must be treated as if it were public conservation land within the meaning of section 144 of that Act.

### **33 Application of motu plan to Pāoa Ururua**

- (1) On and from the date of its vesting under section 32(2), Pāoa Ururua is subject to the motu plan.

- (2) The administering body of the reserve is not required to prepare a management plan under section 41 of the Reserves Act 1977 for the reserve.

#### **34 Right of entry onto Pāoa Ururua by the Crown**

- (1) Despite the vesting of Pāoa Ururua under section 32(2), the Crown may enter Pāoa Ururua with or without motor vehicles, machinery, implements of any kind, or dogs for any of the following purposes:
- (a) species management:
  - (b) monitoring pest plants or pest animals:
  - (c) controlling pest plants or pest animals.
- (2) The right to enter Pāoa Ururua includes the right to enter any buildings erected on Pāoa Ururua.
- (3) If the Crown enters Pāoa Ururua under subsection (1), it must give notice to the owners, orally or by electronic means (as the Crown and the owners agree), at least 24 hours before entering or, if that is not practicable,—
- (a) before entering, if practicable; or
  - (b) as soon as possible after entering.
- (4) Despite subsection (3), the owners and the Crown may agree the circumstances in which notice is not required before the Crown enters Pāoa Ururua.
- (5) Despite subsections (3) and (4), the Crown may enter Pāoa Ururua under subsection (1) without prior notice if responding to a known or suspected incursion of a pest animal.
- (6) Despite subsections (1), (2), (3), and (5), the Crown must not enter a building erected on Pāoa Ururua that may be used for accommodation purposes, unless it—
- (a) first obtains the consent of the building owner or occupier to enter the building; and
  - (b) enters the building only in daylight hours.

#### **35 Pāoa Whanake**

- (1) The reservation of Pāoa Whanake as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pāoa Whanake vests in the trustees.
- (3) Pāoa Whanake is declared a reserve and classified as a local purpose (marae) reserve subject to section 23 of the Reserves Act 1977.
- (4) The reserve is named Pāoa Whanake Local Purpose (Marae) Reserve.

#### **36 Papakura Pā**

- (1) The reservation of Papakura Pā (being part of Tiritiri Matangi Island Scientific Reserve) as a scientific reserve subject to the Reserves Act 1977 is revoked.

- (2) The fee simple estate in Papakura Pā vests in the trustees.
- (3) Papakura Pā—
  - (a) is declared a reserve and classified as a scientific reserve subject to section 21 of the Reserves Act 1977; but
  - (b) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clauses 3 and 11 of that schedule (but *see* section 56).
- (4) Despite the vesting under subsection (2), the Reserves Act 1977 applies to the reserve as if the reserve were vested in the Crown.
- (5) To avoid doubt, because of subsection (4),—
  - (a) the reserve is not vested in, or managed and controlled by, an administering body; and
  - (b) the Crown continues to administer, control, and manage the reserve; and
  - (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve; and
  - (d) the reserve continues to form part of the Hauraki Gulf Marine Park.
- (6) However, the Minister of Conservation must not revoke the reserve status of Papakura Pā (but may reclassify it) under that Act.
- (7) For the purposes of the Fire and Emergency New Zealand Act 2017, Papakura Pā must be treated as if it were public conservation land within the meaning of section 144 of that Act.

### **37 Pōkai Wāwāhi Ika**

- (1) The reservation of Pōkai Wāwāhi Ika as a recreation reserve subject to the Reserves Act 1977 is revoked, and accordingly Pōkai Wāwāhi Ika ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Pōkai Wāwāhi Ika vests in the trustees.
- (3) Pōkai Wāwāhi Ika—
  - (a) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and
  - (b) is included in the Hauraki Gulf Marine Park as provided for by section 68 of this Act; but
  - (c) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see* section 56).
- (4) The reserve is named Pōkai Wāwāhi Ika Recreation Reserve.

### **38 Tauwhare Koiora site A and Tauwhare Koiora site B**

#### *Road to be stopped*

- (1) The parts of Sections 1, 2, 8, 9, and 10 SO 477002 that are road are stopped.

- (2) Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the roads.
- (3) Sections 1 and 2 SO 477002 and Section 2 SO 504602 are declared Crown land subject to the Land Act 1948.

*Vesting of site A*

- (4) The fee simple estate in Tauwhare Koiora site A vests in the trustees.
- (5) The following land is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977:
  - (a) Tauwhare Koiora site A; and
  - (b) 0.4249 hectares, more or less, being Sections 1, 3, 5, and 6 SO 504602.
- (6) The reserve is named Tauwhare Koiora Recreation Reserve.
- (7) To avoid doubt, that part of the reserve referred to in subsection (5)(b) remains owned by the Hauraki District Council.

*Vesting of site B*

- (8) The fee simple estate in Tauwhare Koiora site B vests in the trustees.
- (9) Tauwhare Koiora site B is declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977.
- (10) The reserve is named Tauwhare Koiora Historic Reserve.

*Joint management of reserves and ownership of improvements*

- (11) The joint management body is the administering body of the reserves referred to in subsections (5) and (9), and the Reserves Act 1977 applies to the reserves as if the reserves were vested in the body (as if the body were trustees) under section 26 of that Act.
- (12) However, the joint management body may exercise or perform, as if it were a local authority, a power or function that the Minister of Conservation has delegated to local authorities under section 10 of the Reserves Act 1977, but only to the extent that the power or function is relevant to the reserves.
- (13) Improvements in or on Tauwhare Koiora site A or Tauwhare Koiora site B do not vest in the trustees, despite the vestings referred to in subsections (4) and (8).

### **39 Te Iwi Rahirahi**

- (1) The reservation of Te Iwi Rahirahi as a local purpose (esplanade) reserve subject to the Reserves Act 1977 is revoked, and accordingly Te Iwi Rahirahi ceases to be part of the Hauraki Gulf Marine Park.
- (2) The fee simple estate in Te Iwi Rahirahi vests in the trustees.
- (3) Te Iwi Rahirahi is declared a reserve and classified as a local purpose (esplanade) reserve subject to section 23 of the Reserves Act 1977.
- (4) The reserve is named Te Iwi Rahirahi Local Purpose (Esplanade) Reserve.

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

#### **40 Future interests relating to Te Iwi Rahirahi reserve land**

- (1) In this section and section 41, **Te Iwi Rahirahi reserve land** and **reserve land** mean all or the part of Te Iwi Rahirahi that remains a reserve under the Reserves Act 1977.
- (2) This section applies to Te Iwi Rahirahi reserve land, but only while the trustees are the owners, and the Council is the administering body, of that land.

##### *Interests in land*

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

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

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

##### *Application of Reserves Act 1977*

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

#### **41 Administration of Te Iwi Rahirahi reserve land**

- (1) This section applies only while the trustees are the owners of the reserve land.
- (2) The trustees and the Council may jointly—

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

## 42 Te Waero Awe Houkura

### *Vesting and administration*

- (1) The reservation of Te Waero Awe Houkura as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Te Waero Awe Houkura vests in the trustees.
- (3) Te Waero Awe Houkura—
  - (a) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977; but
  - (b) ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies because of clause 11 of that schedule (but *see* section 56).
- (4) The reserve is named Te Waero Awe Houkura Recreation Reserve.

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

*Management plan*

- (6) Despite section 41(1) of the Reserves Act 1977, as long as the Council is the administering body of Te Waero Awe Houkura,—
- (a) the management plan that is in force immediately before the settlement date continues to apply to Te Waero Awe Houkura and Blackpool Recreation Reserve; and
- (b) when the Council is reviewing that plan, the Council and the trustees must jointly prepare and approve the management plan for Te Waero Awe Houkura and Blackpool Recreation Reserve.
- (7) Subsections (1) to (6) do not take effect until the trustees have provided the Council with an unregistered lease on the terms and conditions set out in part 5.2 of the documents schedule.
- (8) Despite the provisions of the Reserves Act 1977, the lease—
- (a) is enforceable in accordance with its terms; and
- (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

- (9) In this section,—

**Blackpool Recreation Reserve** means the Council-owned reserve of that name, comprising 0.1618 hectares, more or less, being Lot 437 DP 25861 and Lot 448 DP 33180, all *Gazette* notice 123129, North Auckland Land District

**management plan** means the management plan that applies to the following land:

- (a) North Auckland Land District, Lots 216, 372, 437, 438, 439, 440, 441, 445, 446, and 447 DP 25861; and
- (b) North Auckland Land District, Lot 443 DP 22849; and
- (c) North Auckland Land District, Lots 436 and 448 DP 33180.

**43 Council improvements attached to Te Waero Awe Houkura**

- (1) Despite the vesting of the fee simple estate in Te Waero Awe Houkura under section 42(2), the improvements in or on Te Waero Awe Houkura do not vest in the trustees.
- (2) However, subsection (1) does not apply to the improvements in respect of which an unregistered lease is required by section 42(7).

#### 44 Interests relating to Te Waero Awe Houkura reserve land

(1) In this section and section 45, **Te Waero Awe Houkura reserve land** and **reserve land** mean all or the part of Te Waero Awe Houkura that remains a reserve under the Reserves Act 1977.

(2) This section applies to Te Waero Awe Houkura reserve land, but only while the trustees are the owners, and the Council is the administering body, of that land.

##### *Interests in land*

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

(a) accept, grant, or decline to grant any new interest in land that affects the reserve land, or may renew or vary such an interest; and

(b) renew or vary the lease referred to in section 42(7) (the **existing lease**).

(4) A person must apply in writing under this section, through the Council,—

(a) to obtain a new interest in land in the reserve land, or to renew or vary such an interest; and

(b) to renew or vary the existing lease.

(5) The Council must—

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

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

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

##### *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 may 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.

#### 45 Administration of Te Waero Awe Houkura reserve land

(1) This section applies only while the trustees are the owners of the reserve land.

(2) The trustees and the Council may jointly—

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

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

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

*General provisions applying to vesting of cultural redress properties*

**46 Properties vest subject to or together with interests**

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in Schedule 1.

**47 Interests in Papakura Pā**

- (1) This section applies to Papakura Pā (the **property**).
- (2) Any interest in land that affects the property must be dealt with for the purposes of registration as if the Crown were the registered owner of the land.
- (3) Subsection (2) continues to apply despite any subsequent transfer of the property under section 63.
- (4) Subsections (5) and (6) apply to an interest listed for the property in Schedule 1 for which there is a grantor, whether or not the interest also applies to land outside the property.
- (5) The Crown remains the grantor of the interest.
- (6) The interest applies—

- (a) until the interest expires or is terminated, but any subsequent transfer of the property must be ignored in determining whether the interest expires or is or may be terminated; and
- (b) despite any change in status of the land in the property; and
- (c) with any other necessary modifications.

#### **48 Interests in land for certain properties**

- (1) This section applies to all or the part of each property listed in subsection (2) that remains a reserve under the Reserves Act 1977 (the **reserve land**), but only while the reserve land has an administering body that is treated as if the land were vested in it.
- (2) The properties are—
  - (a) Ōmaru; and
  - (b) Tauwhare Koiora site A (being the part of the Tauwhare Koiora Recreation Reserve vested in the trustees); and
  - (c) Sections 1, 3, 5, and 6 SO 504602 (being the part of the Tauwhare Koiora Recreation Reserve owned by the Hauraki District Council); and
  - (d) Tauwhare Koiora site B.
- (3) If a property is affected by an interest in land listed for the property in Schedule 1, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.
- (4) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered owner of the reserve land.
- (5) However, subsections (3) and (4) do not affect the registration of the easement referred to in section 27(8).
- (6) Subsection (3) continues to apply to the reserve land described in subsection (2)(a), (b), and (d) despite any subsequent transfer of the land under section 63.

#### **49 Interests that are not interests in land**

- (1) Subsections (2) and (3) apply if a cultural redress property is subject to an interest (other than an interest in land) that is listed for the property in Schedule 1, and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that subsection (3) applies.
- (3) If all or part of the cultural redress property is reserve land to which section 48 applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.

- (4) The interest applies—
- (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and
  - (b) with any other necessary modifications; and
  - (c) despite any change in status of the land in the property.

*Council-owned part of Tauwhare Koiora Recreation Reserve*

- (5) Subsections (6) and (7) apply to Sections 1, 3, 5, and 6 SO 504602 (being the part of Tauwhare Koiora Recreation Reserve owned by the Hauraki District Council).
- (6) The joint management body must be treated as the grantor of the licence to occupy the land (dated 28 February 2013) in favour of the Kaiaua Boating Club.
- (7) The licence applies—
- (a) until it expires or is terminated, but any subsequent transfer of the property must be ignored in determining whether the licence expires or is or may be terminated; and
  - (b) with any other necessary modifications; and
  - (c) despite any change in status of the land.
- (8) Nothing in this section applies to Papakura Pā.

**50 Registration of ownership**

*Cultural redress properties vested in trustees*

- (1) Subsections (2) to (7) apply to a cultural redress property vested in the trustees under this subpart.
- (2) Subsection (3) applies to a cultural redress property (other than Ōmaru), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate.
- (3) The Registrar-General must, on written application by an authorised person,—
- (a) register the trustees as the owners of the fee simple estate in the property; and
  - (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part 5 of the deed of settlement.
- (4) Subsection (5) applies to—
- (a) a cultural redress property, but only to the extent that subsection (2) does not apply to the property; and
  - (b) Ōmaru.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—

- (a) create a record of title for the fee simple estate in the property in the name of the trustees; and
  - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (6) Subsection (5) is subject to the completion of any survey necessary to create a record of title.
- (7) A record of title must be created under this section as soon as is reasonably practicable after the date on which the property vests, but not later than—
- (a) 24 months after that date; or
  - (b) any later date that is agreed in writing by the Crown and the trustees.
- Council-owned part of Tauwhare Koiora Recreation Reserve*
- (8) Subsection (9) applies to the part of Tauwhare Koiora Recreation Reserve that is Sections 1, 3, 5, and 6 SO 504602, part Proclamation 4684.
- (9) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for the fee simple estate in the property in the name of the Hauraki District Council; and
  - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (10) In this section, **authorised person** means a person authorised by—
- (a) the chief executive of the Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau for the following cultural properties:
    - (i) Tauwhare Koiora site A:
    - (ii) Tauwhare Koiora site B:
    - (iii) the part of Tauwhare Koiora Recreation Reserve that is Sections 1, 3, 5, and 6 SO 504602:
  - (b) the chief executive of the Ministry of Education, for the Kaiarau School property:
  - (c) the chief executive of the Ministry of Housing and Urban Development, for Hine-nui-o-te-pāua:
  - (d) the chief executive of the Ministry of Housing and Urban Development and a person authorised by the Director-General, for Ōmaru:
  - (e) the Director-General, for all other properties.

## 51 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).
- (5) Subsection (3) does not apply to Papakura Pā.

## **52 Matters to be recorded on record of title**

- (1) The Registrar-General must record on any record of title,—
  - (a) for a reserve property (other than Papakura Pā),—
    - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
    - (ii) that the land is subject to—
      - (A) sections 51(3) and 61; and
      - (B) section 48(4), in the case of Tauwhare Koiora site A, Tauwhare Koiora site B, and Ōmaru; and
  - (b) for Papakura Pā,—
    - (i) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
    - (ii) that the land is subject to sections 36(4) to (6), 47(2), and 61; and
  - (c) for the Kaiāua School property and Hine-nui-o-te-pāua, that the land is subject to Part 4A of the Conservation Act 1987.
- (2) A notation made under subsection (1) that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.
- (3) The Registrar-General must record on the record of title for the part of Tauwhare Koiora Recreation Reserve that is Sections 1, 3, 5, and 6 SO 504602 that the land is subject to section 48(4).

## **53 Effect of change of status of certain reserve properties**

- (1) For a reserve property (other than Tauwhare Koiora site A, Tauwhare Koiora site B, Ōmaru, and Papakura Pā), if the reservation of the property under this subpart is revoked—
  - (a) for all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—
    - (i) section 24 of the Conservation Act 1987 does not apply to the property; and

- (ii) the property is subject to sections 51(3) and 61; or
  - (b) for part of the property, the Registrar-General must ensure that the notations referred to in paragraph (a) remain only on the record of title for the part of the property that remains a reserve.
- (2) For Tauwhare Koiora site A, Tauwhare Koiora site B, and Ōmaru,—
- (a) if the property remains a reserve but no longer has an administering body that is treated as if the land were vested in it, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notation that the property is subject to section 48(4); or
  - (b) if the reservation of the property under this subpart is revoked for—
    - (i) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—
      - (A) section 24 of the Conservation Act 1987 does not apply to that property; and
      - (B) the property is subject to sections 51(3) and 61; and
      - (C) the property is subject to section 48(4), if that notation has not been removed under paragraph (a); or
    - (ii) part of the property, the Registrar-General must ensure that the notations referred to in subparagraph (i) remain only on the record of title for the part of the property that remains a reserve.

*Council-owned part of Tauwhare Koiora Recreation Reserve*

- (3) For the part of Tauwhare Koiora Recreation Reserve that is Sections 1, 3, 5, and 6 SO 504602,—
- (a) if the property remains a reserve but the joint management body is no longer the administering body of the property, the chief executive of the Hauraki District Council must apply in writing to the Registrar-General to remove from the record of title for the property the notation that the property is subject to section 48(4); or
  - (b) if the reservation of the property under this subpart is revoked for—
    - (i) all of the property, the chief executive of the Hauraki District Council must apply in writing to the Registrar-General to remove from the record of title for the property the notation that the property is subject to section 48(4), if that notation has not been removed under paragraph (a); or
    - (ii) part of the property, the Registrar-General must ensure that the notation referred to in paragraph (b)(i) remains only on the record of title for the part of the property that remains a reserve.

- (4) The Registrar-General must comply with an application received in accordance with subsection (1)(a), (2)(a), (2)(b)(i), (3)(a), or (3)(b)(i).

#### **54 Application of other enactments**

- (1) The Crown Minerals Act 1991 applies, subject to sections 56 and 57 and subpart 2 of Part 3, in relation to the vesting of the fee simple estate in a cultural redress property under this subpart.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.
- (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.

#### **55 Names of Crown protected areas discontinued**

- (1) Subsection (2) applies to the land, or the part of the land, in a cultural redress property (other than Papakura Pā) that, immediately before the settlement date, was all or part of a Crown protected area.
- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.
- (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.

#### *Access to land under Crown Minerals Act 1991*

#### **56 Certain land to be treated as if included in Schedule 4 of Crown Minerals Act 1991**

- (1) This section and section 57 apply to each of the following properties (the **relevant properties**) on and from the date on which each property vests in the trustees under this subpart:
- (a) Māwhitipana:
  - (b) Pāoa Ururoa:
  - (c) Pāoa Ururua:
  - (d) Papakura Pā:

- (e) Pōkai Wāwāhi Ika:
- (f) Te Waero Awe Houkura.
- (2) Each relevant property must be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991 (land to which access restrictions apply).
- (3) To the extent relevant, section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 applies to each relevant property, but the rest of section 61 does not apply, except as provided for in section 57(2)(b) of this Act.
- (4) Section 61(1A) and (2) (except subsection (2)(db)) of the Crown Minerals Act 1991 must be applied in light of the following:
  - (a) because of the vestings referred to in subsection (1), the relevant properties are no longer owned by the Crown or, in the case of all properties other than Papakura Pā, held or managed by the Crown; and
  - (b) because of section 131, certain minerals are owned by the trustees.
- (5) In section 61(1A) and (2) of the Crown Minerals Act 1991,—
  - (a) a reference to a Minister or Ministers or to the Crown (but not the reference to a Crown owned mineral) must be applied as if it were a reference to the trustees in the case of all properties other than Papakura Pā:
  - (b) a reference to a Crown owned mineral must be applied as if it included a reference to the minerals owned by the trustees because of section 131.
- (6) In subsections (4)(b) and (5) and section 57(2)(a), **trustees** includes, if relevant, a subsequent owner of a relevant property.

**57 When land may be treated as no longer included in Schedule 4 of Crown Minerals Act 1991**

- (1) The Governor-General may, by Order in Council, declare that any or all of the relevant properties are no longer to be treated as if the land were included in Schedule 4 of the Crown Minerals Act 1991.
- (2) The power conferred by subsection (1)—
  - (a) may be exercised only on the advice of the Minister for Resources and the Minister of Conservation, after those Ministers—
    - (i) have consulted the trustees; and
    - (ii) have had regard to all the circumstances of the particular case; and
  - (b) is subject to section 61(5), (6), (7), and (9) of the Crown Minerals Act 1991.

*Further provisions applying to reserve properties*

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

- (1) The trustees are the administering body of a reserve property, except in the case of—
  - (a) Ōmaru; and
  - (b) Tauwhare Koiora Site A and Tauwhare Koiora site B; and
  - (c) Te Iwi Rahirahi; and
  - (d) Te Waero Awe Houkura.

(See sections 27(6), 38(11), 39(5), and 42(5).)
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.
- (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 Ōmaru, subsection (2) does not apply in respect of that property.
- (7) While the Auckland Council is the administering body of Te Iwi Rahirahi and Te Waero Awe Houkura (or either of them) (the **properties**),—
  - (a) subsection (2) does not apply in respect of the properties; and
  - (b) the Council must, to the extent that it is reasonably practicable to distinguish the revenue derived from the properties from any other revenue received by the Council,—
    - (i) hold the revenue received from the properties by the Council in its capacity as the administering body; and
    - (ii) account for that revenue separately from any other revenue of the Council; and
    - (iii) use that revenue only in relation to the properties.
- (8) While the joint management body is the administering body of Tauwhare Koiora site A and Tauwhare Koiora site B (or 1 of them) (the **properties**),—
  - (a) subsection (2) does not apply in respect of the properties; and

- (b) Part 4 of the Reserves Act 1977, which relates to financial provisions, applies to the joint management body as if it were a local authority; and
  - (c) the Hauraki District Council must, to the extent that it is reasonably practicable to distinguish the revenue derived from the properties from any other revenue received by the Council,—
    - (i) hold the revenue received from the properties by the joint management body in its capacity as the administering body; and
    - (ii) account for that revenue separately from any other revenue of the Council; and
    - (iii) use that revenue, under the direction of the joint management body, but only in relation to the properties that continue to be administered by the joint management body.
- (9) Subsections (1) to (4) do not apply to Papakura Pā.

### **59 Joint management body for Tauwhare Koiora reserves**

- (1) A joint management body is established for—
- (a) Tauwhare Koiora site A (being the part of the Tauwhare Koiora Recreation Reserve that is vested in the trustees); and
  - (b) Sections 1, 3, 5, and 6 SO 504602 (being the part of the Tauwhare Koiora Recreation Reserve that is owned by the Hauraki District Council); and
  - (c) Tauwhare Koiora site B (being the Tauwhare Koiora Historic Reserve).
- (2) The following are appointers for the purposes of this section:
- (a) the trustees; and
  - (b) the Hauraki District Council.
- (3) Each appointer must appoint 2 members to the joint management body.
- (4) At least 1 member of the members appointed by the Hauraki District Council must be an elected member whose area of representation includes the Tauwhare Koiora reserves.
- (5) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
- (a) the full name, address, and other contact details of the member; and
  - (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (6) An appointment ends after 3 years or when the appointer replaces the member by making another appointment.
- (7) Despite subsection (6), each term of a member referred to in subsection (4) ends on the same day as the term of office of that member ends before a triennial general election under the Local Electoral Act 2001.

- (8) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (9) In this section and section 60, **Tauwhare Koiora reserves** means Tauwhare Koiora Recreation Reserve and Tauwhare Koiora Historic Reserve.

### **60 Application of Reserves Act 1977 to joint management body**

- (1) Unless otherwise provided by this section, sections 32 to 34 of the Reserves Act 1977 apply to the joint management body (the **body**) as if it were a board.
- (2) The following provisions apply, despite the specified requirements of the Reserves Act 1977:
  - (a) despite section 32(1) of that Act, the first meeting of the body must be held not later than 6 months after the settlement date:
  - (b) despite section 32(5) of that Act,—
    - (i) the Hauraki District Council must appoint the chairperson and the trustees must appoint the deputy chairperson for the first term of the body; and
    - (ii) in succeeding 3-year terms, the appointers of the chairperson and the deputy chairperson must alternate between the Hauraki District Council and the trustees:
  - (c) despite section 32(7) of that Act,—
    - (i) no casting vote may be exercised and the members must strive to reach a consensus; but
    - (ii) if a consensus cannot be reached within a reasonable time, a decision must be made by majority vote:
  - (d) despite section 32(8) and (9) of that Act, all members must be present for all business of the body:
  - (e) despite section 32(10) of that Act, the members must strive to reach a consensus but, if that cannot be reached within a reasonable time, a question must be determined by majority vote:
  - (f) despite section 41(1) of that Act, the body must prepare and approve a management plan for the Tauwhare Koiora reserves not later than 5 years after the settlement date.
- (3) In this section, **consensus** means the absence of a formally recorded dissent by a member at a meeting of the body.

### **61 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 Papakura Pā may be transferred only in accordance with section 63.
- (3) The fee simple estate in the reserve land in any other reserve property may be transferred only in accordance with section 62 or 63.
- (4) In this section and sections 62 to 64, **reserve land** means the land that remains a reserve as described in subsection (1).

## **62 Transfer of reserve land to new administering body**

- (1) The registered owners of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).
- (2) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the new owners are able—
  - (a) to comply with the requirements of the Reserves Act 1977; and
  - (b) to perform the duties of an administering body under that Act.
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of the fee simple estate in the reserve land.
- (4) The required documents are—
  - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and
  - (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
  - (c) the written consent of the administering body of the reserve land, if the trustees are transferring the reserve land and are not the administering body; and
  - (d) any other document required for the registration of the transfer instrument.
- (5) The new owners, from the time of their registration under this section,—
  - (a) are the administering body of the reserve land; and
  - (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.
- (6) A transfer that complies with this section need not comply with any other requirements.

## **63 Transfer of reserve land if trustees change**

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

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

- (b) the transferees are the trustees of the same trust, after any new trustee has been appointed to the trust or any transferor has ceased to be a trustee of the trust; and
- (c) the instrument to transfer the reserve land is accompanied by a certificate given by the transferees, or the transferees' lawyer, verifying that paragraphs (a) and (b) apply.

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

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

#### **65 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.

### *Pou whenua*

#### **66 Right to construct pou whenua on certain reserves**

- (1) The trustees may construct pou whenua on the Papakura Pā Scientific Reserve and Te Haupa Island Scenic Reserve.
- (2) For the purposes of the Reserves Act 1977, the construction of a pou whenua under subsection (1) must be treated as having been carried out with the approvals or consents required under that Act.
- (3) To avoid doubt, nothing in this section removes any obligations of the trustees in respect of obtaining any other consents or approvals required to construct pou whenua on the reserves (for example, a building consent under the Building Act 2004).
- (4) In this section,—

**Papakura Pā Scientific Reserve** means 1.0000 hectares, more or less, being Section 2 SO 498956

**pou whenua** means a traditional boundary marker

**Te Haupa Island Scenic Reserve** means Allotment 298 Parish of Mahurangi, North Auckland Land District, to the extent that it is not within the coastal marine area.

*Consequential amendments to Hauraki Gulf Marine Park Act 2000*

**67 Amendments to Hauraki Gulf Marine Park Act 2000**

Section 68 amends the Hauraki Gulf Marine Park Act 2000.

**68 Schedule 5 amended**

In Schedule 5, insert in their appropriate alphabetical order:

The land described as Pāoa Ururoa in Part 1 of Schedule 1 of the Ngāti Pāoa Claims Settlement Act 2025, with effect on and from the settlement date, as defined in section 12 of that Act.

The land described as Pāoa Ururua in Part 1 of Schedule 1 of the Ngāti Pāoa Claims Settlement Act 2025, with effect on and from the settlement date, as defined in section 12 of that Act.

The land described as Pōkai Wāwāhi Ika in Part 1 of Schedule 1 of the Ngāti Pāoa Claims Settlement Act 2025, with effect on and from the settlement date, as defined in section 12 of that Act.

**Subpart 2—Ruamāhua**

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

**69 Interpretation**

In this subpart,—

**court** means the Māori Land Court

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

**Hako settlement legislation** means legislation that—

- (a) settles the historical claims of Hako; and
- (b) provides for the vesting of Ruamāhua in the descendants

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

**Ngāti Hei settlement legislation** means legislation that—

- (a) settles the historical claims of Ngāti Hei; and
- (b) provides for the vesting of Ruamāhua in the descendants

**Ngāti Maru settlement legislation** means legislation that—

- (a) settles the historical claims of Ngāti Maru; and
- (b) provides for the vesting of Ruamāhua in the descendants

**Ngāti Tamaterā settlement legislation** means legislation that—

- (a) settles the historical claims of Ngāti Tamaterā; and
- (b) provides for the vesting of Ruamāhua in the descendants

**Ngaati Whanaunga settlement legislation** means legislation that—

- (a) settles the historical claims of Ngaati Whanaunga; and
- (b) provides for the vesting of Ruamāhua in the descendants

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

**reserve land** means all or the part of Ruamāhua that remains a reserve under the Reserves Act 1977 after the property has vested in the descendants under section 70(2)

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

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

## 70 Ruamāhua vests in descendants

- (1) This section and sections 71 to 82 take effect on and from the latest of the following dates:
  - (a) the settlement date;
  - (b) the settlement date under Hako settlement legislation;
  - (c) the settlement date under Ngāti Hei settlement legislation;
  - (d) the settlement date under Ngāti Maru settlement legislation;
  - (e) the settlement date under Ngāti Tamaterā settlement legislation;
  - (f) the settlement date under Ngaati Whanaunga settlement legislation.
- (2) The fee simple estate in Ruamāhua (being Aldermen Islands (Ruamaahu) Nature Reserve) vests in the descendants in accordance with this section.
- (3) Ruamāhua is vested subject to the interests listed for the property in the third column of the table in Part 2 of Schedule 1.
- (4) Upon vesting under subsection (2), Ruamāhua—
  - (a) has the status of Māori freehold land; and
  - (b) is to be treated as specified freehold land.
- (5) Despite the vesting, Ruamāhua continues to be—
  - (a) a nature reserve subject to section 20 of the Reserves Act 1977; and
  - (b) a wildlife sanctuary under section 9 of the Wildlife Act 1953; and
  - (c) land to which Schedule 4 of the Crown Minerals Act 1991 applies (*see* clauses 2, 6, and 11 of that schedule); and
  - (d) part of the Hauraki Gulf Marine Park.
- (6) The fee simple estate in the reserve land must not be transferred.
- (7) Improvements in or on Ruamāhua do not vest in the descendants, despite the vesting referred to in subsection (2).

**71 Application of Te Ture Whenua Maori Act 1993**

- (1) Te Ture Whenua Maori Act 1993 applies to the reserve land, but only in relation to—
  - (a) a review of the Grey-Faced Petrel (Northern Muttonbird) Notice 1979, as specified in the Ngāti Hei settlement legislation:
  - (b) any proposal under section 24 of the Reserves Act 1977—
    - (i) to change the classification or purpose of that land; or
    - (ii) to revoke the reserve status of that land.

*Change of classification or purpose*

- (2) If the Minister of Conservation decides to change the classification or purpose of all or part of Ruamāhua as a reserve under section 24 of the Reserves Act 1977, the Minister must first obtain consent to the proposed change from the representatives of the descendants.

*Revocation of reservation*

- (3) Before the Minister of Conservation revokes the reservation of all or part of Ruamāhua as a reserve under section 24 of the Reserves Act 1977, the requirements of section 72 must be met.
- (4) If the reservation of all or part of Ruamāhua as a reserve is revoked, Te Ture Whenua Maori Act 1993 applies to all or the part of the property that is no longer a reserve.

**72 Requirements before revocation of reservation**

- (1) If the Minister of Conservation decides to revoke the reservation of all or part of Ruamāhua as a reserve, the Director-General must provide written notice of that decision to the Registrar.
- (2) When the Registrar receives a written notice, the Registrar must refer the notice to the court.
- (3) The court must initiate a meeting of the descendants.
- (4) The purpose of the meeting initiated under subsection (3) is to consider, for all or the part of Ruamāhua that is no longer to be a reserve,—
  - (a) the constitution of a trust; and
  - (b) the terms of the trust; and
  - (c) the appointment of trustees for that trust.
- (5) When the Registrar reports to the court on the outcome of the meeting initiated under subsection (3), the court must, by order and in accordance with the decisions of the descendants made at that meeting,—
  - (a) specify that the descendants, as a class, are the beneficial owners of all or the part of Ruamāhua that is no longer a reserve; and
  - (b) constitute the trust; and

- (c) set out the terms of the trust; and
  - (d) appoint trustees under section 222 of Te Ture Whenua Maori Act 1993, as if the trust had been constituted under Part 12 of that Act; and
  - (e) vest the land in the trustees under section 220 of Te Ture Whenua Maori Act 1993, as if the trust had been constituted under Part 12 of that Act.
- (6) Orders made under subsection (5) take effect only on and from the date on which the reservation of all or part of Ruamāhua as a reserve is revoked.
- (7) Before making an order under subsection (5), the court must be satisfied that—
- (a) the descendants have had sufficient notice of the meeting initiated under subsection (3) and sufficient opportunity to consider the matters referred to in subsection (4); and
  - (b) the constitution of the trust, the proposed terms of the trust, and the proposed trustees are broadly acceptable to the descendants.
- (8) As soon as is reasonably practicable after the trustees have been appointed,—
- (a) the Registrar must notify the Director-General of those appointments; and
  - (b) the Minister of Conservation must revoke the reservation of all or part of Ruamāhua as a reserve.

### **73 Notices to be given to Māori Land Court**

- (1) As soon as is reasonably practicable after the fee simple estate in Ruamāhua vests under section 70(2), the Director-General must notify the Registrar—
- (a) of the status of Ruamāhua as Māori freehold land; and
  - (b) that sections 71 and 72 of this Act apply to that land.
- (2) As soon as is reasonably practicable after the reservation of Ruamāhua as a reserve is revoked for all or part of the land, the Director-General must notify the Registrar of that revocation.
- (3) The Registrar must ensure that all relevant information notified under subsection (1) or (2) is entered on the records of the court.

### **74 The Crown's rights and obligations**

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

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

- (1) Despite the vesting of Ruamāhua under section 70(2), the Reserves Act 1977 applies to the reserve land as if it were vested in the Crown.
- (2) To avoid doubt, because of subsection (1),—
  - (a) the reserve land is not vested in, or managed and controlled by, an administering body; and
  - (b) the Crown continues to administer, control, and manage the reserve land; and
  - (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to the reserve land.
- (3) For the purposes of the Fire and Emergency New Zealand Act 2017, Ruamāhua must be treated as if it were public conservation land within the meaning of section 144 of that Act.
- (4) However, subsection (3) ceases to apply if, in respect of all of the property,—
  - (a) the reservation of Ruamāhua as a reserve is revoked; and
  - (b) the declaration of Ruamāhua as a wildlife sanctuary is revoked.

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

- (1) This section applies if Ruamāhua is subject to an interest (other than an interest in land) that is listed for the property in Part 2 of Schedule 1, and for which there is a grantor, whether or not the interest also applies to land that is not part of Ruamāhua.
- (2) The interest applies as if the Crown were the grantor of the interest in respect of the property, except to the extent that subsection (3) applies.
- (3) If all or part of Ruamāhua is no longer a reserve under the Reserves Act 1977, the interest applies as if the owners of that land were the grantor of the interest in respect of all or part of the property.
- (4) The interest applies—
  - (a) until the interest expires or is terminated, but any subsequent transfer of Ruamāhua must be ignored in determining whether the interest expires or is or may be terminated; and
  - (b) with any other necessary modifications; and
  - (c) despite any change in status of the land in the property.

**77 Application of Part 4A of Conservation Act 1987**

- (1) The vesting of the fee simple estate in Ruamāhua as a reserve 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 Ruamāhua.
- (3) If the reservation of Ruamāhua as a reserve is revoked for all or part of the property, the vesting of the property continues to be exempt from section 24 of the Conservation Act 1987 for all or that part of the property.
- (4) Subsections (2) and (3) do not limit subsection (1).

#### **78 Matters to be recorded on record of title**

- (1) The Registrar-General must record on the record of title for Ruamāhua created under the Ngāti Hei settlement legislation—
  - (a) that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) that the land has the status of Māori freehold land and is subject (as specified) to Te Ture Whenua Maori Act 1993 (*see* sections 70(4) and 71); and
  - (c) that the land is subject to sections 70(6) and 74.
- (2) A notation made under subsection (1)(a) that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.
- (3) If the reservation of Ruamāhua as a reserve is revoked—
  - (a) for all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that the land is subject to sections 70(6) and 74; or
  - (b) for part of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations referred to in paragraph (a), but only for the part of the property that is no longer a reserve.
- (4) The Registrar-General must comply with an application received in accordance with subsection (3).

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

- (1) The Crown Minerals Act 1991 applies, subject to subpart 2 of Part 3, in relation to the vesting of the fee simple estate in Ruamāhua under this subpart.
- (2) If the reservation of Ruamāhua as a reserve is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of the Reserves Act 1977 applies to the revocation, but not the rest of section 25 of that Act.
- (3) If the reservation of Ruamāhua as a reserve and its declaration as a wildlife sanctuary are revoked for all or part of the property, any land that is no longer subject to reservation as a reserve and declaration as a wildlife sanctuary ceases to be land to which Schedule 4 of the Crown Minerals Act 1991 applies.

- (4) To avoid doubt, when performing functions under the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act (including the Wildlife Act 1953) in relation to Ruamāhua, the relevant person or entity must give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi as required by section 4 of the Conservation Act 1987.

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

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

### **81 Saving of bylaws, etc**

- (1) This section applies to the following that were made or imposed under the Conservation Act 1987, the Reserves Act 1977, or the Wildlife Act 1953 in relation to Ruamāhua before the property was vested under section 70:
- (a) any bylaw:
  - (b) any prohibition or restriction on use or access:
  - (c) any declaration given by notice in the *Gazette*.
- (2) The bylaw, prohibition, restriction, or declaration remains in force until it expires or is revoked under the Conservation Act 1987, the Reserves Act 1977, or the Wildlife Act 1953, as the case may be.

### **82 Name change for Ruamāhua**

- (1) The name of the Aldermen Islands (Ruamaahu) Nature Reserve is changed to Ruamāhua Nature Reserve.
- (2) The new name given by subsection (1) is to be treated as if—
- (a) it were an official geographic name that takes effect on the date on which Ruamāhua vests under section 70; 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 date on which Ruamāhua vests under section 70,—
- (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 date on which Ruamāhua vests under section 70.
- (4) In this section,—

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

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

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

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

#### 83 Interpretation

In this subpart,—

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

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

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

**vesting date** means—

- (a) the date proposed by the trustees in accordance with section 84(1) to (3) or 86(1) to (3) (as relevant); or
- (b) the date that is 1 year after the settlement date, if no date is proposed.

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

- (1) The trustees may give written notice to the Minister of Conservation of the date on which the Pūkoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area is to vest in the trustees.
- (2) The proposed date must not be later than 1 year after the settlement date.
- (3) The trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date.
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
  - (a) specifying the vesting date; and
  - (b) stating that the fee simple estate in the Pūkoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area vests in the trustees on the vesting date.
- (5) The notice must be published as early as practicable before the vesting date.

**85 Delayed vesting and vesting back of Pūkoro-koro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area**

- (1) The fee simple estate in the Pūkoro-koro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area vests in the trustees on the vesting date.
- (2) On the seventh day after the vesting date, the fee simple estate in the Pūkoro-koro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area vests in the Crown.
- (3) However, the following matters apply as if the vestings had not occurred:
  - (a) the Pūkoro-koro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area remains a reserve under the Reserves Act 1977; and
  - (b) any enactment, instrument, or interest that applied to the Pūkoro-koro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area immediately before the vesting date continues to apply to it; and
  - (c) to the extent that the overlay classification applies to the Pūkoro-koro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area immediately before the vesting date, it continues to apply to the property; and
  - (d) the Crown retains all liability for the Pūkoro-koro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area.
- (4) The vestings are not affected by—
  - (a) Part 4A of the Conservation Act 1987; or
  - (b) section 10 or 11 of the Crown Minerals Act 1991; or
  - (c) section 11 or Part 10 of the Resource Management Act 1991; or
  - (d) any other enactment relating to the land.
- (5) The vesting referred to in subsection (1) is not a disposal of RFR land under Part 4 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

**86 Notice of delayed vesting date for Te Haupa Island Scenic Reserve**

- (1) The trustees may give written notice to the Minister of Conservation of the date on which the Te Haupa Island Scenic Reserve is to vest in the trustees.
- (2) The proposed date must not be later than 1 year after the settlement date.
- (3) The trustees must give the Minister of Conservation at least 40 working days' notice of the proposed date.
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
  - (a) specifying the vesting date; and

- (b) stating that the fee simple estate in the Te Haupa Island Scenic Reserve vests in the trustees on the vesting date.
- (5) The notice must be published as early as practicable before the vesting date.

### **87 Delayed vesting and vesting back of Te Haupa Island Scenic Reserve**

- (1) The fee simple estate in the Te Haupa Island Scenic Reserve vests in the trustees on the vesting date.
- (2) On the seventh day after the vesting date, the fee simple estate in the Te Haupa Island Scenic Reserve vests in the Crown.
- (3) However, the following matters apply as if the vestings had not occurred:
  - (a) the Te Haupa Island Scenic Reserve remains a reserve under the Reserves Act 1977; and
  - (b) any enactment, instrument, or interest that applied to the Te Haupa Island Scenic Reserve immediately before the vesting date continues to apply to it; and
  - (c) to the extent that the overlay classification applies to the Te Haupa Island Scenic Reserve immediately before the vesting date, it continues to apply to the property; and
  - (d) the Crown retains all liability for the Te Haupa Island Scenic Reserve.
- (4) The vestings are not affected by—
  - (a) Part 4A of the Conservation Act 1987; or
  - (b) section 10 or 11 of the Crown Minerals Act 1991; or
  - (c) section 11 or Part 10 of the Resource Management Act 1991; or
  - (d) any other enactment relating to the land.
- (5) The vesting referred to in subsection (1) is not a disposal of RFR land under any enactment that provides for the reserve to be RFR land.

## Subpart 4—Overlay classification

### **88 Interpretation**

In this subpart,—

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

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

**overlay area**—

- (a) means an area that is declared under section 89(1) to be subject to the overlay classification; but

- (b) does not include an area that is declared under section 100(1) to be no longer subject to the overlay classification

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

**protection principles**, for an overlay area,—

- (a) means the principles agreed by the trustees and the Minister of Conservation, as set out for the area in part 1 of the documents schedule; and
- (b) includes those principles as they are amended by the written agreement of the trustees and the Minister of Conservation

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

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

- (a) made by Ngāti Pāoa of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and
- (b) set out in part 1 of the documents schedule.

## **89 Declaration of overlay classification and the Crown’s acknowledgement**

- (1) Each area described in Schedule 2 is declared to be subject to the overlay classification.
- (2) The Crown acknowledges the statements of values for the overlay areas.

## **90 Purposes of overlay classification**

The only purposes of the overlay classification are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in section 92; and
- (b) to enable the taking of action under sections 93 to 98.

## **91 Effect of protection principles**

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

## **92 Obligations on New Zealand Conservation Authority and Conservation Boards**

- (1) When the New Zealand Conservation Authority or a Conservation Board considers a conservation management strategy, conservation management plan, or national park management plan that relates to an overlay area, the Authority or Board must have particular regard to—
  - (a) the statement of values for the area; and
  - (b) the protection principles for the area.

- (2) Before approving a strategy or plan that relates to an overlay area, the New Zealand Conservation Authority or a Conservation Board must—
  - (a) consult the trustees; and
  - (b) have particular regard to the views of the trustees as to the effect of the strategy or plan on—
    - (i) any matters in the implementation of the statement of values for the area; and
    - (ii) any matters in the implementation of the protection principles for the area.
- (3) If the trustees advise the New Zealand Conservation Authority in writing that they have significant concerns about a draft conservation management strategy in relation to an overlay area, the Authority must, before approving the strategy, give the trustees an opportunity to make submissions in relation to those concerns.

### **93 Noting of overlay classification in strategies and plans**

- (1) The application of the overlay classification to an overlay area must be noted in any conservation management strategy, conservation management plan, or national park management plan affecting the area.
- (2) The noting of the overlay classification is—
  - (a) for the purpose of public notice only; and
  - (b) not an amendment to the strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

### **94 Notification in *Gazette***

- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—
  - (a) the declaration made by section 89 that the overlay classification applies to the overlay areas; and
  - (b) the protection principles for each overlay area.
- (2) An amendment to the protection principles, as agreed by the trustees and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under section 95 or 96.

### **95 Actions by Director-General**

- (1) The Director-General must take action in relation to the protection principles that relate to an overlay area, including the specified actions.

- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.
- (3) The Director-General must notify the trustees in writing of any action that the Director-General intends to take.

#### **96 Amendment to strategies or plans**

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to an overlay area.
- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment.
- (3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

#### **97 Regulations**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:
  - (a) to provide for the implementation of objectives included in a strategy or plan under section 96(1);
  - (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area;
  - (c) to create offences for breaches of regulations made under paragraph (b);
  - (d) to prescribe the following fines for an offence referred to in paragraph (c):
    - (i) a fine not exceeding \$5,000; and
    - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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#### **Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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**98 Bylaws**

- (1) The Minister of Conservation may make bylaws for 1 or more of the following purposes:
- (a) to provide for the implementation of objectives included in a strategy or plan under section 96(1);
  - (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area;
  - (c) to create offences for breaches of bylaws made under paragraph (b);
  - (d) to prescribe the following fines for an offence referred to in paragraph (c):
    - (i) a fine not exceeding \$5,000; and
    - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues.
- (2) Bylaws made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

**99 Effect of overlay classification on overlay areas**

- (1) This section applies if, at any time, the overlay classification applies to any land in—
- (a) a national park under the National Parks Act 1980; or
  - (b) a conservation area under the Conservation Act 1987; or
  - (c) a reserve under the Reserves Act 1977.
- (2) The overlay classification does not affect—
- (a) the status of the land as a national park, conservation area, or reserve; or
  - (b) the classification or purpose of a reserve.

**100 Termination of overlay classification**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of an overlay area is no longer subject to the overlay classification.
- (2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—

- (a) the trustees and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
  - (b) the relevant area is to be, or has been, disposed of by the Crown; or
  - (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands.
- (3) The Crown must take reasonable steps to ensure that the trustees continue to have input into the management of a relevant area if—
- (a) subsection (2)(c) applies; or
  - (b) there is a change in the statutory management regime that applies to all or part of the overlay area.
- (4) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.

#### **101 Exercise of powers and performance of functions and duties**

- (1) The overlay classification does not affect, and must not be taken into account by, any person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under legislation or a bylaw, must not give greater or lesser weight to the values stated in the statement of values for an overlay area than that person would give if the area were not subject to the overlay classification.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to the other provisions of this subpart.

#### **102 Rights not affected**

- (1) The overlay classification does not—
- (a) affect the lawful rights or interests of a person who is not a party to the deed of settlement; or
  - (b) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, an overlay area.
- (2) This section is subject to the other provisions of this subpart.

### Subpart 5—Statutory acknowledgement

#### **103 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 Pāoa of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part 2 of the documents schedule

**statutory acknowledgement** means the acknowledgement made by the Crown in section 104 in respect of the statutory areas, on the terms set out in this subpart

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

**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.

#### **104 Statutory acknowledgement by the Crown**

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

#### **105 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 106 to 108; 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 109 and 110; and
- (c) to enable the trustees and any member of Ngāti Pāoa to cite the statutory acknowledgement as evidence of the association of Ngāti Pāoa with a statutory area, in accordance with section 111.

#### **106 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.

**107 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.

**108 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.

**109 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 104 to 108, 110, and 111; 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.

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

- (1) Each relevant consent authority must, on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
- (a) if the application is received by the consent authority, a summary of the application; or
  - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B(4) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
  - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
- (a) waive the right to be provided with a summary or copy of a notice under this section; and
  - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
- (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
  - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

**111 Use of statutory acknowledgement**

- (1) The trustees and any member of Ngāti Pāoa may, as evidence of the association of Ngāti Pāoa with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
  - (a) the relevant consent authorities; or
  - (b) the Environment Court; or
  - (c) Heritage New Zealand Pouhere Taonga; or
  - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, because of the statutory acknowledgement, binding as fact on—
  - (a) the bodies referred to in subsection (1); or
  - (b) parties to proceedings before those bodies; or
  - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
  - (a) neither the trustees nor members of Ngāti Pāoa are precluded from stating that Ngāti Pāoa 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.

**112 Exercise of powers and performance of functions and duties**

- (1) The statutory acknowledgement does not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (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 Pāoa with a statutory area than that person would give if there were no statutory acknowledgement for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to the other provisions of this subpart.

**113 Rights not affected**

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

- (b) does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

*Consequential amendment to Resource Management Act 1991*

**114 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 Pāoa Claims Settlement Act 2025

**Subpart 6—Protocols**

**115 Interpretation**

In this subpart,—

**protocol**—

- (a) means each of the following protocols issued under section 116(1)(a):
  - (i) the primary industries protocol;
  - (ii) the taonga tūturu protocol; and
- (b) includes any amendments made under section 116(1)(b)

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

*General provisions applying to protocols*

**116 Issuing, amending, and cancelling protocols**

- (1) The responsible Minister—
  - (a) must issue a protocol to the trustees on the terms set out in part 4 of the documents schedule; and
  - (b) may amend or cancel that protocol.
- (2) The responsible Minister may amend or cancel a protocol at the initiative of—
  - (a) the trustees; or
  - (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.

**117 Protocols subject to rights, functions, and duties**

A protocol does not restrict—

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

- (i) to introduce legislation and change Government policy; and
- (ii) to interact with or consult a person that the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of the responsible Minister or a department of State; or
- (c) the legal rights of Ngāti Pāoa or a representative entity.

### **118 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).

### *Primary industries*

### **119 Primary industries protocol**

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

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

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

### *Taonga tūturu*

#### **120 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 7—Name changes for Crown protected areas

#### **121 Name changes for Crown protected areas**

- (1) The name of Miranda Taramaire Government Purpose Reserve Wildlife Management Area is changed to Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area.
- (2) The name of Miranda Scenic Reserve is changed to Pūkorokoro / Miranda Scenic Reserve.
- (3) The name of Miranda Scientific Reserve is changed to Pūkorokoro / Miranda Scientific Reserve.
- (4) The name of Te Haupa (Saddle) Island Scenic Reserve is changed to Te Haupa Island Scenic Reserve.
- (5) The name of that part of Tiritiri Matangi Island Scientific Reserve that applied to Papakura Pā immediately before the settlement date is changed to Papakura Pā Scientific Reserve.
- (6) The new name given to a reserve under subsection (1), (2), (3), (4), or (5) is to be treated as if—
  - (a) it were an official geographic name that takes effect on the settlement date; and
  - (b) it had first been reviewed and concurred with by the Board under subpart 3 of Part 2 of the Act.
- (7) The Board must, as soon as practicable after the settlement date,—
  - (a) give public notice of each new name in accordance with section 21(2)(a) and (b) and (3) of the Act; but

- (b) state in the notice that the new name became an official geographic name on the settlement date.
- (8) The official geographic name of a reserve named under this section must not be changed in accordance with subpart 3 of Part 2 of the Act without the written consent of the trustees, and any requirements under that subpart or another enactment for public notice of or consultation about the proposed name do not apply.
- (9) In this section,—
- Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008
- Board** means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa
- official geographic name** has the meaning given in section 4 of the Act
- Papakura Pā** means the cultural redress property known by that name.

### Part 3 Commercial redress

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

#### 122 Interpretation

In this subpart,—

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

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

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

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

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

#### 123 The Crown may transfer properties

- (1) To give effect to part 6 of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—
- (a) to transfer the fee simple estate in a commercial property or a deferred selection property to the trustees; and

- (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (2) Subsection (3) applies to a commercial property or a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in section 17(2).
- (3) As soon as is reasonably practicable after the date on which a commercial property or deferred selection property is transferred to the trustees, the chief executive of the land holding agency must give written notice of that date to the chief executive of LINZ for the purposes of section 18 (which relates to the cancellation of resumptive memorials).

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

- (1) This section applies to each commercial property or deferred selection property that is to be transferred to the trustees under section 123.
- (2) However, this section applies only to the extent that—
  - (a) the property is not all of the land contained in a record of title for a fee simple estate; or
  - (b) the property is all of the land contained in a record of title for a fee simple estate that is limited as to parcels; or
  - (c) there is no record of title for the fee simple estate in all or part of the property.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
  - (a) create a record of title for the fee simple estate in the property in the name of the Crown; and
  - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
  - (c) omit any statement of purpose from the record of title.
- (4) Subsection (3) is subject to the completion of any survey necessary to create a record of title.
- (5) In this section and section 125, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

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

- (1) For the purposes of section 124, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any commercial property or deferred selection property.
- (2) Despite the Land Transfer Act 2017,—

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

### **126 Application of other enactments**

- (1) This section applies to the transfer to the trustees of the fee simple estate in a commercial property or deferred selection property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (3) The Crown Minerals Act 1991 applies subject to subpart 2.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer.
- (5) 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 123, 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).

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

- (1) This section applies to a deferred selection property—
  - (a) for which the land holding agency is the Ministry of Education; and
  - (b) the ownership of which is to be transferred to the trustees; and
  - (c) that, after the transfer, is to be subject to a lease back to the Crown.
- (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 128 upon the registration of the transfer.
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that—
  - (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
  - (b) the land is subject to section 128.

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

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

- (1) This section applies if the lease referred to in section 127(1)(c) (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.
- (2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.
- (3) The registered owners of the property must apply in writing to the Registrar-General,—
- (a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that—
- (i) section 24 of the Conservation Act 1987 does not apply to the property; and
- (ii) the property is subject to this section; or
- (b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,—
- (i) section 24 of the Conservation Act 1987 does not apply to that part; and
- (ii) that part is subject to this section.
- (4) The Registrar-General must comply with an application received in accordance with subsection (3) free of charge to the applicant.

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

### **129 Application and interpretation**

- (1) This subpart applies to—
- (a) the land vested in the trustees under subpart 1 of Part 2; and
- (b) land transferred to the trustees under section 123; and
- (c) an early release commercial property transferred to the trustees; and
- (d) the Pouarua Farm property transferred to the Pouarua Farm Limited Partnership in accordance with the Agreement for Sale and Purchase of Real Estate dated 8 November 2013; and
- (e) the land vested in the descendants by subpart 2 of Part 2.
- (2) In this subpart, unless the context otherwise requires,—

**actual amount** means the actual amount payable in respect of vested minerals in accordance with sections 138 and 142

**applicant** means whichever of the trustees and Pouarua Farm Limited Partnership makes an application under section 143

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

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

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

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

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

**permit area** means—

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

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

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

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

**representative amount** means the representative amount—

- (a) payable in accordance with section 138; and
- (b) calculated in accordance with section 139

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

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

**vested minerals** means the minerals referred to in section 131(1) and (2)

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

*Existing rights preserved***130 Certain existing rights preserved**

The following privileges, rights, obligations, functions, and powers (including those preserved by the transitional provisions in Part 2 of the Crown Minerals Act 1991) continue as if section 131 had not been enacted:

- (a) privileges in existence immediately before—
  - (i) the property is vested or transferred as referred to in section 131(1); or
  - (ii) an early release commercial property is transferred to the trustees; or
  - (iii) the Pouarua Farm property is transferred to the Pouarua Farm Limited Partnership:
- (b) rights that may be exercised under the Crown Minerals Act 1991 by the holders of those privileges or any other person:
- (c) subsequent rights and privileges granted to those holders or any other person following the exercise of the rights referred to in paragraph (b) (including those provided for by section 32 of the Crown Minerals Act 1991):
- (d) the obligations on those holders or any other person imposed by or under the Crown Minerals Act 1991:
- (e) the Crown's performance and exercise of its functions and powers under the Crown Minerals Act 1991 in relation to any of the matters referred to in paragraphs (a) to (d).

*Certain minerals vested or transferred under this subpart***131 Vested minerals no longer to be reserved to the Crown**

- (1) Despite section 11 of the Crown Minerals Act 1991,—
  - (a) when land referred to in section 129(1)(a) is vested in the trustees, any Crown owned minerals in that land (other than section 10 minerals) vest with the land:
  - (b) when land referred to in section 129(1)(b) is transferred to the trustees, any Crown owned minerals in that land (other than section 10 minerals) transfer with the land:
  - (c) when land referred to in section 129(1)(e) is vested in the descendants, any Crown owned minerals in that land (other than section 10 minerals) vest with the land.
- (2) Despite section 11 of the Crown Minerals Act 1991,—

- (a) on the settlement date any Crown owned minerals (other than section 10 minerals) in the land referred to in section 129(1)(c) become the property of the trustees if, on that date, they own the land; and
  - (b) on the latest of the settlement dates applying under the settlement legislation for the relevant iwi named in section 131(5), any Crown owned minerals (other than section 10 minerals) in the land referred to in section 129(1)(d) become the property of the Pouarua Farm Limited Partnership.
- (3) If a share in any relevant land is vested in or transferred to the trustees, the trustees own a share of any Crown owned minerals (other than section 10 minerals) in the same proportion as the shares in which they own the relevant land.
- (4) To avoid doubt, the vesting or transfer of land referred to in section 129(1) is subject to any mineral interests or rights to which, immediately before the commencement of this subpart, any person other than the Crown was entitled under the Land Transfer Act 2017 or any other Act, whether or not such interests or rights are recorded on the record of title for the land.
- (5) In this section and section 134, **relevant iwi** means all of the following:
  - (a) Ngāti Pāoa:
  - (b) Ngāti Maru:
  - (c) Ngāti Tamaterā:
  - (d) Ngāti Tara Tokanui:
  - (e) Te Patukirikiri.

### **132 Application of Crown Minerals Act 1991**

- (1) Nothing in this subpart—
  - (a) limits section 10 of the Crown Minerals Act 1991; or
  - (b) affects other lawful rights to subsurface minerals.
- (2) Section 49A of the Crown Minerals Act 1991 applies to the land described in section 129(1).

### *Registration*

### **133 Notation of mineral ownership (other than for properties referred to in sections 134 and 135)**

- (1) This section applies instead of section 86 of the Crown Minerals Act 1991 to land referred to in section 129(1)(a) and (b) at the time of its vesting or transfer.
- (2) An instrument lodged in respect of that land must include a request to the Registrar-General to record on any record of title for the land that the land is subject to section 131 of the Ngāti Pāoa Claims Settlement Act 2025.

- (3) The Registrar-General must comply with a request received under subsection (2).
- (4) In this section, **instrument** means—
  - (a) a written application lodged under section 50(3) or (5), as applicable, in respect of land referred to in section 129(1)(a); or
  - (b) a transfer instrument lodged in respect of land referred to in section 129(1)(b).

#### **134 Notation of mineral ownership for early release commercial properties and Pouarua Farm property**

- (1) This section applies instead of section 86 of the Crown Minerals Act 1991—
  - (a) to land referred to in section 129(1)(c) if that land is owned by the trustees on the settlement date; and
  - (b) to land referred to in section 129(1)(d).
- (2) As soon as is reasonably practicable after the settlement date, the authorised person must make a written request to the Registrar-General—
  - (a) to record on any record of title for the land referred to in section 129(1)(c) that that land is subject to section 131 of the Ngāti Pāoa Claims Settlement Act 2025; and
  - (b) to remove from the record of title for that land the notation that the land is subject to section 11 of the Crown Minerals Act 1991.
- (3) As soon as is reasonably practicable after the latest of the settlement dates applying under the settlement legislation for the relevant iwi named in section 131(5), the authorised person must make a written request to the Registrar-General—
  - (a) to record on any record of title for the land referred to in section 129(1)(d) that the land is subject to section 131 of the Ngāti Pāoa Claims Settlement Act 2025; and
  - (b) to remove from the record of title for the land the notation that the land is subject to section 11 of the Crown Minerals Act 1991.
- (4) The Registrar-General must comply with a request received under subsection (2) or (3).
- (5) In this section, **authorised person** means,—
  - (a) in relation to the Pouarua Farm property, the chief executive of the Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau;
  - (b) in relation to a property referred to in section 129(1)(c), a person authorised by the chief executive of LINZ.

**135 Notation of mineral ownership on record of title for Ruamāhua**

As soon as is reasonably practicable after the date the property vests under section 70, the Registrar-General must record on the record of title for Ruamāhua created in accordance with the Ngāti Hei settlement legislation that the land is subject to section 131 of the Ngāti Pāoa Claims Settlement Act 2025.

*Application provision relating to Ruamāhua***136 Application of sections 137 to 146 to Ruamāhua**

- (1) Sections 137 to 146 do not apply to any part of Ruamāhua that remains a reserve.
- (2) However, if the reservation of Ruamāhua as a reserve is revoked in relation to all or part of the property, references to the applicant in those sections must be read as including, in relation to all or that part of Ruamāhua, references to the registered owner of that land.

*Amounts payable in respect of vested minerals***137 Purpose and scope of arrangement for payments**

- (1) The purpose of sections 138 to 142 is to provide that the rights to vested minerals include the payment by the Crown, in relation to the vested minerals, of—
  - (a) the representative amount; or
  - (b) if section 142(2) applies, the actual amount.
- (2) Payments made under subsection (1) must be made to the applicant.
- (3) The representative amount or the actual amount payable is based on the amount of royalties paid to the Crown in the preceding year or years for which an application is made under section 143 in respect of the vested minerals.
- (4) Payment of the representative amount or the actual amount, as appropriate, discharges the obligations of the Crown under this subpart in respect of any royalties paid to the Crown in respect of the vested minerals.

**138 Obligation to pay representative or actual amount**

- (1) The chief executive, on receiving an application under section 143, must pay the representative amount or the actual amount, as appropriate, in respect of vested minerals to the applicant.
- (2) Subsection (1) applies even if the applicant has sold all or any of the relevant land or vested minerals, and the chief executive is not required to transfer payments to, or otherwise deal with, any new owner of the vested minerals.
- (3) The requirement to pay the representative amount or the actual amount applies—

- (a) only if the Crown has been paid royalties in respect of the vested minerals in the year or years preceding the year in which an application is made under section 143; and
  - (b) only in respect of a period of not more than 8 years after the date on which those royalties were received by the Crown.
- (4) This section is subject to sections 141 (shared ownership of land), 143 (application for payment of representative amount), and 145 (other conditions applying to payments).

*Calculation of amount payable*

**139 Calculation of representative amount**

The representative amount payable under section 138 is calculated using the following formula:

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

where—

- a is the area of relevant land within or overlapping the permit area
- pa is the total permit area of a privilege that is within or overlaps the relevant land
- \$r is the total amount of royalties paid to the Crown in respect of the vested minerals, for the years applied for under section 143, in respect of a privilege whose permit area is within or overlaps the relevant land.

**Example**

If—

- a is 4 sq kms; and
- pa is 20 sq kms; and
- \$r is \$1,500; then

$$\$1,500 \times (4 \div 20) = \$300.$$

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

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

- (a) the representative amounts must be separately calculated for each permit area in accordance with section 139; and
- (b) the total representative amount payable to the applicant in respect of the vested minerals for the permit areas is the sum of the separate amounts calculated under paragraph (a).

**141 Calculation of representative amount if relevant land held in shares**

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

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

where—

a, pa, and \$r have the meanings given to those terms in section 139

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

**Example**

If—

- a is 4 sq kms; and
- pa is 20 sq kms; and
- \$r is \$1,500; and
- the vested minerals are owned in 20% shares; then

$$\text{\$1,500} \times (4 \div 20) \times 20\% = \text{\$60}.$$

**142 When actual amount may be paid**

- (1) When an application is received under section 143, the Minister must determine whether the information is sufficient to identify the actual amount paid to the Crown as royalties in respect of vested minerals in the year or years applied for.
- (2) If the Minister is satisfied that there is sufficient information to determine the actual amount referred to in subsection (1), the Minister may pay to the applicant the actual amount to which the application relates in respect of those vested minerals, instead of the representative amount that would otherwise be payable.
- (3) If there is not sufficient information to enable the Minister to make a determination under subsection (1), the chief executive must determine the representative amount payable in accordance with this subpart.
- (4) If the relevant land is owned in shares, any payment of the actual amount in respect of the vested minerals must be made in the same proportion as the proportion of the shares held in the relevant land at the time the land is vested in or transferred to the applicant.

*Application for payment of representative amount***143 Application requirements**

- (1) An applicant (but no other person or body) may apply for payment of the representative amount.

- (2) Applications must be made—
- (a) in writing to the chief executive; and
  - (b) not more than once a year; and
  - (c) not later than 31 March in respect of the preceding year or years applied for.

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**Example relating to paragraph (c)**

The applicant may apply—

- by 31 March 2023, for a payment relating to the year 2022:
- by 31 March 2028, for a payment relating to the years 2022 to 2027.

- (3) An application must not relate to any year earlier than 8 years before the date of the application.
- (4) An application must contain the information necessary to establish—
- (a) that the relevant land is or was owned by the applicant (for example, a copy of the record of title for the land); and
  - (b) the date on which the vested minerals in the relevant land became the property of the applicant; and
  - (c) the shares (if any) in which the land is held; and
  - (d) the year or years to which the application relates; and
  - (e) the details of the applicant for the purpose of enabling payment to be made.
- (5) No payment may be made unless an application is made under this section.
- (6) The chief executive may request further information from an applicant—
- (a) to establish the information required under subsection (4):
  - (b) to enable the Minister to determine whether the actual amount or the representative amount is to be paid.

**144 Advice to be given to applicant**

The chief executive must—

- (a) consider the application, including whether the information is sufficient to enable the Minister to determine the actual amount under section 142; and
- (b) advise the applicant in writing of the amount that the applicant is to be paid.

**145 Other conditions applying to payments**

- (1) Payment of the representative amount or actual amount, as the case requires,—
- (a) must be made as soon as is reasonably practicable after 31 March in each year; but

- (b) must not be made more than once a year.
- (2) For the first year of payment of the representative amount or actual amount, the payment must be calculated—
  - (a) from the date on which the vested minerals in the relevant land became the property of the applicant (the **vesting date**); and
  - (b) in proportion to the number of days that have elapsed in that year on and from the vesting date.
- (3) Interest is not payable on the amounts paid under this subpart, irrespective of the period to which an amount relates.

*Status of certain information*

**146 Confidentiality of information disclosed or received**

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

**Part 4**

**Provisions for governance reorganisation and transitional taxation arrangements**

**147 Interpretation**

In this Part, unless the context otherwise requires,—

**assets and liabilities—**

- (a) means the assets and liabilities owned, controlled, or held, wholly or in part, by the trustees of the Waiheke Station Trust immediately before the commencement of this Act; and
- (b) includes—
  - (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and
  - (ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere)

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

**responsible trustee of the Waiheke Station Trust** and **responsible trustee** mean the Ngāti Paoa Trust Board in its capacity as trustee of the Waiheke Station Trust under an order of the Māori Land Court made on 13 October 2011 (*see* Māori Land Court, Waikato Maniapoto Minute Book volume 29, folios 177 to 179)

**transferred employee** means an employee to whom section 158 applies

**Waiheke Station Farm** means the parcels of Māori freehold land listed in the schedule and applicable to the order of the Māori Land Court (238 Waikato Maniapoto MB 83–91) made on 30 May 2022

**Waiheke Station Trust** means the interim trust of that name established by order of the Māori Land Court dated 12 December 1989 under section 437(4) of the Maori Affairs Act 1953.

## Subpart 1—Governance reorganisation

### *Dissolution of Waiheke Station Trust*

#### **148 Dissolution of Waiheke Station Trust**

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

#### **149 Vesting of assets and liabilities of responsible trustee**

- (1) On the commencement of this Act,—
  - (a) the legal (but not the beneficial) ownership of the fee simple estate in the Waiheke Station Farm vests in the trustees of the Ngāti Pāoa Iwi Trust; and
  - (b) for all other assets and liabilities held by the responsible trustee, both the legal and beneficial ownership vest in the trustees of the Ngāti Pāoa Iwi Trust.

- (2) To the extent that any assets and liabilities of the responsible trustee are held subject to—
- (a) any charitable trusts, those assets and liabilities are—
    - (i) freed of all charitable trusts; but
    - (ii) subject to any other trusts expressed in the trust deed of the Ngāti Pāoa Iwi Trust; and
  - (b) any other trusts, covenants, or conditions affecting an asset or a liability, those assets and liabilities vest in, and become the assets and liabilities of, the trustees of the Ngāti Pāoa Iwi Trust subject to those trusts, covenants, or conditions.
- (3) The vesting of the Waiheke Station Farm under subsection (1) does not change the status of the land as Māori freehold land, but Part 12 of Te Ture Whenua Maori Act 1993 does not apply to that land.

#### **150 Beneficial ownership of Waiheke Station Farm remains vested in Pāoa**

Despite section 149,—

- (a) the beneficial ownership of the Waiheke Station Farm remains vested in the eponymous ancestor Pāoa (*see* Māori Land Court, Hauraki Minute Book volume 91, folio 47, 11 July 1989); and
- (b) while the legal ownership of the Waiheke Station Farm is held by the trustees of the Ngāti Pāoa Iwi Trust (or any other trustee) for the benefit of Ngāti Pāoa, the beneficial ownership of Pāoa in the Waiheke Station Farm—
  - (i) is inalienable; and
  - (ii) cannot be acquired by any person by succession or other means.

#### *General matters relating to reorganisation*

#### **151 Matters not affected by transfer**

Nothing given effect to or authorised by this subpart—

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

**152 Status of existing instruments**

- (1) The trustees of the Ngāti Pāoa Iwi Trust are to be treated as if they were the responsible trustee under any existing instrument—
  - (a) to which the responsible trustee was a party; or
  - (b) that the responsible trustee gave, received, or was to give or receive.
- (2) An express or implied reference to the responsible trustee in an existing instrument or in a record of title must be read as a reference to the trustees of the Ngāti Pāoa Iwi Trust, unless the context otherwise requires.
- (3) In this section, **existing instrument** means any agreement, deed, undertaking, application, notice, instrument recording an interest in land, or other document in effect immediately before the commencement of this Act.

**153 Status of existing securities**

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

**154 Continuation of proceedings**

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

**155 Books and documents to remain evidence**

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

**156 Notices to be given to Māori Land Court**

- (1) As soon as is reasonably practicable after the fee simple estate in the Waiheke Station Farm vests under section 149(1), the chief executive of the Office of Treaty Settlements and Takutai Moana—Te Tari Whakataua must notify the Registrar—
  - (a) of the dissolution of the Waiheke Station Trust under section 148; and
  - (b) of the vesting of the fee simple estate in that property in the trustees of the Ngāti Pāoa Iwi Trust.
- (2) The Registrar-General must, on written application by the chief executive of the Office of Treaty Settlements and Takutai Moana—Te Tari Whakataua,—
  - (a) register the trustees of the Ngāti Pāoa Iwi Trust as the owner of the fee simple estate in the Waiheke Station Farm; and
  - (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and the deed of settlement.
- (3) The Registrar must ensure that all relevant information notified under subsection (1) or (2) is entered on the records of the court.

**157 Registration of documents**

- (1) Subject to section 156, the Registrar-General or any other person charged with keeping documents or registers is not required, solely because of the other provisions of this subpart, to change the name of the responsible trustee in the documents or registers to the names of the trustees of the Ngāti Pāoa Iwi Trust.
- (2) If the trustees of the Ngāti Pāoa Iwi Trust present an instrument to a Registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in those trustees, as specified in the instrument.
- (3) For the purposes of subsection (2), the instrument need not be an instrument of transfer but must—
  - (a) be executed or purport to be executed by the trustees of the Ngāti Pāoa Iwi Trust; and
  - (b) relate to assets or liabilities owned, controlled, or held, wholly or in part, by the responsible trustee immediately before the commencement of this Act; and
  - (c) be accompanied by a certificate given by the trustees of the Ngāti Pāoa Iwi Trust or their lawyer stating that the property was vested in those trustees by or under this Act.

*Employees***158 Transfer of employees**

On the commencement of this Act, each employee of the responsible trustee ceases to be an employee of that trustee and becomes an employee of the trustees of the Ngāti Pāoa Iwi Trust.

**159 Protection of terms and conditions of employment**

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

**160 Continuity of employment**

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

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

**161 No compensation for technical redundancy**

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

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

**162 Liability of employers and agents**

- (1) The responsible trustee, an officer, or a representative of the Waiheke Station Trust who held office at any time before the commencement of this Act is not personally liable for any act or thing done or omitted to be done by that person

before the commencement of this Act in the exercise or bona fide exercise of a duty under any enactment or the relevant deed of trust.

- (2) This section applies only—
  - (a) in the absence of actual fraud; and
  - (b) if the act or omission does not amount to an offence under any enactment or rule of law.

#### *Final report of Waiheke Station Trust*

### **163 Final report**

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

#### Subpart 2—Transitional taxation provisions

### **164 Application and interpretation**

- (1) This subpart applies, by virtue of the governance reorganisation under subpart 1, for the purposes of the Inland Revenue Acts.
- (2) In this subpart,—

**exempt income** has the meaning given in section YA 1 of the Income Tax Act 2007

**Inland Revenue Acts** has the meaning given in section 3(1) of the Tax Administration Act 1994

**tax charity** has the meaning given in section YA 1 of the Income Tax Act 2007

**taxable income** has the meaning given in section YA 1 of the Income Tax Act 2007

**taxable Māori authority distribution** has the meaning given in section HF 7 of the Income Tax Act 2007

**undistributed charitable amount** means the amount identified in accordance with section 165(5), applied as the context may require.

### **165 Taxation in respect of transfer of assets and liabilities of Waiheke Station Trust**

- (1) On and from the date on which the assets and liabilities of the responsible trustee vest in the trustees of the Ngāti Pāoa Iwi Trust under section 149,—
  - (a) those trustees are deemed to be the same person as the responsible trustee; and
  - (b) everything done by the responsible trustee before that date is deemed to have been done by the trustees of the Ngāti Pāoa Iwi Trust on the date on which it was done by the responsible trustee.
- (2) Income derived or expenditure incurred by the responsible trustee before the assets and liabilities vest in the trustees of the Ngāti Pāoa Iwi Trust does not become income derived or expenditure incurred by those trustees just because the assets and liabilities vest in those trustees under section 149.
- (3) Subsection (4) applies if income of the responsible trustee—
  - (a) is derived from a financial arrangement, trading stock, revenue account property, or depreciable property; and
  - (b) is exempt income of the responsible trustee but is not exempt income of the trustees of the Ngāti Pāoa Iwi Trust.
- (4) If this subsection applies, the trustees of the Ngāti Pāoa Iwi Trust must be treated as having acquired the financial arrangement, trading stock, revenue account property, or depreciable property—
  - (a) on the day that it becomes the property of those trustees; and
  - (b) for a consideration that is its market value on that day.
- (5) The trustees of the Ngāti Pāoa Iwi Trust must identify the undistributed charitable amount, using the following formula:

$$x - y$$

where—

- x is the total of the amounts derived by the responsible trustee that, but for the application of sections CW 41 and CW 42 of the Income Tax Act 2007, would have been taxable income derived by that trustee before the commencement of this Act
  - y is the total of the amounts described in variable x that have been distributed before the commencement of this Act.
- (6) However, if the use of the formula under subsection (5) results in a number that is less than 0, the undistributed charitable amount is 0.
  - (7) The undistributed charitable amount described in subsection (5) is excluded from the corpus of the trustees of the Ngāti Pāoa Iwi Trust for the purposes of the Income Tax Act 2007, to the extent to which it is otherwise included but for this subsection.

- (8) If the trustees of the Ngāti Pāoa Iwi Trust distribute any of the undistributed charitable amount to a person, that amount is treated as beneficiary income for the purposes of the Income Tax Act 2007, unless subsection (9) applies.
- (9) If the trustees of the Ngāti Pāoa Iwi Trust distribute any of the undistributed charitable amount for a charitable purpose, the distribution is exempt income of the recipient.

**166 Election of trustees of Ngāti Pāoa Iwi Trust to become Māori authority**

- (1) If the trustees of the Ngāti Pāoa Iwi Trust make an election under section HF 11 of the Income Tax Act 2007 to become a Māori authority, to the extent that the undistributed charitable amount is distributed in an income year, that distribution will be—
  - (a) exempt income if the distribution is applied for a charitable purpose; or
  - (b) a taxable Māori authority distribution.
- (2) If this section applies, the amount must be disregarded for the purposes of section HF 8 of the Income Tax Act 2007.

## Part 5

### Repeal, amendments, and savings

#### *Repeal*

**167 Point England Development Enabling Act 2017 repealed**

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

#### *Consequential amendments*

**168 Amendment to Reserves and Other Lands Disposal Act 1970**

- (1) This section amends the Reserves and Other Lands Disposal Act 1970.
- (2) Repeal section 6.

**169 Amendments to Crown Minerals Act 1991**

- (1) This section amends the Crown Minerals Act 1991.
- (2) Replace section 25(6) with:
- (6) The Minister must not grant an exploration permit or a mining permit in respect of privately owned minerals, except as provided for by—
  - (a) section 84 of the Marine and Coastal Area (Takutai Moana) Act 2011;
  - (b) section 130 of the Ngāti Pāoa Claims Settlement Act 2025.
- (3) Replace section 32(7) with:

- (7) The Minister may not grant an exploration permit or a mining permit under this section in respect of minerals that are privately owned except in the case of minerals owned by—
- (a) customary marine title groups, as provided for in section 83(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 and subject to section 84 of that Act;
  - (b) the persons or body referred to in section 129(1)(a) to (d) of the Ngāti Pāoa Claims Settlement Act 2025, subject to section 130 of that Act;
  - (c) in relation to Ruamāhua, the registered owners, subject to section 130 of the Ngāti Pāoa Claims Settlement Act 2025, if section 136 of that Act applies.
- (4) In section 49(1), after “sections”, insert “49A,”.
- (5) In section 49(2), after “section 8,”, insert “49A,”.
- (6) After section 49, insert:

**49A Entry on to Schedule 6 land for minimum impact activity**

- (1) This section applies to the land described in Schedule 6 (**Schedule 6 land**).
- (2) If a permit holder or any person authorised under section 49 seeks to enter any Schedule 6 land for the purpose of carrying out a minimum impact activity, before entry is made the permit holder or person must—
  - (a) comply with section 49; and
  - (b) ensure that reasonable efforts have been made to consult the person or body in whom, or to which, the minerals are vested or transferred by or under an Act referred to in subsection (3), as long as the Schedule 6 land concerned continues to be owned by the person or body.
- (3) The Act is the Ngāti Pāoa Claims Settlement Act 2025.
- (7) After Schedule 5, insert:

**Schedule 6**  
**Schedule 6 land**

s 49A

The land described in section 129(1) of the Ngāti Pāoa Claims Settlement Act 2025.

**170 Amendments to Wildlife Sanctuary (Aldermen Islands) Order 1965**

- (1) This section amends the Wildlife Sanctuary (Aldermen Islands) Order 1965.
- (2) However, this section does not take effect until the day after the date of the vesting of Ruamāhua in accordance with section 70.
- (3) Repeal clause 4(a).
- (4) Replace clause 4(b) with:

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

*Savings relating to Hine-nui-o-te-pāua*

**171 Savings**

- (1) Except as provided in subsection (2), nothing in this Act limits the application of section 35 of the Legislation Act 2019 (powers exercised under repealed or amended legislation have continuing effect).
- (2) On and after the commencement of this Act,—
  - (a) the amendment deemed to have been made to the Auckland combined plan under section 6(1)(e) of the Point England Development Enabling Act 2017 ceases to apply to the development land, except in relation to Hine-nui-o-te-pāua (*see* section 24); and
  - (b) the amendments deemed to have been made to the management plan under section 10(1) of the Point England Development Enabling Act 2017 cease to have effect (*see* section 27(7)).
- (3) As soon as practicable after the commencement of this Act, and without using the process under Schedule 1 of the Resource Management Act 1991, the Auckland Council must amend the Auckland combined plan to reflect the amendment deemed to have been made under section 6(1)(e) of the Point England Development Enabling Act 2017.
- (4) However, subsections (2) and (3) do not prevent the subsequent amendment of the Auckland combined plan to make further changes in the zoning of Hine-nui-o-te-pāua in accordance with the Resource Management Act 1991 or any other enactment.
- (5) In this section,—
 

**Auckland combined plan** and **development land** have the meanings given to those terms in section 3 of the Point England Development Enabling Act 2017

**management plan** has the meaning given to that term in section 10(4) of the Point England Development Enabling Act 2017.

## Schedule 1

### Cultural redress properties and Ruamāhua

ss 12, 23, 46, 47, 48, 49

#### Part 1

#### Cultural redress properties

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

Name of property	Description	Interests
Hine-nui-o-te-pāua	<i>North Auckland Land District— Auckland Council</i>  2.0000 hectares, more or less, being Section 3 SO 622026. Part record of title 798085 for the fee simple estate.	Together with the rights specified in the easement referred to in section 27(8).
Kaiaua School property	<i>North Auckland Land District— Hauraki District</i>  1.2141 hectares, more or less, being Section 1 SO 27611. Part <i>Gazette</i> notice 049005.1.  0.8101 hectares, more or less, being Section 1 SO 41339. All Proclamation 17085.	Subject to the lease referred to in section 25(2)(a).

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

Name of property	Description	Interests
Māwhitipana	<i>North Auckland Land District— Auckland Council</i>  1.9020 hectares, more or less, being Section 1 SO 495120. Part <i>Gazette</i> notice 8763013.4.	Subject to being a recreation reserve, as referred to in section 26(3)(a).
Ōmaru	<i>North Auckland Land District— Auckland Council</i>  40.6000 hectares, more or less, being Section 2 SO 622026. Part records of title 798085 and 798086 for the fee simple estates.	Subject to being a recreation reserve, as referred to in section 27(4).  Subject to the rights specified in the easement referred to in section 27(8).  Subject to an unregistered lease dated 3 April 2007 to Tamaki Model Aircraft Club Incorporated.
Pāoa Ururoa	<i>North Auckland Land District— Auckland Council</i>  0.4000 hectares, more or less, being Section 3 SO 484950. Part <i>Gazette</i> notice 274308.	Subject to being a historic reserve, as referred to in section 29(3)(a).  Subject to an unregistered Wildlife Act Authority permit with authorisation number 76628-RES to the EcoQuest Education Foundation.  Subject to an unregistered Wildlife Act Authority permit with

Name of property	Description	Interests
Pāoa Ururua	<i>North Auckland Land District— Auckland Council</i> 1.6000 hectares, more or less, being Section 2 SO 484950. Part <i>Gazette</i> notice 274308.	authorisation number 74171-FAU to the Motuihe Trust.  Subject to an unregistered concession with concession number 81496-GUI to the Motuihe Trust.  Subject to being a recreation reserve, as referred to in section 32(3)(a).  Subject to an unregistered Wildlife Act Authority permit with authorisation number 76628- RES to the EcoQuest Education Foundation.  Subject to an unregistered Wildlife Act Authority permit with authorisation number 74171-FAU to the Motuihe Trust.  Subject to an unregistered concession with concession number 81496-GUI to the Motuihe Trust.
Pāoa Whanake	<i>North Auckland Land District— Auckland Council</i> 2.0000 hectares, more or less, being Section 1 SO 622026. Part record of title 798086 for the fee simple estate.	Subject to being a local purpose (marae) reserve referred to in section 35(3).  Together with the rights specified in the easement referred to in section 27(8).
Papakura Pā	<i>North Auckland Land District— Auckland Council</i> 1.0000 hectares, more or less, being Section 2 SO 498956. Part <i>Gazette</i> notice A465012.	Subject to being a scientific reserve, as referred to in section 36(3)(a).  Subject to an unregistered Wildlife Act Authority permit with authorisation number 64057-FAU to the Bushy Park Trust.
Pōkai Wāwāhi Ika	<i>North Auckland Land District— Auckland Council</i> 2.2530 hectares, more or less, being Section 1 SO 495060. Part record of title 363728 for the fee simple estate.	Subject to being a recreation reserve, as referred to in section 37(3)(a).
Tauwhare Koiora site A	<i>North Auckland Land District— Hauraki District</i> 1.3411 hectares, more or less, being Section 4 SO 504602. All <i>Gazette</i> 2015-In6254.	Subject to being a recreation reserve, as referred to in section 38(5)(a).
Tauwhare Koiora site B	<i>North Auckland Land District— Hauraki District</i> 0.0258 hectares, more or less, being Section 2 SO 504602. Part Proclamation 4684.	Subject to being a historic reserve, as referred to in section 38(9).

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Te Iwi Rahirahi	<i>North Auckland Land District— Auckland Council</i> 0.5975 hectares, more or less, being Lot 1 DP 335144. All record of title 143771 for the fee simple estate.	Subject to being a local purpose (esplanade) reserve, as referred to in section 39(3).
Te Waero Awe Houkura	<i>North Auckland Land District— Auckland Council</i> 0.0809 hectares, more or less, being Lot 436 DP 33180. Balance record of title NA24D/ 1081 for the fee simple estate.  0.8143 hectares, more or less, being Lots 216, 372, 438, 439, 440, 441, 445, 446, and 447 DP 25861 and Lot 443 DP 22849. Balance <i>Gazette</i> notice 123130.	Subject to being a recreation reserve, as referred to in section 42(3)(a).  Subject to the unregistered lease referred to in section 42(7).

## Part 2

### Ruamāhua

<b>Name of property</b>	<b>Description</b>	<b>Interests</b>
Ruamāhua	<i>North Auckland Land District— Thames–Coromandel District</i>  All that group of islands and reefs known as the Aldermen Islands, being 133.5463 hectares, more or less, as shown on SO 34773.	Subject to being a nature reserve, as referred to in section 70(5)(a).  Subject to being a wildlife sanctuary.  Subject to an unregistered research and collection permit with authorisation number 55380-RES to the University of Auckland.

## Schedule 2

### Overlay areas

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

## Schedule 3

### Statutory areas

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

### Legislative history

16 December 2022	Introduction (Bill 215–1)
21 June 2023	First reading and referral to Māori Affairs Committee
27 March 2024	Reported from Māori Affairs Committee (Bill 215–2)
11 April 2024	Second reading
4 November 2025	Committee of the whole House, third reading
12 November 2025	Royal assent

This Act is administered by the Ministry of Justice.