NGĀTI MANUHIRI

and

THE CROWN

DEED OF SETTLEMENT SCHEDULE: LEGISLATIVE MATTERS

TABLE OF CONTENTS

1 INTRODUCTION

1.1 This schedule sets out matters to be included in the settlement legislation agreed by the parties.

2 TITLE, COMMENCEMENT, AND PURPOSE PROVISIONS

2.1 The settlement legislation is to provide that –

2.1.1 the part of its title that precedes the year it is enacted is Ngāti Manuhiri Claims Settlement Act; and

2.1.2 it comes into force on the day after the date on which it receives the Royal assent; and

2.1.3 its purpose is to give effect to certain provisions of this deed; and

2.1.4 it binds the Crown.

2A ACKNOWLEDGEMENT AND APOLOGY

The settlement legislation will set out the acknowledgement and apology set out in part 3 of the deed.

3 SETTLEMENT PROVISIONS

3.1 The settlement legislation is to provide that –

3.1.1 the historical claims are settled; and

3.1.2 the settlement is final; and

3.1.3 on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of the historical claims.

3.2 Paragraph 3.1 is not to limit the acknowledgements expressed in, or the provisions of, the deed of settlement.

4 SETTLEMENT IMPLEMENTATION PROVISIONS

Judicial bodies' jurisdiction to be excluded

4.1 The settlement legislation is to provide that, on and from the settlement date, despite any enactment or rule of law, no court, tribunal, or other judicial body, is to have jurisdiction in respect of –

4.1.1 the historical claims; or

4.1.2 this deed; or

4.1.3 the settlement legislation; or

4.1.4 the redress provided under this deed or the settlement legislation.

4.2 The settlement legislation is to provide that the jurisdiction excluded by paragraph 4.1 –

4.2.1 is to include the jurisdiction to inquire into, or further inquire into, or to make a finding or recommendation in respect of the matters referred to in that paragraph; and

4.2.2 is not to exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of this deed or the settlement legislation.

Treaty of Waitangi Act 1975 to be amended

4.3 The settlement legislation is to amend schedule 3 of the Treaty of Waitangi Act 1975 by including a reference to the title of the settlement legislation.

Māori land claims protection legislation to cease to apply

4.4 The settlement legislation is to provide that –

4.4.1 nothing in the legislation listed in this paragraph is to apply –

(a) to a redress property; or

(b) to RFR land; or

(c) for the benefit of Ngāti Manuhiri or a representative entity; and

4.4.2 the legislation is –

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

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

(c) sections 211 to 213 of the Education Act 1989:

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

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

Settlement properties with resumptive memorials to be required to be identified

4.5 The chief executive of LINZ is to be required by the settlement legislation to issue –

4.5.1 to the Registrar-General of Land a certificate that identifies (by reference to the relevant legal description, certificate of title, or computer register) each allotment that is –

(a) all or part of a redress property or RFR land; and

(b) contained in a certificate of title or computer register that has a memorial entered under any legislation referred to in paragraph 4.4.2; and

4.5.2 each certificate under this paragraph, as soon as reasonably practicable after, in the case of a settlement property or RFR land, the settlement date.

4.6 Each certificate under paragraph 4.5 is to state the section of the settlement legislation it is issued under.

Resumptive memorials to be required to be removed from settlement properties

4.7 The Registrar-General of Land is to be required by the settlement legislation, as soon as reasonably practicable after receiving a certificate under paragraph 4.5, to –

4.7.1 register the certificate against each certificate of title or computer register identified in the certificate; and

4.7.2 cancel, in respect of each allotment identified in the certificate, each memorial that is entered (under an enactment referred to in paragraph 4.4.2) on a certificate of title or computer register identified in the certificate.

5 GIFT BACK PROVISIONS

General

5.1 The settlement legislation is to provide for the vesting in, and gift back by, the governance entity of Te Hauturu-o-Toi / Little Barrier Island Gift Area (shown as Area A on deed plan OTS-125-02).

Vesting of Te Hauturu-o-Toi / Little Barrier Island Gift Area

5.2 The fee simple estate in Te Hauturu-o-Toi / Little Barrier Island Gift Area is to vest in the governance entity on the settlement date.

Gift back

5.3 On the day that is 7 days after the settlement date, -

5.3.1 the trustees of the Ngāti Manuhiri Settlement Trust are to be deemed to have gifted back Te Hauturu-o-Toi / Little Barrier Island Gift Area, on behalf of Ngāti Manuhiri and in acknowledgement of the other former owners of Ngāti Rehua and Ngati Wai descent, to the people of New Zealand; and

5.3.2 the fee simple estate in Te Hauturu-o-Toi / Little Barrier Island Gift Area is to vest in the Crown for the people of New Zealand for its continuance as a nature reserve.

Terms relating to vesting

5.4 Despite paragraphs 5.2 and 5.3, -

5.4.1 Te Hauturu-o-Toi / Little Barrier Island Gift Area is to remain a nature reserve subject to section 20 of the Reserves Act 1977; and

5.4.2 the Reserves Act 1977 and any other enactment applying immediately before the settlement date is to have uninterrupted effect on and from the settlement date as if Te Hauturu-o-Toi / Little Barrier Island Gift Area had remained Crown-owned land at all times, and those Acts continue to apply to that area; and

5.4.3 every encumbrance and other instrument in effect immediately before the settlement date is to have uninterrupted effect on and from the settlement date as if Te Hauturu-o-Toi / Little Barrier Island Gift Area had remained Crown-owned land at all times; and

5.4.4 the Crown is to retain all liability for Te Hauturu-o-Toi / Little Barrier Island Gift Area during the period between the vesting and gifting back as if Te Hauturu-o-Toi / Little Barrier Island Gift Area had remained Crown-owned land at all times.

No gift duty

5.5 No gift duty is to be payable for the gifting of Te Hauturu-o-Toi / Little Barrier Island Gift Area by the governance entity to the Crown for the people of New Zealand for its continuance as a nature reserve.

Impact of other legislation

5.6 The vesting and gift back is not to be affected by -

5.6.1 section 11 and Part 10 of the Resource Management Act 1991; or

5.6.2 Part 4A of the Conservation Act 1987; or

5.6.3 any other enactment.

Whenua rahui

5.7 The whenua rahui provisions (see part 7 of this legislative matters schedule) are to apply to Te Hauturu-o-Toi / Little Barrier Island Gift Area from the date that the area is gifted back to the Crown.

6 CO-GOVERNANCE OF TE HAUTURU-O-TOI / LITTLE BARRIER ISLAND GIFT AREA

General

6.1 The settlement legislation is to provide for the co-governance of Te Hauturu-o-Toi / Little Barrier Island Gift Area on the terms provided by this part and will, in particular, provide that:

6.1.1 a conservation management plan for Te Hauturu-o-Toi / Little Barrier Island (**Hauturu Plan**) will be prepared and approved in accordance with the process set out in this part;

6.1.2 the Reserves Act 1977 is to apply to the Hauturu Plan as if that plan is a conservation management plan prepared and approved under section 40B of that Act;

6.1.3 despite section 40B of the Reserves Act 1977, sections 17E (except 17E(9)), 17F, 17G, 17H, 17I, 49(2) and 49(3) of the Conservation Act 1987 are not to apply to the preparation, approval, review or amendment of the Hauturu Plan.

Preparation

6.2 Each draft Hauturu Plan will be prepared by the Director-General in consultation with the governance entity, the Conservation Board and such other persons or organisations as the Director-General considers practicable and appropriate.

6.3 The Director-General will commence preparation of the draft Hauturu Plan no later than twelve months after the settlement date.

Notification

6.4 No later than six months after commencement of the preparation of the draft Hauturu Plan under paragraph 6.3, the Director-General will notify that draft in accordance with section 49(1) of the Conservation Act 1987, and to the appropriate regional councils, territorial authorities and iwi authorities, and that provision will apply as if the notice were required to be given by the Minister of Conservation.

6.5 Every notice under paragraph 6.4 is to:

6.5.1 state that the draft Hauturu Plan is available for inspection at the places and times specified in the notice; and

6.5.2 call upon persons or organisations interested to lodge with the Director-General submissions on the draft Hauturu Plan before the date specified in the notice, being a date not less than two months after the date of the publication of the notice.

Submissions

6.6 Any person or organisation may make written submissions to the Director-General on the draft Hauturu Plan at the place and before the date specified in the notice.

6.7 The Director-General may, after consultation with the governance entity and the Conservation Board, obtain public opinion of the draft Hauturu Plan by any other means from any person or organisation.

6.8 From the date of public notification of the draft Hauturu Plan until public opinion of it has been made known to the Director-General, the draft Hauturu Plan is to be made available by the Director-General for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the plan.

Hearing of submissions

6.9 The Director-General is to give every person or organisation who or which, in making any submissions on the draft Hauturu Plan, asked to be heard in support of his or her or its submission a reasonable opportunity of appearing before a meeting of representatives of the Director-General, the governance entity and the Conservation Board.

6.10 Representatives of the Director-General, the governance entity and the Conservation Board may hear submissions from any other person or organisations consulted on the draft Hauturu Plan.

6.11 The hearing of submissions is to be concluded no later than two months after the closing date for submissions identified in paragraph 6.5.2.

6.12 The Director-General is to prepare a summary of the submissions received on the draft Hauturu Plan and public opinion made known about it and, no later than one month after the conclusion of the hearing of submissions, is to provide that summary to the governance entity and the Conservation Board.

Revision

6.13 After considering such submissions and public opinion the Director-General, in consultation with the representatives of the governance entity and the Conservation Board who heard the submissions, may revise the draft Hauturu Plan and, no later than four months after the completion of the hearing of submissions, is to send to the governance entity and the Conservation Board any revised draft Hauturu Plan;

6.14 On receipt of a revised draft Hauturu Plan:

6.14.1 the governance entity and the Conservation Board together are to consider the revised draft Hauturu Plan prepared under paragraph 6.13 and the summary prepared under paragraph 6.12, and may, no later than four months after receiving those documents, request the Director-General to further revise the draft Hauturu Plan; and

6.14.2 if a request is made under paragraph 6.14.1 the Director-General is to further revise the draft Hauturu Plan in accordance with the request from the governance entity and the Conservation Board, and will, no later than two months after receiving a request under paragraph 6.14.1, send to the governance entity and the Conservation Board the further revised draft Hauturu Plan.

Referral to Conservation Authority and Minister

6.15 On receipt of any revised draft under paragraph 6.13, or if a request is made under paragraph 6.14.1 on receipt of the further revised draft under paragraph 6.14.2, the governance entity and the Conservation Board are to refer the draft Hauturu Plan and the summary prepared under paragraph 6.12 to:

6.15.1 the New Zealand Conservation Authority (**Conservation Authority**) for comments on matters relating to the national public conservation interest in Hauturu; and

6.15.2 the Minister of Conservation for his or her comments.

6.16 The Conservation Authority and the Minister of Conservation will provide any comments on the draft Hauturu Plan to the governance entity and the Conservation Board no later than four months after receiving that draft plan for comment.

Approval

6.17 After considering any comments received from the Conservation Authority and the Minister of Conservation under paragraph 6.16, the governance entity and the Conservation Board are to:

6.17.1 no later than two months after receiving any comments from the Conservation Authority and the Minister of Conservation, approve the draft Hauturu Plan; or

6.17.2 no later than two months after receiving any comments from the Conservation Authority and the Minister of Conservation, refer any matter of disagreement in relation to the draft Hauturu Plan to the Conservation Authority for determination.

Referral to Conservation Authority in case of disagreement

6.18 Where the governance entity and the Conservation Board refer any matter of disagreement to the Conservation Authority under paragraph 6.17.2, the governance entity and the Conservation Board are also to provide a written statement of the matters of disagreement and the reasons for such disagreement.

6.19 No later than three months after referral to it under paragraph 6.17.2, the Conservation Authority will make a recommendation on the matters of disagreement, and notify that recommendation to the governance entity and the Conservation Board.

6.20 After receiving and considering the recommendation of the Conservation Authority under paragraph 6.19, the governance entity and the Conservation Board are to seek to resolve any matters of disagreement.

6.21 If the governance entity and the Conservation Board have not resolved any matters of disagreement within two months of receiving the recommendation from the Conservation Authority under paragraph 6.19, the recommendation of the Conservation Authority under paragraph 6.19 will be binding on the governance entity and the Conservation Board.

6.22 Where the governance entity and the Conservation Board have referred any matter of disagreement to the Conservation Authority under paragraph 6.17.2, the governance entity and the Conservation Board are to approve the draft Hauturu Plan no later than four months after receiving the recommendation of the Conservation Authority under paragraph 6.19.

Mediation Process

6.23 At any time during the process set out in paragraphs 6.2 to 6.22, any of the governance entity, the Conservation Board or the Director-General may refer any matter of disagreement arising out of that process to a mediator. The following conditions are to apply to such a mediation process:

6.23.1 no later than three months after the settlement date, the governance entity, the Conservation Board and the Director-General are to agree on a mediator to be used in the event of referral to mediation under this paragraph 6.23, and the parties may agree to change the mediator from time to time;

6.23.2 where a matter of disagreement arises, the relevant parties in dispute are to seek to resolve that matter in a co-operative, open-minded and timely manner before resorting to the mediation process under this paragraph 6.23;

6.23.3 where one of the governance entity, the Conservation Board or the Director-General considers that it is necessary to resort to the mediation process under this paragraph 6.23, that party is to give notice in writing of that referral to the other parties;

6.23.4 all parties are to participate in a mediation process in a co-operative, open-minded and timely manner;

6.23.5 in participating in a mediation the parties are to have particular regard to the purpose of the conservation management plan and the reserve classification applying to Hauturu;

6.23.6 where a matter of disagreement is referred to mediation under this paragraph 6.23, the mediation process must be completed no later than three months after the date upon which notice of referral is given under paragraph 6.23.3;

6.23.7 pending the resolution of any matter of disagreement, the parties are to use their best endeavours to continue with the process for the preparation and approval of the Hauturu Plan;

6.23.8 the parties to the mediation process are to bear their own costs in relation to the resolution of any matter of disagreement and the costs of the mediator (and associated costs) will be shared equally between the parties;

6.23.9 the period of time taken for a mediation process under this paragraph 6.23 will not be counted for the purposes of the timeframes specified in paragraphs 6.2 to 6.22 for the preparation and approval of the Hauturu Plan; and

6.23.10 to avoid doubt, the period of time referred to in paragraph 6.23.9 will not exceed three months.

Reviews of the Hauturu Plan

6.24 The Director-General, after consultation with the governance entity and the Conservation Board, may at any time initiate a review of the Hauturu Plan or any part of that plan.

6.25 The governance entity or the Conservation Board may at any time request that the Director-General initiate a review of the Hauturu Plan or any part of that plan and the Director-General is to consider that request in making a decision under paragraph 6.24.

6.26 Every review of the Hauturu Plan will be carried out and approved in accordance with the provisions of paragraphs 6.2 to 6.23, which will apply with any necessary modifications.

6.27 The following provisions will also apply in relation to reviews of the Hauturu Plan:

6.27.1 the Hauturu Plan is to be reviewed as a whole by the Director-General not later than 10 years after the date of its approval; and

6.27.2 the Minister of Conservation may, after consultation with the governance entity and the Conservation Board, extend that period of review.

Amendments to the Hauturu Plan

6.28 The Director-General, after consultation with the governance entity and the Conservation Board, may at any time initiate the amendment of the Hauturu Plan, or any part of that plan.

6.29 Except as provided in paragraph 6.30, every amendment to the Hauturu Plan will be carried out in accordance with the provisions of paragraphs 6.2 to 6.23, which will apply with any necessary modifications.

6.30 Where the proposed amendment is of such a nature that the Director-General, the governance entity and the Conservation Board consider that it will not materially affect

the objectives or policies expressed in the Hauturu Plan or the public interest in the area concerned, then the Director-General is to send the proposal to the governance entity and the Conservation Board and it will be dealt with under paragraph 6.17, which will apply with any necessary modifications.

6A REMOVAL OF STONES FROM TE HAUTURU-O-TOI / LITTLE BARRIER ISLAND GIFT AREA FOR CULTURAL PURPOSES

Definition

6A.1 The settlement legislation is to provide that, for the purposes of paragraph 6A.2 to 6A.6 **Commissioner** means the commissioner of Te Hauturu-o-Toi / Little Barrier Island Gift Area as defined in section 2 of the Reserves Act 1977.

Permits

6A.2 The settlement legislation is to provide that, despite any enactment or rule of law, a member of Ngāti Manuhiri may remove stones from Te Hauturu-o-Toi / Little Barrier Island Gift Area if:

6A.2.1 the member obtains a written authorisation issued jointly by the Commissioner and the governance entity; and

6A.2.2 the member of Ngāti Manuhiri complies with:

(a) the conditions set out in clause 6A.4; and

(b) any condition set out in the authorisation.

6A.3 The written authorisation must specify the cultural purposes for which the stones may be removed and may set out any other conditions that the member of Ngāti Manuhiri must comply with when removing the stones.

6A.4 The conditions referred to in clause 6A.2.2(a) are:

6A.4.1 the stones may only be used for the cultural purposes specified in the written authorisation; and

6A.4.2 the stones must be loose and accessible and removable with no more than minor damage to vegetation and minimal ground disturbance; and

6A.4.3 the authorised member of Ngāti Manuhiri may only remove stones that the member can carry by hand in 1 load without assistance on 1 day; and

6A.4.4 the stones must not be accessed or removed through the use of machinery or cutting equipment; and

6A.4.5 the removal of the stones must not impact on archaeological or waahi tapu sites (as defined by section 2 of the Historic Places Act 1993); and

6A.4.6 the removal of the stones must not impact on the conservation values of Te Hauturu-o-Toi / Little Barrier Island Gift Area.

6A.5 For the avoidance of doubt:

6A.5.1 a person exercising the right under paragraph 6A.2 must comply with all other lawful requirements, including entry permit requirements under the Reserves Act 1977, biosecurity requirements under the Biosecurity Act 1993, the Resource Management Act 1991, the Crown Minerals Act 1991 and any minerals programme under the Crown Minerals Act 1991; and

6A.5.2 no additional authorisation will be required under conservation legislation for the removal of stones from Te Hauturu-o-Toi / Little Barrier Island Gift Area.

Disputes

6A.6 The settlement legislation is to provide that any dispute between the Commissioner and the governance entity relating to the issue, or conditions, of an authorisation, is to be resolved in accordance with the disputes resolution procedure set out in the conservation protocol, at the settlement date.

7 WHENUA RAHUI PROVISIONS

General

7.1 The settlement legislation is to provide for a whenua rahui on the terms provided in this part.

Sites to be declared whenua rahui

7.2 Te Hauturu-o-Toi / Little Barrier Island Gift Area and the site described in clause 5.12.1 are each to be declared subject to a whenua rahui.

Crown to acknowledge Ngāti Manuhiri's values

7.3 The Crown is to acknowledge the statement of Ngāti Manuhiri's values in relation to each whenua rahui site.

Purposes of declaration to be specified

7.4 The settlement legislation is to provide the only purposes of the declaration, and the Crown's acknowledgement, are to –

7.4.1 require the New Zealand Conservation Authority, and a conservation board, to -

(a) have particular regard to the statement of Ngāti Manuhiri's values, and the protection principles, in accordance with paragraph 7.7; and

(b) consult with the governance entity, and have particular regard to its views, in accordance with paragraph 7.8; and

7.4.2 require the New Zealand Conservation Authority to give the governance entity an opportunity to make submissions to it, in accordance with paragraph 7.9; and

7.4.3 enable the taking of action under paragraphs 7.10 to 7.14 and paragraph 7.21.

Agreement on, and change of, protection principles to be enabled

7.5 The settlement legislation is to provide that the governance entity and the Crown are to be given the power to –

7.5.1 agree on, and publicise, protection principles that are directed at the Director-General avoiding harm to, and avoiding the diminishing of, Ngāti Manuhiri's values in relation to a whenua rahui site; and

7.5.2 change the protection principles by agreement in writing.

7.6 The governance entity and the Crown are to be treated as having agreed under paragraph 7.5.1 the protection principles in the documents schedule to this deed.

Particular regard to be required to be given to Ngāti Manuhiri's values and protection principles

7.7 The New Zealand Conservation Authority, and a conservation board, are to be required, when considering general policy, or a conservation document, in relation to a whenua rahui site, to have particular regard to the statement of Ngāti Manuhiri's values, and the protection principles, for the whenua rahui site.

Consultation with governance entity to be required

7.8 The New Zealand Conservation Authority, and a conservation board, are to be required, before approving general policy, or a conservation document, in relation to a whenua rahui site, to –

7.8.1 consult with the governance entity; and

7.8.2 have particular regard to its views as to the effect of the policy or the document on Ngāti Manuhiri's values, and the protection principles, for the whenua rahui site.

Governance entity to be given an opportunity to make submissions

7.9 If the governance entity advises the New Zealand Conservation Authority in writing that it has significant concerns about a draft conservation management strategy in relation to a whenua rahui site, the New Zealand Conservation Authority is to be required to give the governance entity an opportunity to make submissions to it in relation to those significant concerns before approving the strategy.

Director-General to be required to take action in relation to protection principles

7.10 The Director-General of Conservation is to be –

7.10.1 required to take action in relation to the protection principles, including the actions set out in paragraph 3 of part 1 of the documents schedule for each whenua rahui site; and

7.10.2 given complete discretion to determine the method and extent of action taken under paragraph 7.10.1; and

7.10.3 required to notify the governance entity in writing of the intended action to be taken under paragraph 7.10.1; and

7.10.4 required not to take action in respect of the protection principles if requested in writing by the governance entity.

Director-General to be required to amend conservation documents

7.11 The Director-General of Conservation is to be required to –

7.11.1 initiate an amendment to a conservation document to incorporate objectives relating to the protection principles (including a recommendation to make regulations or bylaws); and

7.11.2 consult with the relevant conservation boards before initiating an amendment.

7.12 An amendment initiated under paragraph 7.11 is to be an amendment for the purposes of whichever of the following applies –

7.12.1 section 17I(1) to (3) of the Conservation Act 1987; or

7.12.2 section 46(1) to (4) of the National Parks Act 1980.

Making of regulations to be enabled

7.13 The Governor-General is to be given the power to make regulations, by Order in Council made on the recommendation of the Minister of Conservation, to –

7.13.1 provide for the implementation of objectives included in a conservation document as a result of an amendment initiated under paragraph 7.11; and/or

7.13.2 regulate or prohibit activities or conduct by members of the public in relation to a whenua rahui site; and/or

7.13.3 create offences in respect of the contravention of any regulations made under paragraph 7.13.2 and provide for the imposition of fines –

(a) not exceeding $5000; and

(b) for a continuing offence, an additional amount not exceeding $50 for every day during which the offence continues.

Making of bylaws to be enabled

7.14 The Minister of Conservation is to be given the power to make bylaws to –

7.14.1 provide for the implementation of objectives included in a conservation document as a result of an amendment initiated under paragraph 7.11; and/or

7.14.2 regulate or prohibit activities or conduct by members of the public in relation to a whenua rahui site; and/or

7.14.3 to create offences in respect of the contravention of any bylaws made under paragraph 7.14.2 and provide for the imposition of fines –

(a) not exceeding $1000; and

(b) for a continuing offence, an additional amount not exceeding $50 for every day during which the offence continues.

Ability to terminate whenua rahui provisions

7.15 The Governor-General is to be given the power, by Order in Council made on the recommendation of the Minister of Conservation, to declare that all or part of a whenua rahui site is no longer subject to the whenua rahui declaration.

7.16 The Minister of Conservation may not make a recommendation unless –

7.16.1 the governance entity and the Minister have agreed in writing that the area concerned should no longer be a whenua rahui site; and

7.16.2 the area concerned is to be, or has been, disposed of by the Crown; or

7.16.3 the responsibility for managing the area concerned is to be, or has been, transferred to another Minister.

Continuing input to be enabled in certain cases after termination

7.17 Paragraph 7.18 is to apply if –

7.17.1 paragraph 7.16.2 or 7.16.3 applies; or

7.17.2 there is a change in statutory regime that applies to all or part of a whenua rahui site.

7.18 The Crown is to be required to take reasonable steps to ensure the governance entity continues to have input into the area concerned.

Noting of declaration to be required

7.19 The declaration of a whenua rahui under the settlement legislation is to be required to be noted in all documents affecting the whenua rahui site.

7.20 The noting is –

7.20.1 to be for the purpose of public notice only; and

7.20.2 not to be an amendment to a conservation document for the purposes of whichever of the following is applicable -

(a) section 17I(1) - (3) of the Conservation Act 1987:

(b) section 46(1) - (4) of the National Parks Act 1980.

Notification to be required in Gazette of declaration and actions in relation to it

7.21 The settlement legislation is to provide that –

7.21.1 the Minister of Conservation is to be required to notify in the Gazette, –

(a) as soon as practicable after the settlement date, –

(i) the declaration of each whenua rahui site as subject to a declaration; and

(ii) the protection principles; and

(b) as soon as practicable after the protection principles are changed, the changed protection principles; and

7.21.2 the Director-General of Conservation may notify in the Gazette any action (including any action set out in paragraph 3 of part 1 of the documents schedule for each whenua rahui site) taken or intended to be taken under any of paragraphs 7.10 to 7.14.

Limitations on whenua rahui declaration and its effect to be provided for

7.22 The declaration of a site as a whenua rahui site, and the Crown's acknowledgement of Ngāti Manuhiri's values in relation to a whenua rahui site, is not to –

7.22.1 affect, or be taken into account by, a person in exercising a power, or in performing a duty or function, under any legislation or bylaw; or

7.22.2 affect the lawful rights or interests of a person who is not a party to this deed; or

7.22.3 have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, a whenua rahui site.

7.23 No person, in considering a matter or making a decision or recommendation under any legislation or bylaw, may give any greater or lesser weight to Ngāti Manuhiri's values than the person would give if –

7.23.1 a whenua rahui had not been declared; and

7.23.2 Ngāti Manuhiri's statement of values had not been acknowledged by the Crown.

7.24 Paragraphs 7.22 and 7.23 are to be subject to the other provisions in relation to whenua rahui in the settlement legislation.

8 PROVISIONS FOR STATUTORY ACKNOWLEDGEMENTS AND DEED OF RECOGNITION

General

8.1 The settlement legislation is to provide for statutory acknowledgements, and a deed of recognition, on the terms provided in this part.

Crown to acknowledge statements of association

8.2 The Crown is to acknowledge in the settlement legislation the statements of association in the form set out in part 2 of the documents schedule to this deed.

Purposes of statutory acknowledgement to be specified

8.3 The settlement legislation is to provide that the only purposes of the statutory acknowledgment are to –

8.3.1 require relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement, as provided for in paragraphs 8.4 to 8.9; and

8.3.2 require relevant consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the governance entity, as provided for in paragraphs 8.14 to 8.17; and

8.3.3 enable the governance entity and any member of Ngāti Manuhiri to cite the statutory acknowledgement as evidence of the association of Ngāti Manuhiri with the relevant statutory areas, as provided for in paragraph 8.20.

Relevant consent authorities to be required to have regard to statutory acknowledgement

8.4 A relevant consent authority is to be required to have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if the governance entity is a person who may be affected by the granting of a resource consent.

8.5 Paragraph 8.4 is –

8.5.1 to apply to a relevant consent authority that has received an application for a resource consent for an activity within, adjacent to, or directly affecting, a statutory area; and

8.5.2 to apply on and from the effective date; and

8.5.3 not to limit the obligations of a relevant consent authority under the Resource Management Act 1991.

Environment Court to be required to have regard to statutory acknowledgement

8.6 The Environment Court is to be required to have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the governance entity is a person with an interest in proceedings greater than the general public in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area.

8.7 Paragraph 8.6 is to –

8.7.1 apply on and from the effective date; and

8.7.2 not limit the obligations of the Environment Court under the Resource Management Act 1991.

New Zealand Historic Places Trust and Environment Court to be required to have regard to statutory acknowledgement

8.8 The settlement legislation is to provide that –

8.8.1 this paragraph applies if an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area; and

8.8.2 the New Zealand Historic Places Trust is to have regard to the statutory acknowledgement relating to a statutory area in exercising its powers under section 14 of the Historic Places Act 1993 in relation to the application; and

8.8.3 the Environment Court is to have regard to the statutory acknowledgement relating to a statutory area in determining, under section 20 of the Historic Places Act 1993, an appeal from a decision of the Historic Places Trust in relation to the application, including determining whether the governance entity is directly affected by the decision; and

8.8.4 **archaeological site** has the meaning given to it in section 2 of the Historic Places Act 1993.

8.9 Paragraph 8.8 is to apply on and from the effective date.

Statutory acknowledgement to be required to be recorded on statutory plans

8.10 Each relevant consent authority is to be required to attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

8.11 Paragraph 8.10 is to apply on and from the effective date.

8.12 The information to be required to be attached must include –

8.12.1 the provisions of the settlement legislation giving effect to paragraphs 8.3 to 8.9 in full; and

8.12.2 the descriptions of the statutory areas; and

8.12.3 the statements of association.

Effect of the recording to be provided for

8.13 Unless the information attached to a statutory plan under paragraph 8.10 is adopted by the relevant consent authority as part of the statutory plan, the information is –

8.13.1 to be for the purposes of public information only; and

8.13.2 not to be-

(a) part of the plan; or

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

Consent authorities to be required to forward summaries and notices of resource consent applications

8.14 Each relevant consent authority is to be required to forward to the governance entity –

8.14.1 a summary of resource consent applications received by that authority for activities within, adjacent to, or directly affecting a statutory area; and

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

8.15 Paragraph 8.14 is to apply for a period of 20 years from the effective date.

8.16 The information to be forwarded in a summary is to be –

8.16.1 the same as would be given to an affected person under section 95B of the Resource Management Act 1991; or

8.16.2 as agreed between the governance entity and the relevant consent authority.

8.17 The settlement legislation is to provide –

8.17.1 a summary to be forwarded under paragraph 8.14.1 must be forwarded to the governance entity –

(a) as soon as reasonably practicable after an application is received; and

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

8.17.2 a copy of the notice to be forwarded under paragraph 8.14.2 must be forwarded to the governance entity no later than 10 business days after the day on which the consent authority receives the notice.

Governance entity to be given ability to waive rights

8.18 The governance entity is to be given the power, by notice in writing to a relevant consent authority, to –

8.18.1 waive its rights under paragraphs 8.14 to 8.17; and

8.18.2 state the scope of the waiver and the period it applies for.

Forwarding of summaries and notices not to limit other obligations

8.19 Paragraphs 8.14 to 8.17 are not to limit the obligations of a relevant consent authority to –

8.19.1 decide, under section 95 of the Resource Management Act 1991 whether to notify an application; or

8.19.2 decide under section 95E of that Act whether the governance entity is an affected person in relation to an application.

Use of statutory acknowledgement by Ngāti Manuhiri to be provided for

8.20 The governance entity, and any member of Ngāti Manuhiri, may, as evidence of the association of Ngāti Manuhiri with a statutory area, cite the statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or the New Zealand Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area.

Limitations in relation to statutory acknowledgement to be provided for

8.21 The content of a statement of association is not to be, by virtue of the statutory acknowledgement, binding as fact on –

8.21.1 relevant consent authorities:

8.21.2 the Environment Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991:

8.21.3 the Environment Court:

8.21.4 the New Zealand Historic Places Trust:

8.21.5 parties to proceedings before those bodies:

8.21.6 any other person who is entitled to participate in those proceedings.

8.22 Despite paragraph 8.21, the bodies and persons specified in that paragraph are to be permitted to take the statutory acknowledgement into account.

8.23 The settlement legislation is to provide, to avoid doubt, –

8.23.1 neither the governance entity, nor members of Ngāti Manuhiri, are precluded from stating that Ngāti Manuhiri has an association with a statutory area that is not described in the statutory acknowledgement; and

8.23.2 the content and existence of the statutory acknowledgement do not limit any statement made.

Application of statutory acknowledgement to river, stream, or harbour to be provided for

8.24 The settlement legislation is to provide that, in relation to a statutory acknowledgement, –

8.24.1 **harbour** includes the bed of the harbour and everything above the bed; and

8.24.2 **river** or **stream** –

(a) means –

(i) a continuously or intermittently flowing body of fresh water, including a modified watercourse; and

(ii) the bed of the river or stream; but

(b) does not include –

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

(ii) land that the waters of the river or stream do not cover at its fullest flow without overlapping its banks; or

(iii) an artificial watercourse; or

(iv) a tributary flowing into the river or stream.

Authority to issue and amend deed of recognition to be provided for

8.25 The settlement legislation is to authorise the Minister of Conservation and the Director-General of Conservation to –

8.25.1 issue the deed of recognition to the governance entity in respect of the statutory area described in clause 5.16; and

8.25.2 amend a deed of recognition, but only with the written consent of the governance entity.

Limitations in relation to statutory acknowledgement and deed of recognition to be provided for

8.26 The settlement legislation is to provide that, except as expressly required by the settlement legislation, –

8.26.1 no person, in considering a matter or making a decision or recommendation under legislation or a bylaw, may give greater or lesser weight to the association of Ngāti Manuhiri with a statutory area (as described in a statement of association) than the person would give if there were no statutory acknowledgement; and

8.26.2 the statutory acknowledgement and the deed of recognition are not to –

(a) affect, or be taken into account by, a person exercising a power or performing a function or duty under legislation or a bylaw; or

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

(c) have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

Resource Management Act 1991 to be amended

8.27 The settlement legislation is to amend Schedule 11 of the Resource Management Act 1991 by inserting the name of the settlement legislation in alphabetical order.

9 PROVISIONS RELATING TO PROTOCOLS

General

9.1 The settlement legislation is to provide for protocols on the terms provided by this part.

Issue, amendment, and cancellation of protocols to be authorised

9.2 Each responsible Minister is to be authorised to –

9.2.1 issue a protocol to the governance entity in the form set out in part 4 of the documents schedule; and

9.2.2 amend or cancel that protocol.

9.3 The settlement legislation is to provide –

9.3.1 a protocol may be amended or cancelled at the initiative of either –

(a) the governance entity; or

(b) the responsible Minister; and

9.3.2 the responsible Minister may amend or cancel a protocol only after consulting with, and having particular regard to the views of, the governance entity.

Protocols effect on rights and obligations to be provided for

9.4 Protocols are not to restrict –

9.4.1 the Crown's ability to exercise its powers, and perform its functions and duties, in accordance with the law and government policy; and

9.4.2 in particular, the Crown's ability to –

(a) introduce legislation and change government policy; and

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

9.4.3 the responsibilities of a responsible Minister or responsible department; or

9.4.4 the legal rights of Ngāti Manuhiri or a representative entity.

Enforcement of protocols to be provided for

9.5 The Crown is to be required to comply with a protocol while it is in force.

9.6 If the Crown fails, without good cause, to comply with a protocol, the governance entity is to be given the power to enforce the protocol.

9.7 The governance entity's right to enforce a protocol is to be subject to the Crown Proceedings Act 1950.

9.8 Damages, or monetary compensation, are not to be available as a remedy for the Crown's failure to comply with a protocol; but

9.9 Paragraph 9.8 is not to affect a court's ability to award the governance entity's costs of enforcing a protocol.

9.10 Paragraphs 9.5 to 9.8 are not to apply to guidelines for implementing a protocol.

Limitations on conservation protocol

9.11 The conservation protocol is not to have the effect of granting, creating, or providing evidence of –

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

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

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

Limitations on Crown minerals protocol

9.12 The Crown minerals protocol is not to have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown-owned minerals.

Limitations on taonga tūturu protocol to be provided for

9.13 The taonga tūturu protocol is not to have the effect of granting, creating, or providing evidence of, an estate or interest in, or rights relating to, taonga tūturu.

Noting and effect of Crown minerals protocol to be provided for

9.14 A summary of the terms of the Crown minerals protocol must be noted by the Chief Executive of the Ministry of Economic Development in –

9.14.1 a register of protocols maintained by the chief executive of the Ministry of Economic Development; and

9.14.2 minerals programmes affecting the Crown minerals protocol area when those programmes are replaced.

9.15 The noting of the Crown minerals protocol is –

9.15.1 for the purpose of public notice only; and

9.15.2 not an amendment to a minerals programme for the purposes of the Crown Minerals Act 1991.

9.16 **Minerals programme**, for the purposes of paragraphs 9.14 and 9.15, has the meaning given to it in section 2(1) of the Crown Minerals Act 1991.

10 PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Cultural redress properties

10.1 The settlement legislation is to provide that each of the following sites means the properties described in the appendix to this schedule:

10.1.1 the Mount Tamahunga summit site;

10.1.2 the Leigh Recreation Reserve site;

10.1.3 the Pākiri Domain Recreation Reserve site;

10.1.4 the Pākiri Block Conservation Area;

10.1.5 the Pākiri Riverbed site; and

10.1.6 Te Maraeroa.

Vesting

10.2 The settlement legislation is to provide for the cultural redress properties to vest in the governance entity on the settlement date on the terms of this part 10 and, as applicable, parts 11 and 12.

Mount Tamahunga summit site

10.3 The Mount Tamahunga summit site is to cease:

10.3.1 being part of the Omaha ecological area; and

10.3.2 being a conservation area under the Conservation Act 1987.

10.4 The fee simple estate in the Mount Tamahunga summit site vests in the governance entity.

10.5 The Mount Tamahunga summit site is to be declared a reserve and classified as a scientific reserve subject to section 21 to the Reserves Act 1977.

10.6 The reserve created under paragraph 10.5 is to be named Mount Tamahunga Scientific Reserve.

Leigh Recreation Reserve site

10.7 The reservation of the Leigh Recreation Reserve site (being part of Leigh Recreation Reserve) as a recreation reserve subject to section 17 of the Reserves Act 1977 is to be revoked.

10.8 The fee simple estate in the Leigh Recreation Reserve site vests in the governance entity.

10.9 The Leigh Recreation Reserve site is to be declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

10.10 The reserve created under paragraph 10.9 is to be named Wakatūwhenua Recreation Reserve.

Pākiri Domain Recreation Reserve site

10.11 The reservation of the Pākiri Domain Recreation Reserve site as a recreation reserve subject to section 17 of the Reserves Act 1977 is to be revoked.

10.12 The fee simple estate in the Pākiri Domain Recreation Reserve site vests in the governance entity.

10.13 The Pākiri Domain Recreation Reserve site is to be declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.

10.14 The reserve created under paragraph 10.13 is to be named Pākiri Recreation Reserve.

Pākiri Block Conservation Area

10.15 The Pākiri Block Conservation Area is to cease being a conservation area under the Conservation Act 1987.

10.16 The fee simple estate in the Pākiri Block Conservation Area vests in the governance entity.

10.17 Paragraphs 10.15 and 10.16 are to be subject to the governance entity providing to the Crown a registrable covenant in relation to the site in the form set out in part 5 of the documents schedule.

10.18 The covenant described in paragraph 10.17 is to be treated as a conservation covenant for the purposes of:

10.18.1 section 77 of the Reserves Act 1977; and

10.18.2 section 27 of the Conservation Act 1987.

Pākiri Riverbed site

10.19 The fee simple estate in the Pākiri Riverbed site vests in the governance entity.

10.20 Paragraph 10.19 is to be subject to the governance entity providing to the Crown a registrable covenant in relation to the site in the form set out in part 5 of the documents schedule.

10.21 The covenant described in paragraph 10.20 is to be treated as a conservation covenant for the purposes of:

10.21.1 section 77 of the Reserves Act 1977; and

10.21.2 section 27 of the Conservation Act 1987.

Te Maraeroa

10.22 The reservation of Te Maraeroa (being part of Little Barrier Island Nature Reserve and part of Te Hauturu-o-Toi / Little Barrier Island) as a nature reserve subject to section 20 of the Reserves Act 1977 is to be revoked.

10.23 The fee simple estate vests in the name of Rahui Te Kiri.

10.24 Paragraphs 10.22 and 10.23 are to be subject to the governance entity providing to the Crown in relation to the site:

10.24.1 a registrable covenant in the form set out in part 5 of the documents schedule;

10.24.2 a registrable right of way easement in the form set out in part 6 of the documents schedule;

10.24.3 a registrable easement for a right to convey water, electricity, telecommunications and computer media, and to drain sewage and waste water in the form set out in part 6 of the documents schedule;

10.24.4 a registrable easement for a right to drain sewage and waste water in the form set out in part 6 of the documents schedule.

10.25 The covenant described in paragraph 10.24.1 is to be treated as a conservation covenant for the purposes of:

10.25.1 section 77 of the Reserves Act 1977; and

10.25.2 section 27 of the Conservation Act 1987.

10.26 Despite paragraph 10.23 –

10.26.1 the governance entity –

(a) has all the rights, duties and powers of the registered proprietor of Te Maraeroa; and

(b) must exercise and perform the rights, duties and powers in its own name and not in the name of Rahui Te Kiri; and

10.26.2 the Registrar-General must have regard to paragraph 10.26.1; and

10.26.3 all references to a cultural redress property vesting in the governance entity apply to the vesting of Te Maraeroa as if it vested in the governance entity.

11 PROVISIONS SPECIFYING TERMS OF VESTING

Vesting to be subject to listed encumbrances

11.1 Each cultural redress property is to vest subject to, or together with, any encumbrances for the property listed in the appendix to this schedule.

Ownership of governance entity to be registered on computer freehold register

11.2 Paragraphs 11.3 to 11.6 are to apply to the fee simple estate in a cultural redress property vested under the settlement legislation.

11.3 The Registrar-General of Land, on written application by an authorised person, is to be required to comply with paragraphs 11.4 and 11.5.

11.4 To the extent that a cultural redress property is all of the land contained in a computer freehold register, the Registrar-General is to –

11.4.1 register the governance entity as the proprietor of the fee simple estate in the land; and

11.4.2 make any entries in the register, and do all other things, that are necessary to give effect to the settlement legislation and this deed.

11.5 To the extent that a cultural redress property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General is to –

11.5.1 create one or more computer freehold registers for the fee simple estate in the property in the name of the governance entity or, in the case of Te Maraeroa, in the name of Rahui Te Kiri; and

11.5.2 enter on the register any encumbrances that are –

(a) registered, notified, or notifiable; and

(b) described in the application from the authorised person.

Timing of creation of computer freehold register to be specified

11.6 The settlement legislation is to provide –

11.6.1 paragraph 11.5 is to apply subject to the completion of any survey necessary to create the computer freehold register; and

11.6.2 the computer freehold register must be created as soon as reasonably practicable after the settlement date, but no later than –

(a) 24 months after the settlement date; or

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

Application of Part 4A of the Conservation Act 1987 (including creation of marginal strips) to be dealt with

11.7 The settlement legislation is to provide that –

11.7.1 the vesting of a cultural redress property in the governance entity is to be a disposition for the purposes of Part 4A of the Conservation Act 1987; but

11.7.2 sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and

11.7.3 despite paragraphs 11.7.1 and 11.7.2 the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site under the settlement legislation; and

11.7.4 if the reservation under the settlement legislation of a reserve site is revoked in relation to all or part of the site, then its vesting is to be no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or part of that site.

Application of Part 4A of Conservation Act and settlement legislation to be notified on computer freehold register

11.8 The Registrar-General of Land is to be required to notify on the computer freehold register for –

11.8.1 a reserve site that –

(a) the land is subject to Part 4A of the Conservation Act 1987; but

(b) section 24 of that Act does not apply; and

(c) the land is subject to paragraphs 11.7.4 and 12.3; and

11.8.2 any other cultural redress property that the land is subject to Part 4A of the Conservation Act 1987.

11.9 The settlement legislation is to provide that a notification made under paragraph 11.8 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.

Removal of notifications from computer freehold register to be provided for

11.10 The settlement legislation is to provide that –

11.10.1 if the reservation of a reserve site is revoked, in relation to –

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

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

(ii) the site is subject to paragraphs 11.7.4 and 12.3; or

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

11.10.2 the Registrar-General of Land is to comply with an application received in accordance with paragraphs (a) or (b).

Application of other legislation to be dealt with

11.11 The settlement legislation is to provide –

11.11.1 sections 24 and 25 of the Reserves Act 1977 are not to apply to the revocation under the settlement legislation of the reserve status of a cultural redress property; and

11.11.2 section 11 and Part 10 of the Resource Management Act 1991 are not to apply to –

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

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

11.11.3 the vesting of the fee simple estate in a cultural redress property under the settlement legislation is not to –

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

(b) affect other rights to subsurface minerals; and

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

12 PROVISIONS RELATING TO RESERVE SITES

General

12.1 The settlement legislation is to include provisions in relation to the vesting of reserve sites on the terms provided in this part.

Application of Reserves Act 1977 to be dealt with

12.2 The settlement legislation is to provide that –

12.2.1 the governance entity is to be the administering body of a reserve site for the purposes of the Reserves Act 1977; and

12.2.2 despite sections 48A(6), 114(5), and 115(6) of the Reserves Act 1977, sections 48A, 114, and 115 of that Act apply to a reserve site; and

12.2.3 sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply to a reserve site; and

12.2.4 if the reservation under the settlement legislation of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site,-

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

(b) the other provisions of section 25 do not apply.

Subsequent transfer of reserve sites to be provided for

12.3 The settlement legislation is to provide that –

12.3.1 this paragraph is to apply to all, or any part, of a reserve site that remains a reserve at any time after the vesting in the governance entity under the settlement legislation (the **reserve land**); and

12.3.2 the fee simple estate in the reserve land may be transferred to another person only in accordance with this paragraph; and

12.3.3 paragraph 12.3.2 is to apply despite any other enactment or rule of law; and

12.3.4 the Minister of Conservation is to give written consent to the transfer of the fee simple estate in reserve land to another person (the **new owner**) if, upon written application, the registered proprietor of the reserve land satisfies the Minister that the new owner is able to –

(a) comply with the Reserves Act 1977; and

(b) perform the obligations of an administering body under that Act; and

Registration of transfer to be provided for

12.3.5 the Registrar-General of Land, upon receiving the following documents, is to register the new owner as the proprietor of the estate in fee simple in the reserve land:

(a) the transfer instrument to transfer the fee simple estate in the reserve land to the new owner, including a notification that the new owner is to hold the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer:

(b) the Minister of Conservation's written consent to the transfer:

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

New owners are to be the administering body

12.3.6 the new owner, from the time of its registration under paragraph 12.3.5, –

(a) is to be the administering body of the reserve land for the purposes of the Reserves Act 1977; and

(b) holds the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer; and

Provisions not to apply if transfer is to new trustees of a trust

12.3.7 paragraphs 12.3.1 to 12.3.6 are not to apply to the transfer of the fee simple estate in reserve land if –

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

(b) the transferees are the trustees of the same trust after –

(i) a new trustee has been appointed; or

(ii) a transferor has ceased to be a trustee; and

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

Reserve site is not to be mortgaged or charged

12.4 The registered proprietors from time to time of a reserve site that is vested under the settlement legislation are not to mortgage, or give a security interest in, all or any part of the site that remains a reserve.

Bylaws etc in relation to reserve sites to be saved

12.5 A bylaw, prohibition or restriction on use or access in relation to a reserve site made or granted under the Reserves Act 1977, or the Conservation Act 1987, by an administering body or the Minister of Conservation is to remain in force until it expires or is revoked under the applicable legislation.

Application of legislation to certain names

12.6 If a cultural redress property vested under the settlement legislation –

12.6.1 immediately before the vesting comprised the whole of a reserve or conservation area, and an official geographic name was assigned under the Act to the property, –

(a) the official geographic name is discontinued; and

(b) the Board must ensure that, as soon as reasonably practicable, the official geographic name is removed from the Gazetteer; or

12.6.2 comprises only part of a reserve or conservation area –

(a) paragraph 12.6.1(a) applies only to the part of the property that is vested; and

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

12.6.3 is reserved and classified as a recreation or scientific reserve under the settlement legislation, that reserve does not become a Crown protected area.

12.7 In paragraph 12.6 –

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

12.7.2 **Board** means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa continued by section 7 of the Act; and

12.7.3 **Crown protected area, Gazetteer**, and **official geographic name** have the meanings given by section 4 of the Act.

12A GEOGRAPHIC NAMES

Assignment and alteration of geographic names to be authorised

12A.1 The settlement legislation is to provide that –

12A.1.1 the geographic name specified in the first column of the table in clause 5.29.1 of this deed is assigned to the location described in the second column of that table; and

12A.1.2 each existing geographic name specified in the first column of the table in clause 5.29.2 of this deed is to be altered to the geographic name specified in the second column of that table; and

12A.1.3 each assignment of, and alteration to, a geographic name is to be treated as having been made by the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa in accordance with the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Publication of assignment and alteration of geographic names to be required

12A.2 The New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa is to be required, as soon as is reasonably practicable after the settlement date, to comply with sections 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (which relate to the publication of determinations of the Board) as if the assignment or alteration under paragraphs 12A.1.1 and 12A.1.2 were a determination of the Board that section 21 of the Act applies to.

Effect of publication to be specified

12A.3 The settlement legislation is to provide that a copy of the Gazette notice published under paragraph 12A.2 is conclusive evidence that, on the date of that notice, -

12A.3.1 geographic names were assigned in accordance with paragraph 12A.1; and

12A.3.2 existing geographic names were altered to the altered geographic names in accordance with paragraph 12A.2.

Alteration of assigned and altered geographic names

12A.4 The settlement legislation is to provide that –

12A.4.1 despite the provisions of the New Zealand Geographic Board (Ngā Pou Taunaha o Aoteroa) Act 2008, the New Zealand Geographic Board Ngā Pou Taunaha o Aoteroa may, with the consent of the governance entity, alter –

(a) any assigned geographic name or any altered geographic name; or

(b) its location; and

12A.4.2 paragraphs 12A.2 and 12A.3 apply, with any necessary modification, to an alteration made under this paragraph.

When assigned geographic names take effect

12A.5 The settlement legislation is to provide that geographic names assigned or altered under paragraphs 12A.1.1 or 12A.4.1 take effect on the date of the Gazette notice published under paragraph 12A.2.

13 PROVISIONS RELATING TO COMMERCIAL REDRESS PROPERTIES

Crown to be authorised to transfer commercial redress properties

13.1 The Crown (acting by and through the chief executive of the landholding agency) is to be authorised to do one or both of the following:

13.1.1 transfer to the governance entity the fee simple estate in a commercial redress property;

13.1.2 sign a transfer instrument or other document, or do anything else to effect the transfer.

13.2 The authority under paragraph 13.1 is to be given to give effect to this deed.

Registrar-General of Land to be required to create a computer freehold register

13.3 Paragraph 13.4 is to apply to a commercial redress property to the extent that –

13.3.1 it is not all of the land contained in a computer freehold register; or

13.3.2 there is no computer freehold register for all or part of the property.

13.4 The Registrar-General of Land is to be required, in accordance with a written application by an authorised person, and after completion of any necessary survey, to create a computer freehold register in the name of the Crown –

13.4.1 subject to, and together with, any encumbrances that –

(a) are registered, notified, or notifiable; and

(b) are described in the written application; and

13.4.2 without any statement of purpose.

Covenant for later creation of freehold register to be permitted

13.5 An authorised person is to be permitted to grant a covenant to arrange for the later creation of a computer freehold register for land that is to be transferred to the governance entity under -

13.5.1 part 6 of this deed; or

13.5.2 part 5 of the property redress provisions of this deed.

13.6 The settlement legislation is to provide that, despite the Land Transfer Act 1952, –

13.6.1 the authorised person may request the Registrar-General of Land to register a covenant granted in accordance with paragraph 13.5 under the Land Transfer Act 1952 by creating a computer interest register; and

13.6.2 the Registrar-General must register the covenant.

Application of other legislation

13.7 The settlement legislation is to provide –

13.7.1 sections 11 and part 10 of the Resource Management Act 1991 do not apply to –

(a) the transfer to the governance entity of a commercial redress property; or

(b) any matter incidental to, or required for the purpose of, the transfer; and

13.7.2 the transfer of a commercial redress property to the governance entity –

(a) does not –

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

(ii) affect other rights to subsurface minerals; and

(b) 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; and

13.7.3 in exercising the powers conferred by paragraphs 13.1 and 13.2, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property; and

13.7.4 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 provisions of this deed in relation to the transfer of a commercial redress property.

13.8 Paragraph 13.7.3 does not limit paragraph 13.7.2.

14 PROVISIONS RELATING TO LICENSED LAND

Licensed land to cease to be Crown forest land

14.1 The settlement legislation is to provide that –

14.1.1 the licensed land ceases to be Crown forest land upon the registration of the transfer of the fee simple estate in the land to the governance entity; and

14.1.2 although the licensed land does not cease to be Crown forest land until the transfer of the fee simple estate in the land to the governance entity is registered, neither the Crown nor any court or tribunal may, between the settlement date and the date of registration, do or omit to do anything if that act or omission would be –

(a) consistent with the Crown Forest Assets Act 1989; but

(b) inconsistent with this deed.

Governance entity to be confirmed beneficiary and licensor in relation to licensed land

14.2 The settlement legislation is to provide that the governance entity is, in relation to the licensed land, –

14.2.1 a confirmed beneficiary under clause 14.1 of the Crown forestry rental trust deed and, therefore, –

(a) the governance entity is entitled to the rental proceeds payable since the commencement of the Crown forestry licence; and

(b) all the provisions of the Crown forestry rental trust deed apply on the basis that the governance entity is a confirmed beneficiary; and

14.2.2 the licensor under the Crown forestry licence as if the licensed land had been returned to Maori ownership –

(a) on the settlement date; and

(b) under section 36 of the Crown Forest Assets Act 1989.

Crown to be required to give notice under Crown Forest Assets Act 1989

14.3 The Crown is to be required to give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of the Crown forestry licence.

14.4 The settlement legislation is to provide that –

14.4.1 paragraph 14.3 is to apply even though the Waitangi Tribunal has not made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and

14.4.2 notice given by the Crown under paragraph 14.3 is to have effect as if –

(a) the Waitangi Tribunal had made a recommendation under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 for the return of the licensed land; and

(b) the recommendation had become final on settlement date.

14.5 Section 36(1)(b) of the Crown Forest Assets Act 1989 is not to apply to the licensed land.

Effect of transfer of licensed land to be specified

14.6 Paragraphs 14.2 to 14.5 are to apply whether or not, on the settlement date, the transfer of the fee simple estate in the licensed land has been registered.

Access to protected site to be provided

14.7 The settlement legislation is to provide that –

Protected site to be defined

14.7.1 **protected site** is to mean an area of land situated within the licensed land that –

(a) is wahi tapu or a wahi tapu area within the meaning of section 2 of the Historic Places Act 1993; and

(b) is, or becomes, a registered place within the meaning of section 2 of that Act; and

Right of access to protected site to be provided

14.7.2 the owner of the land on which a protected site is situated and any person having an interest in, or right of occupancy to, that land must allow access across the land to each protected site to Maori to whom the protected site is of spiritual, cultural, or historical significance; and

14.7.3 the right of access may be exercised by vehicles or by foot over any reasonably convenient routes specified by the owner; and

Conditions of right of access to be specified

14.7.4 the right of access is subject to the following conditions:

(a) a person intending to exercise it must give the owner reasonable written notice of his or her intention:

(b) it may be exercised only during daylight hours and at reasonable times:

(c) a person exercising it must observe any reasonable conditions imposed by the owner in relation to the time, location, or manner of access as are reasonably required for –

(i) the safety of people; or

(ii) the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or

(iii) operational reasons; and

Right of access to be subject to Crown forestry licence

14.7.5 the right of access is to be subject to, and not to override, the terms of any Crown forestry licence, except if the licensee has agreed to the right of access; and

14.7.6 an amendment to a Crown forestry licence will be of no effect to the extent it purports to –

(a) delay the date from which a person who has the right of access may exercise that right; or

(b) otherwise adversely affect the right of access.

Registrar-General of Land to be required to note the right of access

14.8 The settlement legislation is to provide that –

14.8.1 the Registrar-General of Land must, in accordance with a written application by an authorised person, record on the computer freehold register for the land that the land is subject to paragraph 14.7; and

14.8.2 an application must be made as soon as reasonably practicable after the settlement date; but

14.8.3 if a computer freehold register for the licensed land has not been created by the settlement date, an application must be made as soon as reasonably practicable after the register has been created.

15 RFR PROVISIONS

General

15.1 The settlement legislation is to provide for a right of first refusal over certain land in favour of the governance entity on the terms of this part 15.

Definitions to be provided

15.2 The settlement legislation is to provide that in the provisions creating that right of first refusal –

15.2.1 **dispose of**, in relation to RFR land, –

(a) means to –

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

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

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

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

(ii) grant an easement over the land; or

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

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

15.2.2 **expiry date**, in relation to an offer, means its expiry date under paragraphs 15.6.1 and 15.7; and

15.2.3 **nominee** has the meaning given to it by paragraph 15.10.1; and

15.2.4 **notice** means a notice under this part; and

15.2.5 **offer** means an offer, made in accordance with paragraph 15.6, by an RFR landowner to dispose of RFR land to the governance entity; and

15.2.6 **public work** has the meaning given to it in section 2 of the Public Works Act 1981; and

15.2.7 RFR **land** has the meaning given to it by paragraphs 15.3 and 15.4; and

15.2.8 RFR **landowner**, in relation to RFR land, –

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

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

(c) includes a local authority to whom RFR land has been disposed of under paragraph 15.11.2; but

(d) to avoid doubt, does not include an administering body in which RFR land is vested; and

15.2.9 **RFR period** means the period of 169 years from the settlement date; and

15.2.10 **specified property** means each property described under that heading in the appendix to this schedule.

RFR **land to be defined**

15.3 RFR **land** is to mean –

15.3.1 land within the area shown on the RFR plan in the attachments to this deed if, on the settlement date, the land is vested in the Crown, or the Crown holds the fee simple estate in the land, or the land is a reserve vested in an administering body that derived title from the Crown; and

15.3.2 land obtained in exchange for a disposal of RFR land under paragraph 15.12.5(c) or 15.12.6.

15.4 However, land ceases to be RFR land when any of the following things happen:

15.4.1 the fee simple estate in the land transfers from the RFR landowner to –

(a) the governance entity (or a nominee); or

(b) any other person (including the Crown or a Crown body) in accordance with paragraph 15.5.3; or

15.4.2 the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body under –

(a) paragraphs 15.12 or 15.13.1; or

(b) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 15.14; or

15.4.3 the RFR period ends; or

15.4.4 in the case of a specified property, the Crown gives notice under paragraph 15.4A.

Specified properties ceasing to be RFR land

15.4A The settlement legislation is to provide that the Crown, through the Minister for Treaty of Waitangi Negotiations, may, in respect of a specified property, give written notice to the RFR landowner and the governance entity that the specified property ceases to be RFR land.

15.4B The written notice may be given at any time until a contract for the disposal of the specified property is formed under paragraph 15.9.

15.4C The settlement legislation is to provide that the specified property ceases to be RFR land on the date notice is given under paragraph 15.4A.

Restrictions on disposal of RFR land to be provided

15.5 The settlement legislation is to provide that an RFR landowner must not dispose of RFR land to a person other than the governance entity, or its nominee, unless the land is disposed of –

15.5.1 under paragraphs 15.11, 15.12, or 15.13.1; or

15.5.2 under an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 15.14; or

15.5.3 within two years after the expiry date of an offer by the RFR landowner to dispose of the land to the governance entity, if the offer was –

(a) made in accordance with paragraph 15.6; and

(b) on terms that were the same as, or more favourable to the governance entity than, the terms of the disposal to the person; and

(c) not withdrawn under paragraph 15.8; and

(d) not accepted under paragraph 15.9.

Requirements for offer to governance entity to be specified

15.6 An offer by an RFR landowner to dispose of RFR land to the governance entity must be by written notice to the governance entity, incorporating –

15.6.1 the terms of the offer, including its expiry date; and

15.6.2 a legal description of the land, including –

(a) the reference for any computer register that contains the land; and

(b) any encumbrances affecting it; and

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

15.6.4 a street address, postal address, and fax number for the governance entity to give notices to the RFR landowner in relation to the offer.

Expiry date of offer to be required

15.7 The settlement legislation is to specify that the expiry date of an offer –

15.7.1 must be on or after the 20th business day after the day on which the governance entity receives notice of the offer; but

15.7.2 may not be on or after the 10th business day after the day on which the governance entity receives notice of the offer if –

(a) the governance entity has received an earlier offer to dispose of the land; and

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

(c) the earlier offer was not withdrawn.

Withdrawal of offer to be permitted

15.8 An RFR landowner is to be permitted, by notice to the governance entity, to withdraw an offer at any time before it is accepted.

Acceptance of offer and formation of contract to be provided for

15.9 The settlement legislation is to provide that –

15.9.1 the governance entity may, by notice to the RFR landowner who made an offer, accept the offer if –

(a) it has not been withdrawn; and

(b) its expiry date has not passed; and

15.9.2 the governance entity must accept all the RFR land offered unless the offer permits them to accept less; and

15.9.3 if the governance entity accepts an offer by an RFR landowner to dispose of RFR land –

(a) a contract for the disposal of the land is formed between the landowner and the governance entity on the terms in the offer; and

(b) the terms of the contract may be varied by written agreement between the RFR landowner and the governance entity.

Transfer to governance entity or a nominee to be provided for

15.10 The settlement legislation is to provide that if a contract for the disposal of RFR land is formed between an RFR landowner and the governance entity under paragraph 15.9.3 –

15.10.1 the RFR landowner will dispose of the RFR land to –

(a) the governance entity; or

(b) in the case of a transfer of the fee simple estate, a person nominated by the governance entity (a **nominee**) under paragraph 15.10.2; and

15.10.2 the governance entity may nominate a nominee by giving written notice -

(a) to the RFR landowner at least 10 business days before the RFR land is to be transferred under the contract for disposal of the RFR land; and

(b) providing the name of, and all other relevant details about, the nominee; and

15.10.3 the governance entity may only nominate as nominee a person who is lawfully entitled to take a disposal of, and hold, the RFR land; and

15.10.4 if the governance entity nominates a nominated transferee, the governance entity remains liable for all the governance entity's obligations under the contract for disposal of the RFR land.

Certain disposals by RFR landowner permitted but land remains RFR land

15.11 The settlement legislation is to permit an RFR landowner to dispose of RFR land –

To the Crown or Crown bodies

15.11.1 to the Crown or a Crown body, including, to avoid doubt, under section 143(5) or section 206 of the Education Act 1989; or

If a public work

15.11.2 that is a public work, or part of a public work, to a local authority (as defined in section 2 of the Public Works Act 1981) in accordance with section 50 of that Act; or

For reserves purposes

15.11.3 in accordance with section 26 or 26A of the Reserves Act 1977.

Certain disposals by RFR land owner permitted and land may cease to be RFR land

15.12 The settlement legislation is to permit an RFR landowner to dispose of RFR land –

Under legislative and rule of law obligations

15.12.1 in accordance with an obligation under any legislation or rule of law; or

Under legal or equitable obligations

15.12.2 in accordance with a legal or equitable obligation that –

(a) was unconditional before the settlement date; or

(b) was conditional before the settlement date but become unconditional on or after the settlement date; or

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

15.12.3 in accordance with the requirements, existing before the settlement date, of a gift, endowment, or trust relating to the land; or

Under certain legislation

15.12.4 if the RFR landowner is the Crown, in accordance with -

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

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

Public works land

15.12.5 in accordance with –

(a) section 40(2), 40(4) or 41 of the Public Works Act 1981 (including as applied by other legislation); or

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

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

(d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of

to the owner of adjoining land; or

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

For reserves or conservation purposes

15.12.6 in accordance with –

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

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

For charitable purposes

15.12.7 as a gift for charitable purposes; or

To tenants

15.12.8 that was held on settlement date for education purposes, if the RFR landowner is the Crown, to a person who, immediately before the disposal, is a tenant of –

(a) all or part of the land; or

(b) a building, or part of a building, on the site; or

15.12.9 under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted –

(a) before the settlement date; or

(b) on or after the settlement date as a renewal of a lease granted before the settlement date; or

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

Certain matters to be clarified

15.13 The settlement legislation is to provide, to avoid doubt, that –

15.13.1 RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981; and

15.13.2 if RFR land is disposed of to a local authority under paragraph 15.11.2, the local authority becomes –

(a) the RFR landowner of the land; and

(b) subject to the obligations of an RFR landowner under this part in relation to the land; and

15.13.3 if, on the settlement date, a reserve is RFR land, the administering body of that reserve, unless it is the Crown or a Crown body, –

(a) is not the RFR landowner of the land; and

(b) is not subject to the obligations of the RFR landowner under this part in relation to the land; and

15.13.4 if RFR land is disposed of under section 26 or 26A of the Reserves Act 1977 in accordance with paragraph 15.11.3, and the land is vested in an administering body that is not the Crown or a Crown body, –

(a) the administering body –

(i) is not the RFR landowner of the land; and

(ii) is not subject to the obligations of the RFR landowner under this part in relation to the land; but

(b) if the land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown is –

(i) the RFR landowner; and

(ii) subject to the obligations of the RFR landowner under this part in relation to the land.

RFR **landowner's obligations to be subject to specified matters**

15.14 An RFR landowner's obligations under the settlement legislation in relation to RFR land are to be subject to –

15.14.1 any other enactment or rule of law but, in the case of a Crown body, the obligations apply despite its purpose, functions or objectives; and

15.14.2 any encumbrance, or legal or equitable obligation, that –

(a) prevents or limits an RFR landowner's disposal of RFR land to the governance entity; or

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

15.14.3 the terms of a mortgage over, or security interest in, RFR land.

15.15 Reasonable steps, for the purposes of paragraph 5.14.2(b), are not to include steps to promote the passing of legislation.

Notice to LINZ of RFR land to be required after settlement date

15.16 The settlement legislation is to provide that –

15.16.1 if a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created; and

15.16.2 if land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land; and

15.16.3 the notice must –

(a) include –

(i) the reference for the computer register; and

(ii) a legal description of the land; and

(b) be given as soon as reasonably practicable after –

(i) a computer register is first created for the RFR land; or

(ii) the land becomes RFR land.

Notice to governance entity of disposals of RFR land to be required

15.17 The settlement legislation is to require that –

15.17.1 an RFR landowner must give the governance entity notice of the disposal of RFR land by the landowner to a person other than the governance entity; and

15.17.2 the notice must –

(a) be given on or before the day that is 20 business days before the disposal; and

(b) include a legal description of the land, including any encumbrances affecting it; and

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

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

(e) explain how the disposal complies with paragraph 15.5; and

(f) if the disposal is made under paragraph 15.5.3, include a copy of any

written contract for the disposal.

Notice to LINZ of land ceasing to be RFR land to be required

15.18 The settlement legislation is to provide that –

15.18.1 the RFR landowner is to give the chief executive of LINZ notice if land is to cease being RFR land –

(a) because the RFR landowner is to –

(i) transfer the fee simple estate in the land to –

(I) the governance entity or its nominee; or

(II) any other person (including the Crown or a Crown body) under paragraph 15.5.3; or

(ii) transfer or vest the fee simple estate in the land to or in a person (other than the Crown or a Crown body) under -

(I) paragraphs 15.12 or 15.13.1; or

(II) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 15.14; or

(b) because the RFR landowner received notice under paragraph 15.4A; and

15.18.2 the notice must –

(a) give notice that the land is to cease being RFR land; and

(b) include a legal description of the land; and

(c) specify the details of the transfer or vesting of the land that will result in it ceasing to be RFR land or, in the case of a specified property, include a copy of the notice under paragraph 15.4A; and

(d) be given as early as practicable before the transfer or vesting or, in the case of a specified property, as soon as practicable after receipt of the notice under paragraph 15.4A.

Notice provisions to be specified

15.19 The settlement legislation is to provide that a notice to or by an RFR landowner, or the governance entity, under this part –

Notice requirements

15.19.1 must be in writing; and

15.19.2 signed by –

(a) the person giving it; or

(b) in the case of the governance entity, at least two of the trustees for the time being of the governance entity; and

15.19.3 addressed to the recipient at the street address, postal address, or fax number –

(a) specified for the governance entity in accordance with this deed, in the case of a notice to the governance entity; or

(b) specified by the RFR landowner in an offer made under paragraph 15.6, or in a later notice given to the governance entity, in the case of a notice to the RFR landowner; or

(c) at the national office of LINZ, in the case of a notice given to the chief executive of LINZ; and

15.19.4 given by –

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

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

(c) faxing it to the recipient's fax number; and

Time when notice received

15.19.5 is to be treated as having been received –

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

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

(c) at the time of transmission, if faxed;

15.19.6 however, is to be treated as having been received on the next business day if, under paragraph 15.19.5, it would be treated as having been received –

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

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

Provision for recording of memorials on RFR land to be made

15.20 The settlement legislation is to provide that –

Certificates identifying RFR land to be issued

15.20.1 the chief executive of LINZ must –

(a) issue to the Registrar-General of Land certificates that identify –

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

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

(iii) land for which there is a computer register that becomes RFR land after the settlement date; and

(b) provide a copy of each certificate to the governance entity as soon as reasonably practicable after issuing it; and

15.20.2 a certificate issued under paragraph 15.20.1 must –

(a) state that is issued under this section; and

(b) be issued as soon as reasonably practicable after –

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

(ii) receiving notice under paragraph 15.16 that a computer register has been created for the RFR land or that the land has become RFR land; and

Memorials to be recorded

15.20.3 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 15.20.1, record on the computer register for the RFR land identified in the certificate that the land is –

(a) RFR land as defined in paragraphs 15.3 and 15.4; and

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

Provision for removal of memorials from RFR land to be made

15.21 The settlement legislation is to provide that –

Certificates to be issued identifying land ceasing to be RFR land after transfer or vesting

15.21.1 the chief executive of LINZ must, –

(a) before registration of the transfer or vesting of land described in a notice received under paragraph 15.18.1(a), issue to the Registrar-General of Land a certificate that –

(i) identifies each allotment of land that is contained in a computer register that has a memorial recorded on it under paragraph 15.20.3; and

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

(iii) states that it is issued under this paragraph; or

(b) as soon as practicable after receipt of a notice under paragraph 15.18.1(b), issue to the Registrar-General a certificate that –

(i) identifies the specified property that has a memorial recorded on it under paragraph 5.20.3; and

(ii) includes a copy of the notice under paragraph 15.8.1(b); and

(iii) states that it is issued under this paragraph; and

(c) as soon as reasonably practicable after issuing a certificate, provide a copy of it to the governance entity; and

Memorials to be removed

15.21.2 if the Registrar-General of Land receives a certificate issued under paragraph 15.21.1, he or she must remove a memorial recorded under paragraph 15.20.3 from any computer register for land identified in the certificate as soon as reasonably practicable and, in the case of land identified in a certificate issued under paragraph 5.21.1(a) before registering the transfer or vesting of RFR land; or

Certificates to be issued identifying land ceasing to be RFR land on expiry of RFR period

15.21.3 the chief executive of LINZ must –

(a) as soon as reasonably practicable after the RFR period ends, issue to the Registrar-General of Land a certificate that –

(i) identifies each computer register that has a memorial recorded on it under paragraph 15.20.3; and

(ii) states that it is issued under this paragraph; and

(b) provide a copy of each certificate to the governance entity as soon as reasonably practicable after issuing it; and

Memorials to be removed

15.21.4 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 15.21.3, remove a memorial recorded under paragraph 15.20.3 from any computer register identified in the certificate.

General provisions to be included

15.22 The settlement legislation is to provide that –

Waive and variation of rights to be permitted

15.22.1 the governance entity may, by notice to an RFR landowner, waive any or all of the rights the governance entity has in relation to the landowner under this part; and

15.22.2 the RFR landowner and the governance entity may agree in writing to vary or waive any of the rights each has in relation to the other under this part; and

15.22.3 a waiver or agreement under paragraphs 15.22.1 or 15.22.2 is on the terms, and applies for the period, specified in it; and

Crown's ability to dispose of Crown bodies not affected

15.22.4 this part does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

16 MISCELLANEOUS PROVISIONS

Interpretation

16.1 The settlement legislation is to provide that it is Parliament's intention that it is interpreted in a manner that best furthers the agreements expressed in the deed of settlement.

Guide to the settlement legislation

16.2 The settlement legislation is to –

16.2.1 include a guide to its overall scheme and effect; but

16.2.2 provide the guide does not affect the interpretation or application of –

(a) the other provisions of the settlement legislation; or

(b) this deed.

Application of perpetuities rule removed

16.3 The settlement legislation is to provide that the rule against perpetuities, and the Perpetuities Act 1964, –

16.3.1 are not to prescribe or restrict the period during which –

(a) the settlement trust may exist in law; and

(b) the trustees of the governance entity, in their capacity as trustees, may hold or deal with property (including income derived from property); or

16.3.2 are not to apply to a settlement document 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; and

16.3.3 may, however, to be applied in accordance with the general law to the settlement trust if it is, or becomes, a charitable trust.

Timing of actions or matters

16.4 Actions or matters occurring under the settlement legislation are to occur and take effect on and from the settlement date, except if the settlement legislation requires an action or matter to take effect on another date.

Access to this deed

16.5 The Chief Executive of the Ministry of Justice is to be required to make copies of this deed available –

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

16.5.2 free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

APPENDIX

WHENUA RAHUI SITES

Name of site	Description (all North Auckland Land District)
Te Hauturu-o-Toi / Little Barrier Island Gift Area	2815.7630 hectares, more or less, being Section 2 SO 440008.
Wakatūwhenua	530.5877 hectares, more or less, being Lot 1 DP 117547, Lot 2 DP 101905, Section 3 SO 440975, Allotment 195 Parish of Omaha, and Part Sea Bed SO 58865 (marine reserve).

CULTURAL REDRESS PROPERTIES

Name of site	Description (all North Auckland Land District)	Encumbrances
Mount Tamahunga summit site	10.1590 hectares, more or less, being Section 1 SO 440010.	Scientific reserve subject to section 21 of the Reserves Act 1977. Subject to the NZ Walkways Act 1990.
Leigh Recreation Reserve site	5.4640 hectares, more or less, being Section 1 SO 440975. . Part computer freehold register NA57B/517. 0.1350 hectares, more or less, being Section 2 SO 440975. All Gazette 1998 page 1049.	Recreation reserve subject to section 17 of the Reserves Act 1977. Excepting thereout undivided one-half share in all shell, sand and shingle lying on the said land within, upon or along the northern boundary thereof conveyed by Deed 333272.
Pākiri Domain Recreation Reserve site	1.9974 hectares, more or less, being Section 1 SO 440006.	Recreation reserve subject to section 17 of the Reserves Act 1977. Subject to grazing licence held by the Pākiri Hall Advisory Committee

Pākiri Block Conservation Area	47.3836 hectares, more or less, being Section 43 Block VI Pākiri Survey District.	Subject to the conservation covenant referred to in paragraph 10.17.
Pākiri Riverbed site	4.8700 hectares, more or less, being Sections 1, 2 and 3 SO 442817.	Subject to the conservation covenant referred to in paragraph 10.20. Subject to deed of lease to Ngati Wai Trust Board (the lessee) and Hone Ringi Paraone (as owner of Taumata A Block) dated 1 August 1996.
Te Maraeroa	1.2370 hectares, more or less, being Section 1 SO 440008. Part Gazette Notice 631196.1.	Subject to the conservation covenant referred to in paragraph 10.24.1. Subject to the right of way easement referred to in paragraph 10.24.2. Subject to a right to convey water, electricity, telecommunications and computer media, and drain sewage and waste water, easement referred to in paragraph 10.24.3. Subject to a right to drain sewage and waste water easement referred to in paragraph 10.24.4.

SPECIFIED PROPERTIES

Property	Description (all North Auckland Land District)
Matakana School	0.6070 hectares, more or less, being Part Allotment 6 Parish of Matakana. All Proclamation 15771. 0.6070 hectares, more or less, being Part Allotment 6 Parish of Matakana. All Gazette 1965 page 948. 0.5290 hectares, more or less, being Section 1 SO 326640. All computer freehold register 118261.
Kawau Island	7.8155 hectares, more or less, being Lots 162, 163, and 164 DP 6849. Balance of Gazette Notice A54432.
Million Bay, Baddeleys Beach Rd	0.02 hectares, approximately, being Crown land adjoining Lot 72 DP 46353. Subject to survey.
Sunnybrook Scenic Reserve	48.6381 hectares, more or less, being Lot 1 DP 71573. All computer freehold register NA27D/568. 16.9715 hectares, more or less, being Lot 1 DP 71574. All computer freehold register NA27D/569. 32.1681 hectares, more or less, being Allotments 178 and 191 Parish of Hoteo. All Gazette 1986 page 4948. 37.7293 hectares, more or less, being Part Allotment 165 Parish of Hoteo. All Gazette 1979 page 1201. 17.6898 hectares, more or less, being Lot 1 DP 93425 and Lot 3 DP 93426. All Gazette 1982 page 3712.
Ti Point Marginal Strip	0.8 hectares, approximately, being Crown land adjoining Lots 1 and 2 DP 191829. Subject to survey.
Kawau Island Scenic Reserve	3.0351 hectares, more or less, being Lot 179 DP 6849. Gazette Notice A459888.
Baddeleys Conservation Area	0.0683 hectares, more or less, being Lot 77 DP 46353.
Puhinui Scenic Reserve	14.4017 hectares, more or less, being Lot 1 DP 65278. All Gazette Notice 172555.