

Clauses for Standard Elements of Treaty Settlement Bills

Government Bill

Notes

- (1) This “Bill” represents a compilation of clauses covering the redress that is commonly provided in Bills to settle Treaty of Waitangi claims.
- (2) The drafting is for a single-iwi Bill, that is, it does not cover the technical requirements for a multi-iwi Bill or for an omnibus Bill with overlapping redress. However, it does provide clauses to use if shared redress is a feature of a settlement, but where the other group is not participating in the settlement, as a means of protecting that other group’s possible future interests.
- (3) Though these clauses apply to the commonly used redress options, in any particular case some definitions or clauses may not be relevant. Instructors must advise on any aspects of the redress not required in a particular settlement, or whether there is a variation on the standard approach (but there should be no such variations in principle).
- (4) In addition to the standard redress covered by these standard clauses, most settlements include “novel” redress, tailored to meet particular interests of an iwi. The standard clauses do not cover novel redress.
- (5) While recognising that there may sometimes be a desire (and even justification) for individualising the standard redress, the standard clauses must be followed (subject to the necessary tailoring that is provided for), because this will assist in—
 - (a) avoiding the pitfall of reverse interpretation, that is, avoiding any unintended change being made to the interpretation on the ground that because the wording has changed a different effect must have been intended; and
 - (b) retaining the conditions, limitations, exclusions, etc, applying to the rights that are granted, since these have generally been developed as a

result of close legal consideration and have been in effective use for 15 years.

- (6) The Bill indicates where tailoring will generally be needed—*see* the explanation below on the use of brackets for changeable text.
- (7) Except where tailoring is indicated in the Bill, the clauses must not be altered except with prior approval.

Square brackets in a standard clause indicate the need for the drafting to be tailored.

Explanation for changeable text

An asterisk * beside a clause indicates that there is a note relating to any options or alternatives that may be necessary, or indicating how to tailor the clause.

[text in square brackets] indicates that the use of the text depends on the particulars of the settlement and that it may need to be changed or omitted to meet particular instructions or circumstances.

[italic text in square brackets] is instructional text, providing an indication of what detail is required to make the clause workable.

{text in curled brackets} is placeholder text that is to be substituted as required to meet the particular circumstances of the settlement (eg, name of claimant group or reference to clause in the deed of settlement).

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the {name of claimant group} Claims Settlement Act **[year]**.

Compare: SC 1

2 Commencement

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

Compare: SC 2

Part 1

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

Preliminary matters

3 Purpose

The purpose of this Act is—

- (a) to record the acknowledgements and apology given by the Crown to {name of claimant group} in the deed of settlement; and
- (b) to give effect to certain provisions of the deed of settlement that settles the historical claims of {name of claimant group}.

Compare: SC 3

4 Provisions to take effect on settlement date

- (1) The provisions of this Act take effect on the settlement date unless stated otherwise.
- (2) Before the date on which a provision takes effect, a person may prepare or sign a document or do anything else that is required for—
 - (a) the provision to have full effect on that date; or
 - (b) a power to be exercised under the provision on that date; or
 - (c) a duty to be performed under the provision on that date.

Compare: SC 4

5 Act binds the Crown

This Act binds the Crown.

Compare: SC 5

6 Outline

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.
- (2) [The preamble sets out the historical account given in {reference} of the deed of settlement.]
- (3) This Part—
 - (a) sets out the purpose of this Act; and
 - (b) provides that the provisions of this Act take effect on the settlement date unless a provision states otherwise; and
 - (c) specifies that the Act binds the Crown; and
 - (d) [sets out a summary of the historical account, and] records the text of the acknowledgements and apology given by the Crown to {name of claimant group}, as recorded in the deed of settlement; and
 - (e) defines terms used in this Act, including key terms such as {name of claimant group} and historical claims; and
 - (f) provides that the settlement of the historical claims is final; and
 - (g) provides for—
 - (i) the effect of the settlement of the historical claims on the jurisdiction of a court, tribunal, or other judicial body in respect of the historical claims; and
 - (ii) a consequential amendment to the Treaty of Waitangi Act 1975; and
 - (iii) the effect of the settlement on certain memorials; and
 - (iv) the exclusion of the law against perpetuities; and

- (v) access to the deed of settlement.
 - (4) **Part 2** provides for cultural redress, including—
 - (a) cultural redress that does not involve the vesting of land, namely,—
 - (i) protocols for [conservation], [Crown minerals], [fisheries], [and taonga tūturu] on the terms set out in the documents schedule; and
 - (ii) a statutory acknowledgement by the Crown of the statements made by {name of claimant group} of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement[, together with deeds of recognition for the specified areas]; and
 - (iii) [an overlay classification applying to certain areas of land; and]
 - (iv) the provision of official geographic names; and
 - (b) cultural redress requiring vesting in {the trustees} of the fee simple estate in certain cultural redress properties.
 - (5) **Part 3** provides for commercial redress, including [*list matters in each sub-part*].
 - (6) There are {number} schedules, as follows:
 - (a) **Schedule 1** describes the statutory areas to which the statutory acknowledgement relates and[, in some cases,] for which deeds of recognition are issued:
 - (b) **Schedule 2** describes the overlay areas to which the overlay classification applies:
 - (c) **Schedule 3** describes the cultural redress properties:
 - (d) **Schedule 4** sets out provisions that apply to notices given in relation to RFR land:
 - (e) [*list, in separate paragraphs, broad contents of any other schedules*].
- Compare: SC 6

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

- 7 **[Summary of historical account,] acknowledgements, and apology**
- (1) [**Section 8** summarises the historical account in the deed of settlement, setting out the basis for the acknowledgements and apology.]
 - (2) **Sections 9 and 10** record the text of the acknowledgements and apology given by the Crown to {name of claimant group} in the deed of settlement.
 - (3) [The acknowledgements and apology are to be read together with the historical account recorded in part {reference} of the deed of settlement.]
- Compare: SC 7

8 [Summary of historical account]

Compare: SC 8

9 Acknowledgements

[Insert text, followed by cross-heading and te reo Māori version if included (or order of te reo and English versions may be reversed)]

Compare: SC 9

10 Apology

The text of the apology offered by the Crown to {name of claimant group}, as set out in the deed of settlement, is as follows:

[Insert text from the deed of settlement as a quotation, numbering as paragraphs (not subclauses). If the text is in both te reo Māori and English, use a label-para.crosshead above each version: Māori “Whakapāha”, English “Crown apology”. Whether the order is English–Māori or Māori–English is the choice of the claimant group.]

Compare: SC 10

Interpretation provisions

11 Interpretation of Act generally

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

Compare: SC 11

12 Interpretation*

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

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

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

attachments means the attachments to the deed of settlement

commercial redress property has the meaning given in **section 104***

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

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

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

conservation legislation means—

- (a) the Conservation Act 1987; and
- (b) the enactments listed in Schedule 1 of that Act

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

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

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

cultural redress property has the meaning given in **section 62***

[deed of recognition—

- (a) means a deed of recognition issued under **section 38** by—
 - (i) the Minister of Conservation and the Director-General; or
 - (ii) the Commissioner of Crown Lands; and
- (b) includes any amendments made under **section 38(4)]**

deed of settlement—

- (a) means the deed of settlement dated {date} and signed by—
 - (i) the Honourable {name of Minister}, Minister for Treaty of Waitangi Negotiations, and {names of others, if any, and portfolio}, for and on behalf of the Crown; and
 - (ii) {names of iwi signatories}, for and on behalf of {name of claimant group}; and
 - (iii) [{names of governance entity signatories}, being the trustees of {name of trust}]; and
- (b) includes—
 - (i) the schedules of, and attachments to, the deed; and
 - (ii) any amendments to the deed or its schedules and attachments

[deferred selection property has the meaning given in **section 104]**

Director-General means the Director-General of Conservation

documents schedule means the documents schedule of the deed of settlement

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

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

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

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

[jointly vested property has the meaning given in **section 62]***

LINZ means Land Information New Zealand

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

member of {name of claimant group} means an individual referred to in **section 13(1)(a)**

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

overlay classification has the meaning given in **section 43***

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

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

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

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

representative entity means—

- (a) {the trustees}; and
- (b) any person, including any trustee, acting for or on behalf of—
 - (i) the collective group referred to in **section 13(1)(a)**; or
 - (ii) 1 or more members of {name of claimant group}; or
 - (iii) 1 or more of the whānau, hapū, or groups referred to in **section 13(1)(c)**

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

reserve property has the meaning given in **section 62**

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

RFR means the right of first refusal provided for by **subpart 5 of Part 3**

RFR area has the meaning given in **section 124**

RFR land has the meaning given in **section 125**

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

statutory acknowledgement has the meaning given in **section 29**

tikanga means customary values and practices

{name of trust} means the trust of that name established by a trust deed dated {date}

trustees of {name of trust} and **{trustees}** mean the trustees, acting in their capacity as trustees, of {name of trust}*

working day means a day other than—

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day;
 - (b) if Waitangi Day or Anzac Day falls on a Saturday or Sunday, the following Monday;
 - (c) a day in the period commencing with 25 December in any year and ending with the close of 15 January in the following year;
 - (d) the days observed as the anniversaries of the provinces of {name of province} and Wellington.
- (2) In this Act,—*
- (a) a reference to the vesting of a cultural redress property, or the vesting of the fee simple estate in a cultural redress property, includes the vesting of an undivided share of the fee simple estate in the property;
 - (b) a reference to the transfer of a commercial redress property [or deferred property], or the transfer of the fee simple estate in such property, includes the transfer of an undivided share of the fee simple estate in the property.

Compare: SC 12

13 Meaning of {name of claimant group}*

- (1) In this Act, **{name of claimant group}**—
- (a) means the collective group composed of individuals who are descended from an ancestor of {name of claimant group}; and
 - (b) includes those individuals; and
 - (c) includes any whānau, hapū, or group to the extent that it is composed of those individuals.
- (2) In this section and **section 14**,—
- ancestor of {name of claimant group}** means an individual who—
- (a) exercised customary rights by virtue of being descended from—
 - (i) {name or names of ancestors}; or
 - (ii) any other recognised ancestor of a group referred to in part {reference} of the deed of settlement; and
 - (b) exercised the customary rights predominantly in relation to the area of interest at any time after 6 February 1840

area of interest means the area shown as the {name of claimant group} area of interest in part {reference} of the attachments*

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

- (a) rights to occupy land; and
- (b) rights in relation to the use of land or other natural or physical resources

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

- (a) birth; or
- (b) legal adoption; or
- (c) Māori customary adoption in accordance with {name of claimant group} tikanga.

Compare: SC 13

14 Meaning of historical claims*

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

- (a) means the claims described in **subsection (2)**; and
- (b) includes the claims described in **subsection (3)**; but
- (c) does not include the claims described in **subsection (4)**.

(2) The historical claims are every claim that {name of claimant group} or a representative entity had on or before the settlement date, or may have after the settlement date, and that—

- (a) is founded on a right arising—
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law (including aboriginal title or customary law); or
 - (iv) from a fiduciary duty; or
 - (v) otherwise; and
- (b) arises from, or relates to, acts or omissions before 21 September 1992—
 - (i) by or on behalf of the Crown; or
 - (ii) by or under legislation.

(3) The historical claims include—

- (a) a claim to the Waitangi Tribunal that relates exclusively to {name of claimant group} or a representative entity, including each of the following claims, to the extent that **subsection (2)** applies to the claim:
 - (i) Wai {number and name};
 - (ii) [*list, in separate subparagraphs, all Wai numbers and names of exclusive claims as provided in deed of settlement*]; and

- (b) every other claim to the Waitangi Tribunal, including each of the following claims, to the extent that **subsection (2)** applies to the claim and the claim relates to {name of claimant group} or a representative entity:
 - (i) Wai {number and name};
 - (ii) [*list, in separate subparagraphs, all Wai numbers and names of non-exclusive claims as provided in deed of settlement*].
- (4) However, the historical claims do not include—
 - (a) a claim that a member of {name of claimant group}, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have that is founded on a right arising by virtue of being descended from an ancestor who is not an ancestor of {name of claimant group}; or
 - (b) [a claim that a member of {name of claimant group}, or a whānau, hapū, or group referred to in **section 13(1)(c)**, had or may have to {name of place}; or]
 - (c) a claim that a representative entity had or may have that is based on a claim referred to in **paragraph (a) [or (b)]**.
- (5) A claim may be a historical claim whether or not the claim has arisen or been considered, researched, registered, notified, or made on or before the settlement date.

Compare: SC 14

Historical claims settled and jurisdiction of courts, etc, removed

15 Settlement of historical claims final*

- (1) The historical claims are settled.
- (2) The settlement of the historical claims is final, and, on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of those claims.
- (3) **Subsections (1) and (2)** do not limit the deed of settlement.
- (4) Despite any other enactment or rule of law, on and from the settlement date, no court, tribunal, or other judicial body has jurisdiction (including the jurisdiction to inquire or further inquire, or to make a finding or recommendation) in respect of—
 - (a) the historical claims; or
 - (b) the deed of settlement; or
 - (c) this Act; or
 - (d) the redress provided under the deed of settlement or this Act.

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

Compare: SC 15

Amendment to Treaty of Waitangi Act 1975

16 Amendment to Treaty of Waitangi Act 1975

- (1) This section amends the Treaty of Waitangi Act 1975.
 (2) In Schedule 3, insert in its appropriate alphabetical order:

{name of claimant group} Claims Settlement Act [year], **section 15(4) and (5)**.

Compare: SC 16

Resumptive memorials no longer to apply

17 Certain enactments do not apply*

- (1) The enactments listed in **subsection (2)** do not apply—
- (a) [to a cultural redress property; or]
 - (b) [to a commercial redress property; or]*
 - (c) [to a deferred selection property on and from the date of its transfer to {the trustees}; or]
 - (d) [to the RFR land; or]
 - (e) [to land in the RFR area; or]
 - (f) [*list, in separate paragraphs or subparagraphs, any other category of redress land*]; or*
 - (g) for the benefit of {name of claimant group} or a representative entity.
- (2) The enactments are—
- (a) Part 3 of the Crown Forest Assets Act 1989:
 - (b) sections 211 to 213 of the Education Act 1989:
 - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990:
 - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986:
 - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.

Compare: SC 17

18 Resumptive memorials to be cancelled*

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

- (a) [is all or part of—
 - (i) [a cultural redress property:]
 - (ii) [a commercial redress property:]
 - (iii) [a deferred selection property:]*
 - (iv) [the RFR land:]
 - (v) [*list, in separate subparagraphs, any other category of redress land; and*]]
 - (b) [is solely within the RFR area; and]*
 - (c) is subject to a resumptive memorial recorded under an enactment listed in **section 17(2)**.
- (2) The chief executive of LINZ must issue a certificate as soon as is reasonably practicable after—
- (a) the settlement date, for a cultural redress property, a commercial redress property, {or the RFR land} {or each allotment that is solely within the RFR area}; or*
 - (b) [the date of transfer of the property to {the trustees}, for a deferred selection property; or]
 - (c) {date}, in the case of [*specify other exceptions with different timing*].
- (3) Each certificate must state that it is issued under this section.
- (4) As soon as is reasonably practicable after receiving a certificate, the Registrar-General must—
- (a) register the certificate against each record of title identified in the certificate; and
 - (b) cancel each memorial recorded under an enactment listed in **section 17(2)** on a record of title identified in the certificate, but only in respect of each allotment described in the certificate.

Compare: SC 18

Miscellaneous matters

19 [Rule against perpetuities does not apply]*

- (1) The rule against perpetuities and the provisions of the Perpetuities Act 1964—
- (a) do not prescribe or restrict the period during which—
 - (i) {name of trust} may exist in law; or
 - (ii) {the trustees} may hold or deal with property or income derived from property; and
 - (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act

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

- (2) However, if {name of trust} is, or becomes, a charitable trust, the application (if any) of the rule against perpetuities or of any provision of the Perpetuities Act 1964 to that trust must be determined under the general law.]

Compare: SC 19

20 Access to deed of settlement*

The chief executive of the Office for Māori Crown Relations—Te Arawhiti must make copies of the deed of settlement available—

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

Compare: SC 20

Part 2 Cultural redress*

Subpart 1—Protocols

21 Interpretation

In this subpart,—

protocol—

- (a) means each of the following protocols issued under **section 22(1) or (2)**:
- (i) [the conservation protocol:]
- (ii) [the Crown minerals protocol:]
- (iii) [the fisheries protocol:]
- (iv) [Appendix B of the Whakaaetanga Tiaki Taonga:]
- (v) [*list, in separate subparagraphs, any other protocols*]; and
- (b) includes any amendments made under **section 22(3)**

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

Whakaaetanga Tiaki Taonga means the document entered into under clause {number} of the deed of settlement (in the form set out in part {number} of the documents schedule).*

Compare: SC 21

General provisions applying to protocols

22 Issuing, amending, and cancelling protocols

- (1) The responsible Minister must issue [each of the] protocols, [other than Appendix B of the Whakaaetanga Tiaki Taonga,] to {the trustees} on the terms set out in part {reference} of the documents schedule.*
- (2) [Appendix B of the Whakaaetanga Tiaki Taonga must be treated as having been issued by the responsible Minister for that protocol on the terms set out in part {reference} of the documents schedule.]
- (3) The responsible Minister may amend or cancel a protocol at the initiative of—
 - (a) {the trustees}; or
 - (b) the responsible Minister.
- (4) The responsible Minister may amend or cancel a protocol only after consulting, and having particular regard to the views of, {the trustees}.

Compare: SC 22

23 Protocols subject to rights, functions, and duties

A protocol does not restrict—

- (a) the ability of the Crown to exercise its powers and perform its functions and duties in accordance with the law and Government policy, for example, the ability—
 - (i) to introduce legislation and change Government policy; and
 - (ii) to interact with or consult a person that the Crown considers appropriate, including any iwi, hapū, marae, whānau, or other representative of tangata whenua; or
- (b) the responsibilities of the responsible Minister or a department of State;
or
- (c) the legal rights of {name of claimant group} or a representative entity.

Compare: SC 23

24 Enforcement of protocols

- (1) The Crown must comply with a protocol while it is in force.
- (2) If the Crown fails to comply with a protocol without good cause, {the trustees} may enforce the protocol, subject to the Crown Proceedings Act 1950.
- (3) Despite **subsection (2)**, damages or other forms of monetary compensation are not available as a remedy for a failure by the Crown to comply with a protocol.
- (4) To avoid doubt,—
 - (a) **subsections (1) and (2)** do not apply to guidelines developed for the implementation of a protocol; and

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

Compare: SC 24

Conservation

25 Conservation protocol

- (1) The Director-General must note a summary of the terms of the conservation protocol in any conservation management strategy, conservation management plan, freshwater fisheries management plan, or national park management plan that affects the conservation protocol area.
- (2) The noting of the summary is—
- (a) for the purpose of public notice only; and
 - (b) not an amendment to a strategy or plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.
- (3) The conservation protocol does not have the effect of granting, creating, or providing evidence of—
- (a) rights relating to the common marine and coastal area; or
 - (b) an estate or interest in land held, managed, or administered under the conservation legislation; or
 - (c) an interest in, or rights relating to, flora or fauna managed or administered under the conservation legislation.

- (4) In this section,—

common marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

conservation protocol area means the area shown on the map attached to the conservation protocol.

Compare: SC 25

Crown minerals

26 Crown minerals protocol

- (1) The chief executive of the department of State responsible for the administration of the Crown Minerals Act 1991 must note a summary of the terms of the Crown minerals protocol in—
- (a) a register of protocols maintained by the chief executive; and
 - (b) the minerals programmes that affect the Crown minerals protocol area, but only when those programmes are changed.
- (2) The noting of the summary is—
- (a) for the purpose of public notice only; and

- (b) not a change to the minerals programmes for the purposes of the Crown Minerals Act 1991.
- (3) The Crown minerals protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, Crown minerals.
- (4) In this section,—
Crown mineral means a mineral, as defined in section 2(1) of the Crown Minerals Act 1991,—
 - (a) that is the property of the Crown under section 10 or 11 of that Act; or
 - (b) over which the Crown has jurisdiction under the Continental Shelf Act 1964

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

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

Compare: SC 26

Fisheries

27 Primary industries protocol

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

fisheries protocol area means the area shown on the map attached to the fisheries protocol, together with the adjacent waters.

Compare: SC 27

Taonga tūturu

28 Appendix B of Whakaaetanga Tiaki Taonga

- (1) Appendix B of the Whakaaetanga Tiaki Taonga does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, taonga tūturu.
- (2) In this section, **taonga tūturu**—
 - (a) has the meaning given in section 2(1) of the Protected Objects Act 1975; and
 - (b) includes ngā taonga tūturu, as defined in section 2(1) of that Act.

Compare: SC 28

Subpart 2—Statutory acknowledgement [and deeds of recognition]

29 Interpretation

In this subpart,—

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

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

- (a) made by {name of claimant group} of their particular cultural, historical, spiritual, and traditional association with the statutory area; and
- (b) set out in part {reference} of the documents schedule

statutory acknowledgement means the acknowledgement made by the Crown in **section 30** in respect of the statutory areas, on the terms set out in this subpart

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

statutory plan—

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

Compare: SC 29

[Statutory acknowledgement]

30 Statutory acknowledgement by the Crown*

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

Compare: SC 30

31 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with **sections 32 to 34**; and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to {the trustees}, in accordance with **sections 35 and 36**; and
- (c) to enable {the trustees} and any member of {name of claimant group} to cite the statutory acknowledgement as evidence of the association of {name of claimant group} with a statutory area, in accordance with **section 37**.

Compare: SC 31

32 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether {the trustees} are affected persons in relation to the activity.
- (3) **Subsection (2)** does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

Compare: SC 32

33 Environment Court to have regard to statutory acknowledgement

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

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

Compare: SC 33

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

- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
- (a) in determining whether {the trustees} are persons directly affected by the decision; and
 - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Compare: SC 34

35 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
- (a) a copy of **sections 30 to 34, 36, and 37**; and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
- (a) part of the statutory plan; or
 - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

Compare: SC 35

36 Provision of summary or notice to {trustees}

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to {the trustees} for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under **subsection (1)(a)** must be the same as would be given to an affected person by limited notification under section 95B(4) of the Resource Management Act 1991 or as may be agreed between {the trustees} and the relevant consent authority.
- (3) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under **subsection (1)(b)** not later than 10 working days after the day on which the consent authority receives the notice.
- (5) {The trustees} may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.*
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under section 95 of the Resource Management Act 1991, whether to notify an application:
 - (b) under section 95E of that Act, whether {the trustees} are affected persons in relation to an activity.

Compare: SC 36

37 Use of statutory acknowledgement

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

- (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, because of the statutory acknowledgement, binding as fact on—
- (a) the bodies referred to in **subsection (1)**; or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in **subsection (2)** may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
- (a) {the trustees} and members of {name of claimant group} are not precluded from stating that {name of claimant group} has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Compare: SC 37

[Deeds of recognition]

38 [Issuing and amending deeds of recognition*]

- (1) This section applies in respect of the statutory areas listed in **Part 2 of Schedule 1**.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part {reference} of the documents schedule for the statutory areas administered by the Department of Conservation.
- (3) The Commissioner of Crown Lands must issue a deed of recognition in the form set out in part {reference} of the documents schedule for the statutory areas administered by the Commissioner.
- (4) The person or persons who issue a deed of recognition may amend the deed, but only with the written consent of {the trustees}.]

Compare: SC 38

General provisions relating to statutory acknowledgement[and deeds of recognition]

39 Application of statutory acknowledgement and deed of recognition to river, stream, [or lake]

- (1) If any part of the statutory acknowledgement applies to a river or stream, [including a tributary,] that part of the acknowledgement—*
 - (a) applies only to—
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) an artificial watercourse.
- (2) [If any part of a deed of recognition applies to a river or stream, [including a tributary,] that part of the deed—
 - (a) applies only to the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned and managed by the Crown; or
 - (ii) the bed of an artificial watercourse.]
- (3) [If any part of a statutory acknowledgement [or deed of recognition] applies to a lake,—*
 - (a) that part of the acknowledgement [or deed of recognition] applies only to—
 - (i) the body of fresh water in the lake; and
 - (ii) the bed of the lake; and
 - (b) in the case of a statutory acknowledgement, that part of the acknowledgement does not apply to any part of the bed of the lake that is not owned by the Crown; and
 - (c) [in the case of a deed of recognition, that part of the deed of recognition does not apply to any part of the bed of the lake that is not owned and managed by the Crown; and]

- (d) that part of the acknowledgement [or deed of recognition] does not apply,—
- (i) in the case of a lake not controlled by artificial means, to any land that the waters of the lake do not cover at their highest level without overflowing the banks of the lake; or
 - (ii) in the case of a lake controlled by artificial means, to any land that the waters of the lake do not cover at the maximum operating level; or
 - (iii) to any river, stream, or watercourse, whether artificial or otherwise, that drains into or out of a lake.]
- (4) [In this section,—

lake means a body of fresh water that is entirely or nearly surrounded by land, and includes a lake controlled by artificial means

maximum operating level means the level of water prescribed for an activity carried out in or on a lake under a resource consent or a rule in a regional plan or proposed plan within the meaning of the Resource Management Act 1991.]

Compare: SC 39

40 Exercise of powers and performance of functions and duties

- (1) The statutory acknowledgement [and a deed of recognition] [do/does] not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of {name of claimant group} with a statutory area than that person would give if there were no statutory acknowledgement [or deed of recognition] for the statutory area.
- (3) **Subsection (2)** does not limit **subsection (1)**.
- (4) This section is subject to—
 - (a) the other provisions of this subpart; and
 - (b) [any obligation imposed on the Minister of Conservation, the Director-General, or the Commissioner of Crown Lands by a deed of recognition.]

Compare: SC 40

41 Rights not affected

- (1) The statutory acknowledgement [and a deed of recognition]—
 - (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and
 - (b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.

- (2) This section is subject to the other provisions of this subpart.
Compare: SC 41

Consequential amendment to Resource Management Act 1991

42 Amendment to Resource Management Act 1991

- (1) This section amends the Resource Management Act 1991.
(2) In Schedule 11, insert in its appropriate alphabetical order:
{name of claimant group} Claims Settlement Act [year].

Compare: SC 42

Subpart 3—Overlay classification*

43 Interpretation

In this subpart,—

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

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

overlay area—

- (a) means an area that is declared under **section 44(1)** to be subject to the overlay classification; but
(b) does not include an area that is declared under **section 55(1)** to be no longer subject to the overlay classification

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

protection principles, for an overlay area,—

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

specified actions, for an overlay area, means the actions set out for the area in part {reference} of the documents schedule

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

- (a) made by {name of claimant group} of their values relating to their cultural, historical, spiritual, and traditional association with the overlay area; and
(b) set out in part {reference} of the documents schedule.

Compare: SC 43

44 Declaration of overlay classification and the Crown's acknowledgement

- (1) Each area described in **Schedule 2** is declared to be subject to the overlay classification.
- (2) The Crown acknowledges the statements of values for the overlay areas.
Compare: SC 44

45 Purposes of overlay classification

The only purposes of the overlay classification are—

- (a) to require the New Zealand Conservation Authority and relevant Conservation Boards to comply with the obligations in **section 47**; and
- (b) to enable the taking of action under **sections 48 to 53**.

Compare: SC 45

46 Effect of protection principles

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

Compare: SC 46

47 Obligations on New Zealand Conservation Authority and Conservation Boards

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

Compare: SC 47

48 Noting of overlay classification in strategies and plans

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

Compare: SC 48

49 Notification in *Gazette*

- (1) The Minister of Conservation must notify in the *Gazette*, as soon as practicable after the settlement date,—
 - (a) the declaration made by **section 44** that the overlay classification applies to the overlay areas; and
 - (b) the protection principles for each overlay area.
- (2) An amendment to the protection principles, as agreed by the {trustees} and the Minister of Conservation, must be notified by the Minister in the *Gazette* as soon as practicable after the amendment has been agreed in writing.*
- (3) The Director-General may notify in the *Gazette* any action (including any specified action) taken or intended to be taken under **section 50 or 51**.

Compare: SC 49

50 Actions by Director-General

- (1) The Director-General must take action in relation to the protection principles that relate to an overlay area, including the specified actions.
- (2) The Director-General retains complete discretion to determine the method and extent of the action to be taken.
- (3) The Director-General must notify {the trustees} in writing of any action that the Director-General intends to take.

Compare: SC 50

51 Amendment to strategies or plans

- (1) The Director-General may initiate an amendment to a conservation management strategy, conservation management plan, or national park management plan to incorporate objectives for the protection principles that relate to an overlay area.
- (2) The Director-General must consult relevant Conservation Boards before initiating the amendment.

- (3) The amendment is an amendment for the purposes of section 17I(1) to (3) of the Conservation Act 1987 or section 46(1) to (4) of the National Parks Act 1980.

Compare: SC 51

52 Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for 1 or more of the following purposes:

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 51(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:
- (c) to create offences for breaches of regulations made under **paragraph (b)**:
- (d) to prescribe the following fines for an offence referred to in **paragraph (c)**:
 - (i) a fine not exceeding \$5,000; and
 - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues.

Compare: SC 52

53 Bylaws

The Minister of Conservation may make bylaws for 1 or more of the following purposes:

- (a) to provide for the implementation of objectives included in a strategy or plan under **section 51(1)**:
- (b) to regulate or prohibit activities or conduct by members of the public in relation to an overlay area:
- (c) to create offences for breaches of bylaws made under **paragraph (b)**:
- (d) to prescribe the following fines for an offence referred to in **paragraph (c)**:
 - (i) a fine not exceeding \$5,000; and
 - (ii) if the offence is a continuing one, an additional amount not exceeding \$500 for every day on which the offence continues.

Compare: SC 53

54 [Effect of overlay classification on overlay area[s]]

- (1) This section applies if, at any time, the overlay classification applies to any land in—

- (a) a national park under the National Parks Act 1980; or
 - (b) a conservation area under the Conservation Act 1987; or
 - (c) a reserve under the Reserves Act 1977.
- (2) The overlay classification does not affect—
- (a) the status of the land as a national park, conservation area, or reserve; or
 - (b) the classification or purpose of a reserve.]

Compare: SC 54

55 Termination of overlay classification

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of an overlay area is no longer subject to the overlay classification.
- (2) The Minister of Conservation must not make a recommendation for the purposes of **subsection (1)** unless—
- (a) {the trustees} and the Minister of Conservation have agreed in writing that the overlay classification is no longer appropriate for the relevant area; or
 - (b) the relevant area is to be, or has been, disposed of by the Crown; or
 - (c) the responsibility for managing the relevant area is to be, or has been, transferred to a different Minister of the Crown or the Commissioner of Crown Lands.
- (3) The Crown must take reasonable steps to ensure that {the trustees} continue to have input into the management of a relevant area if—
- (a) **subsection (2)(c)** applies; or
 - (b) there is a change in the statutory management regime that applies to all or part of the overlay area.

Compare: SC 55

56 Exercise of powers and performance of functions and duties

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

Compare: SC 56

57 Rights not affected

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

Compare: SC 57

Subpart 4—Official geographic names***58 Interpretation**

In this subpart,—

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

Board has the meaning given in section 4 of the Act

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

Compare: SC 58

59 Official geographic names

- (1) A name specified in the second column of the table in clause {reference} of the deed of settlement is the official geographic name of the feature described in the {third and fourth} columns of that table.
- (2) Each official geographic name is to be treated as if it were an official geographic name that takes effect on the settlement date by virtue of a determination of the Board made under section 19 of the Act.

Compare: SC 59

60 Publication of official geographic names

- (1) The Board must, as soon as practicable after the settlement date, give public notice, in accordance with section 21(2) and (3) of the Act, of each official geographic name specified under **section 59**.
- (2) The notice must state that each official geographic name became an official geographic name on the settlement date.

Compare: SC 60

61 Subsequent alteration of official geographic names

- (1) In making a determination to alter the official geographic name of a feature named under this subpart, the Board—
 - (a) need not comply with section 16, 17, 18, 19(1), or 20 of the Act; but
 - (b) must have the written consent of {the trustees}.

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

Compare: SC 61

Subpart 5—Vesting of cultural redress properties*

62 Interpretation*

In this subpart,—

[**Crown stratum** means the space occupied by—

- (a) the water of a lake; and
- (b) the air above the water]

cultural redress property means each of the following properties, and each property means the land of that name described in **Schedule 3**:

Properties vested in fee simple

- (a) [Ngā Tai Whakaū (Kawai, World's End):
- (b) Pelorus Bridge property:
- (c) Rangihaeata:
- (d) Taitai:
- (e) Titahi Bay Road site B:
- (f) Galatea School property:

Properties vested in fee simple to be administered as reserves

- (g) Anaura:
- (h) Ngākuta Bay property:
- (i) Pakapakatea:

Property vested in fee simple subject to conservation covenant

- (j) Tītīrangi Bay property:

Lake and lakebed properties vested in fee simple

- (k) Lake Hickson property:
- (l) Lake William property:
- (m) Lake Rotongaio property:

Properties jointly vested in fee simple

- (n) Pukatea / Whites Bay property:
- (o) Mātangi Āwhio (Nelson)]

[**existing structure**—

- (a) means a structure in or on the Lake Rotongaio property to the extent that the structure existed on the settlement date; and
- (b) includes a structure whether or not it was or is unlawful or unauthorised]

jointly vested property means each of the properties named in **paragraphs (n) and (o)** of the definition of cultural redress property

[**lake** means—

- (a) the space occupied from time to time by the waters of the lake at their highest level without overflowing its banks; and
- (b) the airspace above the water; and
- (c) the bed below the water]

reserve property means each of the properties named in **paragraphs (g) to (i), (n), and (o)** of the definition of cultural redress property.

Compare: SC 62

*Properties vested in fee simple**

63 Ngā Tai Whakaū (Kawai, World's End)*

- (1) The road shown as Section {number} on SO {number} is stopped.
- (2) [Section 345(3) of the Local Government Act 1974 does not apply to the stopping of the road.]
- (3) The stopped road vests in the Crown as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) The reservation of Ngā Tai Whakaū (Kawai, World's End) (being [part of] [*specify the current name, if different from name cited*]) as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (5) The fee simple estate in Ngā Tai Whakaū (Kawai, World's End) vests in {the trustees}.

Compare: SC 62

64 Pelorus Bridge property

- (1) The reservation of the Pelorus Bridge property (being part of Pelorus Bridge Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Pelorus Bridge property vests in {the trustees}.

Compare: SC 64

65 Rangihaeata*

- (1) Rangihaeata (being part of [*specify name*] Conservation Park) ceases to be part of the Park and a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Rangihaeata vests in {the trustees}.

Compare: SC 65

66 Taitai

The fee simple estate in Taitai vests in {the trustees}.

Compare: SC 66

67 Titahi Bay Road site B*

- (1) The reservation of Titahi Bay Road site B (being [part of] [*specify the current name, if different from name cited*]) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Titahi Bay Road site B vests in {the trustees}.
- (3) **Subsections (1) and (2)** do not take effect until {the trustees} have provided the Crown with—
 - (a) a registrable easement in gross for the following rights on the terms and conditions set out in part {reference} of the documents schedule:
 - (i) a right to drain sewage:
 - (ii) a right to drain stormwater and water:
 - (iii) a right to convey water; and
 - (b) a registrable easement for a right of way and a right to park on the terms and conditions set out in part {reference} of the documents schedule.
- (4) The [*specify any minor improvements that are excluded from the vesting*] in or on Titahi Bay Road site B do not vest in {the trustees}, despite the vesting under **subsection (2)**.

Compare: SC 67

68 Galatea School property*

- (1) The fee simple estate in the Galatea School property vests in {the trustees}.
- (2) **Subsection (1)** does not take effect until {the trustees} have provided the Crown with a registrable lease of the Galatea School property on the terms and conditions set out in part {reference} of the documents schedule.

Compare: SC 68

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

69 Anaura

- (1) The reservation of Anaura as a scenic reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Anaura vests in {the trustees}.
- (3) Anaura is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.
- (4) [The reserve is named {name of reserve} [*if new name is to be assigned to reserve*].]

- (5) **Subsections (1) to (4)** do not take effect until {the trustees} have provided the Crown with a registrable easement in gross for a right to convey water on the terms and conditions set out in part {reference} of the documents schedule.
- (6) Despite the provisions of the Reserves Act 1977, the easement—
 - (a) is enforceable in accordance with its terms; and
 - (b) is to be treated as having been granted in accordance with the Reserves Act 1977.

Compare: SC 69

70 Ngākuta Bay property

- (1) The reservation of the Ngākuta Bay property (being [part of] [*specify current name, if different from name cited*]) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Ngākuta Bay property vests in {the trustees}.
- (3) The Ngākuta Bay property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) [The reserve is named {name of reserve} [*if new name is to be assigned to reserve*].]

Compare: SC 70

71 Pakapakatea*

- (1) The reservation of Pakapakatea (being [part of] [*specify current name, if different from name cited*]) as a local purpose reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Pakapakatea vests in {the trustees}.
- (3) Pakapakatea is declared a reserve and classified as a local purpose reserve, for the purpose of soil conservation and river control, subject to section 23 of the Reserves Act 1977.
- (4) [The reserve is named {name of reserve} [*if new name is to be assigned to reserve*].]
- (5) [{Name of local authority} is the administering body of the reserve as if the council were appointed to control and manage the reserve under section 28 of the Reserves Act 1977.]*

Compare: SC 71

Property vested in fee simple subject to conservation covenant

72 Tītirangi Bay property*

- (1) The reservation of the Tītirangi Bay property (being [part of] [*specify current name, if different from name cited*]) as a recreation reserve subject to the Reserves Act 1977 is revoked.

- (2) The fee simple estate in the Tītīrangi Bay property vests in {the trustees}.
- (3) The Minister of Conservation must provide {the trustees} with a registrable right of way easement on the terms and conditions set out in part {reference} of the documents schedule.
- (4) The easement—
 - (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
 - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.
- (5) **Subsections (1) to (4)** do not take effect until {the trustees} have provided the Crown with a registrable covenant in relation to the Tītīrangi Bay property on the terms and conditions set out in part {reference} of the documents schedule.
- (6) The covenant is to be treated as a conservation covenant for the purposes of—*
 - (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.

Compare: SC 72

Lake and lakebed properties vested in fee simple

73 Lake Hickson property*

- (1) The fee simple estate in the Lake Hickson property vests in {the trustees}.
- (2) The vesting does not give any rights to, or impose any obligations on, {the trustees} in relation to—
 - (a) the waters of Lake Hickson; or
 - (b) the aquatic life of Lake Hickson (other than plants attached to the bed of the lake).

Compare: SC 73

74 Lake William property*

- (1) The fee simple estate in the Lake William property vests in {the trustees}.
- (2) To avoid doubt, the vesting does not give any rights to, or impose any obligations on, {the trustees} in relation to—
 - (a) the waters of Lake William; or
 - (b) the aquatic life of Lake William (other than plants attached to the bed of the lake).

- (3) To the extent that the Lake William property has moveable boundaries, the boundaries are governed by the common law rules of accretion, erosion, and avulsion.

Compare: SC 74

75 Lake Rotongaio property*

- (1) The Lake Rotongaio property and the Crown stratum above the property cease to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in the Lake Rotongaio property vests in {the trustees}.
- (3) The Lake Rotongaio property is not rateable under the Local Government (Rating) Act 2002, except under section 9 of that Act.
- (4) The Crown stratum is declared a reserve and classified as a local purpose (wildlife management) reserve subject to section 23 of the Reserves Act 1977.
- (5) The reserve is named Lake Rotongaio Local Purpose (Wildlife Management) Reserve.
- (6) **Subsections (1) to (5)** do not take effect until {the trustees} have provided the Crown with a registrable covenant in relation to the Lake Rotongaio property on the terms and conditions set out in part {reference} of the documents schedule.
- (7) The covenant is to be treated as a conservation covenant for the purposes of—
- (a) section 77 of the Reserves Act 1977; and
 - (b) section 27 of the Conservation Act 1987.

Compare: SC 75

Properties jointly vested in fee simple

76 Pukatea / Whites Bay property*

- (1) The reservation of the Pukatea / Whites Bay property (being part of Whites Bay Recreation Reserve) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in the Pukatea / Whites Bay property vests as undivided third shares in the {specified entities/groups of trustees} as tenants in common as follows:
- (a) a share vests in {the trustees of a trust defined as the post-settlement governance entity of a claimant group} under this paragraph; and
 - (b) a share vests in {the trustees of a trust defined as the post-settlement governance entity (PSGE) of the second claimant group} under **section {reference}(2)(a) of Parts {reference} of {name of omnibus Bill}**; and

- (c) a share vests in {the trustees of a trust defined as the post-settlement governance entity of the 3rd claimant group} under **section {reference}(2)(a) of Parts {reference} of {name of omnibus Bill}**.
- (3) The Pukatea / Whites Bay property is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Pukatea / Whites Bay Recreation Reserve.
- (5) The joint management body established by **section 89** is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve as if the reserve were vested in the body (as if the body were trustees) under section 26 of that Act.
- (6) [**Subsection (5)** continues to apply despite any subsequent transfer under **section 92**.]

Compare: SC 76

77 Mātangi Āwhio (Nelson)*

- (1) The reservation of Mātangi Āwhio (Nelson) (being [part of] {current name} [*if different from name cited*]) as a recreation reserve subject to the Reserves Act 1977 is revoked.
- (2) The fee simple estate in Mātangi Āwhio (Nelson) vests as undivided seventh shares in the {specified entities/groups of trustees} as tenants in common as follows:
- (a) under this section,—
- (i) a share vests in the trustees of {name of first PSGE}; and
- (ii) a share vests in the trustees of {name of second PSGE}; and
- (iii) a share vests in the trustees of {name of third PSGE}; and
- (b) under **section {reference}(2)(a) of Parts 4 to 6 {name of omnibus Bill}**,—
- (i) a share vests in the trustees of {name of fourth PSGE}; and
- (ii) a share vests in the trustees of {name of fifth PSGE}; and
- (iii) a share vests in the trustees of {name of sixth PSGE}; and
- (iv) a share vests in the trustees of {name of seventh PSGE}.
- (3) Mātangi Āwhio (Nelson) is declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977.
- (4) The reserve is named Mātangi Āwhio (Nelson) Recreation Reserve.
- (5) Nelson City Council is the administering body of the reserve, and the Reserves Act 1977 applies to the reserve, as if the reserve were vested in the Council under section 26 of that Act.
- (6) **Subsection (5)** continues to apply despite any subsequent transfer under **section 92**.

- (7) Improvements (if any) in or on Mātangi Āwhio (Nelson) do not vest in any of the trustees, despite the vestings referred to in **subsection (2)**.*

Compare: SC 77

*General provisions applying to vesting of cultural redress properties**

78 Properties vest subject to or together with interests*

Each cultural redress property vested under this subpart is subject to, or has the benefit of, any interests listed for the property in the third column of the table in **Schedule 3**.

Compare: SC 78

79 Interests in land for certain reserve properties*

- (1) This section applies to all or the part of each reserve property listed in **subsection (2)** that remains a reserve under the Reserves Act 1977 (the **reserve land**), but only while the reserve land has an administering body that is treated as if the land were vested in it.
- (2) The reserve properties are—
- (a) *[list properties in separate paragraphs]*; and
- (3) If the reserve property is affected by an interest in land listed for the property in **Schedule 3**, the interest applies as if the administering body were the grantor, or the grantee, as the case may be, of the interest in respect of the reserve land.
- (4) Any interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered owner of the reserve land.
- (5) [However, **subsections (3) and (4)** do not affect the registration of the *[specify type of interest, eg, easement]* referred to in *[specify any relevant provision that include new interests]*.]
- (6) **Subsections (3) and (4)** continue to apply despite any subsequent transfer of the reserve land under **section 92**.

Compare: SC 79

80 Interests that are not interests in land*

- (1) This section applies if a cultural redress property is subject to an interest (other than an interest in land) [that is listed for the property in **Schedule 3**], and for which there is a grantor, whether or not the interest also applies to land outside the cultural redress property.
- (2) The interest applies as if the owners of the cultural redress property were the grantor of the interest in respect of the property, except to the extent that **subsection (3)** applies.

- (3) If all or part of the cultural redress property is reserve land to which **section 79** applies, the interest applies as if the administering body of the reserve land were the grantor of the interest in respect of the reserve land.
- (4) The interest applies—
 - (a) until the interest expires or is terminated, but any subsequent transfer of the cultural redress property must be ignored in determining whether the interest expires or is or may be terminated; and
 - (b) with any other necessary modifications; and
 - (c) despite any change in status of the land in the property.

Compare: SC 80

81 [Not used]

82 Registration of ownership*

- (1) This section applies to a cultural redress property vested in {the trustees} under this subpart.
- (2) **Subsection (3)** applies to a cultural redress property (other than a jointly vested property [or {names of any specific properties}]), but only to the extent that the property is all of the land contained in a record of title for a fee simple estate [that is not limited as to parcels].*
- (3) The Registrar-General must, on written application by an authorised person,—
 - (a) register {the trustees} as the owners of the fee simple estate in the property; and
 - (b) record any entry on the record of title and do anything else necessary to give effect to this subpart and to part {reference} of the deed of settlement.*
- (4) **Subsection (5)** applies to—
 - (a) a cultural redress property (other than a jointly vested property), but only to the extent that **subsection (2)** does not apply to the property;
 - (b) {names of any specific properties}.
- (5) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a record of title for the fee simple estate in the property in the names of {the trustees}; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.
- (6) [For a jointly vested property, the Registrar-General must, in accordance with a written application by an authorised person,—

- (a) create a record of title for an undivided [*stipulate the proportion*] share of the fee simple estate in the property in the names of {the trustees}; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application.]
- (7) **Subsections (5) and (6)** are subject to the completion of any survey necessary to create a record of title.
- (8) A record of title must be created under this section as soon as is reasonably practicable after the settlement date, but not later than—
- (a) 24 months after the settlement date; or
 - (b) any later date that is agreed in writing by the Crown and {the trustees}.
- (9) In this section, **authorised person** means a person authorised by—
- (a) the chief executive of [*insert as appropriate, having regard to the agency currently administering a cultural redress property*], for the following properties:
 - (i) [*list, in separate subparagraphs, each cultural redress property*]:
 - (b) [the Director-General, for all other properties.]

Compare: SC 82

83 Application of Part 4A of Conservation Act 1987*

- (1) The vesting of the fee simple estate in a cultural redress property in {the trustees} under this subpart is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (2) Section 24 of the Conservation Act 1987 does not apply to the vesting of—
 - (a) a reserve property; or
 - (b) [*list in separate paragraphs any properties to be exempt from s 24, including any school properties or any lake properties that include dry land around the lake*].
- (3) [The marginal strip reserved by section 24 of the Conservation Act 1987 from the vesting of {name of any property} is reduced [or increased] to a width of {number} metres.]*
- (4) [Part 4A of the Conservation Act 1987 does not apply to the vesting of [*names of properties, including any lake properties that do not include dry land around the lake*].]*
- (5) If the reservation of a reserve property under this subpart is revoked for all or part of the property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.

(6) [If the lease referred to in **section 68** (or a renewal of that lease) terminates, or expires without being renewed, for all or part of the Galatea School property, the vesting of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 for all or that part of the property.]*

(7) **Subsections (2), (3), (5) [, and (6)]** do not limit **subsection (1)**.

Compare: SC 83

84 Matters to be recorded on record of title*

(1) The Registrar-General must record on the record of title—

(a) for a reserve property (other than a jointly vested property),—

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

(ii) that the land is subject to **sections [79(4),] 83(5), and 90**; and

(b) [for each of the following properties, that the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply:

(i) [*list in separate subparagraphs any properties to be exempt from section 24*]; and

(c) [for the Galatea School property,—

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

(ii) that the land is subject to **section 83(6)**; and

(d) [for the {name of any property}, that the land is subject to Part 4A of the Conservation Act 1987, but that the marginal strip is reduced [or increased] to a width of {number} metres; and

(e) [for each of the following properties, that Part 4A of the Conservation Act 1987 does not apply:

(i) [*list, in separate subparagraphs, any properties*]; and

(f) [created under **section 82(6)** for a jointly vested property that is a reserve property,—

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

(ii) that the land is subject to **sections 79(4), 83(5), and 90**; and

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

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

-
- (3) For a reserve property (other than a jointly vested property), if the reservation of the property under this subpart is revoked for—
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from the record of title for the property the notations that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
 - (ii) the property is subject to **sections [79(4),] 83(5), and 90**; or
 - (b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on the record of title for the part of the property that remains a reserve.
- (4) [For a jointly vested property that is a reserve property, if the reservation of the property under this subpart is revoked for—
- (a) all of the property, the Director-General must apply in writing to the Registrar-General to remove from any record of title created under **section 82** for the property the notations that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
 - (ii) the property is subject to **sections 79(4), 83(5), and 90**; or
 - (b) part of the property, the Registrar-General must ensure that the notations referred to in **paragraph (a)** remain only on any record of title, created under **section 82** or derived from a record of title created under that section, for the part of the property that remains a reserve.]
- (5) [If the lease referred to in **section 68** (or a renewal of that lease) terminates, or expires without being renewed, for all or part of the Galatea School property, the Minister of Education must apply in writing to the Registrar-General,—
- (a) if none of the property remains subject to the lease, to remove from the record of title for the property the notations that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
 - (ii) the property is subject to **section 83(6)**; or
 - (b) if part of the property remains subject to the lease (the **leased part**), to amend the notations on the record of title for the property to record that, for the leased part only,—
 - (i) section 24 of the Conservation Act 1987 does not apply to that part; and
 - (ii) that part is subject to **section 83(6)**.]

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

Compare: SC 84

85 Application of other enactments

- (1) The vesting of the fee simple estate in a cultural redress property under this subpart does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (2) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to a cultural redress property.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of a cultural redress property.
- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—
- (a) the vesting of the fee simple estate in a cultural redress property under this subpart; or
 - (b) any matter incidental to, or required for the purpose of, the vesting.

Compare: SC 85

86 [Minister of Conservation may grant easements*]

- (1) The Minister of Conservation may grant any easement over a conservation area or reserve required to fulfil the terms of the deed of settlement in relation to a cultural redress property.
- (2) Any such easement—
- (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
 - (c) is registrable under section 17ZA(2) of that Act as if it were a deed to which that provision applied.]

Compare: SC 86

87 Names of Crown protected areas discontinued*

- (1) **Subsection (2)** applies to the land, or the part of the land, in a cultural redress property that, immediately before the settlement date, {OR the date on which the property vests,} was all or part of a Crown protected area.

- (2) The official geographic name of the Crown protected area is discontinued in respect of the land, or the part of the land, and the Board must amend the Gazetteer accordingly.
- (3) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Compare: SC 87

Further provisions applying to reserve properties

88 Application of other enactments to reserve properties*

- (1) {The trustees} are the administering body of a reserve property, except as provided for in **sections 71, 76, and 77**.
- (2) Sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply in relation to a reserve property.
- (3) If the reservation of a reserve property under this subpart is revoked under section 24 of the Reserves Act 1977 for all or part of the property, section 25(2) of that Act applies to the revocation, but not the rest of section 25 of that Act.
- (4) A reserve property (except [*list any reserve property that is to remain or become a Crown protected area*]) is not a Crown protected area under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, despite anything in that Act.
- (5) A reserve property must not have a name assigned to it or have its name changed under section 16(10) of the Reserves Act 1977 without the written consent of the owners of the property, and section 16(10A) of that Act does not apply to the proposed name.
- (6) **Subsection (2)** does not apply to {names of any excluded reserve properties}.

Compare: SC 88

89 Joint management body for {names of property/properties}*

- (1) A joint management body is established for {names of property/properties}.
- (2) The following are appointers for the purposes of this section:
 - (a) the trustees of the {name of first trust}; and
 - (b) the trustees of the {name of second trust}; and
 - (c) the trustees of the {name of third trust}.
- (3) Each appointer may appoint [2] members to the joint management body.
- (4) A member is appointed only if the appointer gives written notice with the following details to the other appointers:
 - (a) the full name, address, and other contact details of the member; and

- (b) the date on which the appointment takes effect, which must be no earlier than the date of the notice.
- (5) An appointment ends after 5 years or when the appointer replaces the member by making another appointment.
- (6) A member may be appointed, reappointed, or discharged at the discretion of the appointer.
- (7) Sections 32 to 34 of the Reserves Act 1977 apply to the joint management body as if it were a board.
- (8) However, the first meeting of the body must be held no later than 2 months after the settlement date.

Compare: SC 89

90 Subsequent transfer of reserve land*

- (1) This section applies to all or the part of a reserve property that remains a reserve under the Reserves Act 1977 after the property has vested in {the trustees} under this subpart.
- (2) [The fee simple estate in the reserve land in a jointly vested property may be transferred only in accordance with **section 92**.]
- (3) The fee simple estate in the reserve land [in any other property] may be transferred only in accordance with **section 91 or 92**.
- (4) In this section and **sections 91 to 93**, **reserve land** means the land that remains a reserve as described in **subsection (1)**.

Compare: SC 90

91 Transfer of reserve land to new administering body*

- (1) The registered owners of the reserve land may apply in writing to the Minister of Conservation for consent to transfer the fee simple estate in the reserve land to 1 or more persons (the **new owners**).
- (2) The Minister of Conservation must give written consent to the transfer if the registered owners satisfy the Minister that the new owners are able—
 - (a) to comply with the requirements of the Reserves Act 1977; and
 - (b) to perform the duties of an administering body under that Act.
- (3) The Registrar-General must, upon receiving the required documents, register the new owners as the owners of the fee simple estate in the reserve land.
- (4) The required documents are—
 - (a) a transfer instrument to transfer the fee simple estate in the reserve land to the new owners, including a notification that the new owners are to hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer; and*

- (b) the written consent of the Minister of Conservation to the transfer of the reserve land; and
 - (c) [the written consent of the administering body of the reserve land, if the {trustees} are transferring the reserve land but are not the administering body; and]*
 - (d) any other document required for the registration of the transfer instrument.
- (5) The new owners, from the time of their registration under this section,—*
- (a) are the administering body of the reserve land; and
 - (b) hold the reserve land for the same reserve purposes as those for which it was held by the administering body immediately before the transfer.
- (6) A transfer that complies with this section need not comply with any other requirements.
- Compare: SC 91

92 Transfer of reserve land if trustees change*

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

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

Compare: SC 92

93 Reserve land not to be mortgaged*

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

Compare: SC 93

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

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister of Conservation made or imposed under the Conservation Act 1987 or the Reserves Act 1977 in relation to a reserve property before the property was vested in {the trustees} under this subpart.
- (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Conservation Act 1987 or the Reserves Act 1977.

Compare: SC 94

*Further provisions applying to vesting of Lake Rotongaio property**

95 Lawful access or use and recreational activities

- (1) Despite the vesting under **section 75**,—
 - (a) any lawful right of access to or over, or use of, the Lake Rotongaio property remains unaffected; and
 - (b) members of the public may carry out recreational activities in, on, or over the Lake Rotongaio property; and
 - (c) the owners of the Lake Rotongaio property must not interfere with a member of the public carrying out a recreational activity in, on, or over the property.
- (2) A recreational activity under **subsection (1)** for which any enactment requires a permit, licence, or other authorisation must be carried out in accordance with the required authorisation.
- (3) In this section, **recreational activity** does not include an activity that—
 - (a) is unlawful under any enactment or bylaw; or
 - (b) involves attaching a fixture to the Lake Rotongaio property; or
 - (c) involves a risk of a significant adverse effect to Lake Rotongaio.
- (4) To avoid doubt, the vesting under **section 75** does not give any rights to, or impose any obligations on, {the trustees} in relation to—
 - (a) the waters of Lake Rotongaio; or
 - (b) the aquatic life of Lake Rotongaio (other than the plants attached to the bed of the lake).

Compare: SC 95

96 Existing structures

- (1) Despite the vesting under **section 75**, an existing structure—
 - (a) does not vest in {the trustees}; and
 - (b) may remain in or on the Lake Rotongaio property without the consent of, and without charge by, the owners of the Lake Rotongaio property; and
 - (c) may be used, occupied, accessed, repaired, maintained, removed, or demolished at any time without the consent of, and without charge by, the owners of the Lake Rotongaio property.
- (2) However, if the owner of an existing structure removes or demolishes the structure, the owners of the Lake Rotongaio property may require the owner of the structure to leave the Lake Rotongaio property in a clean and tidy condition.

Compare: SC 96

97 Determination of applications relating to existing structures

- (1) Despite the vesting under **section 75**, certain applications relating to an existing structure must be determined as if the Lake Rotongaio property were owned by the Crown.
- (2) The applications are each application for a resource consent under the Resource Management Act 1991, or for a building consent under the Building Act 2004,—
 - (a) to use, occupy, access, repair, maintain, remove, or demolish the existing structure; or
 - (b) to rectify the non-compliance of the existing structure with that Act.

Compare: SC 97

98 Liability for existing structures

The owners of the Lake Rotongaio property are not liable for an existing structure for which they would, apart from this section, be liable because they own the Lake Rotongaio property.

Compare: SC 98

99 New structures require consent

- (1) A person must not erect or modify a structure in or on, or attach a structure to, the Lake Rotongaio property without the written consent of the owners of the Lake Rotongaio property.
- (2) However, **subsection (1)** does not apply if—
 - (a) **section 96** permits the activity relating to the structure; or
 - (b) **section 100** applies to the activity relating to the structure.
- (3) The owners may impose conditions on granting their consent, including imposing a charge.

Compare: SC 99

100 Rights and authorisations not affected

- (1) To avoid doubt, the vesting of the Lake Rotongaio property under **section 75** does not limit or affect a right or an authorisation, provided by or under an enactment and not requiring the consent of the owners of land,—
 - (a) to undertake an activity in, on, or over the Lake Rotongaio property; or
 - (b) to exercise a power or perform a function or duty in, on, or over the Lake Rotongaio property.
- (2) Those rights and authorisations may include, for example, a right or an authorisation—
 - (a) to place or install, permanently or temporarily, a structure of any kind in or on the Lake Rotongaio property; or

- (b) to enter and remain on the Lake Rotongaio property to carry out any activity, including to gain access to, or undertake an activity on, any structure placed or installed in or on the property.

Compare: SC 100

Subpart 6—Vesting and gifting back {OR vesting back} of property*

101 Vesting and gifting back {OR vesting back} of {name of property}*

- (1) The fee simple estate in {name of property} vests in {the trustees}.
- (2) On the {seventh} day after the settlement date, the fee simple estate in {name of property} vests in the Crown [as a gifting back to the Crown by {the trustees} for the people of New Zealand].
- (3) However, the following matters continue to apply as if the vestings had not occurred:
- (a) {name of property} remains [*state the status of the land and the provision that confers that status, eg, a reserve under the Reserves Act 1977/ part of the North-west Forest Park under the Conservation Act 1987/ part of the Nelson Lakes National Park under the National Parks Act 1980*]; and
- (b) [any enactment, instrument, or interest that applied to {name of property} immediately before the settlement date continues to apply to it; and]
- (c) the Crown retains all liability for {name of property}.
- (4) The vestings are not affected by—
- (a) Part 4A of the Conservation Act 1987; or
- (b) section 10 or 11 of the Crown Minerals Act 1991; or
- (c) section 11 or Part 10 of the Resource Management Act 1991; or
- (d) any other enactment relating to the land.
- (5) To the extent that [as applicable: the statutory acknowledgement, a deed of recognition, or the overlay classification] applies to {name of property}, it applies only after the property vests back in the Crown.
- (6) In this section, **{name of property}** means [*give legal description or define by reference to SO, eg, the areas shown as “A”, “B”, “C”, “D”, “E”, and “F” on SO 432660*].

Compare: SC 101

102 Notice appointing delayed vesting date for {name of property}*

- (1) {The trustees} may give written notice to the Minister of Conservation of the date on which {name of property} is to vest in {the trustees}.
- (2) The proposed date must not be later than [*specify time period*] after the settlement date.

- (3) {The trustees} must give the Minister of Conservation at least [40] working days' notice of the proposed date.
- (4) The Minister of Conservation must publish a notice in the *Gazette*—
 - (a) specifying the vesting date; and
 - (b) stating that the fee simple estate in {name of property} vests in {the trustees} on the vesting date.
- (5) The notice must be published as early as practicable before the vesting date.
- (6) In this section and **section 103**,—

{name of property} means [give legal description or define by reference to SO, eg, the areas shown as “A”, “B”, “C”, “D”, “E”, and “F” on SO 432660]

vesting date means—

 - (a) the date proposed by {the trustees} in accordance with **subsections (1) to (3)**; or
 - (b) the date that is [specify time period] after the settlement date, if no date is proposed.

Compare: SC 102

103 Delayed vesting and gifting back {OR vesting back} of {name of property}*

- (1) The fee simple estate in {name of property} vests in {the trustees} on the vesting date.
- (2) On the [specify time period with ordinal number] day after the vesting date, the fee simple estate in {name of property} vests in the Crown [as a gifting back to the Crown by {the trustees} for the people of New Zealand].
- (3) However, the following matters apply as if the vestings had not occurred:
 - (a) {name of property} remains [state name and status of the land [name] in which the property is located, eg, a reserve under the Reserves Act 1977/ part of the Nelson Lakes National Park under the National Parks Act 1980]; and
 - (b) [any enactment, instrument, or interest that applied to {name of property} immediately before the vesting date continues to apply to it; and]
 - (c) to the extent that [as applicable: the statutory acknowledgement, a deed of recognition, or the overlay classification] applies to {name of property} immediately before the vesting date, it continues to apply to the property; and
 - (d) the Crown retains all liability for {name of property}.
- (4) The vestings are not affected by—
 - (a) Part 4A of the Conservation Act 1987; or

- (b) section 10 or 11 of the Crown Minerals Act 1991; or
- (c) section 11 or Part 10 of the Resource Management Act 1991; or
- (d) any other enactment relating to the land.

Compare: SC 103

Part 3 Commercial redress

104 Interpretation

In **subparts 1 to 4**,—

[**commercial property*** means a property described in part {reference} of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied]

commercial redress property—*

- (a) means a property described in part {reference} of the property redress schedule; but
- (b) does not include a property to which clause {reference} of the deed of settlement applies

Crown forest land has the meaning given in section 2(1) of the Crown Forest Assets Act 1989

Crown forestry assets has the meaning given in section 2(1) of the Crown Forest Assets Act 1989

Crown forestry licence—

- (a) has the meaning given in section 2(1) of the Crown Forest Assets Act 1989; and
- (b) in relation to a property that is licensed land, means the licence described in the {ordinal number} column of the table in part {reference} of the property redress schedule

Crown forestry rental trust means the forestry rental trust referred to in section 34 of the Crown Forest Assets Act 1989

Crown forestry rental trust deed means the trust deed made on 30 April 1990 establishing the Crown forestry rental trust

deferred selection property means [a property] described in part {reference} of the property redress schedule for which the requirements for transfer under the deed of settlement have been satisfied*

land holding agency means the land holding agency specified,—

- (a) for a commercial redress property, in part {reference} of the property redress schedule; or

- (b) for a deferred selection property, in part {reference} of the property redress schedule

licensed land—

- (a) means the property* described as licensed land in part {reference} of the property redress schedule; but
- (b) excludes—
- (i) trees growing, standing, or lying on the land; and
 - (ii) improvements that have been—
 - (A) acquired by a purchaser of the trees on the land; or
 - (B) made by the purchaser or the licensee after the purchaser has acquired the trees on the land

licensee means the registered holder of the Crown forestry licence

licensor means the licensor of the Crown forestry licence

protected site means any area of land situated in the licensed land or the unlicensed land that—

- (a) is wāhi tapu or a wāhi tapu area within the meaning of section 6 of the Heritage New Zealand Pouhere Taonga Act 2014; and
- (b) is, at any time, entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of that Act

right of access means the right conferred by **section 120**

[**transfer property** means any or all of the following:

- (a) [*list classes of property covered by this generic term*]

unlicensed land means the land described as unlicensed land in part {reference} of the property redress schedule.

Compare: SC 104

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

105 The Crown may transfer properties*

- (1) To give effect to part {reference} of the deed of settlement, the Crown (acting by and through the chief executive of the land holding agency) is authorised—
 - (a) to transfer the fee simple estate in a commercial redress property or a deferred selection property to {the trustees}; and
 - (b) to sign a transfer instrument or other document, or do anything else, as necessary to effect the transfer.
- (2) **Subsection (3)** applies to a deferred selection property that is subject to a resumptive memorial recorded under any enactment listed in **section 17(2)**.

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

Compare: SC 105

106 [Not used]

107 Minister of Conservation may grant easements*

- (1) The Minister of Conservation may grant any easement over a conservation area or reserve that is required to fulfil the terms of the deed of settlement in relation to a commercial redress property or deferred selection property.
- (2) Any such easement—
- (a) is enforceable in accordance with its terms, despite Part 3B of the Conservation Act 1987; and
 - (b) is to be treated as having been granted in accordance with Part 3B of that Act; and
 - (c) is registrable under section 17ZA(2) of that Act, as if it were a deed to which that provision applied.

Compare: SC 107

108 Records of title for commercial redress properties and deferred selection properties [that are not shared redress]*

- (1) This section applies to each of the following properties that is to be transferred under **section 105** to {the trustees} [(but not as tenants in common)]:
- (a) a commercial redress property (other than licensed land);
 - (b) a deferred selection property (other than [*name any property that is excluded from this clause*]).
- (2) However, this section applies only to the extent that—
- (a) the property is not all of the land contained in a record of title for a fee simple estate; or
 - (b) there is no record of title for the fee simple estate in all or part of the property.
- (3) The Registrar-General must, in accordance with a written application by an authorised person,—
- (a) create a record of title for the fee simple estate in the property in the name of the Crown; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
 - (c) omit any statement of purpose from the record of title.

- (4) **Subsection (3)** is subject to the completion of any survey necessary to create a record of title.
- (5) In this section and **sections 109 to 111**, **authorised person** means a person authorised by the chief executive of the land holding agency for the relevant property.

Compare: SC 108

109 [Records of title for shared commercial redress properties and deferred selection properties*]

- (1) This section applies to each of the following properties that are to be transferred under **section 105** to the trustees as tenants in common:
 - (a) a commercial redress property (other than licensed land);
 - (b) a deferred selection property [(other than [*name any property that is excluded from this clause*])].
- (2) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a record of title in the name of the Crown for each undivided [*stipulate the proportion*] share of the fee simple estate in the property; and
 - (b) record on each record of title any interests that are registered, noted, or to be noted and that are described for that register in the application; but
 - (c) omit any statement of purpose from each record of title.
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title.]

Compare: SC 109

110 Record of title for licensed land

- (1) This section applies to each property that is licensed land and is to be transferred to {the trustees} under **section 105**.
- (2) The Registrar-General must, in accordance with a written application by an authorised person,—
 - (a) create a record of title in the name of the Crown for the fee simple estate in the property; and
 - (b) record on the record of title any interests that are registered, noted, or to be noted and that are described in the application; but
 - (c) omit any statement of purpose from the record of title.
- (3) **Subsection (2)** is subject to the completion of any survey necessary to create a record of title.

Compare: SC 110

111 Authorised person may grant covenant for later creation of record of title

- (1) For the purposes of **sections 108 to 110**, the authorised person may grant a covenant for the later creation of a record of title for a fee simple estate in any commercial redress property [or deferred selection property].
- (2) Despite the Land Transfer Act 2017,—
 - (a) the authorised person may request the Registrar-General to register the covenant under that Act by creating a record of title that records an interest; and
 - (b) the Registrar-General must comply with the request.

Compare: SC 111

112 Application of other enactments

- (1) This section applies to the transfer to {the trustees} of the fee simple estate in a commercial redress property or deferred selection property.
- (2) The transfer is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition.
- (3) The transfer does not—
 - (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals.
- (4) The permission of a council under section 348 of the Local Government Act 1974 is not required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of the deed of settlement in relation to the transfer.
- (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the transfer or to any matter incidental to, or required for the purpose of, the transfer.
- (6) In exercising the powers conferred by **section 105**, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer.
- (7) **Subsection (6)** is subject to **subsections (2) and (3)**.

Compare: SC 112

113 Transfer of properties subject to lease*

- (1) This section applies to a commercial redress property or deferred selection property—
 - (a) for which the land holding agency is {name of department or Ministry}; and
 - (b) the ownership of which is to be transferred to {the trustees}; and
 - (c) that, after the transfer, is to be subject to a lease back to the Crown.

- (2) Section 24 of the Conservation Act 1987 does not apply to the transfer of the property.
- (3) The transfer instrument for the transfer of the property must include a statement that the land is to become subject to **section 114** upon the registration of the transfer.
- (4) The Registrar-General must, upon the registration of the transfer of the property, record on any record of title for the property that—
 - (a) the land is subject to Part 4A of the Conservation Act 1987, but that section 24 of that Act does not apply; and
 - (b) the land is subject to **section 114**.
- (5) A notation made under **subsection (4)** that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

Compare: SC 113

114 Requirements if lease terminates or expires*

- (1) This section applies if the lease referred to in **section 113(1)(c)** (or a renewal of that lease) terminates, or expires without being renewed, in relation to all or part of the property that is transferred subject to the lease.
- (2) The transfer of the property is no longer exempt from section 24 (except subsection (2A)) of the Conservation Act 1987 in relation to all or that part of the property.
- (3) The registered owners of the property must apply in writing to the Registrar-General,—
 - (a) if no part of the property remains subject to such a lease, to remove from the record of title for the property the notations that—
 - (i) section 24 of the Conservation Act 1987 does not apply to the property; and
 - (ii) the property is subject to this section; or
 - (b) if only part of the property remains subject to such a lease (the **leased part**), to amend the notations on the record of title for the property to record that, in relation to the leased part only,—
 - (i) section 24 of the Conservation Act 1987 does not apply to that part; and
 - (ii) that part is subject to this section.
- (4) The Registrar-General must comply with an application received in accordance with **subsection (3)** free of charge to the applicant.

Compare: SC 114

Subpart 2—Licensed land

115 Licensed land ceases to be Crown forest land*

- (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 trustees}.
- (2) However, the Crown, courts, and tribunals must not do or omit to do anything if that act or omission would, between the settlement date and the date of registration, be permitted by the Crown Forest Assets Act 1989 but be inconsistent with this subpart, part {reference} of the deed of settlement, or part {reference} of the property redress schedule.

Compare: SC 115

116 {Trustees} are confirmed beneficiaries and licensors of licensed land*

- (1) {The trustees} are the confirmed beneficiaries under clause 11.1 of the Crown forestry rental trust deed in relation to the licensed land.
- (2) The effect of **subsection (1)** is that—
 - (a) {the trustees} are entitled to the rental proceeds payable for the licensed land to the trustees of the Crown forestry rental trust under a Crown forestry licence since the commencement of the licence; and
 - (b) all the provisions of the Crown forestry rental trust deed apply on the basis that {the trustees} are the confirmed beneficiaries in relation to the licensed land.
- (3) The Crown must give notice under section 17(4)(b) of the Crown Forest Assets Act 1989 in respect of a Crown forestry licence, 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.
- (4) Notice given by the Crown under **subsection (3)** has 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 became final on the settlement date.
- (5) {The trustees} are the licensors under each Crown forestry licence as if the licensed land were returned to Māori ownership—
 - (a) on the settlement date; and
 - (b) under section 36 of the Crown Forest Assets Act 1989.
- (6) However, section 36(1)(b) of the Crown Forest Assets Act 1989 does not apply to the licensed land.

Compare: SC 116

117 Effect of transfer of licensed land*

- (1) **Section 116** applies whether or not—

- (a) the transfer of the fee simple estate in the licensed land has been registered; or*
 - (b) [the processes described in clause 17.4 of the Crown forestry licence have been completed].
- (2) [To the extent that the Crown has not completed the processes referred to in **subsection (1)(b)** before the settlement date, it must continue those processes—
- (a) on and after the settlement date; and
 - (b) until the processes are completed.]
- (3) [For the period starting on the settlement date and ending on the completion of the processes referred to in **subsections (1) and (2)**, the licence fee payable under a Crown forestry licence in respect of the licensed land is the amount calculated in the manner described in paragraphs {reference} of the property redress schedule.]
- (4) [However, the calculation of the licence fee under **subsection (3)** is overridden by any agreement made by the trustees as licensor, the licensee, and the Crown.]
- (5) [On and from the settlement date, references in clause 17.4 of a Crown forestry licence to the prospective proprietors must, in relation to the licensed land, be read as references to {the trustees}.]

Compare: SC 117

Subpart 3—Unlicensed land

118 Unlicensed land*

- (1) The unlicensed land ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets.
- (2) However, for unlicensed land that is a deferred selection property, on the date of transfer the unlicensed land ceases to be Crown forest land and any Crown forestry assets associated with that land cease to be Crown forestry assets.

Compare: SC 118

119 Management of marginal strips*

- (1) After the transfer of any unlicensed land to {the trustees}, any {lessee or right holder} of that land under [lease {reference}] [or registered forestry right {reference}] is to be treated as if the {lessee or right holder} had been appointed under section 24H(1) of the Conservation Act 1987 to be the manager of any marginal strip within the land.
- (2) The {lessee or right holder} may do 1 or more of the following things in relation to the marginal strip:
 - (a) exercise the powers of a manager under section 24H of the Conservation Act 1987:

- (b) establish, develop, grow, manage, replant, and maintain a forest on the marginal strip as if the marginal strip were subject to the {lease or forestry right}:
- (c) exercise the {lessee's or rights holder's} rights under the {lease or forestry right} as if the marginal strip were subject to the {lease or forestry right}.

Compare: SC 119

Subpart 4—Access to protected sites

120 Right of access to protected sites*

- (1) The owner of land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow Māori for whom the protected site is of special cultural, historical, or spiritual significance to have access across the land to each protected site.
- (2) [**Subsection (1)** takes effect on and from the date of the transfer of the property to {the trustees}.]
- (3) The right of access may be exercised by vehicle or by foot over any reasonably convenient routes specified by the owner.
- (4) The right of access is subject to the following conditions:
 - (a) a person intending to exercise the right of access must give the owner reasonable notice in writing of his or her intention to exercise that right; and
 - (b) the right of access may be exercised only at reasonable times and during daylight hours; and
 - (c) a person exercising the right of access must observe any conditions imposed by the owner relating to the time, location, or manner of access that are reasonably required—
 - (i) for the safety of people; or
 - (ii) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
 - (iii) for operational reasons.

Compare: SC 120

121 Right of access over licensed land

- (1) A right of access over licensed land is subject to the terms of any Crown forestry licence.
- (2) However, **subsection (1)** does not apply if the licensee has agreed to the right of access being exercised.
- (3) An amendment to a Crown forestry licence is of no effect to the extent that it would—

- (a) delay the date from which a person may exercise a right of access; or
- (b) adversely affect a right of access in any other way.

Compare: SC 121

122 Right of access over unlicensed land

- (1) A right of access over unlicensed land is subject to the terms of any {lease or forestry right}—
 - (a) granted before the settlement date; or
 - (b) granted on or after the settlement date under a right of renewal in a {lease or forestry right} granted before the settlement date.
- (2) However, **subsection (1)** does not apply if the lessee or the right holder has agreed to the right of access being exercised.
- (3) An amendment to a {lease or forestry right} is of no effect to the extent that it would—
 - (a) delay the date from which a person may exercise a right of access; or
 - (b) adversely affect a right of access in any other way.

- (4) In this section, **forestry right** has the meaning given in section 2 of the Forestry Rights Registration Act 1983.

Compare: SC 122

123 Right of access to be recorded on records of title

- (1) This section applies to the transfer to {the trustees} of any licensed land or unlicensed land.
- (2) The transfer instrument for the transfer must include a statement that the land is subject to a right of access to any protected sites on the land.
- (3) The Registrar-General must, upon the registration of the transfer of the land, record on any record of title for the land that the land is subject to a right of access to protected sites on the land.

Compare: SC 123

Subpart 5—Right of first refusal over RFR land

Interpretation

124 Interpretation*

In this subpart and **Schedule 4**,—

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

- (a) for a company, control of the composition of its board of directors; and
- (b) for another body, control of the composition of the group that would be its board of directors if the body were a company

Crown body means—

- (a) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; and
- (b) a State enterprise, as defined in section 2 of the State-Owned Enterprises Act 1986; and
- (c) the New Zealand Railways Corporation; and
- (d) a company or body that is wholly owned or controlled by 1 or more of the following:
 - (i) the Crown;
 - (ii) a Crown entity;
 - (iii) a State enterprise;
 - (iv) the New Zealand Railways Corporation; and
- (e) a subsidiary or related company of a company or body referred to in **paragraph (d)**

dispose of, in relation to RFR land,—

- (a) means—
 - (i) to transfer or vest the fee simple estate in the land; or
 - (ii) to grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer; but
- (b) to avoid doubt, does not include—
 - (i) to mortgage, or give a security interest in, the land; or
 - (ii) to grant an easement over the land; or
 - (iii) to consent to an assignment of a lease, or to a sublease, of the land; or
 - (iv) to remove an improvement, a fixture, or a fitting from the land

expiry date, in relation to an offer, means its expiry date under **sections 127(2)(a) and 128**

notice means a notice given under this subpart

offer means an offer by an RFR landowner, made in accordance with **section 127**, to dispose of RFR land to {the trustees}

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

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

[RFR area means the area shown on SO {reference}]*

RFR landowner, in relation to RFR land,—*

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
- (b) means a Crown body, if the body holds the fee simple estate in the land; and
- (c) includes a local authority to which RFR land has been disposed of under **section 133(1)**; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested—
 - (i) on the settlement date; or
 - (ii) after the settlement date, under **section 134(1)**

RFR period means,—*

- (a) for general RFR land, the period of {number} years on and from the settlement date:
- (b) [*list, in separate paragraphs, any other relevant types of RFR land and the appropriate period*]

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

Compare: SC 124

125 Meaning of RFR land*

- (1) In this subpart, **RFR land** means—
 - (a) [the land described in part {reference} of the attachments that, on the settlement date,—
 - (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown or {name of Crown body whose land is described in the attachments}; or*
 - (iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and]
 - (b) [any land excluded from the definition of commercial redress property in **section 104** by **paragraph (b)** of that definition and that, on the settlement date, is—*
 - (i) vested in the Crown; or
 - (ii) held in fee simple by the Crown; and]
 - (c) [the land that is within the RFR area that on the settlement date—*
 - (i) is vested in the Crown; or
 - (ii) is held in fee simple by the Crown; or

- (iii) is a reserve vested in an administering body that derived title to the reserve from the Crown and that would, on the application of section 25 or 27 of the Reserves Act 1977, revert in the Crown; and]
- (d) any land obtained in exchange for a disposal of RFR land under **section 138(1)(c) or 139**.
- (2) [RFR land does not include a commercial redress property.]
- (3) Land ceases to be RFR land if—
 - (a) the fee simple estate in the land transfers from the RFR landowner to—
 - (i) {the trustees} or their nominee (for example, [under **section 105** in the case of a deferred selection property or] under a contract formed under **section 131**); or*
 - (ii) any other person (including the Crown or a Crown body) under **section 126(d)**; or
 - (b) the fee simple estate in the land transfers or vests from the RFR landowner to or in a person other than the Crown or a Crown body—
 - (i) under any of **sections 135 to 143** (which relate to permitted disposals of RFR land); or
 - (ii) under any matter referred to in **section 144(1)** (which specifies matters that may override the obligations of an RFR landowner under this subpart); or
 - (c) the fee simple estate in the land transfers or vests from the RFR landowner in accordance with a waiver or variation given under **section 152**; or
 - (d) [a notice is given under **section 125A(2)**; or]
 - (e) the RFR period for the land ends.

Compare: SC 125

125A [RFR land required for another Treaty of Waitangi settlement*

- (1) This section applies to RFR land required for the settlement of 1 or more historical Treaty claims [(other than a historical Treaty claim settled under this Act)]*.
- (2) The Minister for Treaty of Waitangi Negotiations must give notice to both the RFR landowner and the {trustees} that the land ceases to be RFR land.
- (3) The notice may be given at any time before a contract is formed under **section 131** for the disposal of the land.
- (4) In this section, **historical Treaty claim** has the meaning given in section 2 of the Treaty of Waitangi Act 1975.]

*Restrictions on disposal of RFR land***126 Restrictions on disposal of RFR land**

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

- (a) under any of **sections 132 to 143**; or
- (b) under any matter referred to in **section 144(1)**; or
- (c) in accordance with a waiver or variation given under **section 152**; or
- (d) within 2 years after the expiry date of an offer by the RFR landowner to dispose of the land to {the trustees} if the offer to {the trustees} was—
 - (i) made in accordance with **section 127**; and
 - (ii) made on terms that were the same as, or more favourable to {the trustees} than, the terms of the disposal to the person; and
 - (iii) not withdrawn under **section 129**; and
 - (iv) not accepted under **section 130**.

Compare: SC 126

*{Trustees'} right of first refusal***127 Requirements for offer**

- (1) An offer by an RFR landowner to dispose of RFR land to {the trustees} must be by notice to {the trustees}.
- (2) The notice must include—
 - (a) the terms of the offer, including its expiry date; and
 - (b) the legal description of the land, including any interests affecting it, and the reference for any record of title for the land; and
 - (c) [a statement that identifies the RFR land as general RFR land or any other specified class of RFR land; and]*
 - (d) a street address for the land (if applicable); and
 - (e) a street address, postal address, and fax number or electronic address for {the trustees} to give notices to the RFR landowner in relation to the offer.

Compare: SC 127

128 Expiry date of offer*

- (1) The expiry date of an offer must be on or after the date that is [20] working days after the date on which {the trustees} receive notice of the offer.
- (2) However, the expiry date of an offer may be on or after the date that is [10] working days after the date on which {the trustees} receive notice of the offer if—

- (a) {the trustees} received an earlier offer to dispose of the land; and
- (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and
- (c) the earlier offer was not withdrawn.

Compare: SC 128

129 Withdrawal of offer

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

Compare: SC 129

130 Acceptance of offer

- (1) {The trustees} may, by notice to the RFR landowner who made an offer, accept the offer if—
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.
- (2) {The trustees} must accept all the RFR land offered, unless the offer permits them to accept less.

Compare: SC 130

131 Formation of contract

- (1) If {the trustees} accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the RFR landowner and {the trustees} on the terms in the offer.
- (2) The terms of the contract may be varied by written agreement between the RFR landowner and {the trustees}.
- (3) Under the contract, {the trustees} may nominate any person (the **nominee**) to receive the transfer of the RFR land.
- (4) {The trustees} may nominate a nominee only if—
 - (a) the nominee is lawfully able to hold the RFR land; and
 - (b) notice is given to the RFR landowner on or before the day that is 10 working days before the day on which the transfer is to settle.
- (5) The notice must specify—
 - (a) the full name of the nominee; and
 - (b) any other details about the nominee that the RFR landowner needs in order to transfer the RFR land to the nominee.
- (6) If {the trustees} nominate a nominee, {the trustees} remain liable for the obligations of the transferee under the contract.

Compare: SC 131

*Disposals to others where land remains RFR land****132 Disposal to the Crown or Crown bodies**

- (1) An RFR landowner may dispose of RFR land to—
 - (a) the Crown; or
 - (b) a Crown body.
- (2) To avoid doubt, the Crown may dispose of RFR land to a Crown body in accordance with section 143(5) or 206 of the Education Act 1989.

Compare: SC 132

133 Disposal of existing public works to local authorities

- (1) An RFR landowner may dispose of RFR land that is a public work or part of a public work, in accordance with section 50 of the Public Works Act 1981, to a local authority, as defined in section 2 of that Act.
- (2) To avoid doubt, if RFR land is disposed of to a local authority under **subsection (1)**, the local authority becomes—
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

Compare: SC 133

134 Disposal of reserves to administering bodies

- (1) An RFR landowner may dispose of RFR land in accordance with section 26 or 26A of the Reserves Act 1977.
- (2) To avoid doubt, if RFR land that is a reserve is vested in an administering body under **subsection (1)**, the administering body does not become—
 - (a) the RFR landowner of the land; or
 - (b) subject to the obligations of an RFR landowner under this subpart.
- (3) However, if RFR land vests back in the Crown under section 25 or 27 of the Reserves Act 1977, the Crown becomes—
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

Compare: SC 134

*Disposals to others where land may cease to be RFR land****135 Disposal in accordance with obligations under enactment or rule of law**

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

Compare: SC 135

136 Disposal in accordance with legal or equitable obligations

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

- (a) a legal or an equitable obligation that—
 - (i) was unconditional before the settlement date; or
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
- (b) the requirements, existing before the settlement date, of a gift, an endowment, or a trust relating to the land.

Compare: SC 136

137 Disposal under certain legislation

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

- (a) section 54(1)(d) of the Land Act 1948; or
- (b) section 34, 43, or 44 of the Marine and Coastal Area (Takutai Moana) Act 2011; or
- (c) section 355(3) of the Resource Management Act 1991; or
- (d) an Act that—
 - (i) excludes the land from a national park within the meaning of the National Parks Act 1980; and
 - (ii) authorises that land to be disposed of in consideration or part consideration for other land to be held or administered under the Conservation Act 1987, the National Parks Act 1980, or the Reserves Act 1977.

Compare: SC 137

138 Disposal of land held for public works

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

- (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or
- (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
- (c) section 117(3)(a) of the Public Works Act 1981; or
- (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or
- (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.

- (2) To avoid doubt, RFR land may be disposed of by an order of the Māori 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.

Compare: SC 138

139 Disposal for reserve or conservation purposes

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

- (a) section 15 of the Reserves Act 1977; or
- (b) section 16A or 24E of the Conservation Act 1987.

Compare: SC 139

140 Disposal for charitable purposes

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

Compare: SC 140

141 Disposal to tenants

The Crown may dispose of RFR land,—

- (a) if the land was held on the settlement date for education purposes, to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or
- (b) under section 67 of the Land Act 1948, if the disposal of the land is to a lessee under a lease of the land granted—
 - (i) before the settlement date; or
 - (ii) on or after the settlement date under a right of renewal in a lease granted before the settlement date; or
- (c) under section 93(4) of the Land Act 1948.

Compare: SC 141

142 [Disposal by Housing New Zealand Corporation*]

Housing New Zealand Corporation or any of its subsidiaries may dispose of RFR land to any person if the Corporation has given notice to {the trustees} that, in the Corporation's opinion, the disposal is to give effect to, or to assist in giving effect to, the Crown's social objectives in relation to housing or services related to housing.]

Compare: SC 142

143 [Disposal by {name} District Health Board*]

The {name} District Health Board (established by section 19(1) of the New Zealand Public Health and Disability Act 2000), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to

{the trustees} that, in the Minister’s opinion, the disposal will achieve, or assist in achieving, the district health board’s objectives.]

Compare: SC 143

RFR landowner obligations

144 RFR landowner’s obligations subject to other matters

- (1) An RFR landowner’s obligations under this subpart in relation to RFR land are subject to—
 - (a) any other enactment or rule of law except that, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
 - (b) any interest or legal or equitable obligation—
 - (i) that prevents or limits an RFR landowner’s disposal of RFR land to {the trustees}; and
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) **Reasonable steps**, for the purposes of **subsection (1)(b)(ii)**, does not include steps to promote the passing of an enactment.

Compare: SC 144

Notices about RFR land

145 Notice to LINZ of RFR land with record of title after settlement date

- (1) If a record of title is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.
- (2) If land for which there is a record of title becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a record of title is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the legal description of the land and the reference for the record of title.

Compare: SC 145

146 Notice to {trustees} of disposal of RFR land to others

- (1) An RFR landowner must give {the trustees} notice of the disposal of RFR land by the landowner to a person other than {the trustees} or their nominee.
- (2) The notice must be given on or before the date that is 20 working days before the day of the disposal.

- (3) The notice must include—
- (a) the legal description of the land, including any interests affecting it; and
 - (b) the reference for any record of title for the land; and
 - (c) the street address for the land (if applicable); and
 - (d) the name of the person to whom the land is being disposed of; and
 - (e) an explanation of how the disposal complies with **section 126**; and
 - (f) if the disposal is to be made under **section 126(d)**, a copy of any written contract for the disposal.

Compare: SC 146

147 Notice to LINZ of land ceasing to be RFR land

- (1) [**Subsections (2) and (3)** apply if land contained in a record of title is to cease being RFR land because*—
- (a) the fee simple estate in the land is to transfer from the RFR landowner to—
 - (i) {the trustees} or their nominee (for example, [under **section 105** in the case of a deferred selection property, or] under a contract formed under **section 131**); or*
 - (ii) any other person (including the Crown or a Crown body) under **section 126(d)**; or
 - (b) the fee simple estate in the land is to transfer or vest from the RFR landowner to or in a person other than the Crown or a Crown body—
 - (i) under any of **sections 135 to 143**; or
 - (ii) under any matter referred to in **section 144(1)**; or
 - (c) the fee simple estate in the land is to transfer or vest from the RFR landowner in accordance with a waiver or variation given under **section 152**; [or
 - (d) a notice is given under **section 125A(2)**.]
- (2) [The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.]
- (3) [The notice must include—
- (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) the details of the transfer or vesting of the land.]

(4) [**Subsections (5) and (6)** apply if land contained in a record of title ceases to be RFR land because a notice is given under **section 125A** in relation to the land.]

- (5) [The RFR landowner must, as soon as practicable after receiving the notice under **section 125A**, give the chief executive of LINZ notice that the land has ceased to be RFR land.]
- (6) [The notice must include—
 - (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) a copy of the notice given under **section 125A**.]Compare: SC 147

148 Notice requirements

Schedule 4 applies to notices given under this subpart by or to—

- (a) an RFR landowner; or
- (b) {the trustees}.

Compare: SC 148

*Right of first refusal recorded on records of title**

149 Right of first refusal to be recorded on records of title for RFR land

- (1) The chief executive of LINZ must issue to the Registrar-General 1 or more certificates that specify the legal descriptions of, and identify the records of title for,—
 - (a) the RFR land for which there is a record of title on the settlement date; and
 - (b) the RFR land for which a record of title is first created after the settlement date; and
 - (c) land for which there is a record of title that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable—
 - (a) after the settlement date, for RFR land for which there is a record of title on the settlement date; or
 - (b) after receiving a notice under **section 145** that a record of title has been created for the RFR land or that the land has become RFR land, for any other land.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to {the trustees} as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on each record of title for the RFR land identified in the certificate that the land is—

- (a) RFR land, as defined in **section 125**; and
- (b) subject to this subpart (which restricts disposal, including leasing, of the land).

Compare: SC 149

150 Removal of notations when land to be transferred or vested

- (1) The chief executive of LINZ must, before registration of the transfer or vesting of land described in a notice received under **section 147(2)**, issue to the Registrar-General a certificate that includes—
 - (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) the details of the transfer or vesting of the land; and
 - (d) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to {the trustees} as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section, the Registrar-General must, immediately before registering the transfer or vesting described in the certificate, remove from the record of title identified in the certificate any notation recorded under **section 149** for the land described in the certificate.

Compare: SC 150

150A [Removal of notations if notice given under section 125A*]

- (1) [The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under **section 147(2)**, issue to the Registrar-General a certificate that includes—
 - (a) the legal description of the land; and
 - (b) the reference for the record of title for the land; and
 - (c) a copy of the notice given under **section 125A**; and
 - (d) a statement that the certificate is issued under this section.]
- (2) [The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove from the record of title identified in the certificate any notation recorded under **section 149** for the land described in the certificate.]

151 Removal of notations when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends in respect of any RFR land, issue to the Registrar-General a certificate that includes—
 - (a) the reference for each record of title for that RFR land that still has a notation recorded under **section 149**; and

- (b) a statement that the certificate is issued under this section.
- (2) The chief executive must provide a copy of each certificate to {the trustees} as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove any notation recorded under **section 149** from any record of title identified in the certificate.

Compare: SC 151

General provisions applying to right of first refusal

152 Waiver and variation

- (1) {The trustees} may, by notice to an RFR landowner, waive any or all of the rights {the trustees} have in relation to the landowner under this subpart.
- (2) {The trustees} and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.
- (3) A waiver or an agreement under this section is on the terms, and applies for the period, specified in it.

Compare: SC 152

153 Disposal of Crown bodies not affected

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

Compare: SC 153

154 Assignment of rights and obligations under this subpart

- (1) **Subsection (3)** applies if the RFR holder—
 - (a) assigns the RFR holder’s rights and obligations under this subpart to 1 or more persons in accordance with the RFR holder’s constitutional document; and
 - (b) has given the notices required by **subsection (2)**.
- (2) The RFR holder must give notices to each RFR landowner that—
 - (a) state that the RFR holder’s rights and obligations under this subpart are being assigned under this section; and
 - (b) specify the date of the assignment; and
 - (c) specify the names of the assignees and, if they are the trustees of a trust, the name of the trust; and
 - (d) specify the street address, postal address, and fax number or electronic address for notices to the assignees.
- (3) This subpart and **Schedule 4** apply to the assignees (instead of to the RFR holder) as if the assignees were {the trustees}, with any necessary modifications.

(4) In this section,—

constitutional document means the trust deed or other instrument adopted for the governance of the RFR holder*

RFR holder means the 1 or more persons who have the rights and obligations of {the trustees} under this subpart, because—

- (a) they are {the trustees}; or
- (b) they have previously been assigned those rights and obligations under this section.

Compare: SC 154

Schedule 1
Statutory areas

ss 29, 38

Part 1

Areas subject only to statutory acknowledgement

Statutory area

{Name or area of land, river, and tributaries}

Location

As shown on OMCR-
{number}

Part 2

**Areas subject to both statutory acknowledgement and deed of
recognition**

Statutory area

{Name or area of land, river, and tributaries}

Location

As shown on OMCR-
{number}

Schedule 2

Overlay [areas]

s 44

Overlay area	Location	Description
{Name of area}	As shown on OMCR- {number}	Land district: [<i>specify the name of the territorial authority and the particular parts of the area</i>]
{Name of area}	As shown on OMCR- {number}	Land district: [<i>specify the name of the territorial authority and the particular parts of the area</i>]

Schedule 3 Cultural redress properties

ss 62, 78–80

Properties vested in fee simple

Name of property	Description	Interests
Ngā Tai Whakaū (Kawai, World's End)	<i>Marlborough Land District— Marlborough District</i> 1.6921 hectares, more or less, being Sections 1, 2, 3, and 4 SO 427401. Part <i>Gazette</i> 1923, p 1859.	
Pelorus Bridge property	<i>Marlborough Land District— Marlborough District</i> 5.0055 hectares, more or less, being Section 1 SO 427361. All Proclamation 778 and part record of title MB50/234 [for the fee simple estate*].	Subject to an unregistered grazing licence with concession number PAC 10-01-056. Subject to <i>Gazette</i> 1997, p 418 declaring adjoining State Highway 6 to be a limited access road. Together with water rights and incidental rights created by transfer 22889.
Rangihaeata	<i>Nelson Land District—Tasman District</i> 0.0852 hectares, more or less, being Section 27 Town of Rangihaeata.	
Taitai	<i>Gisborne Land District— Gisborne District</i> 170.2222 hectares, more or less, being Parts Taitai 1A and Part Section 1, Block XVII, Mangaoparo Survey District. Balance record of title GS128/28 [for the fee simple estate*].	
Titahi Bay Road site B	<i>Wellington Land District— Porirua City</i> 0.6309 hectares, more or less, being Section 2 SO 38131.	Subject to the easement in gross for a right to drain sewage, stormwater, and water referred to in section 67(3)(a) . Subject to the easement for a right of way and for a right to park referred to in section 67(3)(b) .
Galatea School property	<i>South Auckland Land District— Whakatane District</i> 1.5934 hectares, more or less, being Section 52 Township of Galatea. All <i>Gazette</i> 1938, p 960. 0.7117 hectares, more or less, being Sections 43, 44, 45, 46, 47, 48, and 49 Township of	Subject to the lease referred to in section 68(2) .

Name of property	Description	Interests
	Galatea. All <i>Gazette</i> 1957, p 750.	

Properties vested in fee simple to be administered as reserves

Name of property	Description	Interests
Anaura	<i>Gisborne Land District— Gisborne District</i> 225.3401 hectares, more or less, being Sections 11, 12, 13, 15, and 16, Block XVI, Tokomaru Survey District. All <i>Gazette</i> notice 113029.1.	Subject to a water supply easement created by transfer 81445 and a grant of a water easement created by transfer 104324. Subject to the easement in gross for right to convey water referred to in section 69(5) . Subject to being a scenic reserve, as referred to in section 69(3) .
Ngākuta Bay property	<i>Marlborough Land District— Marlborough District</i> 0.0667 hectares, more or less, being Section 1 SO 428892. Part <i>Gazette</i> notice 69676.	Subject to being a recreation reserve, as referred to in section 70(3) .
Pakapakatea	<i>Wellington Land District— Manawatu District</i> 14.9526 hectares, more or less, being Section 1 SO 420870. Part <i>Gazette</i> 1879, p 469 and all <i>Gazette</i> notice 335904.1.	Subject to being a local purpose reserve, as referred to in section 71(3) .

Property vested in fee simple subject to conservation covenant

Name of property	Description	Interests
Tītūrangī Bay	<i>Marlborough Land District— Marlborough District</i> 1.2471 hectares, more or less, being Section 1 SO 433149. Part record of title MB55/62 [for the fee simple estate*].	Together with the right of way easement referred to in section 72(3) . Subject to the conservation covenant referred to in section 72(5) .

Lake and lakebed properties vested in fee simple

Name of property	Description	Interests
Lake Hickson property	<i>Wellington Land District— Rangitikei District</i> 5.3218 hectares, more or less, being Lot 1 DP 403965. Part transfer 7870340.1.	Subject to an open space covenant 7557271.1. Subject to a right to drain sewage created by transfer B. 287722.1. Together with a right to convey water and a right of way created by transfer B. 287722.2. Together with a pedestrian right of way created by Easement Instrument 7860242.3.

Name of property	Description	Interests
Lake William property	<p><i>Wellington Land District— Rangitikei District</i></p> <p>5.2511 hectares, more or less, being Lot 2 DP 403965. Part transfer 7870340.1.</p> <p>4.8300 hectares, more or less, being Section 1 SO 421378. Part transfer 320033.</p>	<p>The easements created by Easement Instrument 7860242.3 are subject to section 243(a) of the Resource Management Act 1991.</p> <p>Subject to consent notice pursuant to section 221 of the Resource Management Act 1991–7860242.2.</p> <p>The following encumbrances apply only in relation to Lot 2 DP 403965:</p> <p>Subject to an open space covenant 7522341.1.</p> <p>Subject to a right to convey water and a right to convey electricity created by Easement Instrument 7860242.5.</p> <p>Together with a right to convey water created by transfer B. 287722.2.</p> <p>Together with a pedestrian right of way created by Easement Instrument 7860242.4.</p> <p>The easements created by Easement Instruments 7860242.4 and 7860242.5 are subject to section 243(a) of the Resource Management Act 1991.</p> <p>Subject to consent notice pursuant to section 221 of the Resource Management Act 1991–7860242.2.</p> <p>Subject to an unregistered licence to occupy to the Manawatu Water Ski Club.</p>
Lake Rotongaio property	<p><i>Gisborne Land District—Wairoa District.</i></p> <p>12.4600 hectares, more or less, being Section 1 SO 430169, which excludes the Crown stratum as defined in section 62.</p>	<p>Subject to the conservation covenant referred to in section 75(6).</p>

Properties jointly vested in fee simple

Name of property	Description	Interests
Pukatea / Whites Bay	<p><i>Marlborough Land District— Marlborough District</i></p> <p>1.3160 hectares, more or less, being Section 1 SO 429266. Part <i>Gazette</i> notice 30056 and part <i>Gazette</i> notice 54787.</p>	<p>Subject to being a recreation reserve, as referred to in section 76(3).</p>
Mātangi Āwhio (Nelson)	<p><i>Nelson Land District—Nelson City</i></p>	<p>Subject to being a recreation reserve, as referred to in section 77(3).</p>

Name of property	Description	Interests
	0.2061 hectares, more or less, being Section 1212 City of Nelson. All <i>Gazette</i> 1952, p 1290.	

Schedule 4

Notices in relation to RFR land

ss 124, 148, 154(3)

1 Requirements for giving notice

A notice by or to an RFR landowner or {the trustees} under **subpart 5 of Part 3** must be—

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of {the trustees} [or the trustee if the trust has only 1 trustee], for a notice given by {the trustees}; and
- (b) addressed to the recipient at the street address, postal address, [fax number,]* or electronic address,—
 - (i) for a notice to {the trustees}, specified for {the trustees} in accordance with the deed of settlement, or in a later notice given {by the trustees} to the RFR landowner, or identified by the RFR landowner as the current address, fax number, or electronic address of {the trustees}; or
 - (ii) for a notice to an RFR landowner, specified by the RFR landowner in an offer made under **section 127**, or in a later notice given to {the trustees}, or identified by {the trustees} as the current address, fax number, or electronic address of the RFR landowner; and
- (c) for a notice given under **section 145 or 147**, addressed to the chief executive of LINZ at the Wellington office of LINZ; and
- (d) given by—
 - (i) delivering it by hand to the recipient's street address; or
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number; or
 - (iv) sending it by electronic means such as email.

2 Use of electronic transmission

Despite **clause 1**, a notice given in accordance with **clause 1(a)** may be given by electronic means as long as the notice is given with an electronic signature that satisfies section 226(1)(a) and (b) of the Contract and Commercial Law Act 2017.

3 Time when notice received

- (1) A notice is to be treated as having been received—
 - (a) at the time of delivery, if delivered by hand; or

- (b) on the sixth day after posting, if posted; or
 - (c) at the time of transmission, if [faxed or] sent by [other] electronic means.
- (2) However, a notice is to be treated as having been received on the next working day if, under **subclause (1)**, it would be treated as having been received—
- (a) after 5 pm on a working day; or
 - (b) on a day that is not a working day.