

Ngā Hapū o Ngāti Ranginui

and

Trustees of the Ngā Hapū o Ngāti Ranginui Settlement Trust

and

THE CROWN

**DEED OF SETTLEMENT SCHEDULE:
LEGISLATIVE MATTERS**

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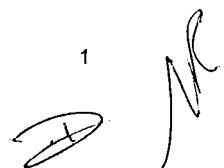
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1


1 INTRODUCTION

- 1.1 This schedule sets out the matters agreed between the parties for inclusion in the settlement bill for introduction to the House of Representatives.

2 TITLE, COMMENCEMENT, AND PURPOSE PROVISIONS

2.1 The settlement legislation is to provide that -

2.1.1 its title is Claims Settlement Act []; and

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

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

2.1.4 it binds the Crown.

3 SETTLEMENT PROVISIONS

- 3.1 The settlement legislation is to provide that -
- 3.1.1 the historical claims are settled; and
 - 3.1.2 the settlement is final; and
 - 3.1.3 on and from the settlement date, the Crown is released and discharged from all obligations and liabilities in respect of the historical claims.
- 3.2 Paragraph 3.1 is not to limit the acknowledgements expressed in, or the provisions of, the deed of settlement.

4 SETTLEMENT IMPLEMENTATION PROVISIONS

Judicial bodies' jurisdiction to be excluded

- 4.1 The settlement legislation is to provide that, on and from the settlement date, despite any enactment or rule of law, no court, tribunal, or other judicial body, is to have jurisdiction in respect of -
- 4.1.1 the historical claims; or
 - 4.1.2 this deed; or
 - 4.1.3 the settlement legislation; or
 - 4.1.4 the redress provided under this deed or the settlement legislation.
- 4.2 The settlement legislation is to provide that the jurisdiction excluded by paragraph 4.1 -
- 4.2.1 is to include the jurisdiction to inquire into, or further inquire into, or to make a finding or recommendation in respect of the matters referred to in that paragraph; and
 - 4.2.2 is not to exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or implementation of this deed or the settlement legislation.

Treaty of Waitangi Act 1975 to be amended

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

Certain legislation to cease to apply

- 4.4 The settlement legislation is to provide that -
- 4.4.1 nothing in the legislation listed in paragraph 4.4.2 is to apply -
 - (a) to a redress property; or
 - (b) to an early release property; or
 - (c) to RFR land; or
 - (d) for the benefit of the Ngā Hapū o Ngāti Ranginui or a representative entity; and
 - 4.4.2 the legislation is -

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4. SETTLEMENT IMPLEMENTATION PROVISIONS

- (a) sections 8A to 8HJ of the Treaty of Waitangi Act 1975;
- (b) sections 27A to 27C of the State-Owned Enterprises Act 1986; and
- (c) sections 211 to 213 of the Education Act 1989;
- (d) part 3 of the Crown Forest Assets Act 1989;
- (e) part 3 of the New Zealand Railways Corporation Restructuring Act 1990.

Settlement properties with resumptive memorials to be required to be identified

- 4.5 The chief executive of LINZ is to be required by the settlement legislation to issue -
- 4.5.1 to the Registrar-General of Land a certificate that identifies (by reference to the relevant legal description, certificate of title, or computer register) each allotment that is -
 - (a) all or part of a redress property or an early release commercial property, or RFR land; and
 - (b) contained in a certificate of title or computer register that has a memorial entered under any legislation referred to in paragraph 4.4.2; and
 - 4.5.2 each certificate under this paragraph, as soon as reasonably practicable after the settlement date.
- 4.6 Each certificate under paragraph 4.5 is to state the section of the settlement legislation it is issued under.

Resumptive memorials to be required to be removed from settlement properties

- 4.7 The Registrar-General of Land is to be required by the settlement legislation, as soon as reasonably practicable after receiving a certificate under paragraph 4.5, to -
- 4.7.1 register the certificate against each certificate of title or computer register identified in the certificate; and
 - 4.7.2 cancel, in respect of each allotment identified in the certificate, each memorial that is entered (under an enactment referred in paragraph 4.4.2) on a certificate of title or computer register identified in the certificate.

5 PROVISIONS RELATING TO PROTOCOL

General

- 5.1 The settlement legislation is to provide for the protocol on the terms provided by this part.

Issue, amendment, and cancellation of the protocol to be authorised

- 5.2 Each responsible Minister is to be authorised to -
- 5.2.1 issue the protocol to the governance entity in the form set out in the documents schedule; and
- 5.2.2 amend or cancel that protocol.
- 5.3 The settlement legislation is to provide -
- 5.3.1 the protocol may be amended or cancelled at the initiative of either -
- (a) the governance entity; or
 - (b) the responsible Minister; and
- 5.3.2 the responsible Minister may amend or cancel the protocol only after consulting with, and having particular regard to the views of, the governance entity.

Protocol's effect on rights and obligations to be provided for

- 5.4 The protocol is not to restrict -
- 5.4.1 the Crown's ability to exercise its powers, and perform its functions and duties, in accordance with the law and government policy; and
- 5.4.2 in particular, the Crown's ability to -
- (a) introduce legislation and change government policy; and
 - (b) interact or consult with a person the Crown considers appropriate, including any iwi, hapū, marae, whanau, or other representative of tangāta whenua; or
- 5.4.3 the responsibilities of a responsible Minister or responsible department; or
- 5.4.4 the legal rights of the Ngā Hapū o Ngāti Ranginui or a representative entity.

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5. PROVISIONS RELATING TO PROTOCOL

Enforcement of protocol to be provided for

- 5.5 The Crown is to be required to comply with the protocol while it is in force.
- 5.6 If the Crown fails, without good cause, to comply with the protocol, the governance entity is to be given the power to enforce the protocol.
- 5.7 The governance entity's right to enforce the protocol is to be subject to the Crown Proceedings Act 1950.
- 5.8 Damages, or monetary compensation, are not to be available as a remedy for the Crown's failure to comply with the protocol; but
- 5.9 Paragraph 5.8 is not to affect a court's ability to award the governance entity's costs of enforcing the protocol.
- 5.10 Paragraphs 5.5 to 5.8 are not to apply to guidelines for implementing the protocol.

Limitations on the protocol to be provided for

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

6 APPOINTMENT TO CONTROL AND MANAGE

General

- 6.1 The settlement legislation is to provide that the governance entity is appointed to control and manage Te Wharepoti / Margaret Jackson Wildlife Management Reserve as if that appointment was made under section 28 of the Reserves Act 1977.

7 GEOGRAPHIC NAMES

Definitions to be provided

7.1 In this Part, -

7.1.1 **official geographic name** is to have the meaning given by section 4 of the NZGB Act

7.1.2 **New Zealand Geographic Board** is to mean the board continued by section 7 of the NZGB Act

7.1.3 **NZGB Act** is to mean the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

General

7.2 The settlement legislation is to provide that -

7.2.1 the geographic name specified in the first column of the table in clause 5.17.1 of this deed is assigned to the location described in the second column of that table; and

7.2.2 each existing geographic name specified in the first column of the table in clause 5.17.2 of this deed is to be altered to the geographic name specified in the second column of that table; and

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

Publication of assignment and alteration of geographic names to be required

7.3 The New Zealand Geographic Board is to be required, as soon as is reasonably practicable after the settlement date, to -

7.3.1 give public notice of each assignment or alteration of a name under paragraphs 7.2.1 and 7.2.2 to in accordance with section 21(2) and (3) of the NZGB Act; but

7.3.2 state in the notices that the assignments or alterations took effect on the settlement date.

Alteration and assignment of new names to be provided

7.4 The New Zealand Geographic Board need not comply with the requirements of sections 16, 17, 18, 19(1), and 20 of the NZGB act in making a determination to assign or alter the official geographic name of a feature named by this part.

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7. GEOGRAPHIC NAMES

- 7.5 Instead, the Board may make the determination as long as it has the written consent of the governance entity.
- 7.6 To avoid doubt, the Board must give public notice of the determination in accordance with section 21(2) and (3) of the NZGB Act.

8 CROWN PROTECTED AREAS

GENERAL

- 8.1 The settlement legislation is to provide that:
- 8.1.1 The name of Margaret Jackson Wildlife Management Reserve is changed to Te Wharepoti / Margaret Jackson Wildlife Management Reserve.
 - 8.1.2 The name of Jess Road Wildlife Management Reserve is changed to Te Wahapu o Te Hopuni Wildlife Management Reserve.

9 PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

General

- 9.1 The settlement legislation is to provide that **cultural redress property** means each of the following sites, and each site means the land described by that name in schedule:

Interpretation

- 9.2 The settlement legislation is to provide that:

- 9.2.1 **Cultural Redress property** means each of the following sites, and each site means the land described by that name in appendix 1:

- (a) Omanawa River site;
- (b) Waimanu ki uta;
- (c) Waireia;
- (d) Waikareao Estuary site;
- (e) Te Awa o Ngāumuwahine site;
- (f) Te Wai o Ngāumuwahine site
- (g) Tahawai;
- (h) Wainui River site;
- (i) Ohauti;
- (j) Te Rī o Tamarāwaho;
- (k) Te Rī o Ruahine;
- (l) Te Hopuni;
- (m) Te Kaki;
- (n) Oraeroa;
- (o) Omokoroa School site; and

- 9.2.2 **reserve site** means each of the sites in paragraphs 9.2.1(a) to (l) in the definition of cultural redress property.

SETTLEMENT LEGISLATION: AGREED CONTENTS

9. PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Omanawa River site

- 9.3 The settlement legislation is to provide that:
- 9.3.1 Omanawa River site ceases to be a conservation area under the Conservation Act 1987;
 - 9.3.2 the fee simple estate in Omanawa River site vests in the governance entity;
 - 9.3.3 the Omanawa River site is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
 - 9.3.4 the reserve created under paragraph 9.3.3 is named Omanawa River Scenic Reserve.

Waimanu ki uta

- 9.4 The settlement legislation is to provide that:
- 9.4.1 Waimanu ki uta (being part of the Kaimai Mamaku Conservation Park) ceases to be a conservation area under the Conservation Act 1987;
 - 9.4.2 the fee simple estate in Waimanu ki uta vests in the governance entity;
 - 9.4.3 Waimanu ki uta is declared a reserve and is classified a recreation reserve for the purposes specified in section 17 of the Reserves Act 1977;
 - 9.4.4 the reserve created by paragraph 9.4.3 is named Waimanu ki uta Recreation Reserve;
 - 9.4.5 paragraphs 9.4.1 to 9.4.4 are subject to the governance entity providing the Crown with a registrable right of way easement in gross to the Minister of Conservation over those parts of Waimanu ki uta shown dotted red on deed plan OTS-078-004 in the form set out in part 2.7 of the documents schedule; and
 - 9.4.6 an easement granted in accordance with paragraph 9.4.5:
 - (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
 - (b) is to be treated as having been granted in accordance with that Act.

Waireia

- 9.5 The settlement legislation is to provide that:
- 9.5.1 Waireia ceases to be a conservation area under the Conservation Act 1987;

SETTLEMENT LEGISLATION: AGREED CONTENTS

9. PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

- 9.5.2 the fee simple estate in Waireia vests in the governance entity;
- 9.5.3 Waireia is declared a reserve and classified as a recreation reserve for the purposes specified in section 17 of the Reserves Act 1977; and
- 9.5.4 the reserve created under paragraph 9.5.3 is named Waireia Recreation Reserve.

Waikareao Estuary site

- 9.6 The settlement legislation is to provide that:
 - 9.6.1 Waikareao Estuary site ceases to be a conservation area under the Conservation Act 1987;
 - 9.6.2 the fee simple estate in Waikareao Estuary site vests in the governance entity;
 - 9.6.3 Waikareao Estuary site is declared a reserve and is classified as a recreation reserve subject to section 17 of the Reserves Act 1977; and
 - 9.6.4 the reserve created by paragraph 9.6.3 is named Waikareao Estuary Recreation Reserve.

Te Awa o Ngāumuwahine site

- 9.7 The settlement legislation is to provide that:
 - 9.7.1 Te Awa o Ngāumuwahine site (being part of the Kaimai Mamaku Conservation Park) ceases to be a conservation area under the Conservation Act 1987;
 - 9.7.2 the fee simple estate in the Te Awa o Ngāumuwahine site vests in the governance entity;
 - 9.7.3 the Te Awa o Ngāumuwahine site is declared a reserve and is classified a recreation reserve for the purposes specified in section 17 of the Reserves Act 1977;
 - 9.7.4 the reserve created by paragraph 9.7.3 is named Te Awa o Ngāumuwahine Recreation Reserve;
 - 9.7.5 paragraphs 9.7.1 to 9.7.4 are subject to the governance entity providing the Crown with a registrable right of way easement in gross to the Minister of Conservation over those parts of Te Awa o Ngāumuwahine site shown dotted red on deed plan OTS-078-021 subject to survey, in the form set out in part 2.6 of the documents schedule of the deed of settlement; and
 - 9.7.6 an easement granted in accordance with paragraph 9.7.5:

SETTLEMENT LEGISLATION: AGREED CONTENTS

9. PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
- (b) is to be treated as having been granted in accordance with that Act.

Te Wai o Ngāumuwahine site

9.8 The settlement legislation is to provide that:

- 9.8.1 Te Wai o Ngāumuwahine site (being part of the Kaimai Mamaku Conservation Park) ceases to be a conservation area under the Conservation Act 1987;
- 9.8.2 the fee simple estate in the Te Wai o Ngāumuwahine site vests in the governance entity;
- 9.8.3 the Te Wai o Ngāumuwahine site is declared a reserve and is classified a recreation reserve for the purposes specified in section 17 of the Reserves Act 1977;
- 9.8.4 the reserve created by paragraph 9.8.3 is named Te Wai o Ngāumuwahine Recreation Reserve;
- 9.8.5 paragraphs 9.8.1 to 9.8.4 are subject to the governance entity providing the Crown with a registrable right of way easement in gross to the Minister of Conservation over those parts of Te Wai o Ngāumuwahine site shown dotted red on deed plan OTS-078-012 subject to survey, in the form set out in part 2.6 of the documents schedule of the deed of settlement; and
- 9.8.6 an easement granted in accordance with paragraph 9.8.5:
 - (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
 - (b) is to be treated as having been granted in accordance with that Act.

Tahawai

9.9 The settlement legislation is to provide that:

- 9.9.1 Tahawai (being part of the Kaimai Mamaku Conservation Park) ceases to be a conservation area under the Conservation Act 1987;
- 9.9.2 the fee simple estate in Tahawai vests in the governance entity; and
- 9.9.3 Tahawai is declared a reserve and is classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
- 9.9.4 the reserve created by paragraph 9.9.3 is named Tahawai Scenic Reserve.

SETTLEMENT LEGISLATION: AGREED CONTENTS

9. PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Wainui River site

- 9.10 The settlement legislation is to provide that:
- 9.10.1 the reservation of Wainui River site (being Wainui River Scenic Reserve) as a scenic reserve subject to the Reserves Act 1977 is revoked;
 - 9.10.2 the fee simple estate in Wainui River site vests in the governance entity;
 - 9.10.3 Wainui River site is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
 - 9.10.4 the reserve created by paragraph 9.10.3 is named the Wainui River Scenic Reserve.

Ohauti

- 9.11 The settlement legislation is to provide that:
- 9.11.1 Ohauti ceases to be a conservation area under the Conservation Act 1987;
 - 9.11.2 the fee simple estate in Ohauti vests in the governance entity;
 - 9.11.3 Ohauti is declared a reserve and is classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
 - 9.11.4 the reserve created by paragraph 9.11.3 is named Ohauti Scenic Reserve.

Te Rī o Tamarāwaho

- 9.12 The settlement legislation is to provide that:
- 9.12.1 Te Rī o Tamarāwaho ceases to be a conservation area under the Conservation Act 1987;
 - 9.12.2 the fee simple estate in Te Rī o Tamarāwaho vests in the governance entity;
 - 9.12.3 Te Rī o Tamarāwaho is declared a reserve and is classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
 - 9.12.4 the reserve created by paragraph 9.12.3 is named Te Rī o Tamarāwaho Scenic Reserve.

Te Rī o Ruahine

- 9.13 The settlement legislation is to provide that:

SETTLEMENT LEGISLATION: AGREED CONTENTS

9. PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

- 9.13.1 Te Rī o Ruahine ceases to be a conservation area under the Conservation Act 1987;
- 9.13.2 the fee simple estate in Te Rī o Ruahine vests in the governance entity;
- 9.13.3 Te Rī o Ruahine is declared a reserve and is classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977; and
- 9.13.4 the reserve created by paragraph 9.13.3 is named Te Rī o Ruahine Scenic Reserve.

Te Hopuni

- 9.14 The settlement legislation is to provide that:
 - 9.14.1 The vesting of Te Hopuni in the Bay of Plenty Regional Council is cancelled;
 - 9.14.2 The reservation of Te Hopuni as a reserve subject to the Reserves Act 1977 is revoked;
 - 9.14.3 Te Hopuni ceases to be subject to the Tauranga Foreshore Vesting and Endowment Act 1915;
 - 9.14.4 the fee simple estate in Te Hopuni site vests in the governance entity;
 - 9.14.5 Te Hopuni site is declared a Reserve and is classified as a local purpose (cultural centre) reserve subject to section 23 of the Reserves Act 1977; and
 - 9.14.6 the reserve created by paragraph 9.14.5 is named the Te Hopuni Local Purpose (Cultural Centre) Reserve.

Te Kaki

- 9.15 The settlement legislation is to provide that:
 - 9.15.1 Te Kaki ceases to be a conservation area under the Conservation Act 1987;
 - 9.15.2 the fee simple estate in Te Kaki vests in the governance entity;
 - 9.15.3 paragraphs 9.15.1 and 9.15.2 are subject to the governance entity providing the Crown with a registrable covenant in relation to Te Kaki in the form set out in part 2.5 of the documents schedule of the deed of settlement; and
 - 9.15.4 the covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977 and section 27 of the Conservation Act 1987.

SETTLEMENT LEGISLATION: AGREED CONTENTS

9. PROVISIONS VESTING CULTURAL REDRESS PROPERTIES

Oraeroa

- 9.16 The settlement legislation is to provide that:
- 9.16.1 Oraeroa (being part of the Kaimai Mamaku Conservation Park) ceases to be a conservation area under the Conservation Act 1987;
 - 9.16.2 the fee simple estate in Oraeroa vests in the governance entity;
 - 9.16.3 paragraphs 9.16.1 to 9.16.2 are subject to the governance entity providing the Crown with a registrable covenant in relation to Oraeroa in the form set out in part 2.4 of the documents schedule of the deed of settlement; and
 - 9.16.4 the covenant is to be treated as a conservation covenant for the purposes of section 77 of the Reserves Act 1977.

Omokoroa School site

- 9.17 The settlement legislation is to provide that:
- 9.17.1 the fee simple estate in Omokoroa School site vests in the governance entity;
 - 9.17.2 paragraph 9.17.1 is subject to the governance entity providing the Crown with a registrable lease in relation to the Omokoroa School site in the form set out in part 2.1 of the documents schedule.

10 PROVISIONS SPECIFYING TERMS OF VESTING

General

- 10.1 The settlement legislation is to provide for the vesting of the cultural redress properties on the terms provided by this part.

Vesting to be subject to listed encumbrances

- 10.2 Each cultural redress property is to vest subject to, or together with, any encumbrances for the property listed in appendix 1.
- 10.3 Clause 10.4 applies if a cultural redress property vests subject to an interest that is not an interest in land, whether or not the interest also applies in respect of land outside the property.
- 10.4 The interest applies in respect of the cultural redress property -
- 10.4.1 until the interest expires or is terminated, whether or not the property is subsequently transferred; and
 - 10.4.2 if the interest has a grantor, as if the owner of the property were the grantor; and
 - 10.4.3 with any other necessary modifications; and
 - 10.4.4 despite any change in status of the land in the property.

Ownership of governance entity to be registered on computer freehold register

- 10.5 Paragraphs 10.6 to 10.9 are to apply to the fee simple estate in a cultural redress property vested under the settlement legislation.
- 10.6 The Registrar-General of Land, on written application by an authorised person, is to be required to comply with paragraphs 10.7 and 10.8.
- 10.7 To the extent that a cultural redress property is all of the land contained in a computer freehold register, the Registrar-General is to -
- 10.7.1 register the governance entity as the proprietor of the fee simple estate in the land; and
 - 10.7.2 make any entries in the register, and do all other things, that are necessary to give effect to the settlement legislation and this deed.
- 10.8 To the extent that a cultural redress property is not all of the land contained in a computer freehold register, or there is no computer freehold register for all or part of the property, the Registrar-General is to -

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10. PROVISIONS SPECIFYING TERMS OF VESTING

- 10.8.1 create one or more computer freehold registers for the fee simple estate in the property in the name of the governance entity; and
- 10.8.2 enter on the register any encumbrances that are -
- (a) registered, notified, or notifiable; and
 - (b) described in the application from the authorised person.

Timing of creation of computer freehold register to be specified

- 10.9 The settlement legislation is to provide -
- 10.9.1 paragraph 10.8 is to apply subject to the completion of any survey necessary to create the computer freehold register; and
- 10.9.2 the computer freehold register must be created as soon as reasonably practicable after the settlement date, but no later than -
- (a) 24 months after the settlement date; or
 - (b) any later date that may be agreed in writing by the governance entity and the Crown.

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

- 10.10 The settlement legislation is to provide that -
- 10.10.1 the vesting of a cultural redress property in the governance entity is to be a disposition for the purposes of Part 4A of the Conservation Act 1987; but
- 10.10.2 sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and
- 10.10.3 despite paragraphs 10.10.1 and 10.10.2 the rest of section 24 of the Conservation Act 1987 does not apply to the vesting of a reserve site under the settlement legislation
- 10.10.4 if the reservation under the settlement legislation of a reserve site is revoked in relation to all or part of the site, then its vesting is to be no longer exempt from the rest of section 24 of the Conservation Act 1987 in relation to all or part of that site.

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

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

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10. PROVISIONS SPECIFYING TERMS OF VESTING

10.11.1 a reserve site that -

- (a) the land is subject to Part 4A of the Conservation Act 1987; but
- (b) section 24 of that Act does not apply; and
- (c) the land is subject to paragraphs 10.10.4; and

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

10.12 The settlement legislation is to provide that a notification made under paragraph 10.11 that land is subject to Part 4A of the Conservation Act 1987 is to be treated as having been made in compliance with section 24D(1) of that Act.

Removal of notifications from computer freehold register to be provided for

10.13 The settlement legislation is to provide that -

10.13.1 if the reservation of a reserve site is revoked, in relation to -

- (a) all of the site, the Director-General of Conservation is to apply in writing to the Registrar-General of Land to remove from the computer freehold register for the site the notifications that -
 - (i) section 24 of the Conservation Act 1987 does not apply to the site; and
 - (ii) the site is subject to paragraphs 10.10.4; or
- (b) part of the site, the Registrar-General of Land is to ensure that the notifications referred to in paragraph (a) remain on the computer freehold register only for the part of the site that remains a reserve; and

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

Application of other legislation to be dealt with

10.14 The settlement legislation is to provide -

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

10.14.2 section 11 and Part 10 of the Resource Management Act 1991 are not to apply to -

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10. PROVISIONS SPECIFYING TERMS OF VESTING

- (a) the vesting of the fee simple estate in a cultural redress property under the settlement legislation; or
 - (b) any matter incidental to, or required for the purpose of, the vesting; and
- 10.14.3 the vesting of the fee simple estate in a cultural redress property under the settlement legislation is not to -
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (b) affect other rights to subsurface minerals; and
- 10.14.4 the permission of a council under section 348 of the Local Government Act 1974 is not to be required for laying out, forming, granting, or reserving a private road, private way, or right of way required to fulfil the terms of this deed in relation to a cultural redress property.

11 PROVISIONS RELATING TO RESERVE SITES

General

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

Application of Reserves Act 1977 to be dealt with

- 11.2 The settlement legislation is to provide that:
- 11.2.1 the governance entity is to be the administering body of a reserve site for the purposes of the Reserves Act 1977; and
 - 11.2.2 despite sections 48A(6), 114(5), and 115(6) of the Reserves Act 1977, sections 48A, 114, and 115 of that Act apply to a reserve site; and
 - 11.2.3 sections 78(1)(a), 79 to 81, and 88 of the Reserves Act 1977 do not apply to a reserve site; and
 - 11.2.4 if the reservation under the settlement legislation of a reserve site is revoked under section 24 of the Reserves Act 1977 in relation to all or part of the site,-
 - (a) section 25(2) of that Act applies to the revocation; but
 - (b) the other provisions of section 25 do not apply.

Subsequent transfer of certain reserve sites to be provided for

- 11.3 The settlement legislation is to provide that -
- 11.3.1 this paragraph is to apply to all, or any part, of a reserve site (other than Te Rī o Ruahine and Te Rī o Tamarāwaho) that remains a reserve at any time after the vesting in the governance entity under the settlement legislation (the **reserve land**); and
 - 11.3.2 the fee simple estate in the reserve land may be transferred to another person only in accordance with this paragraph; and
 - 11.3.3 paragraph 11.3.2 is to apply despite any other enactment or rule of law; and
 - 11.3.4 the Minister of Conservation is to give written consent to the transfer of the fee simple estate in reserve land to another person (the **new owner**) if, upon written application, the registered proprietor of the reserve land satisfies the Minister that the new owner is able to -
 - (a) comply with the Reserves Act 1977; and

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11. PROVISIONS RELATING TO RESERVE SITES

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

Registration of transfer to be provided for

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

- (a) the transfer instrument to transfer the fee simple estate in the reserve land to the new owner, including a notification that the new owner is to hold the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer:
- (b) the Minister of Conservation's written consent to the transfer:
- (c) any other document required for the registration of the transfer instrument; and

New owners are to be the administering body

11.3.6 the new owner, from the time of its registration under paragraph 11.3.5, -

- (a) is to be the administering body of the reserve land for the purposes of the Reserves Act 1977; and
- (b) holds the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer; and

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

11.3.7 paragraphs 11.3.1 to 11.3.6 are not to apply to the transfer of the fee simple estate in reserve land if -

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

Subsequent transfer of Te Rī o Ruahine or Te Rī o Tamarāwaho to be provided for

11.4 The settlement legislation is to provide that -

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- 11.4.1 this paragraph is to apply to all, or any part, of Te Rī o Ruahine or Te Rī o Tamarāwaho that remains a reserve at any time after the vesting in the governance entity under the settlement legislation (the **reserve land**); and
- 11.4.2 the fee simple estate in the reserve land may be transferred only to a hapū entity or to the Ngāti Rangiwewehi post settlement governance entity and only in accordance with this paragraph; and
- 11.4.3 paragraph 11.4.2 is to apply despite any other enactment or rule of law; and
- 11.4.4 the Minister of Conservation is to give written consent to the transfer of the fee simple estate in reserve land to another person (the **new owner**) if, upon written application, the registered proprietor of the reserve land satisfies the Minister that the new owner is able to -
- (a) comply with the Reserves Act 1977; and
 - (b) perform the obligations of an administering body under that Act; and

Registration of transfer to be provided for

- 11.4.5 the Registrar-General of Land, upon receiving the following documents, is to register the new owner as the proprietor of the estate in fee simple in the reserve land:
- (a) the transfer instrument to transfer the fee simple estate in the reserve land to the new owner, including a notification that the new owner is to hold the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer:
 - (b) the Minister of Conservation's written consent to the transfer:
 - (c) any other document required for the registration of the transfer instrument; and

New owners are to be the administering body

- 11.4.6 the new owner, from the time of its registration under paragraph 11.4.5, -
- (a) is to be the administering body of the reserve land for the purposes of the Reserves Act 1977; and
 - (b) holds the reserve land for the same reserve purpose as it was held by the administering body immediately before the transfer; and

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

- 11.4.7 paragraphs 11.4.1 to 11.4.6 are not to apply to the transfer of the fee simple estate in reserve land if -

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

Reserve site is not to be mortgaged or charged

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

Bylaws etc in relation to reserve sites to be saved

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

Application of legislation to certain names

- 11.7 The settlement legislation is to provide that -

11.7.1 paragraph 11.7.2 applies to the land, or part of the land, in a cultural redress property that, immediately before the commencement of the settlement legislation, was all of part of a Crown protected area;

11.7.2 the official geographic name of the Crown protected area is discontinued in respect of the land, or part of the land, and the Board must amend the Gazetteer accordingly;

11.7.3 a reserve site is not a Crown protected area, despite anything in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008;

11.7.4 the Minister of Conservation must not change the name of a reserve site under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the site, and section 16(10A) of that Act does not apply to the proposed change; and

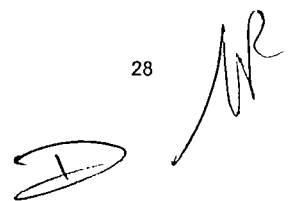
11.7.5 in this paragraph, the following terms have the meaning given by section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:

- (a) Board;

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11. PROVISIONS RELATING TO RESERVE SITES

- (b) Crown protected area;
- (c) Gazetteer; and
- (d) official geographic name.

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12 PROVISIONS RELATING TO COMMERCIAL REDRESS PROPERTIES

General

- 12.1 The settlement legislation is to include provisions in relation to the transfer of the commercial redress properties on the terms provided by this part.

Crown to be authorised to transfer commercial redress properties

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

12.2.1 transfer to the governance entity the fee simple estate and where applicable, the leasehold estate in a commercial redress property;

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

- 12.3 The authority under paragraph 12.2 is to be given to give effect to this deed.

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

- 12.4 Paragraphs 12.4 to 12.8 are to apply to -

12.4.1 a commercial redress property to the extent that -

- (a) it is not all of the land contained in a computer freehold register; or
- (b) there is no computer freehold register for all or part of the property.

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

12.5.1 subject to, and together with, any encumbrances that -

- (a) are registered, notified, or notifiable; and
- (b) are described in the written application; and

12.5.2 without any statement of purpose.

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12. PROVISIONS RELATING TO COMMERCIAL REDRESS PROPERTIES

Covenant for later creation of freehold register to be permitted

12.5.3 An authorised person is to be permitted to grant a covenant to arrange for the later creation of a computer freehold register for a transfer property that is to be transferred to the governance entity under the deed of settlement.

12.6 The settlement legislation is to provide that, despite the Land Transfer Act 1952, -

12.6.1 the authorised person may request the Registrar-General of Land to register a covenant granted in accordance with paragraph 12.6 under the Land Transfer Act 1952 by creating a computer interest register; and

12.6.2 the Registrar-General must register the covenant.

Application of other legislation

12.7 The settlement legislation is to provide -

12.7.1 sections 11 and part 10 of the Resource Management Act 1991 do not apply to -

- (a) the transfer to the governance entity of a commercial redress property; or
- (b) any matter incidental to, or required for the purpose of, the transfer; and

12.7.2 the transfer of a commercial redress property to the governance entity -

- (a) does not -
 - (i) limit section 10 or 11 of the Crown Minerals Act 1991; or
 - (ii) affect other rights to subsurface minerals; or
- (b) is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A, and 24AA of that Act do not apply to the disposition; and

12.7.3 in exercising the powers conferred by paragraphs 12.2 and 12.3, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a commercial redress property; and

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

12.8 Paragraph 12.7.3 does not limit paragraph 12.7.2.

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12. PROVISIONS RELATING TO COMMERCIAL REDRESS PROPERTIES

Puwhenua Forest Lands

- 12.9 Paragraphs 12.10 to 12.20 apply if Puwhenua Forest Lands is to be transferred to the governance entity.
- 12.10 On the settlement date the Puwhenua Forest Lands and any forestry assets associated with that land cease to be Crown forestry assets.

Forestry rights after transfer

- 12.11 At the time of a transfer referred to in paragraph 12.9, any lessee of the Puwhenua Forest Lands under registered lease H773890 is to be treated as if the lessee had been appointed, under section 24H(1) of the Conservation Act 1987, to be the manager of any marginal strip within the Puwhenua Forest Lands.
- 12.12 The lessee may do one or more of the following things in relation to the marginal strip:
- 12.12.1 exercise the powers of a manager under section 24H of the Conservation Act 1987;
 - 12.12.2 establish, develop, grow, manage, and maintain a forest on the marginal strip as if the marginal strip were subject to the lease of the unlicensed land;
 - 12.12.3 exercise the lessee's rights under the lease of the unlicensed land as if the marginal strip were subject to the lease.

Access to Puwhenua Forest Lands

Right of access to protected site

- 12.13 The owner of the land on which a protected site is situated and any person holding an interest in, or right of occupancy to, that land must allow access across the land to each protected site to Māori for whom the protected site is of special spiritual, cultural, or historical significance.
- 12.14 The right of access may be exercised by vehicles or by foot over any reasonably convenient routes specified by the owner.
- 12.15 The right of access is subject to the following conditions:
- 12.15.1 a person intending to exercise the right of access must give the owner reasonable notice of his or her intention to exercise that right; and
 - 12.15.2 the right of access may be exercised only at reasonable times and during daylight hours; and
 - 12.15.3 a person exercising the right of access must observe any reasonable conditions imposed by the owner relating to the time, location, or manner of access as are reasonably required -

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- (a) for the safety of people; or
- (b) for the protection of land, improvements, flora and fauna, plant and equipment, or livestock; or
- (c) for operational reasons.

Right of access subject to Crown forestry licence

12.16 The right of access conferred by paragraph 12.13 is subject to and does not override the terms of any lease, except where the lessee has agreed to an exercise of the right of access.

12.17 An amendment to a lease will be of no effect to the extent that it purports to -

12.17.1 delay the date from which a person who has a right of access clause 12.13 may exercise that right; or

12.17.2 otherwise adversely affect the right of access.

Registrar-General must note right of access

12.18 The Registrar-General must, in accordance with a written application by an authorised person, make a notation on the computer freehold register for Puwhenua Forest Lands that the land is subject to the right of access set out in paragraph 12.13.

12.19 An application must be made as soon as is reasonably practicable after the settlement date.

12.20 However, if a computer freehold register has not been created by the settlement date or the actual deferred selection settlement date, as the case may be, an application must be made as soon as is reasonably practicable after the register has been created.

13 RFR PROVISIONS

General

- 13.1 The settlement legislation is to provide for a right of first refusal over certain land in favour of the governance entity on the terms of this part 13.

Definitions to be provided

- 13.2 The settlement legislation is to provide that in the provisions creating that right of first refusal:

13.2.1 **dispose of**, in relation to RFR land, -

(a) means to -

- (i) transfer or vest the fee simple estate in the land; or
- (ii) grant a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), for 50 years or longer; but

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

- (i) mortgage, or give a security interest in, the land; or
- (ii) grant an easement over the land; or
- (iii) consent to an assignment of a lease, or to a sub-lease, of the land; or
- (iv) remove an improvement, fixture, or fitting from the land; and

13.2.2 **expiry date**, in relation to an offer, means its expiry date under paragraphs 13.6.1 and 13.7; and

13.2.3 **nominee** has the meaning given to it by paragraph 13.10.1; and

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

13.2.5 **offer** means an offer, made in accordance with paragraph 13.6, by an RFR landowner to dispose of RFR land to the governance entity; and

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

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13.2.7 **RFR landowner**, in relation to RFR land, -

- (a) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and
- (b) means a Crown body if it holds the fee simple estate in the land; and
- (c) includes a local authority to whom RFR land has been disposed of under paragraph 13.11.2; but
- (d) to avoid doubt, does not include an administering body in which RFR land is vested; and

13.2.8 **RFR period** means the period of 171 years from the settlement date.

RFR land defined

13.3 **RFR land** means:

- (a) the land described in appendix 3 of the attachments to this deed if, on the settlement date, Housing New Zealand Corporation holds the fee simple estate in the land; and
- (b) land obtained in exchange for a disposal of RFR land under paragraph 13.12.5(c) or 13.12.6; and

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

13.4.1 the fee simple estate in the land transfers from the RFR landowner to -

- (a) the governance entity (or a nominee); or
- (b) any other person (including the Crown or a Crown body) in accordance with paragraph 13.5.3; or

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

- (a) paragraphs 13.12 or 13.13.1; or
- (b) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.14; or
- (c) the RFR period ends.

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13. RFR PROVISIONS

Restrictions on disposal of RFR land to be provided

- 13.5 The settlement legislation is to provide that an RFR landowner must not dispose of RFR land to a person other than the governance entity, or its nominee, unless the land is disposed of -
- 13.5.1 under paragraphs 13.11, 13.12 or 13.13.1; or
 - 13.5.2 under an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.14; or
 - 13.5.3 within two years after the expiry date of an offer by the RFR landowner to dispose of the land to the governance entity, if the offer was -
 - (a) made in accordance with paragraph 13.6; and
 - (b) on terms that were the same as, or more favourable to the governance entity than, the terms of the disposal to the person; and
 - (c) not withdrawn under paragraph 13.8; and
 - (d) not accepted under paragraph 13.9.

Requirements for offer to governance entity to be specified

- 13.6 An offer by an RFR landowner to dispose of RFR land to the governance entity must be by written notice to the governance entity, incorporating -
- 13.6.1 the terms of the offer, including its expiry date; and
 - 13.6.2 a legal description of the land, including -
 - (a) the reference for any computer freehold register that contains the land; and
 - (b) any encumbrances affecting it; and
 - 13.6.3 a street address for the land (if applicable); and
 - 13.6.4 a street address, postal address, and fax number for the governance entity to give notices to the RFR landowner in relation to the offer.

Expiry date of offer to be required

- 13.7 The settlement legislation is to specify that the expiry date of an offer -
- 13.7.1 must be on or after the 20th business day after the day on which the governance entity receives notice of the offer; but

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- 13.7.2 may not be on or after the 10th business day after the day on which the governance entity receives notice of the offer if -
- (a) the governance entity has received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was no earlier than 6 months before the expiry date of the later offer; and
 - (c) the earlier offer was not withdrawn.

Withdrawal of offer to be permitted

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

Acceptance of offer and formation of contract to be provided for

- 13.9 The settlement legislation is to provide that -

- 13.9.1 the governance entity may, by notice to the RFR landowner who made an offer, accept the offer if -
- (a) it has not been withdrawn; and
 - (b) its expiry date has not passed; and
- 13.9.2 the governance entity must accept all the RFR land offered unless the offer permits them to accept less; and
- 13.9.3 if the governance entity accepts an offer by an RFR landowner to dispose of RFR land -
- (a) a contract for the disposal of the land is formed between the landowner and the governance entity on the terms in the offer; and
 - (b) the terms of the contract may be varied by written agreement between the RFR landowner and the governance entity.

Transfer to governance entity or a nominee to be provided for

- 13.10 The settlement legislation is to provide that if a contract for the disposal of RFR land is formed between an RFR landowner and the governance entity under paragraph 13.9.3 -
- 13.10.1 the RFR landowner will dispose of the RFR land to -
- (a) the governance entity; or

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- (b) in the case of a transfer of the fee simple estate, a person nominated by the governance entity (a nominee) under paragraph 13.10.2; and
- 13.10.2 the governance entity may nominate a nominee by giving written notice -
- (a) to the RFR landowner at least 10 business days before the RFR land is to be transferred under the contract for disposal of the RFR land; and
- (b) providing the name of, and all other relevant details about, the nominee; and
- 13.10.3 the governance entity may only nominate as nominee a person who is lawfully entitled to take a disposal of, and hold, the RFR land; and
- 13.10.4 if the governance entity nominates a nominated transferee, the governance entity remains liable for all the governance entity's obligations under the contract for disposal of the RFR land.

Certain disposals by RFR landowner permitted but land remains RFR land

- 13.11 The settlement legislation is to permit an RFR landowner to dispose of RFR land -

To the Crown or Crown bodies

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

If a public work

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

For reserves purposes

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

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

- 13.12 The settlement legislation is to permit an RFR landowner to dispose of RFR land -

Under legislative and rule of law obligations

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

Under legal or equitable obligations

- 13.12.2 in accordance with a legal or equitable obligation that -

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- (a) was unconditional before the settlement date; or
 - (b) was conditional before the settlement date but become unconditional on or after the settlement date; or
 - (c) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
- 13.12.3 in accordance with the requirements, existing before the settlement date, of a gift, endowment, or trust relating to the land; or

Under certain legislation

- 13.12.4 if the RFR landowner is the Crown, in accordance with -
- (a) section 54(1)(d) of the Land Act 1948; or
 - (b) section 355(3) of the Resource Management Act 1991; or
 - (c) subpart 3 of part 2 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

Public Works land

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

For reserves or conservation purposes

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

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For charitable purposes

13.12.7 as a gift for charitable purposes; or

Disposal by Housing New Zealand Corporation

13.12.8 to any person if Housing New Zealand Corporation has given notice to the trustees of the governance entity that, in Housing New Zealand Corporation's opinion, the disposal is to give effect, or assist in giving effect to, the Crown's social objectives in relation to housing or services relating to housing.

Certain matters to be clarified

13.13 The settlement legislation is to provide, to avoid doubt, that -

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

13.13.2 if RFR land is disposed of to a local authority under paragraph 13.11.2, the local authority becomes -

(a) the RFR landowner of the land; and

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

13.13.3 if RFR land is disposed of under section 26 or 26A of the Reserves Act 1977 in accordance with paragraph 13.11.3, and the land is vested in an administering body that is not the Crown or a Crown body, -

(a) the administering body -

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

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

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

(i) the RFR landowner; and

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

RFR landowner's obligations to be subject to specified matters

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

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

13.14.2 any encumbrance, or legal or equitable obligation, that -

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

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

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

13.15 Reasonable steps, for the purposes of paragraph 13.14.2(b), are not to include steps to promote the passing of legislation.

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

13.16 The settlement legislation is to provide that -

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

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

13.16.3 the notice must -

(a) include -

(i) the reference for the computer register; and

(ii) a legal description of the land; and

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

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

(ii) the land becomes RFR land.

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

13.17 The settlement legislation is to require that -

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

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13.17.2 the notice must -

- (a) be given on or before the day that is 20 business days before the disposal; and
- (b) include a legal description of the land, including any encumbrances affecting it; and
- (c) include a street address for the land (if applicable); and
- (d) identify the person to whom the land is being disposed to; and
- (e) explain how the disposal complies with paragraph 13.5; and
- (f) if the disposal is made under paragraph 13.5.3, include a copy of any written contract for the disposal.

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

13.18 The settlement legislation is to provide that -

13.18.1 the RFR landowner is to give the chief executive of LINZ notice if land is to cease being RFR land because the RFR landowner is to -

- (a) transfer the fee simple estate in the land to -
 - (i) the governance entity or its nominee; or
 - (ii) any other person (including the Crown or a Crown body) under paragraph 13.5.3; or
- (b) transfer or vest the fee simple estate in the land to or in a person (other than the Crown or a Crown body) under -
 - (i) paragraphs 13.12 or 13.13.1; or
 - (ii) an enactment, rule of law, encumbrance, legal or equitable obligation, mortgage or security interest referred to in paragraph 13.14; and

13.18.2 the notice must -

- (a) give notice that the land is to cease being RFR land; and
- (b) include a legal description of the land; and
- (c) specify the details of the transfer or vesting of the land that will result in it ceasing to be RFR land; and

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- (d) be given as early as practicable before the transfer or vesting.

Notice provisions to be specified

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

Notice requirements

- 13.19.1 must be in writing; and

- 13.19.2 signed by -

- (a) the person giving it; or
- (b) in the case of the governance entity, at least two of the trustees for the time being of the governance entity; and

- 13.19.3 addressed to the recipient at the street address, postal address, or fax number -

- (a) specified for the governance entity in accordance with this deed, in the case of a notice to the governance entity; or
- (b) specified by the RFR landowner in an offer made under paragraph 13.6, or in a later notice given to the governance entity, in the case of a notice to the RFR landowner; or
- (c) at the national office of LINZ, in the case of a notice given to the chief executive of LINZ; and

- 13.19.4 given by -

- (a) delivering it by hand to the recipient's street address; or
- (b) posting it to the recipient's postal address; or
- (c) faxing it to the recipient's fax number; and

Time when notice received

- 13.19.5 is to be treated as having been received -

- (a) at the time of delivery, if delivered by hand; or
- (b) on the second day after posting, if posted; or
- (c) at the time of transmission, if faxed;

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13. RFR PROVISIONS

13.19.6 however, is to be treated as having been received on the next business day if, under paragraph 13.19.5, it would be treated as having been received -

- (a) after 5 pm on a business day; or
- (b) on a day that is not a business day.

Provision for recording of memorials on RFR land to be made

13.20 The settlement legislation is to provide that -

Certificates identifying RFR land to be issued

13.20.1 the chief executive of LINZ must -

- (a) issue to the Registrar-General of Land certificates that identify -
 - (i) the RFR land for which there is a computer register on the settlement date; and
 - (ii) the RFR land for which a computer register is first created after the settlement date; and
 - (iii) land for which there is a computer register that becomes RFR land after the settlement date; and
- (b) provide a copy of each certificate to the governance entity as soon as reasonably practicable after issuing it; and

13.20.2 a certificate issued under paragraph 13.20.1 must -

- (a) state that is issued under this section; and
- (b) be issued as soon as reasonably practicable after -
 - (i) the settlement date, in the case of RFR land for which there is a computer register on settlement date; or
 - (ii) receiving notice under paragraph 13.16 that a computer register has been created for the RFR land or that the land has become RFR land; and

Memorials to be recorded

13.20.3 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 13.20.1, record on the computer register for the RFR land identified in the certificate that the land is -

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13. RFR PROVISIONS

- (a) RFR land; and
- (b) subject to this part (which restricts disposal, including leasing, of the land).

Provision for removal of memorials from RFR land to be made

13.21 The settlement legislation is to provide that -

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

13.21.1 the chief executive of LINZ must, -

- (a) before registration of the transfer or vesting of land described in a notice received under paragraph 13.18.1, issue to the Registrar-General of Land a certificate that -
 - (i) identifies each allotment of land that is contained in a computer register that has a memorial recorded on it under paragraph 13.20.3; and
 - (ii) specifies the details of the transfer or vesting of the land; and
 - (iii) states that it is issued under this paragraph; and
- (b) as soon as reasonably practicable after issuing a certificate, provide a copy of it to the governance entity; and

Memorials to be removed

13.21.2 if the Registrar-General of Land receives a certificate issued under paragraph 13.21.1, he or she must remove a memorial recorded under paragraph 13.20.3 from any computer register for land identified in the certificate before registering the transfer or vesting of RFR land; or

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

13.21.3 the chief executive of LINZ must -

- (a) as soon as reasonably practicable after the RFR period ends, issue to the Registrar-General of Land a certificate that -
 - (i) identifies each computer register that has a memorial recorded on it under paragraph 13.20.3; and
 - (ii) states that it is issued under this paragraph; and

LEGISLATIVE MATTERS

13. RFR PROVISIONS

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

Memorials to be removed

- 13.21.4 the Registrar-General of Land must, as soon as reasonably practicable after receiving a certificate issued under paragraph 13.21.3, remove a memorial recorded under paragraph 13.20.3 from any computer register identified in the certificate.

General provisions to be included

- 13.22 The settlement legislation is to provide that -

Waive and variation of rights to be permitted

- 13.22.1 the governance entity may, by notice to an RFR landowner, waive any or all of the rights the governance entity has in relation to the landowner under this part; and
- 13.22.2 the RFR landowner and the governance entity may agree in writing to vary or waive any of the rights each has in relation to the other under this part; and
- 13.22.3 a waiver or agreement under paragraphs 13.22.1 or 13.22.2 is on the terms, and applies for the period, specified in it; and

Crown's ability to dispose of Crown bodies not affected

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

Assignment of RFR right

- 13.22.5 paragraph 13.22.6 will apply if, at any time, an RFR holder:
 - (a) assigns the RFR holder's RFR rights to an assignee in accordance with the RFR holder's constitutional documents; and
 - (b) has given the notices required by paragraph 13.22.7;
- 13.22.6 this part will apply, with all necessary modifications, to an assignee as if the assignee were the trustee[s of the governance entity];
- 13.22.7 an RFR holder must give a notice to each RFR landowner:
 - (a) stating that the RFR rights of the RFR holder are to be assigned under paragraphs 13.22.5 to 13.22.8; and
 - (b) specifying the date of the assignment; and

LEGISLATIVE MATTERS

13. RFR PROVISIONS

- (c) specifying the name of the assignee and, if assignee are the trustees of a trust, the name of the trust; and
- (d) specifying the street or postal address or fax number for notices to the assignee;

13.22.8 in paragraphs 13.22.5 to 13.22.7:

- (a) **assignee** means one or more persons to whom an RFR holder assigns the RFR rights;
- (b) **constitutional documents** means, as the case requires, the trust deed of the trustees [of the governance entity] or the constitutional document of an assignee;
- (c) **RFR holder** means, as the case requires:
 - (i) the trustees of the governance entity; or
 - (ii) an assignee;
- (d) **RFR rights** means the rights and obligations provided for by or under this part.

14 MISCELLANEOUS PROVISIONS

Interpretation

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

Guide to the settlement legislation

- 14.2 The settlement legislation is to -
- 14.2.1 include a guide to its overall scheme and effect; but
 - 14.2.2 provide the guide does not affect the interpretation or application of -
 - (a) the other provisions of the settlement legislation; or
 - (b) this deed.

Application of perpetuities rule removed

- 14.3 the settlement legislation is to provide that the rule against perpetuities, and the perpetuities Act 1964, -
- 14.3.1 are not to prescribe or restrict the period during which -
 - (a) the Ngā Hapū o Ngāti Ranginui Settlement Trust may exist in law; and
 - (b) the trustees of the governance entity, in their capacity as trustees, may hold or deal with property (including income derived from property); or
 - 14.3.2 are not to apply to a settlement document if the application of that rule, or the provisions of that Act, would otherwise make the document, or a right conferred by the document, invalid or ineffective; and
 - 14.3.3 may, however, be applied in accordance with the general law to the Ngā Hapū o Ngāti Ranginui Settlement Trust if it is, or becomes, a charitable trust.

Timing of actions or matters

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

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14. MISCELLANEOUS PROVISIONS

Access to this deed

- 14.5 The Chief Executive of the Ministry of Justice is to be required to make copies of this deed available -
- 14.5.1 for inspection free of charge, and for purchase at a reasonable price, at the head office of the Ministry of Justice in Wellington during working hours on any business day; and
 - 14.5.2 free of charge on an Internet site maintained by or on behalf of the Ministry of Justice.

15 MĀORI RESERVATION

General

15.1 The settlement legislation is to provide that:

15.1.1 the properties described in table 1, part 4 of the property redress schedule and marked with an asterisk are set apart as individual Māori reservations as if those sites were set apart under section 338(1) of Te Ture Whenua Māori Act 1993:

- (a) for marae and associated papakainga housing purposes; and
- (b) to be held on trust by the governance entity for the benefit of Ngā Hapū o Ngāti Ranginui;

15.1.2 the Māori reservations so established are held under the following terms as if the Māori Land Court had set out the terms of trust pursuant to section 338(8) of Te Ture Whenua Māori Act 1993:

- (a) except as provided in clause 15.1.3 the properties held as Māori reservations will be inalienable;
- (b) the properties will be held to restore and preserve land holdings within the rohe of Ngā Hapū o Ngāti Ranginui to:
 - (i) recognise and support the relationship of Ngā Hapū o Ngāti Ranginui and their culture and traditions with their ancestral lands; and
 - (ii) support the use of the land by whānau of Ngā Hapū o Ngāti Ranginui for traditional purposes; and
- (c) the properties will be held to recognise and take account of the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere) for Ngā Hapū o Ngāti Ranginui;

15.1.3 the properties are to be held by the governance entity but any one or more of the properties may be transferred to and held by a hapū entity of the hapū associated with the property (as shown in part 4 of the property redress schedule);

15.1.4 nothing in Part 17 of Te Ture Whenua Māori Act 1993 or any regulations made under section 338(15) of that Act shall apply to the Māori reservations established under clause 15.1.1 save that:

- (a) with the exception of those terms of trust set out in clause 15.1.2, the Māori Land Court shall have the jurisdiction, on the application from time

LEGISLATIVE MATTERS

15. MĀORI RESERVATION

to time of the governance entity, to amend the terms of the trust of the Māori reservations in accordance with section 338(8) of Te Ture Whenua Māori Act 1993; and

- (b) on the recommendation of the Māori Land Court, the chief executive of Te Puni Kōkiri, by notice in the *Gazette*, may, in accordance with section 338(5)(a) and (b) of Te Ture Whenua Māori Act 1993, exclude from any Māori reservation established under clause 15.1.1 any part of the land comprised in it or cancel the reservation;
- 15.1.5 sections 18(1)(c), 18(1)(d), 19(1)(a), 20, 24, 26, 194 and 342 of Te Ture Whenua Māori Act 1993 apply to the properties held as Māori reservations as if those properties were Māori freehold land;
- 15.1.6 section 108(9) of the Resource Management Act 1991 applies to the properties held as Māori reservations as if those properties were Māori land within the meaning of Te Ture Whenua Māori Act 1993;
- 15.1.7 for the purposes of the Local Government (Rating) Act 2002 the properties held as Māori reservations are to be treated as land used for the purposes of a marae;
- 15.1.8 the Registrar-General shall not be required to create a separate computer freehold register where, pursuant to clause 15.1.1, only part of the land contained in a computer freehold register is set apart as a Māori Reservation.

16 PROVISIONS RELATING TO CONTINGENT PROPERTIES

16.1 In relation to each contingent property that is to transfer to the governance entity, in accordance with part 9 of the property redress schedule, the settlement legislation is to provide that:

16.1.1 Immediately before the transfer in respect of any part of a contingent property that is:

- (a) a reserve; or
- (b) a conservation area;

the following is to apply:

- (i) the reservation as a reserve subject to the Reserves Act 1977 is revoked; or
- (ii) the conservation area ceases to be conservation area under the Conservation Act 1987.

16.1.2 Immediately upon transfer the property is declared a reserve and classified as a scenic reserve for the purposes specified in section 19(1)(a) of the Reserves Act 1977.

16.1.3 References to a reserve site include a contingent property.

16.1.4 Paragraphs 4.4, 4.5, 4.6, 4.7, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.7.2(a), 12.7.3, 12.7.4, and 12.8 (with reference to paras 12.7.2(a) and 10.10.1 and 10.10.2) will apply. However, references to commercial redress property will be references to contingent property.

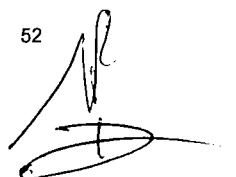
16.1.5 Paragraphs 10.10, 10.11, 10.12, 10.13, 10.14.1, 11.2, 11.3, 11.5, 11.6, 11.7 will apply. However, references to cultural redress property will be references to contingent property.

16.1.6 Any easement required to be granted by the governance entity over a contingent property to fulfill the terms of transfer;

- (a) is enforceable in accordance with its terms, despite the provisions of the Reserves Act 1977; and
- (b) is to be treated as having been granted in accordance with that Act.

APPENDIX

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LEGISLATIVE MATTERS

APPENDIX

1 CULTURAL REDRESS PROPERTIES

Vest fee simple as a scenic reserve

Name of site	Description	Encumbrances
Omanawa River site	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>198.0000 hectares, more or less, being Section 1 SO 60416. Part <i>Gazette</i> 1865 page 187.</p> <p>As shown on OTS-078-003</p>	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Te Rī o Tamarāwaho	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>76.0808 hectares, more or less, being Section 1 Block III Rotorua Survey District.</p> <p>Part <i>Gazette</i> 1920 page 2107.</p> <p>As shown on OTS-078-007</p>	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Te Rī o Ruahine	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>37.97 hectares, approximately, being Part Section 22 Block XV Otanewainuku Survey District. Part <i>Gazette</i> 1947 page 481.</p> <p>59.62 hectares, approximately, being Parts Section 23 Block XV Otanewainuku Survey District. Part <i>Gazette</i> 1920 page 2116.</p> <p>Subject to survey.</p> <p>As shown on OTS-078-008</p>	Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.
Ohauti	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>86.2200 hectares, more or less, being Lot 3 DPS 33047. All Computer Freehold Register SA31B/747.</p> <p>As shown on OTS-078-019</p>	<p>Scenic Reserve subject to section 19(1)(a) Reserves Act 1977.</p> <p>Subject to a Right of Way over part marked A on DPS 33047, specified in Easement Certificate H521206.4.</p>

LEGISLATIVE MATTERS

APPENDIX: 1. CULTURAL REDRESS PROPERTIES

Name of site	Description	Encumbrances
Wainui River site	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>47.7782 hectares, more or less being Allotment 335 Apata Parish. All <i>Gazette</i> 1974 page 945.</p> <p>As shown on OTS-078-006</p>	<p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.</p> <p>Subject to an unregistered national plant pest control trial.</p>
Tahawai	<p><i>South Auckland Land District –Western Bay of Plenty District</i></p> <p>9.04 hectares, approximately, being Part Lot 9 DP 5099. Part <i>Gazette</i> 1982 page 1932.</p> <p>0.96 hectares, approximately, being Part Section 3 Block XI Aongatete Survey District. Part <i>Gazette</i> 1982 page 4169.</p> <p>Subject to survey.</p> <p>As shown on OTS-078-016</p>	<p>Scenic reserve subject to section 19(1)(a) of the Reserves Act 1977.</p> <p>Subject to unregistered hunting permits.</p>

Vest fee simple as a recreation reserve subject to an easement

Name of site	Description	Encumbrances
Waimanu ki uta	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>80.00 hectares, approximately, being Part Waimanu 1F. Part <i>Gazette</i> 1982 page 1932.</p> <p>Subject to survey.</p> <p>As shown on OTS-078-004</p>	<p>Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to an unregistered Guiding permit No: BP-223723-GUI to Golden Fern Trust dated 22 September 2010.</p> <p>Subject to unregistered hunting permits.</p> <p>Subject to unregistered possum control permits Current permit issued to Dave Muspratt (expires 14 June 2012).</p> <p>Subject to the right of way easement in gross to the Minister of Conservation referred to in paragraph 9.4.5.</p>
Te Awa Ngāumuwahine site	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>55.0 hectares, approximately, being Part Section 10 Block III Opoutihi Survey District. [Part Computer Freehold Register SA137/53.]</p> <p>Subject to survey.</p> <p>As shown on OTS-078-021</p>	<p>[Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to right of way easement in gross to the Minister of Conservation referred to in paragraph 9.7.5.]</p>

LEGISLATIVE MATTERS

APPENDIX: 1. CULTURAL REDRESS PROPERTIES

Name of site	Description	Encumbrances
Te Wai o Ngāumuwahine site	<p><i>South Auckland Land District - Western Bay of Plenty District</i></p> <p>60.0 hectares, approximately, being part Lots 22,23,24 and 25 DP 5099 and Part Waimanu 1F. Part Gazette 1982 p 1932.</p> <p>Subject to survey.</p> <p>As shown on OTS-078-12</p>	<p>Recreation reserve subject to Section 17 of the Reserves Act 1977.</p> <p>Subject to unregistered hunting permits.</p> <p>Subject to right of way easement in gross to the Minister of Conservation referred to in paragraph 9.8.5.</p> <p>Subject to an unregistered concession to Golden Fern Trust with concession number BP-23723-GUI (dated 22 September 2010).</p> <p>Subject to unregistered possum control permits. Current permit issued to Graeme Owen (expires 30/06/2012).</p>

Vest fee simple as a recreation reserve

Name of site	Description	Encumbrances
Waikareao Estuary site	<p><i>South Auckland Land District – Tauranga City</i></p> <p>0.6 hectares, approximately, being Part Marginal Strip adjoining Lot 15 DPS 3403 Huria A22 and A23 and Parts Huria E and Ngai Tamarawaho Crescent.</p> <p>Subject to survey.</p> <p>As shown on OTS-078-010</p>	<p>Recreation reserve subject to Section 17 of the Reserves Act 1977.</p> <p>Subject to an unregistered variation of concession licence No: BP 22916-OTH to Tauranga City Council for public toilet block, seating, walkway and carpark.</p>
Waireia	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>121.4056 hectares, more or less, being Waimanu 1B. Part Proclamation 1853.</p> <p>As shown on OTS-078-005</p>	<p>Recreation reserve subject to section 17 of the Reserves Act 1977.</p> <p>Subject to unregistered hunting permits.</p> <p>Subject to historic grazing associated with a give and take fencing arrangement.</p>

Vest fee simple subject to conservation covenant

Name of site	Description	Encumbrances
Oraeroa	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>10.00 hectares, approximately, being Part Lot 9 DP 5099. Part Gazette 1982 page 1932.</p> <p>Subject to survey.</p> <p>As shown on OTS-078-015</p>	<p>Subject to unregistered hunting permits.</p> <p>Subject to the conservation covenant referred to in paragraph 9.16.3.</p>

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APPENDIX: 1. CULTURAL REDRESS PROPERTIES

Name of site	Description	Encumbrances
Te Kaki	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>3.6 hectares, approximately, being Part Section 10 Block XIV Otanewainuku Survey District. Part <i>Gazette</i> 1922 page 3069.</p> <p>Subject to survey.</p> <p>As shown on OTS-078-009</p>	<p>Subject to unregistered hunting permits.</p> <p>Subject to the conservation covenant referred to in paragraph 9.15.3.</p>

Vest fee simple subject to leaseback

Name of site	Description	Encumbrances
Omokoroa School site	<p><i>South Auckland Land District - Tauranga City</i></p> <p>3.1976 hectares, more or less, being Lot 2 DPS 88133. All Computer Freehold Register SA69D/461.</p> <p>As shown on OTS-078-020</p>	<p>Subject to the lease referred to in paragraph 9.17.2.</p> <p>Subject to a consent notice pursuant to section 221(1) of the Resource Management Act 1991.</p> <p>Document B668716.2.</p>

Vest fee simple as a local purpose reserve

Name of site	Description	Encumbrances
Te Hopuni	<p><i>South Auckland Land District – Western Bay of Plenty District</i></p> <p>0.37 hectares, approximately, being Part Allotment 237 Te Puna Parish. Balance <i>Gazette</i> 1908 page 1249.</p> <p>Subject to survey.</p> <p>As shown on OTS-078-011</p>	<p>Local purpose (cultural centre) reserve subject to section 23 of the Reserves Act 1977.</p>

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LEGISLATIVE MATTERS

APPENDIX

2 OTHER CULTURAL REDRESS

For Control and Management

Name of site	Description
Te Wharepoti / Margaret Jackson Wildlife Management Reserve	<i>South Auckland Land District – Western Bay of Plenty District</i> 3.4805 hectares, more or less, being Part Allotment 92 Te Papa Parish. All Computer Freehold Register SA5A/642. As shown on OTS-078-017

