Statutory obligations relating to Māori or Te Tiriti o Waitangi / Treaty of Waitangi

Auckland Council 2015

BE THE HOW.
WHAKAMAUA KIA TINA!

Auckland Council
Te Kaunihera o Tāmaki Makaurau

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1 Local Government Act 2002

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4	**Treaty of Waitangi** In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.
14	**Principles relating to local authorities** (1) In performing its role, a local authority must act in accordance with the following principles: (c) when making a decision, a local authority should take account of— (i) the **diversity of the community**, and the community's interests, within its district or region; and (ii) the interests of future as well as current communities; and (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii); (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes; (h) in taking a sustainable development approach, a local authority should take into account— (i) the social, economic, and cultural interests of people and communities; and …
28	**Local Government Commission** There continues to be a Local Government Commission.
33	**Membership of the Commission** (1) The Commission consists of 3 members appointed by the Minister. (2) One member of the Commission— (a) must have a knowledge of tikanga Māori; and (b) is to be appointed after consultation with the Minister of Māori Affairs
40	**Local governance statements** (1) A local authority must prepare and make publicly available, following the

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	triennial general election of members, a local governance statement that includes information on— (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and (h) consultation policies; and (i) policies for liaising with, and memoranda or agreements with, Māori; and ...
Part 6	**Planning, decision-making, and accountability**
75	**Outline of Part** **This Part—** (a) sets out obligations of local authorities in relation to the making of decisions; (b) states the obligations of local authorities in relation to the involvement of Māori in decision-making processes; (c) states the obligations of local authorities in relation to consultation with interested and affected persons; (d) sets out the nature and use of the special consultative procedure;
77	**Requirements in relation to decisions** (1) A local authority must, in the course of the decision-making process,— (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
81	**Contributions to decision-making processes by Māori** (1) A local authority must— (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b). (2) A local authority, in exercising its responsibility to make judgments about the

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	manner in which subsection (1) is to be complied with, must have regard to— (a) the role of the local authority, as set out in section 11; and (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.
82	**Principles of Consultation** (1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles: (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons: (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority: (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented: (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons: (e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration: (f) that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions. (2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).
102(2)(e)	**Funding and financial policies** (1) A local authority must, in order to provide predictability and certainty about sources and levels of funding, adopt the funding and financial policies listed in subsection (2). (2) The policies are—

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	(e) a policy on the remission and postponement of rates on Māori freehold land.
108	**Policy on remission and postponement of rates on Māori freehold land** (1) If a policy adopted under section 102(1) provides for the remission of rates on Māori freehold land, the policy must state— (a) the objectives sought to be achieved by the remission of rates; and (b) the conditions and criteria to be met in order for rates to be remitted. (2) If a policy adopted under section 102(1) provides for the postponement of the requirement to pay rates on Māori freehold land, the policy must state— (a) the objectives sought to be achieved by a postponement of the requirement to pay rates; and (b) the conditions and criteria to be met in order for the requirement to pay rates to be postponed. (3) For the avoidance of doubt, a policy adopted under section 102(1) is not required to provide for the remission of, or postponement of the requirement to pay, rates on Māori freehold land. (4) In determining a policy under section 102(1), the local authority must consider the matters set out in Schedule 11. (4A) A policy adopted under section 102(1) must be reviewed at least once every 6 years using the special consultative procedure. (5) For the purposes of this section, the term rates includes penalties payable on unpaid rates.
138	**Restriction on disposal of parks (by sale or otherwise)** (1) A local authority proposing to sell or otherwise dispose of a park or part of a park must consult on the proposal before it sells or disposes of, or agrees to sell or dispose of, the park or part of the park. (2) In this section,— **dispose of**, in relation to a park, includes the granting of a lease for more than 6 months that has the effect of excluding or substantially interfering with the public's access to the park **park**— (a) means land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; but (b) does not include land that is held as a reserve, or part of a reserve, under the Reserves Act 1977.
149	**Power of regional councils to make bylaws** (2) Without limiting the generality of subsection (1), bylaws may be made in relation

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	to the matters listed in subsection (1) for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of,— (b) sites or places on land of the regional council that have cultural, historical, recreational, scientific, or other community or amenity values.
197(2)	**Interpretation** **development contribution** means a contribution**—** (a) provided for in a development contribution policy of a territorial authority; and (b) calculated in accordance with the methodology; and (c) comprising— (i) money; or (ii) land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or (iii) both.
205	**Use of development contributions for reserves** A territorial authority must use a development contribution received for reserves purposes for the purchase or development of reserves within its district, which may include— (d) payment, on terms and conditions the territorial authority thinks fit, to— (iii) the trustees or body corporate in whom is vested a Māori reservation to which section 340 of Te Ture Whenua Maori Act 1993 applies, to enhance the reservation for cultural or other purposes;
Schedule 3	**Reorganisation of local authorities**
clause 14	**Development of proposal** (1) This clause applies to a draft reorganisation proposal developed by the Commission to give effect to its preferred option (draft proposal). (2) A draft proposal must describe, for each affected local authority proposed to continue in existence,— (a) the type of local authority; and (b) the name of the district or region of the local authority; and (c) the nature and extent of any proposed changes to—

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	(i) the boundaries of the district or region; and (ii) the representation arrangements of the local authority; and (iii) the extent to which the areas of interest of iwi and hapū are included in the district or region; and (iv) any communities and any community boards of the local authority; and (d) any other matters the Commission considers necessary or desirable. (3) A draft proposal must describe, for each local authority proposed to be established,— (a) the type of local authority; and (b) the name of the district or region of the local authority; and (c) the boundaries of the district or region; and (d) the representation arrangements of the local authority; and (e) the names and areas of interest of iwi and hapū in the district or region; and (f) any communities and any community boards of the local authority; and (g) any other matters the Commission considers necessary or desirable
clause 20	**Consultation on proposal** (1) As soon as practicable after completing a draft proposal, the Commission must — (a) take the action that it considers necessary to ensure that the persons, bodies, and groups who may be interested in the draft proposal are informed of the proposal; and ... (c) seek the views of — ... (vii) the Chief Executive of Te Puni Kokiri; and... (x) any affected iwi and Maori organisations identified by Te Puni Kokiri; and (xi) any other persons or organisations that the Commission considers appropriate.
Schedule 7	**Local authorities and community boards, and their members**
clause 36	**Local authority to be good employer** (1) A local authority, and any other person having responsibility for the selection and management of employees of the local authority, must operate a personnel policy that complies with the principle of being a good employer.

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	(2) For the purposes of this clause, a good employer means an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring— ... (d) recognition of— (i) the aims and aspirations of Māori; and (ii) the employment requirements of Māori; and (iii) the need for greater involvement of Māori in local government employment; and ... (f) recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and ...
Schedule 10	**Long-term plans, annual plans, and annual reports**
clause 8	**Development of Māori capacity to contribute to decision-making processes** A long-term plan must set out any steps that the local authority intends to take, having undertaken the consideration required by section 81(1)(b), to foster the development of Māori capacity to contribute to the decision-making processes of the local authority over the period covered by that plan.
clause 35	**General** An annual report must include a report on the activities that the local authority has undertaken in the year to establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority.
Schedule 11	**Matters relating to rates relief on Māori freehold land**
clause 1	The matters that the local authority must consider under section 108(4) are— (a) the desirability and importance within the district of each of the objectives in clause 2; and (b) whether, and to what extent, the attainment of any of those objectives could be prejudicially affected if there is no remission of rates or postponement of the requirement to pay rates on Māori freehold land; and (c) whether, and to what extent, the attainment of those objectives is likely to be facilitated by the remission of rates or postponement of the requirement to pay rates on Māori freehold land; and (d) the extent to which different criteria and conditions for rates relief may contribute to different objectives.

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clause 2	The objectives referred to in clause 1 are— (a) supporting the use of the land by the owners for traditional purposes; (b) recognising and supporting the relationship of Māori and their culture and traditions with their ancestral lands; (c) avoiding further alienation of Māori freehold land; (d) facilitating any wish of the owners to develop the land for economic use; (e) recognising and taking account of the presence of waahi tapu that may affect the use of the land for other purposes; (f) recognising and taking 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); (g) recognising and taking account of the importance of the land for community goals relating to— (i) the preservation of the natural character of the coastal environment; (ii) the protection of outstanding natural features; (iii) the protection of significant indigenous vegetation and significant habitats of indigenous fauna; (h) recognising the level of community services provided to the land and its occupiers; (i) recognising matters related to the physical accessibility of the land.

2 Local Government (Auckland Council) Act 2009

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SECTION	**OBLIGATION TO MĀORI**
3	**Purpose** The purpose of this Act is— (f) to establish arrangements to promote issues of significance for mana whenua groups and mataawaka for Tamaki Makaurau; and …
4	**Interpretation** **mana whenua group** means an iwi or hapu that— (a) exercises historical and continuing mana whenua in an area wholly or partly located in Auckland; and (b) is 1 or more of the following in Auckland: (i) a mandated iwi organisation under the Māori Fisheries Act 2004: (ii) a body that has been the subject of a settlement of Treaty of Waitangi claims: (iii) a body that has been confirmed by the Crown as holding a mandate for the purposes of negotiating Treaty of Waitangi claims and that is currently negotiating with the Crown over the claims. **mataawaka** means Māori who— (a) live in Auckland; and (b) are not in a mana whenua group.
9	**Mayor of Auckland** (1) The role of the mayor is to— (a) articulate and promote a vision for Auckland; and (b) provide leadership for the purpose of achieving objectives that will contribute to that vision. (2) Without limiting subsection (1), it is the role of the mayor to— (a) lead the development of Council plans (including the LTP and the annual plan), policies, and budgets for consideration by the governing body; and (b) ensure there is effective engagement between the Auckland Council and the people of Auckland, including those too young to vote. (3) For the purposes of subsections (1) and (2), the mayor has the following powers:

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	(a) to establish processes and mechanisms for the Auckland Council to engage with the people of Auckland, whether generally or particularly (for example, the people of a cultural, ethnic, geographic, or other community of interest);
40	**Operating principles** In meeting its principal objective (as a council-controlled organisation) under section 59 of the Local Government Act 2002, and in performing its functions, Auckland Transport must— (a) establish and maintain processes for Māori to contribute to its decision-making processes; and ...
79	**Spatial plan for Auckland** (1) The Auckland Council must prepare and adopt a spatial plan for Auckland. (2) The purpose of the spatial plan is to contribute to Auckland's social, economic, environmental, and cultural well-being through a comprehensive and effective long-term (20- to 30-year) strategy for Auckland's growth and development. (3) For the purposes of subsection (2), the spatial plan will— (a) set a strategic direction for Auckland and its communities that integrates social, economic, environmental, and cultural objectives; and (b) outline a high-level development strategy that will achieve that direction and those objectives; and...
81	**Establishment and purpose of board** This Part establishes a board whose purpose is to assist the Auckland Council to make decisions, perform functions, and exercise powers by— (a) promoting cultural, economic, environmental, and social issues of significance for— (i) mana whenua groups; and (ii) mataawaka of Tamaki Makaurau; and (b) ensuring that the Council acts in accordance with statutory provisions referring to the Treaty of Waitangi.

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82	**Board independent** (1) The board is a body corporate separate from— (a) the Auckland Council; and (b) the board's members; and (c) the selection body; and (d) the mana whenua groups represented on the selection body. (2) The board is independent of— (a) the Auckland Council; and (b) the mana whenua groups represented on the selection body. (3) The board is not required to accept direction from any person. (4) When members of the board are acting as members of the board, they must act in the interest of achieving the board's purpose and must not act in any other interest.
83	**Board's name** (1) The board may choose to name itself. (2) If the board names itself, it may change its name at any time. (3) If the board names itself, or changes its name, it must tell the Minister of Māori Affairs and the Auckland Council the name or the new name as soon as practicable.
84	**Board's general functions** (1) The board's general functions are— (a) to act in accordance with its purpose and functions and to ensure that it does not contravene the purpose for which it was established; (b) to develop a schedule of issues of significance to mana whenua groups and mataawaka of Tamaki Makaurau, and give a priority to each issue, to guide the board in carrying out its purpose; (c) to keep the schedule up to date; (d) to advise the Auckland Council on matters affecting mana whenua groups and mataawaka of Tamaki Makaurau; (e) to work with the Auckland Council on the design and execution of documents and processes to implement the Council's statutory responsibilities towards mana whenua groups and mataawaka of Tamaki Makaurau. (2) The board and the Council must meet at least 4 times in each financial year to discuss the board's performance of its functions.

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85	**Board's specific functions** (1) The board must appoint a maximum of 2 persons to sit as members on each of the Auckland Council's committees that deal with the management and stewardship of natural and physical resources. (2) If the Auckland Council asks the board to appoint a person or persons to sit as members on any other of the Council's committees, the board may do so. (3) The board must,— (a) before making the appointments, seek the views of the Auckland Council as to the skills and experience that the Council would like the appointees to have; and (b) when making the appointments, take the views of the Auckland Council into account. (4) The board must consider a request by the Auckland Council that the board accept the delegation of a function by the Council. (5) The board must act in accordance with a delegation that it has accepted.
86	**Board's powers** (1) The board may consult any person who the board considers is likely to help the board in carrying out its purpose. (2) The board may establish the committees it considers necessary to enable it to carry out its purpose. (3) The board may seek the advice it requires to enable it to carry out its purpose. (4) The board has any other powers that it needs to carry out its purpose and that are consistent with this Part.
87	**Auckland Council information provided to board** (1) The board may not exercise its powers in section 86 if doing so would disclose information that— (a) is known to the board because the Auckland Council provided it to the board; and (b) is information that the Auckland Council would consider withholding under the Local Government Official Information and Meetings Act 1987 or the Privacy Act 1993 if the Council received a request for it. (2) When the board is deciding whether subsection (1)(b) applies to information that the Council provided to the board, it must make its decision on reasonable grounds. (3) When the Auckland Council decides that subsection (1)(b) applies to information that the Council provided to the board, it must tell the board of its decision and the reasons for its decision.

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88	**Auckland Council's duties to board** (1) The Auckland Council must— (a) provide the board with the information that the board needs to identify business of the Council that relates to the board's purpose; (b) consult the board on matters affecting mana whenua groups and mataawaka of Tamaki Makaurau; (c) take into account the board's advice on ensuring that the input of mana whenua groups and mataawaka of Tamaki Makaurau is reflected in the Council's strategies, policies and plans; (d) take into account the board's advice on other matters; (e) make an agreement under clause 20 of Schedule 2 every year to provide the board with the funding it needs to carry out its purpose; (f) work with the board on the design and execution of documents and processes that relate to seeking the input of mana whenua groups and mataawaka of Tamaki Makaurau. (2) The Council's duties under this section do not relieve it of any duties it has under any other enactment to consult Māori. (3) The Council and the board must meet at least 4 times in each financial year to discuss the Council's performance of its duties.
89	**Schedule 2 applies to board** **Schedule 2 applies to the board.**
103	**Review of representation arrangements under Local Electoral Act 2001** (1) For the purposes of section 19H(2) of the Local Electoral Act 2001, the Council must make— (a) its first determination no earlier than after the completion of the 2013 triennial general elections but no later than 8 September 2018; and (b) subsequent determinations at least once in every period of 6 years after that first determination. (2) However, if Auckland is required to be divided into 1 or more Māori wards for the purposes of the 2013 triennial general elections, the Council must make its first determination no later than 8 September 2012 and subsequent determinations at least once in every period of 6 years after that first determination.
Schedule 2	**Provisions relating to board promoting issues of significance for mana whenua groups and mataawaka of Tamaki Makaurau**
Clause 1	**Board's membership**

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	(1) The board consists of 9 members appointed under clauses 5 to 8. (2) The membership is composed of— (a) 2 mataawaka representatives; and (b) 7 mana whenua group representatives.

3 Resource Management Act 1991

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2	**Interpretation** **amenity values** means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. **environment includes—** (a) ecosystems and their constituent parts, including people and communities; and (b) all natural and physical resources; and (c) amenity values; and (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters. **historic heritage—** (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological: (ii) architectural: (iii) cultural: (iv) historic: (v) scientific: (vl) technological; and (b) includes— (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wāhi tapu; and (iv) surroundings associated with the natural and physical resources. **kaitiakitanga** means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship. **tangata whenua**, in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.

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	tikanga Maori means Maori customary values and practices.
5	**Purpose** (1) The purpose of this Act is to promote the sustainable management of natural and physical resources. (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while— (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
6	**Matters of national importance** In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance; (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; (g) the protection of protected customary rights.
7	**Other matters** In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— (a) kaitiakitanga;
8	**Treaty of Waitangi** In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

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14	**Restrictions relating to water** (3) A person is not prohibited by subsection (2) from taking, using, damming, or diverting any water, heat, or energy if: (c) in the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment; or ...
33	**Transfer of powers** (1) A local authority may transfer any 1 or more of its functions, powers, or duties under this Act, except this power of transfer, to another public authority in accordance with this section. (2) For the purposes of this section, public authority includes— (b) an iwi authority; and (4) A local authority shall not transfer any of its functions, powers, or duties under this section unless— (a) it has used the special consultative procedure set out in section 83 of the Local Government Act 2002; and (b) before using that special consultative procedure it serves notice on the Minister of its proposal to transfer the function, power, or duty; and (c) both authorities agree that the transfer is desirable on all of the following grounds: (i) the authority to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power, or duty; (ii) efficiency; (iii) technical or special capability or expertise. (5) [Repealed] (6) A transfer of functions, powers, or duties under this section shall be made by agreement between the authorities concerned and on such terms and conditions as are agreed. (7) A public authority to which any function, power, or duty is transferred under this section may accept such transfer, unless expressly forbidden to do so by the terms of any Act by or under which it is constituted; and upon any such transfer, its functions, powers, and duties shall be deemed to be extended in such manner as may be necessary to enable it to undertake, exercise, and perform the function, power, or duty. (8) A local authority which has transferred any function, power, or duty under this

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	section may change or revoke the transfer at any time by notice to the transferee. (9) A public authority to which any function, power, or duty has been transferred under this section, may relinquish the transfer in accordance with the transfer agreement.
35A	**Duty to keep records about iwi and hapu** (1) For the purposes of this Act or regulations under this Act, a local authority must keep and maintain, for each iwi and hapu within its region or district, a record of— (a) the contact details of each iwi authority within the region or district and any groups within the region or district that represent hapu for the purposes of this Act or regulations under this Act; and (b) the planning documents that are recognised by each iwi authority and lodged with the local authority; and (c) any area of the region or district over which 1 or more iwi or hapu exercise kaitiakitanga. (2) For the purposes of subsection (1)(a) and (c),— (a) the Crown must provide to each local authority information on— (i) the iwi authorities within the region or district of that local authority and the areas over which 1 or more iwi exercise kaitiakitanga within that region or district; and (ii) any groups that represent hapu for the purposes of this Act or regulations under this Act within the region or district of that local authority and the areas over which 1 or more hapu exercise kaitiakitanga within that region or district; and (iii) the matters provided for in subparagraphs (i) and (ii) that the local authority has advised to the Crown; and (b) the local authority must include in its records all the information provided to it by the Crown under paragraph (a). (3) In addition to any information provided by a local authority under subsection (2)(a)(iii), the local authority may also keep a record of information relevant to its region or district, as the case may be,— (a) on iwi, obtained directly from the relevant iwi authority; and (b) on hapu, obtained directly from the relevant group representing the hapu for the purposes of this Act or regulations under this Act. (4) In this section, the requirement under subsection (1) to keep and maintain a record does not apply in relation to hapu unless a hapu, through the group that represents it for the purposes of this Act or regulations under this Act,

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	requests the Crown or the relevant local authority (or both) to include the required information for that hapu in the record. (5) If information recorded under subsection (1) conflicts with a provision of another enactment, advice given under the other enactment, or a determination made under the other enactment, as the case may be,— (a) the provision of the other enactment prevails; or (b) the advice given under the other enactment prevails; or (c) the determination made under the other enactment prevails. (6) Information kept and maintained by a local authority under this section must not be used by the local authority except for the purposes of this Act or regulations under this Act. (7) Information required to be provided under this section must be provided in accordance with any prescribed requirements.
36B	**Power to make joint management agreement** (1) A local authority that wants to make a joint management agreement must— (a) notify the Minister that it wants to do so; and (b) satisfy itself— (i) that each public authority, iwi authority, and group that represents hapu for the purposes of this Act that, in each case, is a party to the joint management agreement— (A) represents the relevant community of interest; and (B) has the technical or special capability or expertise to perform or exercise the function, power, or duty jointly with the local authority; and (ii) that a joint management agreement is an efficient method of performing or exercising the function, power, or duty; and (c) include in the joint management agreement details of— (i) the resources that will be required for the administration of the agreement; and (ii) how the administrative costs of the joint management agreement will be met. (2) A local authority that complies with subsection (1) may make a joint management agreement.
39	**Hearings to be public and without unnecessary formality** (2) In determining an appropriate procedure for [a hearing], the authority shall— (b) recognise tikanga Maori where appropriate, and receive evidence written or spoken in Maori and the Maori Language Act 1987 shall apply

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	accordingly;
42	**Protection of sensitive information** (1) A local authority may, on its own motion or on the application of any party to any proceedings or class of proceedings, make an order described in subsection (2) where it is satisfied that the order is necessary— (a) to avoid serious offence to tikanga Maori or to avoid the disclosure of the location of waahi tapu; or (b) to avoid the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information,— and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available. (2) A local authority may make an order for the purpose of subsection (1)— (a) that the whole or part of any hearing or class of hearing at which the information is likely to be referred to, shall be held with the public excluded (which order shall, for the purposes of subsections (3) to (5) of section 48 of the Local Government Official Information and Meetings Act 1987, be deemed to be a resolution passed under that section); (b) prohibiting or restricting the publication or communication of any information supplied to it, or obtained by it, in the course of any proceedings, whether or not the information may be material to any proposal, application, or requirement. (3) An order made under subsection (2)(b) in relation to— (a) any matter described in subsection (1)(a) may be expressed to have effect from the commencement of any proceedings to which it relates and for an indefinite period or until such date as the local authority considers appropriate in the circumstances; (b) any matter described in subsection (1)(b) may be expressed to have effect from the commencement of any proceedings to which it relates but shall cease to have any effect at the conclusion of those proceedings— and upon the date that such order ceases to have effect, the provisions of the Local Government Official Information and Meetings Act 1987 shall apply accordingly in respect of any information that was the subject of any such order. (4) Any party to any proceedings or class of proceedings before a local authority may apply to the Environment Court for an order under section 279(3)(a) cancelling or varying any order made by the local authority under this section. (5) Where, on the application of any party to any proceedings or class of proceedings, a local authority has declined to make an order described in

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	subsection (2), that party may apply to the Environment Court for an order under section 279(3)(b). (6) In this section— (a) information includes any document or evidence: (b) local authority includes— (i) a board of inquiry appointed under section 47 or 149J: (ia) a local board: (ii) a community board: (iii) a public body: (iv) a special tribunal: (v) a person given authority to conduct hearings under any of sections 33, 34, 34A, 117, and 202.
61	**Matters to be considered by regional council (policy statements)** (1) A regional council must prepare and change its regional policy statement in accordance with— (a) its functions under section 30; and (b) the provisions of Part 2; and (c) its obligation (if any) to prepare an evaluation report in accordance with section 32; and (d) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and (e) any regulations. (2) In addition to the requirements of section 62(2), when preparing or changing a regional policy statement, the regional council shall have regard to— (a) any— (i) management plans and strategies prepared under other Acts; and (ii) [Repealed] (iia) relevant entry in the Historic Places Register; and (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and (iv) [Repealed] to the extent that their content has a bearing on resource management issues of the region; and (b) the extent to which the regional policy statement needs to be consistent

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	with the policy statements and plans of adjacent regional councils. (2A) When a regional council is preparing or changing a regional policy statement, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region: (a) the council must take into account any relevant planning document recognised by an iwi authority; and (b) in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act,— (i) recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and (ii) take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group. (3) In preparing or changing any regional policy statement, a regional council must not have regard to trade competition or the effects of trade competition.
62	**Contents of regional policy statements** (1) A regional policy statement must state— (b) the resource management issues of significance to iwi authorities in the region; and ...
64A	**Imposition of coastal occupation charges** (4A) A coastal occupation charge must not be imposed on a protected customary rights group or customary marine title group exercising a right under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.
65	**Preparation and change of other regional plans** (3) Without limiting the power of a regional council to prepare a regional plan at any time, a regional council shall consider the desirability of preparing a regional plan whenever any of the following circumstances or considerations arise or are likely to arise; (e) any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources;

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66	**Matters to be considered by regional council (plans)** (2) In addition to the requirements of section 67(3) and (4), when preparing or changing any regional plan, the regional council shall have regard to— (c) any— (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); ... to the extent that their content has a bearing on resource management issues of the region; and (2A) When a regional council is preparing or changing a regional plan, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region: (a) the council must take into account any relevant planning document recognised by an iwi authority; and (b) in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act,— (i) recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and (ii) take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.
74	**Matters to be considered by territorial authority** (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to— (b) any— (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),— to the extent that their content has a bearing on resource management issues of the district; and (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing

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	on the resource management issues of the district.
85A	**Plan or proposed plan must not include certain rules** A plan or proposed plan must not include a rule that describes an activity as a permitted activity if that activity will, or is likely to, have an adverse effect that is more than minor on a protected customary right carried out under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.
85B	**Process to apply if plan or proposed plan does not comply with section 85A** (1) If a protected customary rights group considers that a rule in a plan or proposed plan does not comply with section 85A, the holder may— (a) make a submission to the local authority concerned under clause 6 of Schedule 1; or (b) request a change under clause 21 of Schedule 1; or (c) apply to the Environment Court in accordance with section 293A(3) for a change to a rule in the plan or proposed plan. (2) A local authority or the Environment Court, as the case may be, in determining whether or not a rule in a plan or proposed plan complies with section 85A, must consider the following matters: (a) the effects of the proposed activity on the exercise of a protected customary right; and (b) the area that the proposed activity would have in common with the protected customary right; and (c) the degree to which the proposed activity must be carried out to the exclusion of other activities; and (d) the degree to which the exercise of a protected customary right must be carried out to the exclusion of other activities; and (e) whether the protected customary right can be exercised only in a particular area.
87A	**Classes of activities** (1) If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a permitted activity, a resource consent is not required for the activity if it complies with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan. (2) If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a controlled activity, a resource consent is required for the activity and— (a) the consent authority must grant a resource consent except if— (ii) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 applies; ...

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95B	**Limited notification of consent application** (1) If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under sections 95E and 95F) if there are any affected persons, an affected protected customary rights group, or affected customary marine title group in relation to the activity. (2) The consent authority must give limited notification of the application to any affected person unless a rule or national environmental standard precludes limited notification of the application. (3) The consent authority must give limited notification of the application to an affected protected customary rights group or affected customary title group even if a rule or national environmental standard precludes public or limited notification of the application. (4) In subsections (1) and (3), the requirements relating to an affected customary marine title group apply only in the case of applications for accommodated activities.
95F	**Status of protected customary rights group** A consent authority must decide that a protected customary rights group is an affected protected customary rights group, in relation to an activity in the protected customary rights area relevant to that group, if— (a) the activity may have adverse effects on a protected customary right carried out in accordance with the requirements of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011; and (b) the protected customary rights group has not given written approval for the activity or has withdrawn approval for the activity in a written notice received by the consent authority before the authority has made a decision under this section.
95G	**Status of customary marine title group** A consent authority must decide that a customary marine title group is an affected customary marine title group, in relation to an accommodated activity in the customary marine title area relevant to that group, if— (a) the activity may have adverse effects on the exercise of the rights applying to a customary marine title group under subpart 3 of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011; and (b) the customary marine title group has not given written approval for the activity in a written notice received by the consent authority before the authority has made a decision under this section.
104	**Consideration of applications** (3) A consent authority must not,— (c) grant a resource consent contrary to—

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	(iv) wāhi tapu conditions included in a customary marine title order or agreement; (v) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011;
165E	**Applications in relation to aquaculture settlement areas** (1) No person may apply for a coastal permit authorising occupation of space in an aquaculture settlement area (within the meaning of the Māori Commercial Aquaculture Claims Settlement Act 2004), for the purpose of aquaculture activities, unless the person is a holder of an authorisation that— (a) relates to that space and activity; and (b) was provided to the trustee under section 13 of that Act. (2) A consent authority may grant a coastal permit authorising any other activity in an aquaculture settlement area, but only— (a) to the extent that that activity is compatible with aquaculture activities; and (b) after consultation with the trustee and iwi in the region. (3) Subsection (1) does not affect any application received by a consent authority— (a) after 1 January 2005; but (b) before the space became an aquaculture settlement area. (4) In subsection (2)(b), iwi has the same meaning as in the Maori Fisheries Act 2004.
187	**Meaning of heritage order and heritage protection authority** In this Act— **heritage protection authority** means— (a) any Minister of the Crown including— (i) the Minister of Conservation acting either on his or her own motion or on the recommendation of the New Zealand Conservation Authority, a local conservation board, the New Zealand Fish and Game Council, or a Fish and Game Council; and (ii) the Minister of Maori Affairs acting either on his or her own motion or on the recommendation of an iwi authority; (b) a local authority acting either on its own motion or on the recommendation of an iwi authority;

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189	**Notice of requirement to territorial authority** (1) A heritage protection authority may give notice in the prescribed form to a territorial authority of its requirement for a heritage order for the purpose of protecting— (a) any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural, or historical reasons; and... (2) For the purposes of this section, a place may be of special interest by having special cultural, architectural, historical, scientific, ecological, or other interest.
199	**Purpose of water conservation orders** (2) A water conservation order may provide for any of the following: (b) the protection of characteristics which any water body has or contributes to, and which are considered to be outstanding,— (v) for recreational, historical, spiritual, or cultural purposes; (c) the protection of characteristics which any water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Maori.
353	**Notices and consents in relation to Maori land** Part 10 of Te Ture Whenua Maori Act 1993 shall apply to the service of notices under this Act on owners of Maori land, except that in no case shall the period fixed for anything to be done by the owners be extended by more than 20 working days under section 181(4) of that Act, unless otherwise provided by the local authority.
Schedule 1	**Preparation, change, and review of policy statements and plans**
clause 2	**Preparation of proposed policy statement or plan** (1) The preparation of a policy statement or plan shall be commenced by the preparation by the local authority concerned, of a proposed policy statement or plan. (2) A proposed regional coastal plan must be prepared by the regional council concerned in consultation with— (a) the Minister of Conservation; and (b) iwi authorities of the region; and (c) any customary marine title group in the region
clause 3	**Consultation** (1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult— (a) the Minister for the Environment; and

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	(b) those other Ministers of the Crown who may be affected by the policy statement or plan; and (c) local authorities who may be so affected; and (d) the tangata whenua of the area who may be so affected, through iwi authorities; and (e) any customary marine title group in the area. (2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan. (3) Without limiting subclauses (1) and (2), a regional council which is preparing a regional coastal plan shall consult— (a) the Minister of Conservation generally as to the content of the plan, and with particular respect to those activities to be described as restricted coastal activities in the proposed plan; and (b) the Minister of Transport in relation to matters to do with navigation and the Minister's functions under Parts 18 to 27 of the Maritime Transport Act 1994; and (c) the Minister of Fisheries in relation to fisheries management, and the management of aquaculture activities. (4) In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.
clause 3B	**Consultation with iwi authorities** For the purposes of clause 3(1)(d), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under section 35A, if the local authority— (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and (c) consults with those iwi authorities; and (d) enables those iwi authorities to identify resource management issues of concern to them; and (e) indicates how those issues have been or are to be addressed.
clause 5	**Public notice and provision of document to public bodies**

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	(4) A local authority shall provide 1 copy of its proposed policy statement or plan without charge to— (f) the tangata whenua of the area, through iwi authorities.
clause 20	**Operative date** (4) A local authority shall provide 1 copy of its operative policy statement or plan without charge to— (f) the tangata whenua of the area, through iwi authorities.
Schedule 3	**Class C Water (being water managed for cultural purposes)** The quality of the water shall not be altered in those characteristics which have a direct bearing upon the specified cultural or spiritual values.
Schedule 4	**Information required in application for resource consent**
Clause 3	**Additional information required in some applications** An application must also include any of the following that apply: … (c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).
Clause 6	**Information required in assessment of environmental effects** (1) An assessment of the activity's effects on the environment must include the following information: … (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted: … (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group). … (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—

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	(a) oblige the applicant to consult any person; or (b) create any ground for expecting that the applicant will consult any person.
Clause 7	**Matters that must be addressed by assessment of environmental effects** (1) An assessment of the activity's effects on the environment must address the following matters: (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects: (b) any physical effect on the locality, including any landscape and visual effects: (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity: (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations: (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants: (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations. (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

4 Auckland Regional Amenities Funding Act 2008

ARAFA 2008	
SECTION	**OBLIGATION TO MAORI**
7	**Membership** (1) The Funding Board has 10 members. (4) One of the members appointed by the Auckland Council must be a person who, in the opinion of the Auckland Council, is appropriate to represent the interests of Māori in the Auckland region.
Schedule 4	**Administrative provisions for Funding Board**
clause 2	**Independence** (2) In doing the functions and duties, and exercising the powers, of the Funding Board, the member referred to in section 7(4) must represent the interests of Māori in the Auckland region.

5 Biosecurity Act 1993

BIOSECURITY ACT 1993	
SECTION	**OBLIGATION TO MAORI**
Part 5	**Pest Management**
54	**Purpose of this Part** (1) The purpose of this Part is to provide for the eradication or effective management of harmful organisms that are present in New Zealand by providing for— (a) the development of effective and efficient instruments and measures that prevent, reduce, or eliminate the adverse effects of harmful organisms on economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga; and (b) the appropriate distribution of costs associated with the instruments and measures.
	Regional pest management plans
70	**First step: plan initiated by proposal** (1) The first step in the making of a plan is a proposal made by— (a) the council; or (b) a person who submits the proposal to the council. (2) The proposal must set out the following matters: (e) the effects that, in the opinion of the person making the proposal, implementation of the plan would have on— (i) economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga: (ii) the marketing overseas of New Zealand products:
71	**Second step: satisfaction on requirements** If the council is satisfied that section 70 has been complied with, the council may take the second step in the making of a plan, which is to consider whether the council is satisfied— (d) that each subject is capable of causing at some time an adverse effect

BIOSECURITY ACT 1993	
SECTION	**OBLIGATION TO MAORI**
	on 1 or more of the following in the region: (viii) social and cultural wellbeing: (x) the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga:
72	**Third step: satisfaction with consultation or requirement of more consultation** (1) If the council is satisfied of the matters in section 71, the council may take the third step in the making of a plan, which is for the council to consider whether the council is satisfied— (c) that the tangata whenua of the area who may be affected by the plan were consulted through iwi authorities and tribal runanga; and...
	Regional pathway management plans
90	**First step: plan initiated by proposal** (1) The first step in the making of a plan is a proposal made by— (a) the council; or (b) a person who submits the proposal to the council. (2) The proposal must set out the following matters: (d) the effects that, in the opinion of the person making the proposal, implementation of the plan would have on— (i) economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga:
91	**Second step: satisfaction on requirements** If the council is satisfied that section 90 has been complied with, the council may take the second step in the making of a plan, which is to consider whether the council is satisfied— (d) that each subject could spread an organism that is capable of causing at some time an adverse effect on 1 or more of the following in the region: (viii) social and cultural wellbeing: (x) the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga:
92	**Third step: satisfaction with consultation or requirement of more consultation**

BIOSECURITY ACT 1993	
SECTION	**OBLIGATION TO MAORI**
	(1) If the council is satisfied of the matters in section 91, the council may take the third step in the making of a plan, which is for the council to consider whether the council is satisfied— (a) that, if Ministers' responsibilities may be affected by the plan, the Ministers have been consulted; and (b) that, if local authorities' responsibilities may be affected by the plan, the authorities have been consulted; and (c) that the tangata whenua of the area who may be affected by the plan were consulted through iwi authorities and tribal runanga; and (d) that, if consultation with other persons is appropriate, sufficient consultation has occurred.

6 Hauraki Gulf Marine Park Act 2000

HAURAKI GULF MARINE PARK ACT 2000[1]	
SECTION	**OBLIGATION TO MAORI**
3	**Purpose** The purpose of this Act is to— (a) integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments: (b) establish the Hauraki Gulf Marine Park: (c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments: (d) recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands: (e) establish the Hauraki Gulf Forum.
6	**Treaty of Waitangi (Te Tiriti o Waitangi)** (1) Subject to subsections (2) and (4), the provisions of Part 3 relating to the Park must be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). (2) Subsection (1) does not apply in respect of any area of the Park that is foreshore, seabed, private land, taiapure-local fishery, or mataitai. (3) When carrying out its functions under Part 2, the Forum must have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). (4) Nothing in Part 1 or Part 3 or Part 4 limits, affects, or extends the obligations any person has in respect of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under any of the Acts listed in Schedule 1, and those obligations must be fulfilled in accordance with those Acts.
7	**Recognition of national significance of Hauraki Gulf** (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance. (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—

[1] At the time of the September 2015 update, the most recent version of this Act excluded amendments that are not yet in force from the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

HAURAKI GULF MARINE PARK ACT 2000[1]	
SECTION	**OBLIGATION TO MAORI**
	(a) to provide for— (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and (ii) the social, economic, recreational, and cultural well-being of people and communities: (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation: (c) to maintain the soil, air, water, and ecosystems of the Gulf.
8	**Management of Hauraki Gulf** To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are— (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments; (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments; (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship; (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources; (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand; (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

HAURAKI GULF MARINE PARK ACT 2000[1]	
SECTION	**OBLIGATION TO MAORI**
14	**Preservation of existing rights** (1) Nothing in this Act limits or affects any title or right to ownership of the foreshore, seabed, or other land or natural resources of the Hauraki Gulf, its islands, and catchments, whether that title or right to ownership is conferred by Act, common law, or in any other manner. (2) Nothing in this Act limits or affects the ability of any person to bring a claim or to continue any existing claim in any court or tribunal relating to the foreshore, seabed, or other land or natural resources of the Hauraki Gulf, its islands, and catchments arising out of the application of the Treaty of Waitangi, or any Act, or at common law, or in any other manner. (3) Nothing in this section limits or affects any remedy associated with any claim referred to in subsection (2).
Part 2	**Hauraki Gulf Forum**
15	**Purposes of Forum** The Forum has the following purposes: (c) to recognise the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands, and, where appropriate, its catchments.
16	**Establishment of Forum** (1) A body called the Hauraki Gulf Forum is established. (2) The Forum consists of the following representatives: (e) 6 representatives of the tangata whenua of the Hauraki Gulf and its islands appointed by the Minister, after consultation with the tangata whenua and the Minister of Maori Affairs.
17	**Functions of Forum** (1) To promote sections 7 and 8, the Forum has the following functions in relation to the Hauraki Gulf, its islands, and catchments: (f) to receive reports from the tangata whenua of the Hauraki Gulf on the development and implementation of iwi management or development plans; (2) When carrying out its functions under subsection (1), the Forum must have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments.
19	**Costs of administrative and servicing functions of Forum**

HAURAKI GULF MARINE PARK ACT 2000[1]	
SECTION	**OBLIGATION TO MAORI**
	(3) Administrative and servicing costs are not payable by constituent parties who are tangata whenua representatives.
Part 3	**Hauraki Gulf Marine Park**
32	**Purposes of Hauraki Gulf Marine Park** The purposes of the Hauraki Gulf Marine Park are— (c) to recognise and have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands and coastal areas, and the natural and historic resources of the Park.
37	**Effect of Park** (1) Any person holding, controlling, or administering land, foreshore, seabed, marine reserve, a taiapure-local fishery, or a mataitai reserve in the Hauraki Gulf Marine Park must recognise and give effect to the purpose of the Park. (2) Nothing in this Part— (a) affects any land in the Hauraki Gulf, its islands, or coastal area, that is not expressly included in the Park in accordance with this Part: (b) limits the ability of the Minister or an administering body to acquire conservation areas, reserves, wildlife refuges, wildlife sanctuaries, or marine reserves within the Gulf or the Park: (c) changes the ownership or management of areas of land, foreshore, seabed, or the waters of the Gulf: (d) limits the powers and functions of a regional council in the coastal marine area. (3) Despite subsection (1), land included in the Park in accordance with section 33(2)(a), (b), (c), or (e) continues to be held, managed, or administered in accordance with the Conservation Act 1987, or any Act in Schedule 1 of that Act, if any of those Acts applies to that land.
44	**Recognition of tangata whenua statement of relationship** (1) The Crown or a local authority may acknowledge any statement of particular historic, traditional, cultural, and spiritual relationship of tangata whenua of the Hauraki Gulf with any land, foreshore, or seabed in the Hauraki Gulf Marine Park by entering into a Deed of Recognition with tangata whenua in respect of that land, foreshore, or seabed. (2) A Deed of Recognition—

HAURAKI GULF MARINE PARK ACT 2000[1]	
SECTION	**OBLIGATION TO MAORI**
	(a) may not relate to any water; (b) may not relate to any land included in the Park in accordance with section 35. (3) A Deed of Recognition— (a) may record the Crown's or local authority's acknowledgement referred to in subsection (1); and (b) must identify the area to which the Deed of Recognition relates; and (c) may acknowledge, where appropriate, any statement of relationship by any others who claim tangata whenua status with the area; and (d) without limiting section 46, must identify specific opportunities for contribution by tangata whenua to the management of the area by the Crown or a local authority. (4) A Deed of Recognition may be amended or revoked by agreement between the parties.
45	**Purpose of Deed of Recognition** Without limiting section 46, the only purpose of a Deed of Recognition is to identify opportunities for contribution by tangata whenua to the management of an area by the Crown or a local authority.
46	**Effect of Deed of Recognition** Except as provided in section 44(3)(d) and section 45, a Deed of Recognition— (a) does not affect the exercise of any power or the carrying out of any function or duty by any person under any Act, regulation, or bylaw; and (b) must not be taken into account by any person in the exercise of any power or the carrying out of any function or duty under any Act, regulation, or bylaw by that person; and (c) does not permit any person, when considering any matter or making any decision or recommendation under any Act, regulation, or bylaw, to give any greater or lesser weight to a statement of relationship of tangata whenua with any area, as recorded in a Deed of Recognition, than that person would give under that Act, regulation, or bylaw if no Deed of Recognition existed recording that statement; and (d) does not affect the lawful rights or interests of any person; and (e) does not have the effect of granting, creating, or providing evidence of any estate or interest in or any rights of any kind whatever relating to any area referred to in a Deed of Recognition.

HAURAKI GULF MARINE PARK ACT 2000[1]	
SECTION	**OBLIGATION TO MAORI**
47	**Other Deeds of Recognition** Where the Crown or local authority has entered into a Deed of Recognition for an area with tangata whenua, that Deed of Recognition does not prevent the Crown or local authority from entering into further Deeds of Recognition for that area with other tangata whenua who may have an historic, traditional, cultural, and spiritual relationship with that area.

7 Hazardous Substances and New Organisms Act 1996

HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996	
SECTION	**OBLIGATION TO MAORI**
5	**Principles relevant to purpose of Act** All persons exercising functions, powers, and duties under this Act shall, to achieve the purpose of this Act, recognise and provide for the following principles: (a) the safeguarding of the life-supporting capacity of air, water, soil, and ecosystems: (b) the maintenance and enhancement of the capacity of people and communities to provide for their own economic, social, and cultural well-being and for the reasonably foreseeable needs of future generations.
6	**Matters relevant to purpose of Act** All persons exercising functions, powers, and duties under this Act shall, to achieve the purpose of this Act, take into account the following matters: (a) the sustainability of all native and valued introduced flora and fauna: (b) the intrinsic value of ecosystems: (c) public health: (d) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, valued flora and fauna, and other taonga: (e) the economic and related benefits and costs of using a particular hazardous substance or new organism: (f) New Zealand's international obligations.
8	**Treaty of Waitangi** All persons exercising powers and functions under this Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

8 Heritage New Zealand Pouhere Taonga Act 2014

HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014	
SECTION	**OBLIGATION TO MĀORI**
4	**Principles** All persons performing functions and exercising powers under this Act must recognise— (d) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga.
7	**Treaty of Waitangi (Te Tiriti o Waitangi)** In order to recognise and respect the Crown's responsibility to give effect to the Treaty of Waitangi (Te Tiriti o Waitangi), this Act provides,— (h) in section 74, a power for the Council to make recommendations to relevant local authorities in respect of wāhi tapu areas entered on the New Zealand Heritage List/Rārangi Kōrero under Part 4 and a duty on local authorities to have particular regard to such recommendations; and
14	**Powers of Heritage New Zealand Pouhere Taonga** (1) Heritage New Zealand Pouhere Taonga has the powers necessary to— (f) enter into agreements with local authorities, corporations, societies, individuals, or other controlling bodies for the management, maintenance, and preservation of any historic place or historic area or, where appropriate, wāhi tūpuna, wāhi tapu, or wāhi tapu area:
68	**Applications relating to wāhi tūpuna, wāhi tapu, or wāhi tapu areas** (4) If the Council is satisfied that an application is supported by sufficient evidence, the Council must proceed to determine the application by— (a) publicly notifying the application; and (b) giving notice of the application to— (i) every person that— (A) is the owner of the land on which the wāhi tūpuna, wāhi tapu, or wāhi tapu area or part of the wāhi tūpuna, wāhi tapu, or wāhi tapu area is located; or (B) has a registered interest in the land on which the wāhi tūpuna, wāhi tapu, or wāhi tapu area or part of the wāhi tūpuna, wāhi tapu, or wāhi tapu area is located; and (ii) the appropriate iwi or hapū; and (iii) the local authorities that have jurisdiction in the relevant area.

HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014	
SECTION	**OBLIGATION TO MĀORI**
74	**When local authorities must have particular regard to recommendations** (1) In respect of a historic area entered on the New Zealand Heritage List/Rārangi Kōrero, Heritage New Zealand Pouhere Taonga may make recommendations to the local authorities that have jurisdiction in the area where the historic area is located as to the appropriate measures that those local authorities should take to assist in the conservation and protection of the historic area. (2) In respect of a wāhi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero, the Council may make recommendations to the local authorities that have jurisdiction in the relevant area as to the appropriate measures that those local authorities should take to assist in the conservation and protection of the wāhi tapu area. (3) Local authorities must have particular regard to a recommendation received under subsection (1) or (2) from Heritage New Zealand Pouhere Taonga or the Council, as appropriate. (4) In making a recommendation under subsection (1) or (2), Heritage New Zealand Pouhere Taonga or the Council, as appropriate, must recognise the interests of an owner, as far as they are known, in a historic area or wāhi tapu area.
75	**Proposals affecting wāhi tapu areas entered on New Zealand Heritage List/Rārangi Kōrero** (1) Subsection (2) applies if Heritage New Zealand Pouhere Taonga— (a) is advised by a local authority that it has received an application for a resource consent in respect of a wāhi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero; or (b) is considering an application affecting a wāhi tapu area that is made under— (i) section 44 (applications for authorities); or (ii) section 56(1)(b) (applications for authorities to carry out exploratory investigations); or (c) proposes to take any action in respect of a wāhi tapu area. (2) Before Heritage New Zealand Pouhere Taonga takes any action in respect of the application, it must— (a) refer the matter to the Council; and (b) consult, as the case may require,— (i) the local authorities that have jurisdiction in the relevant area: (ii) the applicant for the resource consent: (iii) the person who applied under section 68(1) for the wāhi tapu area

HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014	
SECTION	**OBLIGATION TO MĀORI**
	to be entered on the New Zealand Heritage List/Rārangi Kōrero: (iv) the appropriate iwi or hapū. (3) Not later than 15 working days after receiving a reference from Heritage New Zealand Pouhere Taonga under subsection (2)(a), the Council must advise Heritage New Zealand Pouhere Taonga of any comment or recommendation it wishes to make on an application referred to it under this section.
76	**Information to be supplied to territorial authorities** (1) Heritage New Zealand Pouhere Taonga must maintain, and supply— (a) to the appropriate local authorities, a list of— (i) the historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas entered on the New Zealand Heritage List/Rārangi Kōrero that are located in the area of jurisdiction of each local authority; and (ii) the heritage covenants that have effect in the area of jurisdiction of each local authority; and (b) to the appropriate territorial authorities, the details about the places or areas entered on the New Zealand Heritage List/Rārangi Kōrero or the heritage covenants for inclusion in— (i) any land information memoranda issued by the territorial authority under section 44A of the Local Government Official Information and Meetings Act 1987; and (ii) any project information memoranda issued by the territorial authority under section 34 of the Building Act 2004. (2) Each local authority must make the lists and details supplied under subsection (1) available for public inspection during its usual business hours.

9 Housing Accords and Special Housing Areas Act 2013

HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013	
SECTION	**OBLIGATION TO MAORI**
10	**Minister and territorial authority may enter housing accord** … (5) While a housing accord is in force, the territorial authority that is a party to that housing accord is an accord territorial authority.
89	**Accord territorial authority may appoint panel** (1) An accord territorial authority may appoint persons to act as members of 1 or more accord territorial authority panels (an ATA panel). (2) Each ATA panel must comprise no fewer than 3 members,— (a) one of whom is a member of the relevant local authority, community board, or local board; and (b) the remainder of whom are persons who, collectively, have knowledge of and expertise in relation to planning, design, and engineering and appropriate knowledge and experience relating to the Treaty of Waitangi (Te Tiriti o Waitangi) and tikanga Māori (Māori customary values and practices).
90	**Delegation of functions and powers to ATA panel** (1) An accord territorial authority may delegate its functions and powers as an authorised agency under this Act to an ATA panel, including its functions and powers under subpart 3 of this Part. (2) An accord territorial authority must not delegate its functions and powers under subpart 3 of this Part, except as provided in subsection (1). (3) Subsection (2) does not prevent an accord territorial authority delegating to any person the power to do anything preliminary to a decision on a matter referred to in subpart 3. (4) Where a regional council is an authorised agency under section 23(4), it may delegate its powers under subpart 2 of this Part to an ATA panel if the qualifying development to which the resource consent application relates is within the district of an accord territorial authority and section 33 applies.

10 Land Drainage Act 1908

LAND DRAINAGE ACT 1908	
SECTION	**OBLIGATION TO MAORI**
89	**Application of Act to Maori lands** (1) Where any Maori land is required to be taken for the purposes of this Act, it shall be taken by the Governor-General under Part 2 of the Public Works Act 1981. (2) Maori lands rateable under any Act for the time being in force relating to rating shall be rateable for the purposes of this Act. (3) Subject to the provisions of this section, this Act applies to all Maori lands.

11 Land Transport Management Act 2003

LTMA 2003	
SECTION	**OBLIGATION TO MAORI**
4	**Treaty of Waitangi** In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to land transport decision-making processes, sections 18, 18A, 18G, 18H and 100(1)(f) and clause 6 of Schedule 7 provide principles and requirements that are intended to facilitate participation by Māori in land transport decision-making processes.
18	**Consultation requirements** (1) When preparing a regional land transport plan, a regional transport committee— (a) must consult in accordance with the consultation principles specified in section 82 of the Local Government Act 2002; and (b) may use the special consultative procedure specified in section 83 of the Local Government Act 2002. (2) If consulting the Auckland Council, a regional land transport committee or Auckland Transport must consult both the governing body and each affected local board of the Council.
18A	**Combining consultation processes** (1) [Repealed] (2) A regional transport committee complies with section 18(1) if the required consultation on the regional land transport plan is carried out in conjunction with the relevant regional council's consultation on its long-term plan or its annual plan under the Local Government Act 2002. (3) Auckland Transport complies with section 18(1) if the required consultation on the regional land transport plan is carried out in conjunction with the Auckland Council's consultation on its long-term plan or its annual plan under the Local Government Act 2002. (4) Auckland Transport is not required to consult any organisation or person— (a) in the course of preparing the Council's current long-term plan or annual plan; and

LTMA 2003	
SECTION	**OBLIGATION TO MAORI**
	(b) in accordance with the Local Government Act 2002.
18G	**Separate consultation with Māori on particular activities** (1) An approved organisation, the Auckland Council, or the Agency (as the case may require) must do everything reasonably practicable to separately consult Māori affected by any activity proposed by the approved organisation or the Agency that affects or is likely to affect— (a) Māori land; or (b) land subject to any Māori claims settlement Act; or (c) Māori historical, cultural, or spiritual interests. (2) The relevant approved organisation, the Auckland Council, or the Agency (as the case may be) must consult the land holding trustee (as defined in section 7 of the Waikato Raupatu Claims Settlement Act 1995) about any proposed activity that affects or is likely to affect land registered in the name of Pootatau Te Wherowhero under section 19 of that Act.
18H	**Māori contribution to decision making** (1) The Agency and approved public organisations must, with respect to funding from the national land transport fund,— (a) establish and maintain processes to provide opportunities for Māori to contribute to the organisation's land transport decision-making processes; and (b) consider ways in which the organisation may foster the development of Māori capacity to contribute to the organisation's land transport decision-making processes; and (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b). (2) Subsection (1) does not limit the ability of the Agency or an approved public organisation to take similar action in respect of any other population group.

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SECTION	**OBLIGATION TO MAORI**
22	**Funding for Māori roadways** (1) The Agency may, in accordance with this Part, approve an activity relating to a Māori roadway as qualifying for payments to the Agency from the national land transport fund as if the roadway were a State highway. (2) The Agency may, in accordance with this Part, approve an activity relating to a Māori roadway as qualifying for payments to a territorial authority from the national land transport fund as if the roadway were a local road. (3) The Agency and territorial authorities may receive funding for a Māori roadway if the activity is included in a regional land transport plan.
103	**Agency may declare State highways** (1) The Agency, with the consent of the Secretary,— (a) may, by notice in the Gazette, declare a road to be a State highway; and (b) must, by the same or a subsequent notice, define the route of the State highway by town, road name, or route position. (2) A road declared to be a State highway may include land that was not previously constituted as part of the road. (3) In determining the route of a State highway, the Agency— (a) is not constrained to accept the route of an existing road; and (b) may, if the Agency thinks fit, declare, either permanently or temporarily, more than 1 State highway between any 2 places. (4) The Agency may vary or revoke a declaration made under subsection (1) in the manner that a declaration is made under subsection (1). (5) A revocation of a State highway constitutes the road as a local road for the purposes of this or any other Act. (6) A declaration, variation, or revocation that affects or is likely to affect Māori land, land registered in the name of Pootatau Te Wherowhero under section 19 of the Waikato Raupatu Claims Settlement Act 1995, land subject to any other Māori claims settlement Act, or Māori historical, cultural, or spiritual interests, may not be made or revoked unless the Agency— (a) has consulted,— (i) in the case of land registered in the name of Pootatau Te Wherowhero or interests relating to that land, the land holding trustee (as defined in section 7 of the Waikato Raupatu Claims Settlement Act 1995): (ii) if any other Māori claims settlement Act requires consultation about

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	the declaration, variation, or revocation, in accordance with that Act: (iii) in any other case, every iwi or hapū that in the opinion of the Agency will or may be affected by the declaration, variation, or revocation; and (b) is satisfied that the declaration, variation, or revocation should be made. (7) Subsection (6) does not limit the ability of the Agency to take similar action in respect of any other population group. (8) Before making a declaration under subsection (1) or varying or revoking a declaration under subsection (4), the Agency must consult any regional council or territorial authority that may be affected by the proposed declaration, variation, or revocation and, if the road concerned is within Auckland, the Agency must also consult Auckland Transport and the Auckland Council. ...

12 Local Electoral Act 2001

LOCAL ELECTORAL ACT 2001	
SECTION	**OBLIGATION TO MAORI**
	Māori wards and Māori constituencies
19Z	**Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies** (1) Any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes. (2) Any regional council may resolve that the region be divided into 1 or more Māori constituencies for electoral purposes. (3) A resolution under this section,— (a) if made after a triennial general election but no later than 23 November of the year that is 2 years before the next triennial general election, takes effect, subject to paragraph (c), for the purposes of the next triennial general election of the territorial authority or regional council; and (b) in any other case, takes effect, subject to paragraph (c), for the purposes of the next but one triennial general election; and (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and any associated election, and continues in effect after that until either— (i) a further resolution under this section takes effect; or (ii) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect. (4) This section is subject to section 19ZE and to clauses 2(5) and 4(4) of Schedule 1A. (5) In this section and in sections 19ZB to 19ZG, associated election, in relation to any 2 successive triennial general elections of a territorial authority or regional council, means— (a) any election to fill an extraordinary vacancy in the membership of the body concerned that is held— (i) between those elections; or (ii) after the second of those elections but before the subsequent triennial general election; (b) an election of the members of the body concerned under section 255(1)(b) or Schedule 15 of the Local Government Act 2002 that is held—

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	(i) between those elections; or (ii) after the second of those elections but before the subsequent triennial general election.
19ZA	**Public notice of right to demand poll** (1) A territorial authority or regional council that passes a resolution under section 19Z must give public notice, not later than the required date, of the right to demand, under section 19ZB, a poll on the question whether,— (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies. (2) The public notice under subsection (1) must include— (a) notice of the resolution under section 19Z; and (b) a statement that a poll is required to countermand that resolution. (3) In subsection (1), **required date** means,— (a) in the case of a resolution under section 19Z that is made after a triennial general election but not later than 23 November of the year that is 2 years before the next triennial general election, 30 November in that year; (b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution. (4) This section is subject to section 19ZE.
19ZB	**Electors may demand poll** (1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,— (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies. (2) This section is subject to section 19ZE. (3) In this section and sections 19ZC and 19ZD,— **demand** means a demand referred to in subsection (1); **specified number of electors**, in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the

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	number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.
19ZC	**Requirements for valid demand** (1) A demand must be made by notice in writing— (a) signed by a specified number of electors; and (b) delivered to the principal office of the territorial authority or regional council. (2) An elector may sign a demand and be treated as one of the specified number of electors only if,— (a) in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or (b) in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector's address as shown on that roll is within the region; or (c) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a) or paragraph (b),— (i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and (ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or (d) the address given by the elector who signed the demand— (i) is confirmed by a Registrar of Electors as the address at which the elector is registered as a parliamentary elector; and (ii) is, if the demand was given to a territorial authority, within the district of the territorial authority; or (iii) is, if the demand was delivered to a regional council, within the region of the regional council; or (e) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the territorial authority or, as the case may require, the regional council. (3) Every elector who signs a demand must state, against his or her signature,—

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	(a) the elector's name; and (b) the address for which the person is qualified as an elector of the territorial authority or regional council. (4) If a valid demand is received after 21 February in the year before the next triennial general election, the poll required by the demand— (a) must be held after 21 May in that year; and (b) has effect in accordance with section 19ZG(4) (which provides that the poll has effect for the purposes of the next but one triennial general election and the subsequent triennial general election). (5) The chief executive of the territorial authority or regional council must, as soon as practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with section 19ZB and this section. (6) This section is subject to section 19ZE.
19ZD	**Territorial authority or regional council may resolve to hold poll** (1) A territorial authority or regional council may, at any time, resolve that a poll be held on the question whether,— (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies. (2) A resolution under subsection (1) may, but need not, specify the date on which the poll is to be held. (3) The date specified for the holding of a poll must not be a date that would require deferral of the poll under section 138A. (4) The chief executive of the territorial authority or regional council must give notice to the electoral officer under subsection (1),— (a) if no date for the holding of the poll is specified in the resolution, as soon as is practicable; (b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that will enable the poll to be conducted in accordance with section 19ZF(3). (5) This section is subject to section 19ZE.
19ZE	**Limitation on division into Māori wards or Māori constituencies** Sections 19Z to 19ZD do not apply, in relation to a territorial authority or regional

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	council, if— (a) a poll on the proposal described in section 19ZB or section 19ZD held under section 19ZF took effect at the previous triennial general election of the territorial authority or regional council or takes effect at the next triennial general election of the territorial authority or regional council; or (b) another enactment requires that the district be divided into 1 or more Māori wards or the region be divided into 1 or more Māori constituencies.
19ZF	**Poll of electors** (1) If the electoral officer for a territorial authority or regional council receives notice under section 19ZC(5) or section 19ZD(4), the electoral officer must, as soon as practicable after receiving that notice, give public notice of the poll under section 52. (2) Despite subsection (1), if an electoral officer for a territorial authority or regional council receives 1 or more notices under both section 19ZC(5) and section 19ZD(4), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that those polls would, if combined, take effect at the same general election, and if it is practicable to combine those polls, be combined. (3) A poll held under this section must be held not later than 89 days after the date on which— (a) the notice referred to in subsection (1) is received; or (b) the last notice referred to in subsection (2) is received. (4) Subsection (3) is subject to subsection (2), section 19ZC(4), and section 138A. (5) Every poll under this section that is held in conjunction with a triennial general election or held after that date but not later than 21 May in the year immediately before the year in which the next triennial general election is to be held determines whether, for the next 2 triennial general elections for the territorial authority or regional council and any associated election,— (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or (b) the region of the regional council is to be divided into 1 or more Māori constituencies. (6) Every poll under this section that is held at some other time determines whether, for the next but one triennial general election and the following triennial general election for the territorial authority or regional council and any associated election,— (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or

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	(b) the region of the regional council is to be divided into 1 or more Māori constituencies.
19ZG	**Effect of poll** (1) Subsection (2) applies to a poll held in conjunction with a triennial general election or held after that election but not later than 21 May in the year immediately before the year in which the next triennial general election is to be held. (2) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,— (a) in the case of a territorial authority, for the next 2 triennial general elections of the territorial authority, and any associated election; and (b) in the case of a regional council, for the next 2 triennial general elections of the regional council, and any associated election; and (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 255(1)(b) or Schedule 15 of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first. (3) Subsection (4) applies to a poll held at some other time. (4) If the result of a poll to which this subsection applies requires the division of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,— (a) in the case of a territorial authority, for the next but one triennial general election and the following triennial general election of the territorial authority, and any associated election; and (b) in the case of a regional council, for the next but one triennial general election and the following triennial general election of the regional council, and any associated election; and (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 255(1)(b) or Schedule 15 of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.

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	(5) This section is subject to clauses 2(5) and 4(4) of Schedule 1A.
19ZH	**Basis of election of territorial authority and regional council** If, for the purpose of a triennial general election,— (a) a district of a territorial authority is required to be divided into 1 or more Māori wards; or (b) a region of a regional council is required to be divided into 1 or more Māori constituencies,— the provisions of this Part (other than those of sections 19B, 19G, and 19J, and those of this section) are subject to the provisions of Schedule 1A.
24A	**Electors of Māori wards** (1) In the case of a triennial general election, every residential elector of a district who, on the day before polling day for the election,— (a) is registered as a parliamentary elector at an address within a Māori ward; and (b) is registered as an elector of a Māori electoral district,— is, at that triennial general election, an elector of that Māori ward. (2) In the case of a triennial general election, every person who, on the day before polling day for the election, is a ratepayer elector of a district— (a) whose entitlement as an elector arises in respect of property in a Māori ward; and (b) who is registered as an elector of a Māori electoral district,— is, at that general election, an elector of that Māori ward. (3) In the case of an election to fill an extraordinary vacancy or an election called under section 258I or 258Mof the Local Government Act 2002, every residential elector of a district who, on the day before polling day for the election,— (a) is registered as a parliamentary elector at an address within a Māori ward; and (b) is registered as an elector of a Māori electoral district,— is, at that election, an elector of that Māori ward. (4) In the case of an election to fill an extraordinary vacancy or an election called under section 258I or 258M of the Local Government Act 2002, every person who, on the day before polling day for the election, is a ratepayer elector of a district— (a) whose entitlement as an elector arises in respect of property in a Māori

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	ward; and (b) who is registered as a elector of a Māori electoral district,— is, at the election, an elector of that Māori ward.
24B	**Voting rights at triennial general election of territorial authority** (1) A person who, under section 24A, is an elector of a Māori ward of a territorial authority is, at a triennial general election,— (a) entitled to vote— (i) at the election of the mayor; and (ii) at the election of the member or members who will represent that Māori ward; and (iii) at the election of the member or members (if any) to be elected to represent the whole of the district; and (iv) at the election of the member or members of the appropriate local board or community board (if any) situated within or partly within the Māori ward; but (b) not entitled to vote at the election of the member or members who will represent any other ward of the territorial authority. (2) No other person is entitled, at a triennial general election, to vote at the election of the member or members who will represent that Māori ward of that territorial authority.
24C	**Voting rights at election to fill extraordinary vacancy in respect of Māori ward** (1) A person who, under section 24A, is an elector of a Māori ward of a territorial authority is, at any election to fill an extraordinary vacancy in the office of a member who represents that Māori ward, entitled to vote at that election. (2) No other person is entitled to vote at any election to fill an extraordinary vacancy in the office of a member who will represent that Māori ward of that territorial authority.

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24D	**Electors of Māori constituencies** (1) In the case of a triennial general election, every residential elector of a region who, on the day before polling day for the election,— (a) is registered as an elector at an address within a Māori constituency; and (b) is registered as an elector of a Māori electoral district,— is, at that triennial general election, an elector of that Māori constituency. (2) In the case of a triennial general election, every person who, on the day before polling day for the election, is a ratepayer elector of a region— (a) whose entitlement as an elector arises in respect of property in a Māori constituency; and (b) who is registered as an elector of a Māori electoral district,— is, at that triennial general election, an elector of that Māori constituency. (3) In the case of an election to fill an extraordinary vacancy or an election called under section 258I or 258M of the Local Government Act 2002, every residential elector of a region who, on the day before polling day for the election,— (a) is registered as a parliamentary elector at an address within a Māori constituency; and (b) is registered as an elector of a Māori electoral district,— is, at that election, an elector of that Māori constituency. (4) In the case of an election to fill an extraordinary vacancy or an election called under section 258I or 258M of the Local Government Act 2002, every person who, on the day before polling day for the election, is a ratepayer elector of the region— (a) whose entitlement as an elector arises in respect of property in a Māori constituency; and (b) who is registered as an elector of a Māori electoral district,— is, at that election, an elector of that Māori constituency.
24E	**Voting rights at triennial general election of regional council** (1) A person who, under section 24D, is an elector of a Māori constituency of a regional council is, at a triennial general election,— (a) entitled to vote at the election of the member or members who will represent that constituency; but (b) not entitled to vote at the election of the member or members who will

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	represent any other constituency of the regional council. (2) No other person is entitled, at a triennial general election, to vote at the election of the member or members who will represent that Māori constituency of that regional council.
24F	**Voting rights at election to fill extraordinary vacancy in respect of Māori constituency** (1) A person who, under section 24D, is an elector of a Māori constituency of a regional council is, at any election to fill an extraordinary vacancy in the office of a member who represents that Māori constituency, entitled to vote at that election. (2) No other person is entitled to vote at any election to fill an extraordinary vacancy in the office of a member who will represent that Māori constituency of that regional council.
Schedule 1A	**Provisions relating to Māori wards and Māori constituencies**
clause 1	**Review of representation arrangements for election of territorial authority** (1) If, for the purposes of a triennial general election, a district of a territorial authority (being a district that is not already divided into 1 or more Māori wards) is required to be divided into 1 or more Māori wards, the territorial authority must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 August in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19H. (2) That determination must be made as if the territorial authority were required by section 19H to determine by resolution, in accordance with Part 1A,— (a) the proposed number of members of the territorial authority (other than the mayor); and (b) whether— (i) all of the proposed members of the territorial authority (other than the mayor) are to be separately elected by the electors of 1 or more Māori wards and the electors of 1 or more general wards; or (ii) some of the proposed members of the territorial authority (other than the mayor) are to be elected by the electors of the district as a whole and some to be elected separately by the electors of 1 or more Māori wards and 1 or more general wards, and, if so, what number of members are to be elected by electors of the district as a whole, and what number are to be elected separately.

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	(c) the proposed number of members of the territorial authority to be elected by the electors of 1 or more Māori wards; and (d) the proposed number of members of the territorial authority to be elected by electors of 1 or more general wards; and (e) the proposed name and the proposed boundaries of each ward; and (f) the number of members proposed to be elected by the electors of each Māori ward; and (g) the number of members proposed to be elected by the electors of each general ward. (3) This clause does not limit section 19B(1).
clause 2	**Calculation of number of Māori and general ward members** (1) The number of members to be elected by the electors of 1 or more Māori wards of the district of a territorial authority (Māori ward members) is to be determined in accordance with the following formula: $nmm = \frac{mepd}{mepd + gepd} \times nm$ where— **nmm** is the number of Māori ward members; **mepd** is the Māori electoral population of the district; **gepd** is the general electoral population of the district; and **nm** is the proposed number of members of the territorial authority (other than the mayor). (2) If a determination is made under clause 1(2)(b)(ii), the definition of nm in the formula must be applied as if for the words "proposed number of members of the territorial authority (other than the mayor)" there were substituted the words "proposed number of members of the territorial authority (other than the mayor and the members to be elected by electors of the district as a whole)". (3) If the number of the Māori ward members (other than the mayor) calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori ward members must be the next whole number above the number that includes the fraction. (4) The number of members to be elected by the electors of 1 or more general wards is to be determined by subtracting from the proposed number of members of the territorial authority (other than the mayor, or, if the case requires, other than the mayor and the members of the territorial authority to

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	be elected by electors of the district as a whole) the number of Māori ward members, as calculated under subclauses (1) and (3). (5) Despite Part 1A and the provisions of this schedule, if the number of Māori ward members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori ward members as so determined is a fraction of the whole number 1 that does not exceed one half),— (a) the district must not be divided into 1 or more Māori wards and 1 or more general wards; (b) the provisions of clauses 1, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19H or section 19R.
clause 3	**Review of representation arrangements for election of regional council** (1) If, for the purposes of a triennial general election, a region of a regional council (being a region that is not already divided into 1 or more Māori constituencies) is required to be divided into 1 or more Māori constituencies, the regional council must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 August in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19I. (2) That determination must be made as if the regional council were required by section 19I to determine by resolution, in accordance with Part 1A,— (a) the proposed number of members of the regional council; and (b) the proposed number of members of the regional council to be elected by the electors of 1 or more Māori constituencies; and (c) the proposed number of members of the regional council to be elected by electors of 1 or more general constituencies; and (d) the proposed name and the proposed boundaries of each constituency; and (e) the number of members proposed to be elected by the electors of each Māori constituency; and (f) the number of members proposed to be elected by the electors of each general constituency.
clause 4	**Calculation of number of Māori and general constituency members** (1) The number of members to be elected by the electors of 1 or more Māori constituencies of a regional council (Māori constituency members) is to be

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	determined in accordance with the following formula: $$nmm = \frac{mepr}{mepr + gepr} \times nm$$ where— **nmm** is the number of Māori constituency members **mepr** is the Māori electoral population of the region **gepr** is the general electoral population of the region **nm** is the proposed number of members of the regional council. (2) If the number of the Māori constituency members calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori constituency members must be the next whole number above the number that includes the fraction. (3) The number of members to be elected by the electors of 1 or more general constituencies is to be determined by subtracting from the proposed number of members of the regional council the number of Māori constituency members, as calculated under subclauses (1) and (2). (4) Despite Part 1A and the provisions of this schedule, if the number of Māori constituency members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori constituency members as so determined is a fraction of the whole number 1 that does not exceed one half),— (a) the region must not be divided into 1 or more Māori constituencies and 1 or more general constituencies; (b) the provisions of clauses 3, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19I or section 19R.
clause 6	**Supplementary provisions regarding wards, constituencies and boundaries** In determining the number of wards and the boundaries of Māori wards, and the number of constituencies and the boundaries of Māori constituencies, a territorial authority or regional council or, as the case may require, the Commission must, in addition to satisfying the requirements of section 19T or section 19U,— (a) ensure, to the extent that is reasonably practicable and is consistent with the requirements of paragraph (b), that— (i) the ratio of members to Māori electoral population in each Māori ward produces a variance of no more than plus or minus 10% (if 2 or more Māori wards for the district are proposed); and (ii) the ratio of members to Māori electoral population in each Māori

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	constituency produces a variance of no more than plus or minus 10% (if 2 or more Māori constituencies for the region are proposed); (b) have regard to— (i) the boundaries of any existing Māori electoral district; and (ii) communities of interest and tribal affiliations.
clause 7	**Population figures** (1) The Government Statistician must, at the request of a territorial authority or regional council or, if appropriate, the Commission, supply the territorial authority or regional council or the Commission with a certificate— (a) specifying the Māori electoral population for the district or region; and (b) the general electoral population of the district or region.

13 Local Government Act 1974

LGA1974	
SECTION	**OBLIGATION TO MAORI**
324A	**Power to carry out works on Maori roadway** (1) The council may from time to time— (a) maintain, repair, or improve any roadway laid out in the district in accordance with Part 14 of Te Ture Whenua Maori Act 1993; or (b) contribute towards the cost of maintaining, repairing, widening, or improving any roadway of the kind described in paragraph (a). (2) The council shall, before exercising in respect of any roadway, any of the powers conferred on it by subsection (1), obtain the written consent of— (a) the owners of the land comprising that roadway; and (b) the owners of the land adjoining that roadway if those owners are not the owners of the land comprising the roadway. (3) In any case where the owners of land comprising or adjoining a roadway laid out pursuant to Part 14 of Te Ture Whenua Maori Act 1993 are or are believed to be Maori and their whereabouts are unknown, consent under subsection (2) may be obtained by applying to the Maori Land Court for the district in which the land is situated for an order under the provisions of Part 10 of Te Ture Whenua Maori Act 1993. (4) The Maori Land Court shall deal with any application made pursuant to subsection (3) as if a notice under an enactment had been issued to the owners.

14 Local Government (Auckland Transitional Provisions) Act 2010

LOCAL GOVERNMENT (AUCKLAND TRANSITIONAL PROVISIONS) ACT 2010	
SECTION	**OBLIGATION TO MAORI**
45	**Planning document treated as satisfying sections 93 and 95 of Local Government Act 2002** (1) The planning document prepared by the Transition Agency under section 19A of the Reorganisation Act must be treated as the Council's long-term plan for the period beginning on 1 November 2010 and ending at the close of 30 June 2012. (2) The planning document prepared by the Transition Agency under section 19A of the Reorganisation Act must also be treated as the Council's annual plan for the period beginning on 1 November 2010 and ending at the close of 30 June 2011. (2A) Subsections (1) and (2) do not apply to the following policies included in the planning document: (a) remission and postponement of rates on Māori freehold land under section 108 of the Local Government Act 2002; (b) rates remission under section 109 of the Local Government Act 2002; (c) rates postponement under section 110 of the Local Government Act 2002.
47	**Certain policies have effect only in former districts and must be replaced by 30 June 2012** (1) This section applies to— (a) the policies of the existing local authorities included in the planning document prepared by the Transition Agency under section 19A of the Reorganisation Act in accordance with clause 4(3) of Schedule 2 of that Act; and (b) any policies of the existing local authorities included in the planning document prepared by the Transition Agency under section 19A of the Reorganisation Act in accordance with clause 4(4) of Schedule 2 of that Act; and (c) any policies or adjusted policies of the existing local authorities included in the planning document prepared by the Transition Agency under section 19A of the Reorganisation Act in accordance with clause 4(5)(b);

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SECTION	**OBLIGATION TO MAORI**
	or (d) of Schedule 2 of that Act. (2) The policies have effect only within the former district of each of the existing local authorities. (3) If there is any inconsistency between a policy made by the Auckland Regional Council and a policy made by any of the other existing local authorities, the policy made by the Auckland Regional Council prevails. (4) The policies must be replaced by the Council with a single integrated policy no later than 30 June 2012. (5) Despite subsection (4), the following policies must be replaced by the Council with a single integrated policy no later than 30 June 2011: (a) the policies of the existing local authorities in relation to remission and postponement of rates on Māori freehold land under section 108 of the Local Government Act 2002; (b) the policies of the existing local authorities in relation to rates remission under section 109 of the Local Government Act 2002; (c) the policies of the existing local authorities in relation to rates postponement under section 110 of the Local Government Act 2002. (5A) The Auckland Council must use the special consultative procedure in adopting the single integrated policy described in subsection (5). (6) A single integrated policy formulated under subsections (4) or (5) may contain different conditions and criteria to be met based on the former districts of the existing local authorities. (7) Subsection (6) is for the avoidance of doubt.
127	**Auckland Council must provide relevant information to Hearings Panel** (1) The Auckland Council must provide copies of the following to the Hearings Panel: (j) the planning documents that are recognised by an iwi authority and lodged with the Council:
136	**Hearing procedure** (1) At each hearing session, no fewer than 3 members of the Hearings Panel must be present. (2) If the chairperson is not present, he or she must appoint another member as chairperson for the purposes of the hearing session. (3) At the hearing session, the Hearings Panel—

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	(a) may permit a party to question any other party or witness; and (b) may permit cross-examination; and (c) must receive evidence written or spoken in Māori, in which case the Māori Language Act 1987 applies as if the hearing session were legal proceedings before a tribunal named in Schedule 1 of that Act. (4) Otherwise, the Hearings Panel must establish a procedure for hearing sessions that— (a) is appropriate and fair in the circumstances (including in respect of the granting to a person of any waiver of the requirements of the Hearings Panel); and (b) avoids unnecessary formality; and (c) recognises tikanga Māori where appropriate. (5) The Hearings Panel must keep a full record of the hearing sessions and any other proceedings
141	**Protection of sensitive information** (1) The Hearings Panel may, on its own motion or on the application of any submitter, make an order described in subsection (2) where it is satisfied— (a) that the order is necessary to avoid— (i) serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu; or (ii) the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; and (b) that in the circumstances of the particular case, the importance of avoiding the offence, disclosure, or prejudice outweighs the public interest in making that information available
161	**Minister for Environment and Minister of Conservation to establish Hearings Panel** (1) The Minister for the Environment and the Minister of Conservation must establish a Hearings Panel. (2) The Hearings Panel comprises— (a) a chairperson; and (b) 3 to 7 other members. (3) The chairperson and other members must be appointed jointly by the Ministers after consulting the Auckland Council and the Independent Māori Statutory

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	Board. (4) The Ministers must appoint members who collectively have knowledge of, and expertise in relation to, the following: (a) the RMA; and (b) district plans, regional plans (including regional coastal plans), and regional policy statements or combined regional and district documents; and (c) tikanga Māori, as it applies in Tāmaki Makaurau; and (d) Auckland and the mana whenua groups and other people of Auckland; and (e) the management of legal proceedings, including cross-examination. (5) However, a failure to comply with subsection (4) does not affect the validity of the appointment of a member once made.

15 Local Government Official Information and Meetings Act 1987

LGOIMA 1987	
SECTION	**OBLIGATION TO MAORI**
Part 1	**Access to local authority information**
7	**Other reasons for withholding official information** (1) Where this section applies, good reason for withholding official information exists, for the purpose of section 5 [principle of availability], unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available. (2) Subject to sections 6, 8, and 17, this section applies if, and only if, the withholding of the information is necessary to— (ba) in the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or...

16 Local Government (Rating) Act 2002

LOCAL GOVERNMENT (RATING) ACT 2002	
SECTION	**OBLIGATION TO MAORI**
8	**Non-rateable land** (1) The land described in Part 1 of Schedule 1 is non-rateable. (3) Subsections (1) and (2) are subject to section 9.
9	**Non-rateable land liable for certain rates** Land to which section 8 applies is rateable for the purpose of setting a targeted rate if— (a) the rate is set solely for water supply, sewage disposal, or refuse collection; and (b) the service referred to in paragraph (a) is provided in relation to the land.
Part 4	**Rating of Māori freehold land**
91	**Liability of Māori freehold land for rates** Except where this Part otherwise provides, Māori freehold land is liable for rates in the same manner as if it were general land.
92	**Recording name of ratepayer** (1) If Māori freehold land is owned legally and beneficially by 1 or 2 owners, the names of the owners must be entered as ratepayers in the rating information database and the district valuation roll. (2) If an entire rating unit that comprises Māori freehold land in multiple ownership is leased, the name of the lessee must be entered as the ratepayer in the rating information database and the district valuation roll, unless the lessor advises the local authority, or the lessee produces proof, that the lease provides for the lessor to be liable to pay the rates. (3) If an entire rating unit that comprises Māori freehold land in multiple ownership is subject to an occupation order made by the Māori Land Court under section 328 of Te Ture Whenua Maori Act 1993 (or an equivalent order made under a former provides for the owners or trustees, as the case may be, to be liable to pay the rates. (4) If subsection (2) or subsection (3) do not apply, the following names or descriptions must be entered as ratepayers in the rating information database and the district valuation roll: (a) for Māori freehold land owned by more than 2 persons who are not trustees, the words “the owners”;

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	(b) for Māori freehold land vested in trustees, the names and designations of the trustees. (5) For the purposes of this Part,— lease includes a tenancy at will, and any other tenancy that confers a leasehold interest upon the tenant, whether at law or in equity trustee includes a body corporate constituted under Part 13 of Te Ture Whenua Maori Act 1993. (6) Subsection (1) is subject to section 11. (7) Subsections (2), (3), and (4) override section 11.
93	**Limitation on trustee liability** If trustees are liable to pay the rates on rateable Māori freehold land,— (a) the rates must be paid out of income derived from the land and received by the trustees for the beneficial owners of the land; and (b) the trustees are liable for rates only to the extent of the money derived from the land and received by the trustees on behalf of the beneficial owner or owners.
94	**Appointment of person to receive notices** (1) Unless section 92(2) applies, or the land is vested in trustees, this section applies to rateable Māori freehold land in multiple ownership. (2) Unless it would be unreasonable or impracticable to do so, the Māori Land Court, on application by the local authority, must appoint one of the owners, or an agent of the owners, to receive rates assessments and rates invoices for Māori freehold land in multiple ownership. (3) The name of the owner or agent appointed under subsection (2) must be entered as the ratepayer in the rating information database and the district valuation roll, followed by the words "(court appointee)".
95	**Effect of appointment of owner or agent** (1) An appointment of an owner or agent under section 94(2) applies solely for the purpose of section 94. (2) The entry of the name of an owner or agent appointed under section 94 as a ratepayer in the district valuation roll does not create or confer an estate or interest in the land on that person for any purpose. (3) If there has been an appointment under section 94(2), the rates assessment must be delivered to the appointee under section 44. (4) The delivery of a rates assessment under section 44 to an appointee does not make the appointee liable for the rates on the relevant land, except to the extent that the person would otherwise be liable.

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96	**Person actually using land liable for rates** (1) A person actually using Māori freehold land in multiple ownership that is not vested in a trustee is liable for the rates on that land. (2) For the purposes of this Part, person actually using land means a person who, alone or with others,— (a) leases the land; or (b) does 1 or more of the following things on the land for profit or other benefit: (i) resides on the land: (ii) depastures or maintains livestock on the land: (iii) stores anything on the land: (iv) uses the land in any other way. (3) If there is a person actually using the land, subsection (1) applies whether or not— (a) the person actually using the land is one of the owners of the land; or (b) a person has also been appointed under section 94(2) to receive the rates assessment and the rates invoice for the land. (4) This section overrides section 12.
97	**Rates assessment delivered to person actually using land** (1) If section 96 applies, the rates assessment and rates invoice must be delivered to the person actually using the rateable Māori freehold land. (2) A person to whom section 96 applies and who is actually using part of the rateable Māori freehold land during a financial year must be treated as having used the whole of that land for the whole of that financial year unless that person establishes otherwise. (3) This section overrides sections 44 and 46.
98	**Recovery of unpaid rates from person actually using land** In proceedings under section 63 for the recovery of unpaid rates against a person to whom section 96 applies, the court may give judgment for a proportion of the unpaid rates if the court— (a) considers that in the circumstances it is reasonable to do so; and (b) is satisfied that— (i) the person did not actually use the whole of the rating unit for which the rates are claimed for the relevant financial year; and

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	(ii) the amount of the rates payable is disproportionately large compared to a reasonable rental or payment for the use.
99	**Application for charging order** (1) If the rates payable on rateable Māori freehold land are unpaid 6 months after the due date, the local authority may apply to the Māori Land Court for an order charging the unpaid rates against the land. (2) No application under subsection (1) may be made for an order charging a sum of less than $50. (3) An application under subsection (1) may not be made later than 6 years after the date on which— (a) the rates became due in that financial year in the case of rates payable in 1 payment in a financial year; or (b) the last payment of rates became due in that financial year in the case of rates payable by more than 1 payment in a financial year. (4) Section 82 of Te Ture Whenua Maori Act 1993 does not apply to a charging order made under this Part.
101	**Powers of Māori Land Court to make charging order** (1) If the Māori Land Court is satisfied, after hearing an application made under section 99, that the rates are payable and have been unpaid for more than 6 months since the due date, the court must make a charging order against the land in favour of the local authority for the amount of the unpaid rates and the cost of obtaining the charging order. (2) Despite subsection (1), the court must not make an order unless it is satisfied,— (a) if the land is vested in trustees, that all reasonable steps have been taken by the local authority to obtain payment of the rates from the trustees; or (b) if a person is liable to pay the rates because section 96 applies, that— (i) the local authority has taken proceedings against that person to recover judgment for all or some of the rates and has been unable to recover the amount of the judgment; or (ii) having regard to all the circumstances of the case, those proceedings are unlikely to result in the rates being recovered. (3) Subsection (2) does not override section 108
104	**Effect of charging order** If a charging order is made under section 101, no owner may deal with the land

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	except— (a) with the consent of the local authority; or (b) with the leave of the Māori Land Court.
105	**Charging order in force until discharged** (1) A charging order made against Māori freehold land under section 101 (or under the corresponding section of a former Act) is in force until it is discharged. (2) Subsection (1) does not override section 113 of this Act or the Limitation Act 2010.
106	**Consolidation of charging orders** The Māori Land Court may consolidate more than 1 order against the same land into 1 order for the total amount of rates due and discharge previous charging orders.
107	**Charging order apportioned if land partitioned** (1) If a rating unit subject to a charging order made under section 101 is partitioned, the charging order must be apportioned according to the area of each partition. (2) Despite subsection (1), the Māori Land Court, in its discretion, may make an order that apportions the charge in any other manner that it considers fair and equitable.
108	**Māori Land Court may enforce charging order** (1) If a charging order made under section 101 remains unsatisfied for 6 months, the local authority may apply to the Māori Land Court to enforce the charging order under subsection (2).
109	**Scope of order** An order made under section 108(2)— (a) must provide for the receiver or trustees, as the case may be, to satisfy the charging order; and (b) may authorise the receiver or trustees, as the case may be, on behalf of the owners, to recover— (i) money from any other person for the past use of the land by that person; or (ii) the amount of rates payable for that land during that person's use of the land.

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110	**Cancellation of order to enforce charging order** The Māori Land Court must cancel an order made under section 108(2) if, within 2 months after the making of that order, an owner of the land satisfies the court that— (a) all outstanding rates have been paid; and (b) proper provision has been made for the payment of future rates.
111	**Māori Land Court may make order for payment** (1) If the Māori Land Court has made a charging order under section101, the court may, on application from the local authority, make an order for the payment of unpaid rates by the Māori Trustee or any other person who holds, or is entitled to receive, on trust for the owners of the land, any money derived from the land.
112	**Discharge of charging order in full or in part** (1) A charging order made under section 101 must be discharged if— (a) the rates for the land subject to the charging order have been paid; or (b) the rates have been remitted by the local authority under section 85. (2) If subsection (1) applies, either— (a) the Māori Land Court must, by order of the court, discharge the charging order; or (b) the local authority must discharge the charging order in writing. (3) If the rates are paid in part or are remitted in part, the Māori Land Court or the local authority, as the case may be, must discharge the charging order in proportion to the amount of the rates paid or the amount for which the rates are remitted.
113	**Notation and registration of discharge** (1) If a discharge of a charging order is granted under section 112, the Registrar of the Māori Land Court must endorse the charging order,— (a) if the discharge relates to the full amount of the unpaid rates, as being discharged in full; and (b) if the discharge relates to part of the unpaid rates, as being partially discharged, both as to the amount of the rates remaining unpaid and the portion of the land affected by the charging order. (2) A discharge referred to in section 112 must be registered in accordance with the provisions of section 123 or section 124 of Te Ture Whenua Maori Act 1993, as the case may require, with any necessary modifications. (3) In the case of a partial discharge, the charging order must be registered only

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	as to the balance of the money and the residue of the land affected.
114	**Remission of rates** (1) A local authority may remit all or part of the rates (including penalties for unpaid rates) on Māori freehold land if— (a) its policy on the remission and postponement of rates on Māori freehold land adopted under section 102(1) of the Local Government Act 2002 includes provision for the remission of the rates; and (b) the local authority is satisfied that the conditions and criteria in the policy are met. (2) Sections 85(2) and 86 apply to a remission made under subsection (1). (3) This section does not limit the application of section 85 to Māori freehold land.
115	**Postponement of requirement to pay rates** (1) A local authority must postpone the requirement to pay all or part of the rates on Māori freehold land (including penalties for unpaid rates) if— (a) its policy on the remission and postponement of rates on Māori freehold land adopted under section 102(1) of the Local Government Act 2002 includes provision for the postponement of the requirement to pay rates; and (b) the ratepayer has applied in writing for a postponement; and (c) the local authority is satisfied that the conditions and criteria in the policy are met. (2) Sections 87(2), and 88 to 90 apply to postponements made under subsection (1). (3) This section does not limit the application of section 87 to Māori freehold land.
116	**Exemption of Māori freehold land from rates** (1) The Governor-General, by Order in Council made on the recommendation of the Māori Land Court and with the consent of the local authority in whose district the land is situated, may exempt Māori freehold land, as specified in the order, from some or all liability for rates. (2) An order made under subsection (1) may, at any time, be varied or cancelled by Order in Council. (3) In determining whether to consent to an order under subsection (1) or whether to seek an order under subsection (2), the local authority must consider— (a) the provisions of the policy on the remission and postponement of rates

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	on Māori freehold land adopted by the local authority under section 102(1) of the Local Government Act 2002; and (b) the objectives set out in Schedule 11 of the Local Government Act 2002.
117	**Effect of exemption** (1) An order made under section 116 may— (a) apply to specified Māori freehold land or to any specified class of that land; and (b) release the persons liable from liability for rates that were unpaid before the order was made. (2) If an order is made under section 116, the local authority must write off any rates referred to in subsection (1)(b).
Schedule 1	**Part 1 Land fully non-rateable** ... 10 Land that does not exceed 2 hectares and that is used as— (a) a cemetery, crematorium, or burial ground, within the meaning of section 2(1) of the Burial and Cremation Act 1964 (except a burial ground or crematorium that is owned and conducted for private pecuniary profit): (b) a Māori burial ground. 11 Māori customary land. 12 Land that is set apart under section 338 of Te Ture Whenua Maori Act 1993 or any corresponding former provision of that Act and (a) that is used for the purposes of a marae or meeting place and that does not exceed 2 hectares; or (b) that is a Māori reservation under section 340 of that Act. 13 Māori freehold land that does not exceed 2 hectares and on which a Māori meeting house is erected. 14 Māori freehold land that is, for the time being, non-rateable by virtue of an Order in Council made under section 116 of this Act, to the extent specified in the order. 25 Structures that are— (c) owned by the Crown, Te Urewera Board, or the trustees of Tūhoe Te Uru Taumatua under the Te Urewera Act 2014, but subject to note 2.

17 Māori Commercial Aquaculture Claims Settlement Act 2004

MĀORI COMMERCIAL AQUACULTURE CLAIMS SETTLEMENT ACT 2004	
SECTION	**OBLIGATION TO MAORI**
9	**Crown's obligations in respect of new space** (1) The Crown must ensure that the trustee is provided with settlement assets that are representative of 20% of the new space by way of 1 or more of the following: (a) the provision of authorisations to apply to occupy space in the coastal marine area for the purpose of aquaculture activities and any payment required by section 13(4); (b) the payment of a financial equivalent of that space: (c) entering into 1 or more regional agreements under section 10. (2) The settlement assets provided under subsection (1)(a) must be representative of 20% of the anticipated new space.
10	**Regional agreements relating to new space** (1) The Crown may enter into 1 or more agreements (including by deed) in respect of 1 or more regions if the Crown and the parties referred to in section 29A(2) all agree that the Crown's obligations under section 9 will be satisfied in respect of the regions on the terms set out in the agreement or the agreements. (2) Sections 29A(3), (40, (6) and (7) apply to an agreement entered into under this section. (3) An agreement under this section may provide for settlement of the Crown's obligations on any basis acceptable to the Crown and the other parties.
11	**Settlement in negotiation period** (1) The Crown must use its best endeavours to negotiate and enter into regional agreements under section 10 that provide for the Crown to meet its obligations under section 9. (2) The Crown must do so within the following periods: (a) within 2 years after the commencement of the Maori Commercial Aquaculture Claims Settlement Amendment Act 2011 for the following: (i) the Northland region: (ii) the east coast of the Waikato region, which is to be treated as a

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	separate region: (iii) the Tasman region: (iv) the Marlborough region: (b) for all other regions, whichever is the later of the following: (i) within 3 years after the commencement of the Maori Commercial Aquaculture Claims Settlement Amendment Act 2011; or (ii) within 2 years after the receipt of the first resource consent application for the purpose of aquaculture activities after the commencement of the Maori Commercial Aquaculture Claims Settlement Amendment Act 2011 (not being an application to which section 165ZH of the Resource Management Act 1991 applies). (3) The Minister may, by notice in the Gazette, extend a period specified in subsection (2). (4) The Minister may not give a notice under subsection (3) unless the Minister— (a) has consulted the trustee and the iwi aquaculture organisations, mandated iwi organisations, or recognised iwi organisations with whom the regional agreement under section 10 is being negotiated; and (b) is satisfied that reasonable steps have been taken to negotiate an agreement and that the proposed extension is likely to enable a regional agreement under section 10 in respect of the initial settlement period to be entered into. (5) If, at the conclusion of the relevant period specified in subsection (2) (or any extension), there is no regional agreement under section 10 that relates to settlement in a region, the Crown must— (a) arrange, in accordance with section 14, for authorisations in any relevant aquaculture settlement areas in the region to be provided to the trustee in accordance with section 9(1)(a); but (b) if insufficient authorisations are available to be provided to the trustee to meet the Crown's obligations as set out in section 9, pay the difference to the trustee in accordance with section 9(1)(b).
12	***Gazetting* space for settlement purposes** (1) For the purposes of preserving space to be used for meeting the Crown's obligations under section 9, the Minister may, by notice in the Gazette, declare space in the coastal marine area to be an aquaculture settlement area that is required to meet the obligations. (2) The Minister—

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	(a) may, by notice in the Gazette, add to or remove space from an aquaculture settlement area; and (b) must, if the Crown's obligations are settled in respect of a region, remove, by notice in the Gazette, the space from an aquaculture settlement area that is not required to meet the obligations. (3) Section 165E of the Resource Management Act 1991 applies in respect of applications for coastal permits made in an aquaculture settlement area. (4) In determining whether an aquaculture settlement area will be representative for the purposes of meeting the Crown's obligations under section 9, the Minister must take into account— (a) the suitability of the space for aquaculture activities; and (b) the overall productive capacity of the anticipated new space available for aquaculture activities in each region. (5) To avoid doubt, the Minister may exercise his or her powers under this section before the preparation of a plan under section 14.
13	**Allocation of authorisations in aquaculture settlement area** (1) This section applies if the Crown is required, either under a regional agreement under section 10 or by section 11(5), to provide authorisations for space in an aquaculture settlement area to the trustee. (2) The Minister must direct the regional council in whose region the relevant aquaculture settlement area is located to provide authorisations for aquaculture activities in the space to the trustee (whether or not the regional coastal plan would otherwise require a different allocation). (3) A regional council must comply with a direction made under subsection (2). (4) As soon as practicable after giving a direction under subsection (2), the Minister must,— (a) if an assessment under section 14(4)(d)(iv) shows a difference in value under that provision, consult the trustee about whether a payment of the difference is required; and (b) if the Minister decides that such a payment should be made, make the payment to the trustee. (5) Clause 3(1)(b) of Schedule 1 does not apply to the provision of authorisations under this section. (6) To avoid doubt, section 165R of the Resource Management Act 1991 applies in relation to the provision of authorisations under this section.
14	**Preparation of plan**

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	(1) The Minister must, by 31 December 2012, have started preparing a plan that— (a) provides an assessment of the progress made by the Crown in complying with section 9; and (b) to the extent that the Crown has not complied with section 9, provides how the Crown is going to comply with that provision; and (c) establishes processes and methods for determining the value of the settlement assets to be delivered under section 9. (2) In preparing the plan, the Minister must consult— (a) the trustee; and (b) all iwi aquaculture organisations, mandated iwi organisations, and recognised iwi organisations— (i) whose area of interest includes a part of the coastal marine area; and (ii) in relation to which the Crown has not, by 31 December 2012, satisfied its obligations under this Act. (3) As soon as practicable after completing the plan, the Minister must provide copies to the relevant regional council, the trustee, and the relevant iwi aquaculture organisations, mandated iwi organisations, and recognised iwi organisations. (4) Without limiting subsection (1)(c), the processes and methods must— (a) avoid increasing the demand for coastal permits, which would increase the value of space; and (b) reduce the risk of collusion; and (c) be cost effective for the Crown; and (d) enable an assessment to be made of the following: (i) the amount of anticipated new space in the region; and (ii) the value that would be representative of each of the types of aquaculture expected to be developed in the anticipated new space in the region; and (iii) the overall productive capacity of the anticipated new space available for aquaculture activities in each region; and (iv) the difference in value between— (A) the costs of obtaining, pursuant to an authorisation granted under this Act, a resource consent under the Resource Management Act 1991 that could commence under section 116A of that Act; and

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	(B) the costs of obtaining the resource consent pursuant to an authorisation had the authorisation been granted in relation to an aquaculture management area as at 1 January 2005.
16A	**When authorisations allocated to trustee lapse** (1) Section 165T of the Resource Management Act 1991 does not apply to settlement assets. (2) However, a settlement asset that is an authorisation does lapse if— (a) a resource consent application for aquaculture activities has been declined in respect of the space that is subject to the authorisation; or (b) a resource consent has been cancelled under section 116A(3) or (7) of the Resource Management Act 1991. (3) If an authorisation that is a settlement asset is transferred and (as a result of the transfer) it ceases to be a settlement asset, the authorisation lapses 2 years after the date on which the holder gives a notice of transfer of the authorisation to the regional council under section 165S of the Resource Management Act 1991.
29A	**Regional agreements** (1) The Crown may enter into an agreement (including by deed) in respect of 1 or more regions of regional councils, or of 1 or more harbours listed in Schedule 2, with the parties specified in subsection (2) if the Crown and those parties all agree that the Crown's obligation under section 22(1) will be satisfied in respect of those regions and harbours on the terms set out in the agreement. (2) The parties referred to in subsection (1) are— (a) the iwi aquaculture organisations of all iwi whose area of interest includes a region or harbour covered by the agreement; or (b) for any iwi referred to in paragraph (a) that do not have iwi aquaculture organisations, the recognised iwi organisations of those iwi. (3) A regional agreement must include— (a) the trustee as a party to the agreement in order to confirm that the agreement has been entered into by the parties specified in subsection (2); or (b) a provision that the agreement is conditional on the trustee confirming that the agreement has been entered into by those parties. (4) To avoid doubt, a regional agreement is enforceable as a contract in accordance with its terms. (5) Section 22(3)(c) does not prevent the Crown from making a payment to the trustee under a regional agreement before 1 January 2013.

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	(6) No court or tribunal has jurisdiction to inquire into the quantification or the adequacy of the benefits to be provided by or under a regional agreement. (7) However, subsection (6) does not exclude the jurisdiction of a court or tribunal in respect of the interpretation or enforcement of a regional agreement.
30	**Entry on iwi aquaculture register** (1) When the trustee receives settlement assets under this Act, it must record the settlement assets in the iwi aquaculture register. (2) Any settlement assets in an aquaculture management area in a harbour listed in Schedule 2 must be recorded as harbour settlement assets. (3) All other settlement assets must be recorded as coastal settlement assets. (4) Information recorded in the register under this section must include the type of asset, the size of the asset, the location of the asset, and the region of the regional council in which the asset is located.
44	**Determinations and allocations generally** (1) The trustee must make its determinations as to settlement assets allocation entitlements and its allocation of settlement assets separately on the basis of the region of each regional council and each harbour listed in Schedule 2. (2) However, if a written agreement referred to in section 45(4) covers more than 1 region or harbour, the trustee may make its determinations as to settlement assets allocation entitlements and its allocation of settlement assets collectively on the basis of the regions and harbours covered by the agreement. (3) For a region or harbour, the trustee must make either— (a) a single determination for all of the settlement assets of the region or harbour; or (b) 1 or more determinations for the settlement assets of the region or harbour covered by a regional agreement and a single determination for all the other settlement assets of the region or harbour. (4) The trustee may amend a determination to give effect to a written agreement referred to in section 45(4) to the extent that the agreement relates to settlement assets under a regional agreement that was entered into after the written agreement and, if it does so, the amendment becomes a determination of settlement assets allocation entitlements.

18 Maori Language Act 1987

MAORI LANGUAGE ACT 1987[2]	
SECTION	**OBLIGATION TO MAORI**
2	**Interpretation** In this Act, unless the context otherwise requires,— **legal proceedings** means— (a) proceedings before any court or tribunal named in Schedule 1; and (b) proceedings before any Coroner; and (c) proceedings before— (i) any commission of inquiry under the Commissions of Inquiry Act 1908; or (ii) any tribunal or other body having, by or pursuant to any enactment, the powers or any of the powers of such a commission of inquiry,— that is required to inquire into and report upon any matter of particular interest to the Maori people or to any tribe or group of Maori people
4	**Right to speak Maori in legal proceedings** (1) In any legal proceedings, the following persons may speak Maori, whether or not they are able to understand or communicate in English or any other language: (a) any member of the court, tribunal, or other body before which the proceedings are being conducted: (b) any party or witness: (c) any counsel: (d) any other person with leave of the presiding officer. (2) The right conferred by subsection (1) to speak Maori does not— (a) entitle any person referred to in that subsection to insist on being addressed or answered in Maori; or (b) entitle any such person other than the presiding officer to require that the proceedings or any part of them be recorded in Maori. (3) Where any person intends to speak Maori in any legal proceedings, the presiding officer shall ensure that a competent interpreter is available.

[2] Note that the Māori Language (Te Reo Māori) Bill is currently before Parliament. This Bill proposes to repeal the Māori Language Act 1987 and establishes an independent entity, Te Mātāwai, to provide leadership on behalf of iwi and Māori regarding the health of the Māori language.

MAORI LANGUAGE ACT 1987[2]	
SECTION	**OBLIGATION TO MAORI**
	(4) Where, in any proceedings, any question arises as to the accuracy of any interpreting from Maori into English or from English into Maori, the question shall be determined by the presiding officer in such manner as the presiding officer thinks fit. (5) Rules of court or other appropriate rules of procedure may be made requiring any person intending to speak Maori in any legal proceedings to give reasonable notice of that intention, and generally regulating the procedure to be followed where Maori is, or is to be, spoken in such proceedings. (6) Any such rules of court or other appropriate rules of procedure may make failure to give the required notice a relevant consideration in relation to an award of costs, but no person shall be denied the right to speak Maori in any legal proceedings because of any such failure.

19 Marine and Coastal Area (Takutai Moana) Act 2011

MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011	
SECTION	**OBLIGATION TO MAORI**
7	**Treaty of Waitangi (te Tiriti o Waitangi)** In order to take account of the Treaty of Waitangi (te Tiriti o Waitangi), this Act recognises, and promotes the exercise of, customary interests of Maori in the common marine and coastal area by providing,— (a) in subpart 1 of Part 3, for the participation of affected iwi, hapu, and whanau in the specified conservation processes relating to the common marine and coastal area; and (b) in subpart 2 of Part 3, for customary rights to be recognised and protected; and (c) in subpart 3 of Part 3, for customary marine title to be recognised and exercised.
11	**Special status of common marine and coastal area** (1) The common marine and coastal area is accorded a special status by this section. (2) Neither the Crown nor any other person owns, or is capable of owning, the common marine and coastal area, as in existence from time to time after the commencement of this Act. (3) On the commencement of this Act, the Crown and every local authority are divested of every title as owner, whether under any enactment or otherwise, of any part of the common marine and coastal area. (4) Whenever, after the commencement of this Act, whether as a result of erosion or other natural occurrence, any land owned by the Crown or a local authority becomes part of the common marine and coastal area, the title of the Crown or the local authority as owner of that land is, by this section, divested. (5) The special status accorded by this section to the common marine and coastal area does not affect— (a) the recognition of customary interests in accordance with this Act; or (b) any lawful use of any part of the common marine and coastal area or the undertaking of any lawful activity in any part of the common marine and coastal area; or (c) any power to impose, by or under an enactment, a prohibition, limitation, or restriction in respect of a part of the common marine and

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SECTION	**OBLIGATION TO MAORI**
	coastal area; or (d) any power or duty, by or under an enactment, to grant resource consents or permits (including the power to impose charges) within any part of the common marine and coastal area; or (e) any power, by or under an enactment, to accord a status of any kind to a part of the common marine and coastal area, or to set aside a part of the common marine and coastal area for a specific purpose; or (f) any status that is, by or under an enactment, accorded to a part of the common marine and coastal area or a specific purpose for which a part of the common marine and coastal area is, by or under an enactment, set aside, or any rights or powers that may, by or under an enactment, be exercised in relation to that status or purpose. (6) In this section, enactment includes bylaws, regional plans, and district plans.
14	**Roads located in marine and coastal area** (1) Any road, whether formed or unformed, that is in the marine and coastal area on the commencement of this Act is not part of the common marine and coastal area. (2) A certificate signed and dated by the responsible Minister may state, in respect of an unformed road to which subsection (1) applies,— (a) that the formation of the road has commenced; or (b) that the Minister believes that the formation of the road is intended to be commenced, having regard to any evidence that the Minister considers relevant, including, without limitation, any resource consent or other authorisation for that formation or any application or proposed application for such consent or authorisation. (3) If, on the day before any quinquennial anniversary, an unformed road to which subsection (1) applies continues in existence as an unformed road, then that road is deemed to be stopped, and becomes part of the common marine and coastal area on that anniversary, unless a current certificate has been signed and dated in respect of that road. (4) If a road to which subsection (1) applies continues to be unformed for at least 15 years after the commencement of this Act, the road is deemed to be stopped, and becomes part of the common marine and coastal area, on the date that the responsible Minister, in his or her discretion, signs and dates a certificate stating that— (a) the formation of the road has not commenced; and

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	(b) the Minister believes that there is no longer an intention to commence the formation of the road. (5) An unformed road that, after the commencement of this Act, comes into existence in the marine and coastal area is part of the common marine and coastal area. (6) However, if a road to which subsection (5) applies is formed, the road ceases to be part of the common marine and coastal area on the day on which its formation is completed. (7) In any case where a road in the marine and coastal area is not part of the common marine and coastal area, the ownership, management, and control of the road is determined and governed by the enactments that apply to the road. (8) Nothing in this section (except subsection (7)) and in section 15 applies to a private road. (9) In this section,— **current certificate** means a certificate under subsection (2) that is dated not earlier than 6 months before the relevant quinquennial anniversary; **formation** and **form** have the same meaning as in section 2(1) of the Local Government Act 1974; **private road** has the same meaning as in section 315(1) of the Local Government Act 1974; **quinquennial anniversary** means any date that is the fifth, tenth, or 15th anniversary of the commencement of this Act.
18	**Rights of owners of structures** (1) This section applies to any structure that is, on or after the commencement of this Act, fixed to, or under or over, any part of the common marine and coastal area. (2) Each structure to which this section applies— (a) is to be regarded as personal property and not as land or as an interest in land; and (b) does not form part of the common marine and coastal area. (3) A person who, immediately before the commencement of this Act, had an interest in a structure to which this section applies continues to have that interest in the structure as personal property until the person's interest is changed by a disposition or by operation of law. (4) A person is presumed, unless the contrary is shown, to own a structure to which this section applies if the person holds a resource consent for the occupation of

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	the part of the common marine and coastal area in which the structure is located. (5) Any authority, in force immediately before the commencement of this Act, by which the Crown, a Minister, an officer, an employee, a department, an instrument of the Crown, or a local authority is authorised to exercise and perform powers, duties, or functions in respect of a structure to which this section applies continues to be in force according to its tenor until it is changed or ceases to have effect by a lawful direction, disposition, or by operation of law.
19	**Crown deemed to be owner of abandoned structures** (1) The Crown is deemed to be the owner of any structure that is abandoned in the common marine and coastal area. (2) For the purposes of this section, a structure is abandoned if the regional council with statutory functions in the part of the common marine and coastal area in which the structure is located has, after due inquiry, been unable to ascertain the identity or the whereabouts of the owner of the structure. (3) Where the ownership of a structure in the common marine and coastal area is uncertain, the regional council must undertake an inquiry under subsection (2) if there is no current resource consent in respect of the structure. (4) Every inquiry under subsection (2) must be undertaken in accordance with regulations made under section 118. (5) Nothing in this section makes the Crown liable— (a) for any breaches committed, in respect of a structure, before the Crown became the deemed owner of the structure; or (b) for any effects attributable to anything done or omitted, in respect of a structure, before the Crown became the deemed owner of the structure; or (c) to comply with any requirement in respect of the structure that does not relate to a matter of health or safety or to a significant adverse effect on the environment.
20	**Act does not affect existing resource consents or lawful activities** Nothing in this Act limits or affects— (a) any resource consent granted before the commencement of this Act; or (b) any activities that can be lawfully undertaken without a resource consent or other authorisation.
55	**Effect of protected customary rights on resource consent applications** (1) This section applies if an application for a resource consent for an activity to be

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	undertaken wholly or in part within a protected customary rights area is lodged on or after the date that— (a) a protected customary rights agreement comes into effect under section 96(1)(a); or (b) a protected customary rights order is sealed in accordance with section 113. (2) A consent authority must not grant a resource consent for an activity (including a controlled activity) to be carried out in a protected customary rights area if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, unless— (a) the relevant protected customary rights group gives its written approval for the proposed activity; or (b) the activity is one to which subsection (3) applies. (3) The existence of a protected customary right does not limit or otherwise affect the grant of— (a) a coastal permit under the Resource Management Act 1991 to permit existing aquaculture activities to continue to be carried out in a specified part of the common marine and coastal area,— (i) regardless of when the application is lodged or whether there is any change in the species farmed or in the method of marine farming; and (ii) provided that there is no increase in the area, or change to the location, of the coastal space occupied by the aquaculture activity for which the existing coastal permit was granted; or (b) a resource consent under section 330A of the Resource Management Act 1991 for an emergency activity (within the meaning of section 63) undertaken in accordance with section 330 of that Act, as if the emergency activity were an emergency work to which section 330 applies; or (c) a resource consent for an existing accommodated infrastructure (within the meaning of section 63) if any adverse effects of the proposed activity on the exercise of a protected customary right will be or are likely to be— (i) the same or similar in character, intensity, and scale as those that existed before the application for the resource consent was lodged; or (ii) if more than minor or temporary in nature; or (d) a resource consent for a deemed accommodated activity (within the

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	meaning of section 65(1)(b)(i)). (4) In the case where a deemed accommodated activity within the meaning of section 65(1)(b)(i) applies, the consent authority must, when considering applications for a resource consent relating to that activity, have particular regard to the nature of the protected customary right. (5) The provisions of Part 1 of Schedule 1 apply for the purposes of subsections (2) and (3).
63	**Interpretation** In this section and in sections 64 and 65, **accommodated infrastructure** means infrastructure (including structures and associated operations) that is— (a) lawfully established; and (b) owned, operated, or carried out by 1 or more of the following: (i) the Crown, including a Crown entity; (ii) a local authority or a council-controlled organisation;: (iii) a network utility operator (within the meaning of section 166 of the Resource Management Act 1991); (iv) an electricity generator (as defined in section 2(1) of the Electricity Act 1992); (v) a port company (as defined in section 2(1) of the Port Companies Act 1988); (vi) a port operator (as defined in section Part 3A of the Maritime Transport Act 1994); and (c) reasonably necessary to— (i) the national social or economic well-being; or (ii) the social or economic well-being of the region in which the infrastructure is located **associated operations** means activities that are necessary for the functioning of an accommodated infrastructure, including— (a) an activity carried out under a resource consent granted under the Resource Management Act 1991 to permit existing accommodated infrastructure to continue in the same location; and (b) maintenance, remedial, and restoration work; and (c) the upgrading of existing infrastructure, but only if the effects on the environment of the upgraded infrastructure, assessed at the date when

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	an application is made to upgrade the existing infrastructure, are to be the same or similar in character, intensity, and scale as the effects of the infrastructure that is being upgraded; and (d) the replacement of a part of existing infrastructure by a new part of the same or similar nature; and (e) the relocation of existing infrastructure, if— (i) that is necessary for the continuing operation of the infrastructure; and (ii) the effects on the environment of the new location, assessed at the date when an application is made to relocate the existing infrastructure, are the same or similar in character, intensity, and scale as the effects of the infrastructure in its previous location; and (a) dredging as part of the ongoing operation of a port.
64	**Accommodated activities** (1) An accommodated activity— (a) may be carried out in a part of the common marine and coastal area despite customary marine title being recognised in respect of that part under subpart 1 or 2 of Part 4; and (b) is not limited or otherwise affected by the exercise of an RMA permission right or a conservation permission right; but (c) does not limit or otherwise affect the exercise of any other right referred to in section 62(1). (2) For the purposes of this subpart, accommodated activity means any of the following activities, to the extent that they are within a customary marine title area: (a) an activity authorised under a resource consent, whenever granted, if the application for the consent is first accepted by the consent authority before the effective date; (b) an activity that may be carried out under a resource consent, whenever granted, for a minimum impact activity (as defined in section 2(1) of the Crown Minerals Act 1991) relating to petroleum (as defined in section 2(1) of that Act); (c) accommodated infrastructure; (d) the management activities for which a resource consent is required in relation to— (i) an existing marine reserve;

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	(ii) an existing wildlife sanctuary; (iii) an existing marine mammal sanctuary; (iv) an existing concession; (e) an activity carried out under a coastal permit granted under the Resource Management Act 1991 to permit existing aquaculture activities to continue to be carried out in a specified part of the common marine and coastal area,— (i) regardless of when the application is lodged or whether there is any change in the species farmed or in the method of marine farming; but (ii) provided that there is no increase in the area, or change of location, of the coastal space occupied by the aquaculture activities for which the existing coastal permit was granted; (f) an emergency activity; (g) scientific research or monitoring that is undertaken or funded by— (i) the Crown; (ii) any Crown agent; (iii) the regional council with statutory functions in the region where the research or monitoring is to take place; (h) a deemed accommodated activity. (3) Subsection (4) applies if, in relation to whether an activity is an accommodated activity, there is a dispute between— (a) a customary marine title group; and (b) the person who owns, operates, or carries out the activity that is the subject of the dispute. (4) Either party to the dispute may refer the dispute to the Minister for Land Information for resolution. (5) The decision of the Minister is final.
65	**Deemed accommodated activities** (1) For the purpose of section 64(2)(h) and Schedule 2, the following activities are deemed to be accommodated activities: (a) the construction or operation of any proposed infrastructure that— (i) is within the meaning of paragraph (b) of the definition of accommodated infrastructure; and (ii) cannot practicably be constructed or operated in any location other than within a customary marine title area; and

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	(iii) is essential for— (A) the national social or economic well-being; or (B) the social or economic well-being of the region in which the infrastructure is located; and (iv) in any case where the construction of infrastructure is to take place at any time after the commencement of this Act, that construction is either— (A) agreed in principle in accordance with Part 1 of Schedule 2 (subject to all necessary consents being obtained) by the group that holds a customary marine title order in the area relevant to the proposed infrastructure; or (B) classified by the Minister for Land Information as a deemed accommodated activity (subject to all necessary resource consents being obtained) in accordance with Part 1 of Schedule 2; (b) any activity— (i) that, at any time after the commencement of this Act, is necessary for, or reasonably related to, prospecting, exploration, mining operations, or mining (as those terms are defined in section 2(1) of the Crown Minerals Act 1991) for petroleum under a privilege; and (ii) for which an agreement or an arbitral award has been made under Part 2 of Schedule 2; (c) any activity— (i) that, at any time after the commencement of this Act, is necessary for, or reasonably related to, the exercise of a privilege in existence immediately before the effective date and of the rights associated with that privilege, as provided for in section 84(1); and (ii) for which an agreement or arbitral award has been made under Part 2 of Schedule 2. (2) Nothing in subsection (1)(a) or (b) limits the discretion of a consent authority— (a) to decline an application for a resource consent; or (b) to impose conditions on the resource consent.
66	**Scope of Resource Management Act 1991 permission right** (1) An RMA permission right applies to activities that are to be carried out under a resource consent, including a resource consent for a controlled activity, to the extent that the resource consent is for an activity to be carried out within a customary marine title area. (2) A customary marine title group may give or decline permission, on any

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	grounds, for an activity to which an RMA permission right applies. (3) Permission given by a customary marine title group cannot be revoked. (4) An RMA permission right does not apply to the grant or exercise of a resource consent for an accommodated activity. (5) An RMA permission right, or permission given under such a right, does not limit the discretion of a consent authority— (a) to decline an application for a resource consent; or (b) to impose conditions. (6) In this section, consent authority includes the Minister of Conservation and the Minister for the Environment exercising the powers of a consent authority under the Resource Management Act 1991.
67	**Procedural matters relevant to exercise of RMA permission right** (1) A person seeking to carry out an activity (the applicant) to which an RMA permission right applies— (a) must make a request for permission by notice to the relevant customary marine title group; and (b) may do so at any time before the relevant resource consent may commence. (2) The customary marine title group must— (a) notify in writing its decision on a request for permission to— (i) the applicant who gave notice under subsection (1); and (ii) the relevant consent authority; and (b) if permission is given, specify— (i) the activity for which permission is given; and (ii) the applicant who is to have the benefit of the permission; and (iii) the duration of the permission. (3) Unless the customary marine title group has already notified its decision to the applicant under subsection (2), it must do so not later than 40 working days after it receives a notice from the applicant that the applicant has been granted the relevant resource consent (whether or not the applicant had previously notified the customary marine title group of the application). (4) The customary marine title group is to be treated as having given permission for the resource consent, for its duration, if notice of its decision is not received by the applicant in accordance with subsection (3). (5) In subsection (3), the grant of a resource consent means that the consent has been granted and any appeal rights exhausted, and that the resource consent

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	would, but for the requirement for the permission of the customary marine title group, commence under section 116 of the Resource Management Act 1991.
68	**Effect of RMA permission right** (1) The holder of a resource consent for an activity in a customary marine title area to which an RMA permission right applies must not commence the activity to which the consent applied unless— (a) permission has been given by the relevant customary marine title group under section 66(2) for that activity; and (b) the permission covers the activity to which the resource consent applies. (2) To avoid doubt, a decision of a customary marine title group to give or to decline permission for an activity is not subject to— (a) a right of appeal; or (b) a right of objection under section 357 or 357A of the Resource Management Act 1991.
81	**Compliance** (1) A local authority that has statutory functions in the location of a wāhi tapu or wāhi tapu area that is subject to a wāhi tapu protection right must, in consultation with the relevant customary marine title group, take any appropriate action that is reasonably necessary to encourage public compliance with any wāhi tapu conditions.
88	**Obligation on local authorities** (1) This section applies if a planning document is lodged with a local authority that has statutory functions in the district or region where the customary marine title area is located. (2) On and after the date that a planning document is registered, the local authority must take the planning document into account when making any decision under the Local Government Act 2002 in relation to the customary marine title area.
93	**Obligations on regional councils in relation to planning documents** *Preliminary obligations* (1) A regional council with functions in a region where 1 or more planning documents are registered in accordance with section 86 must, until the requirements of subsection (5) have been completed, attach the planning documents to copies of its relevant regional documents that it makes publicly available. *Identification and application of resource management matters included in planning document*

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	(2) Between the time that a planning document is lodged under section 86(1) and the time it is deemed to be registered under section 86(2), a regional council must identify the matters in the planning document that relate to resource management issues within its functions under the Resource Management Act 1991, to the extent that those matters are relevant within— (a) the customary marine title area to which the planning document relates; and (b) any parts of the common marine and coastal area to which the planning document relates other than the customary marine title area. (3) When considering, under section 104 of the Resource Management Act 1991, a resource consent application for an activity that would, if the consent were granted, directly affect, wholly or in part, the area to which the planning document applies, a consent authority of a regional council must have regard to any matters identified under subsection (2). (4) The obligation under subsection (3) applies only to the matters in respect of which a regional council is able to exercise discretion. (5) The obligation under subsection (3) continues until— (a) a regional document, altered in accordance with this section, becomes operative in accordance with Schedule 1 of the Resource Management Act 1991; or (b) 30 working days after the date that the customary marine title group is informed of the decision under subsection (11) that no alterations are to be made to the relevant regional documents. *Obligations with respect to relevant regional documents* (6) A regional council must initiate a process to determine whether to alter its relevant regional documents, if and to the extent that any alteration would achieve the purpose of the Resource Management Act 1991, in order to— (a) recognise and provide for any matters identified under subsection (2)(a); and (b) take into account any matters identified under subsection (2)(b). (7) The process required by subsection (6) may be commenced— (a) at any time after a planning document is registered; but (b) not later than the first proposed change to, or variation or review of, any provision in a relevant regional document that applies to a customary marine title area. (8) In making a determination under subsection (6), a regional council must consider the extent to which alterations must be made to its relevant regional

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	documents to— (a) recognise and provide for the matters in a planning document that relate to the customary marine title area; and (b) take into account the matters in a planning document that relate to the parts of the common marine and coastal area other than the customary marine title area. (9) The obligations on a regional council under subsection (8) must be carried out in accordance with the requirements and procedures that relate to regional documents in— (a) Part 5 of the Resource Management Act 1991; and (b) Schedule 1 of that Act. (10) A regional council may decide, in conducting the process required by subsection (6), not to alter its relevant regional documents, but only on the grounds that the matters in the planning document— (a) are already provided for in a relevant regional document; or (b) would not achieve the purpose of the Resource Management Act 1991; or (c) would be more effectively and efficiently addressed in another way. (11) If a regional council determines that no alterations should be notified in a proposed policy statement or plan that is notified under clause 5 of Schedule 1 of the Resource Management Act 1991, it must inform the customary marine title group in writing and provide reasons for its decision within 5 working days of that decision. (12) If an application is made to a regional council under Part 2 of Schedule 1 of the Resource Management Act 1991 for a private plan change that includes a customary marine title area in respect of which a planning document has been lodged,— (a) the provisions of Part 2 of that schedule apply to the application, subject to the regional council having regard to any matters in the planning document when making a decision under clause 25 of that schedule; and (b) if the private plan change is not rejected or treated as a resource consent application, the regional council must adopt the request and initiate the process required by subsection (6).
Schedule 1	**Resource consents and controls in protected customary rights area**
clause 3	**Process if grant of resource consent has effect of cancelling protected customary right**

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	(1) If the effect of carrying out an activity under a resource consent granted in the circumstances contemplated by clause 2 would be permanently to cancel a protected customary rights order or agreement, in whole or in part,— (a) the protected customary rights group must apply, as the case requires,— (i) to the High Court under section 111 to vary or cancel the order; or (ii) to the responsible Minister to vary or cancel an agreement; and (b) a decision by the consent authority to grant a resource consent for the proposed activity is of no effect until the application referred to in paragraph (a) has been— (i) determined by the High Court under section 111 and all appeal rights have been pursued, and registered under section 114; or (ii) agreed to by the responsible Minister as if it were an application for an agreement to which sections 95, 96, and 114 apply. (2) If the High Court or the responsible Minister, as the case requires, declines an application to cancel a protected customary rights order, the relevant resource consent must be treated as if it were declined by the consent authority.
clause 4	**Assessment of effects of exercise of protected customary rights** (1) An enforcement officer authorised in writing for the purpose by a local authority may do any of the following for the purpose of assessing the effects on the environment of the exercise of a protected customary right: (a) carry out surveys, investigations, tests, or measurements; (b) take samples of any water, air, soil, or vegetation; (c) enter or re-enter land (except a dwelling house). (2) These powers may be exercised— (a) at any reasonable time; and (b) with or without assistance, vehicles, appliances, machinery, or equipment reasonably necessary for the purpose.

20 Maritime Transport Act 1994

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291	**Preparation and consultation in respect of, and matters to be included in, regional marine oil spill contingency plans** (1) In preparing its draft regional marine oil spill contingency plan, a regional council shall ensure that,— (a) the draft plan is consistent with the New Zealand marine oil spill response strategy and the national marine oil spill contingency plan; and (b) the draft plan complies with any relevant requirements of the marine protection rules. (2) In preparing under section 289 or reviewing under section 290, its draft regional marine oil spill contingency plan, a regional council shall consider the following matters: (a) the regional marine oil spill contingency plans of regional councils with adjacent regions; (b) such other marine oil spill contingency plans as it considers appropriate; (c) any regional coastal plan applying to that region and prepared under the Resource Management Act 1991; (d) any conservation management strategies and conservation management plans approved under section 17F or section 17G of the Conservation Act 1987 in respect of the coastal resources in its region; (e) the harmful effects that marine oil spills may have on the marine environment and measures that can be taken to limit these effects; (f) the substances that are suitable to contain and clean up marine oil spills; (g) such other matters as it considers appropriate. (3) In preparing under section 289 or reviewing under section 290, its draft regional marine oil spill contingency plan, a regional council shall consult— (a) the Department of Conservation; and (b) representatives of the tangata whenua within its region; and (c) such persons who use the coastal resources within its region as the regional council considers appropriate; and (d) any other persons whom the regional council considers appropriate.

21 Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014

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	Subpart 1—Vesting of maunga (other than Maungauika and Rarotonga / Mount Smart)
8	**Interpretation** **Annual operational plan** means the annual operational plan agreed by the Maunga Authority and the Auckland Council under section 60.
20	**Maungarei / Mount Wellington** (1) The reservation of the part of Maungarei / Mount Wellington that is a reserve for a site for a borough depot subject to the Reserves Act 1977 is revoked. (2) The reservation of the parts of Maungarei / Mount Wellington that are recreation reserve subject to the Reserves Act 1977 is revoked. (3) The fee simple estate in Maungarei / Mount Wellington then vests in the trustee. (4) The part of Maungarei / Mount Wellington referred to in subsection (1) is then declared a reserve and classified as a local purpose reserve, for the purpose of a site for a council depot, subject to section 23 of the Reserves Act 1977. (5) The parts of Maungarei / Mount Wellington referred to in subsection (2) are then declared a reserve and classified as a recreation reserve subject to section 17 of the Reserves Act 1977. (6) The Maunga Authority is the administering body of Maungarei / Mount Wellington for the purposes of the Reserves Act 1977, and that Act applies as if Maungarei / Mount Wellington were reserves vested in the administering body. (7) Subsections (1) to (6) do not take effect until the trustee has provided— (a) Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule; and (b) the Auckland Council with a registrable lease on the terms and conditions set out in part 4 of the documents schedule. (8) The easement referred to in subsection (7)(a)— (a) is enforceable in accordance with its terms despite— (i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; or (ii) any rule of law; and (b) is to be treated as having been granted in accordance with the

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	Reserves Act 1977. (9) The lease referred to in subsection (7)(b)— (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.
30	**Ownership of improvements** (1) This section applies to improvements attached to the maunga vested in the trustee under this subpart— (a) on the vesting of the maunga in the trustee; and (b) despite the vesting. (6) Improvements owned by the Auckland Council immediately before the vesting remain vested in the Auckland Council. However, the improvements must be treated as if they were vested in the Maunga Authority for the purposes of administering the maunga under the Reserves Act 1977.
	Subpart 2—Vesting of Maungauika
33	**Maungauika** (1) The reservation of Maungauika (being North Head Historic Reserve) as a historic reserve subject to the Reserves Act 1977 is revoked. (2) The fee simple estate in Maungauika then vests in the trustee. (3) Maungauika is then declared a reserve and classified as a historic reserve subject to section 18 of the Reserves Act 1977. (4) Subsections (1) to (3) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule. (5) The easement— (a) is enforceable in accordance with its terms despite— (i) the provisions of the Reserves Act 1977, the Property Law Act 2007, or any other enactment; and (ii) any rule of law; and (b) is to be treated as having been granted in accordance with the Reserves Act 1977. (1) Despite the vesting under subsection (2), the Reserves Act 1977 applies to Maungauika as if the maunga were vested in the Crown. (2) To avoid doubt, as a result of subsection (6),— (a) Maungauika is not vested in, or managed and controlled by, an

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	administering body; and (b) the Crown continues to administer, control, and manage Maungauika; and (c) the Crown continues to retain all income, and be responsible for all liabilities, in relation to Maungauika; and (d) Maungauika continues to form part of the Hauraki Gulf Marine Park established under section 33 of the Hauraki Gulf Marine Park Act 2000. (3) Until the integrated management plan comes into effect, the Crown must administer, control, and manage the reserve in accordance with the North Head Historic Reserve Conservation Management Plan (1999).
34	**Ownership of improvements** (1) This section applies to improvements attached to Maungauika— (a) on the vesting of the maunga in the trustee under section 33; and (b) despite the vesting. (7) Improvements owned by the Auckland Council immediately before the vesting remain vested in the Auckland Council.
38	**Order in Council triggering different arrangements for administration of Maungauika** (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that on the date specified in the order section 164(3) and Schedule 6 come into force. (2) The Minister of Conservation may recommend the making of an order only if— (a) a computer freehold register for the fee simple estate in Maungauika in the name of the trustee has been created under section 43; and (b) the Minister has consulted the Minister of Local Government; and (c) the Auckland Council, after consulting the Maunga Authority, has provided notice in writing to the Minister of Conservation that the Council has agreed to be responsible for the routine management of Maungauika in the same manner as for other maunga under section 61.
	Subpart 3—Vesting of Rarotonga / Mount Smart
39	**Rarotonga / Mount Smart** (1) The reservation of Rarotonga / Mount Smart as a recreation reserve subject to the Reserves Act 1977 is revoked. (2) The fee simple estate in Rarotonga / Mount Smart then vests in the trustee. (3) Rarotonga / Mount Smart is then declared a reserve and classified as a

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	recreation reserve subject to section 17 of the Reserves Act 1977. (4) Subsections (1) to (3) do not take effect until the trustee has provided Watercare Services Limited with a registrable easement in gross on the terms and conditions set out in part 6 of the documents schedule. (5) The easement— (a) is enforceable in accordance with its terms despite— (i) the provisions of the Reserves Act 1977; and (ii) any inconsistency with the Property Law Act 2007 or any other enactment or rule of law; and (b) is to be treated as having been granted in accordance with the Reserves Act 1977. (6) Despite the revocation, vesting, declaration, and classification under subsections (1) to (3),— (a) any enactment or instrument applying to Rarotonga / Mount Smart immediately before the revocation, vesting, and declaration, including the following, continues to apply as if the revocation, vesting, and declaration had not occurred: (i) the Mount Smart Regional Recreation Centre Act 1985; and (ii) the Local Government (Tamaki Makaurau Reorganisation) Council-controlled Organisations Vesting Order 2010; and (iii) any instrument in relation to which the Auckland Council or Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland) is a party, including the licence between the Auckland Council and Regional Facilities Auckland Limited dated 22 December 2011; and (b) the Reserves Act 1977 continues to apply to Rarotonga / Mount Smart as if the reserve were vested in the Auckland Council. (7) To avoid doubt, as a result of subsection (6), the Auckland Council— (a) retains all the powers conferred upon it under the Mount Smart Regional Recreation Centre Act 1985 in respect of Rarotonga / Mount Smart; and (b) subject to section 4 of that Act, retains all management and administrative authority for Rarotonga / Mount Smart as the administering body for the reserve under the Reserves Act 1977.
	Subpart 4—General provisions applying to all maunga
41	**Maunga must remain as reserves vested in trustee** (1) This section applies to each maunga once the maunga is—

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	(a) vested in the trustee under subpart 1, 2, or 3 of this Part; and (b) declared a reserve under any of sections 18 to 29, 33, and 39. (2) The maunga is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland. (3) The trustee must not— (a) transfer the fee simple estate in the maunga to any other person; or (b) mortgage, or give a security interest in, the maunga. (4) The reserve status of the maunga must not be revoked, but may be reclassified in accordance with the Reserves Act 1977. (5) Subsection (2) does not of itself create any right on which a cause of action may be founded. (6) Subsection (2) does not affect the application of section 16(8) of the Reserves Act 1977. (7) Despite subsection (3), the trustee may transfer the fee simple estate in the maunga if— (a) the transfer is to give effect to an exchange of any part of the maunga in accordance with section 15 of the Reserves Act 1977; and (b) the instrument to transfer the land in the maunga is accompanied by a certificate given by the trustee, or its solicitor, verifying that paragraph (a) applies. (8) The prohibition in subsection (4) does not apply to any part of the maunga transferred in accordance with subsection (7).
42	**Maunga vest subject to, or together with, specified interests** (1) Each maunga vests in the trustee under subpart 1, 2, or 3 of this Part subject to, or together with, any interests listed for the maunga in Schedule 1 (whether as an existing interest that continues to affect the maunga after the vesting or as a new interest that first affects the maunga immediately after the vesting). (2) Subsection (3) applies if a maunga vests subject to, or together with, an interest listed in Schedule 1 that is an interest in land. (3) On and from the vesting,— (a) for Maungauika, the Crown must be treated as the grantor of the interest until clause 3 of Schedule 6 comes into force (in accordance with section 38(1)): (b) for Rarotonga / Mount Smart, the Auckland Council must be treated as the grantor of the interest: (c) for any other maunga, the Maunga Authority must be treated as the

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	grantor or the grantee of the interest, as the case may be. (4) Subsections (5) and (6) apply if a maunga vests subject to an interest listed in Schedule 1 that is not an interest in land, whether or not the interest also applies to any other land. (5) The interest applies in respect of the maunga— (a) until the interest expires or is terminated; and (b) with any other necessary modifications; and (c) despite any change in status of the land in the maunga. (6) If the interest has a grantor,— (a) for Maungauika, the Crown remains the grantor of the interest until clause 3 of Schedule 6 comes into force (in accordance with section 38(1)): (b) for any other maunga, the interest applies as if the Maunga Authority were the grantor. (7) Nothing in subsection (6)(b) applies to Rarotonga / Mount Smart. (8) In this section, interest means the interest or any renewal of the interest, including any variations.
46	**Application of other enactments** (1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under subpart 1, 2, or 3 of this Part, of the reserve status of each maunga. (2) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— (a) the vesting of the fee simple estate in each maunga under subpart 1, 2, or 3 of this Part; or (b) any matter incidental to, or required for the purpose of, the vestings. (3) The vesting of the fee simple estate in each maunga under subpart 1, 2, or 3 of this Part 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 collective deed in relation to the maunga.
47	**Application of Reserves Act 1977** (1) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to the maunga

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	(other than Maungauika and Rarotonga / Mount Smart) despite sections 48A(6), 114(5), and 115(6) of that Act. (2) Sections 48A, 114, and 115 of the Reserves Act 1977 apply to Rarotonga / Mount Smart despite— (a) sections 48A(6), 114(5), and 115(6) of that Act; and (b) section 4 of the Mount Smart Regional Recreation Centre Act 1985. (3) Otherwise, the Reserves Act 1977 applies to the maunga subject to the provisions of this Act.
48	**Saving of bylaws, etc, in relation to maunga** (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 has made or imposed under the Reserves Act 1977 or the Conservation Act 1987 in relation to a maunga before the maunga vested in the trustee under subpart 1 or 2 of this Part. (2) The bylaw, prohibition, or restriction remains in force until it expires or is revoked under the Reserves Act 1977 or the Conservation Act 1987.
49	**Names of maunga in respect of status as Crown protected areas and reserves** (7) The Auckland Council must not change the name of Rarotonga / Mount Smart under section 16(10) of the Reserves Act
50	**50 Recording of certain matters on computer freehold registers** (1) This section applies in respect of each maunga. (6) For the purposes of any registration matter relating to an interest,— (a) for Maungauika, the Crown must be treated as the registered proprietor of the fee simple estate in the maunga until clause 14 of Schedule 6 comes into force (in accordance with section 38(1)): (b) for Rarotonga / Mount Smart, the Auckland Council must be treated as the registered proprietor of the fee simple estate in the maunga: (c) for any other maunga, the Maunga Authority must be treated as the registered proprietor of the fee simple estate in the maunga.
	Subpart 5—Maungakiekie / One Tree Hill northern land and Māngere Mountain (administered lands)
53	**Maungakiekie / One Tree Hill northern land** (1) The vesting in trust in the Auckland Council of the Maungakiekie / One Tree Hill northern land is cancelled. (2) The Maungakiekie / One Tree Hill northern land then vests back in the Crown.

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	(3) The Maunga Authority is the administering body of the Maungakiekie / One Tree Hill northern land for the purposes of the Reserves Act 1977, and that Act applies as if the Maungakiekie / One Tree Hill northern land were a reserve vested in the administering body. (4) Subsection (2) is for the avoidance of doubt.
54	**Māngere Mountain** (1) Any vestings in trust in, or control and management appointments over, any parts of Māngere Mountain in favour of the Auckland Council are cancelled. (2) The fee simple estate in those parts of Māngere Mountain that were vested in trust in the Auckland Council then vest back in the Crown so that the Crown again holds the entire fee simple estate in Māngere Mountain. (3) The Maunga Authority is the administering body of Māngere Mountain for the purposes of the Reserves Act 1977, and that Act applies as if Māngere Mountain were a reserve vested in the administering body. (4) Subsection (2) is for the avoidance of doubt.
55	**Status and use of administered lands continue with certain exceptions** (1) The following matters apply despite the operation of sections 53(1) and 54(1): (a) the administered lands remain reserves subject to the classifications of the Reserves Act 1977 that applied immediately before the operation of sections 53(1) and 54(1): (b) any enactment or any instrument applying to the administered lands, or any part of them, immediately before the operation of sections 53(1) and 54(1) continues to apply to the administered lands, or the part of them: (c) any interest that affected the administered lands, or any part of them, immediately before the operation of sections 53(1) and 54(1) continues to affect the administered lands, or the part of them. (2) Despite subsection (1), on and from the effective date,— (d) any improvement attached to the administered lands and owned by the Auckland Council immediately before the effective date— (i) must be treated as if it were vested in the Maunga Authority for the purposes of administering the lands under the Reserves Act 1977; and (ii) no longer forms part of the administered lands; and (iii) must be treated as personal property and not as land or an interest in land; and (iv) may remain attached to the administered lands without the

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	consent of, and without charge by, the Crown; and (v) may be accessed, used, occupied, repaired, or maintained at any time without the consent of, and without charge by, the Crown; and (vi) may be removed or demolished at any time without the consent of, and without charge by, the Crown; but,— (A) before doing so, the Crown must be given not less than 15 working days' written notice of the intended removal or demolition; and (B) after the removal or demolition, the Maunga Authority must ensure that the land is left in a clean and tidy condition; and (e) for the purposes of any registration matter relating to an interest, the Maunga Authority must be treated as the registered proprietor of the fee simple estate in the administered lands. (3) Subparagraphs (i) to (iv) of subsection (2)(d) apply subject to any other enactment that governs the ownership of the improvements. (4) For the purposes of administering the administered lands under the Reserves Act 1977, the Maunga Authority is responsible for any decisions in respect of any matter that may arise from a person exercising, or purporting to exercise, a right in relation to an improvement attached to the administered lands. (5) Subsection (4) is subject to any other enactment that governs the use of the improvement concerned. (6) To avoid doubt, nothing in subsection (1)(a) limits or affects the application of section 24 of the Reserves Act 1977 to the administered lands. (7) To avoid doubt, nothing in subsection (2)(d)(vi) limits or affects the requirements of the Reserves Act 1977 and any other enactment that may apply to the removal or demolition of an improvement to which that subsection applies.
60	**Annual operational plan** (1) For each financial year, the Maunga Authority and the Auckland Council must agree an annual operational plan to provide a framework in which the Council will carry out its functions under section 61 for that financial year. (2) An annual operational plan must be— (a) agreed before the commencement of the financial year to which it relates; and (b) prepared and adopted concurrently with the Council's annual plan; and

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	(c) included in the Council's annual plan in summary form. (3) An annual operational plan must include the following information: (a) information relating to the matters specified in subsection (4) for the financial year to which the plan relates for each maunga and the administered lands; and (b) indicative information in respect of the matters referred to in paragraph (a) for the following 2 financial years; and (c) relevant financial information contained in the Council's long-term plan and, as the case may be, draft longterm plan, for all activities and functions relating to the maunga and the administered lands; and (d) any other information relating to the maunga and the administered lands agreed by the Maunga Authority and the Council. (4) The matters referred to in subsection (3)(a) are— (a) funding: (b) restoration work: (c) capital projects: (d) strategic, policy, and planning projects: (e) maintenance and operational projects: (f) levels of service to be provided by the Council: (g) contracts for management or maintenance activities on the maunga and the administered lands: (h) facilitation of authorised cultural activities: (i) educational programmes: (j) Ngā Mana Whenua o Tāmaki Makaurau programmes, including iwi or hapū programmes: (k) opportunities for members of Ngā Mana Whenua o Tāmaki Makaurau to carry out or participate in any of the activities described in paragraphs (b) to (i). (5) For the purposes of subsection (2),— (a) the Maunga Authority and the Council must agree a draft annual operational plan and a summary of that plan; and (b) the Council must include the summary in the Council's draft annual plan; and (c) the Maunga Authority and the Council must jointly consider submissions

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	relating to that part of the Council's draft annual plan relating to the summary; and (d) the Maunga Authority and the Council must agree the annual operational plan and a summary of that plan; and (e) the Council must include the summary of the annual operational plan in the Council's annual plan. (6) The Maunga Authority and the Council must agree the first annual operational plan under this section for the 2015/2016 financial year. (7) In this section, annual plan and long-term plan have the meanings given in section 5(1) of the Local Government Act 2002.
62	**Auckland Council responsible for routine management** (1) The Auckland Council is responsible for the routine management of the maunga and the administered lands. (2) The Council must carry out this responsibility— (a) under the direction of the Maunga Authority; and (b) in accordance with— (i) the current annual operational plan; and (ii) any standard operating procedures agreed between the Maunga Authority and the Council; and (iii) any delegations made to the Council under section 113. (3) Despite subsection (2), the Council may carry out its responsibility in relation to Maungakiekie / One Tree Hill in whole or in part through the One Tree Hill Domain/Maungakiekie maintenance agreement until the agreement terminates. However, the Maunga Authority may direct the Council to terminate the agreement and, if the Maunga Authority does so, the Council must comply with that direction in accordance with the termination provisions of the agreement. (4) For the purposes of carrying out its responsibilities under this section, the Reserves Act 1977 applies— (a) as if the Council were the administering body of the maunga and the administered lands; and (b) with any necessary modification; but (c) subject to subsection (2). (5) This section is subject to section 62. (6) In subsection (3), One Tree Hill Domain/Maungakiekie maintenance agreement and agreement mean the agreement dated 12 April 2007

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	between the Auckland City Council (now Auckland Council) and Cornwall Park Trust Board.
62	**Auckland Council responsible for costs** (1) The Auckland Council is responsible for the costs in relation to the maunga and the administered lands— (a) incurred by the Council in carrying out its functions under this Act; and (b) incurred by the Maunga Authority in carrying out its functions under this Act or the Reserves Act 1977. (2) However, the Council is required to fulfil this responsibility only to the extent that funding and revenue for the maunga and the administered lands allow. (3) Subsection (2) does not apply in relation to the payment of remuneration and expenses of members of the Maunga Authority. (4) In this section, funding and revenue have the meanings given by section 63(8).
63	**Financial management, financial reporting, and operational accountability** (1) Funding and revenue for the maunga and the administered lands must be applied only for the purposes of the maunga and the administered lands. (2) To this end, the funding and revenue must be— (a) held by the Auckland Council and accounted for separately from any other funding, revenue, or other income of the Council; and (b) applied by the Council— (i) under the direction of the Maunga Authority; and (ii) in accordance with the annual operational plan; and (iii) for the purposes of fulfilling its responsibilities under section 62. (3) In each financial year, the Auckland Council must— (a) report quarterly to the Maunga Authority on— (i) the costs, funding, and revenue of the maunga and the administered lands for that quarter; and (ii) any variation from the forecast costs, funding, and revenue for the maunga and the administered lands for that quarter; and (b) provide to the Maunga Authority— (i) an annual financial report on the maunga and the administered lands for the year; and (ii) a letter, signed by the Council's chief executive, confirming that the report described in subparagraph (i) is accurate and that the Council's accounts relating to the maunga and the administered

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	lands for the year have been operated appropriately. (4) In each financial year, the Auckland Council must provide to the Maunga Authority an annual operational report on the maunga and the administered lands for the year. (5) The Maunga Authority may direct the Auckland Council, in writing, to have the Council's accounts relating to the maunga and the administered lands reviewed by the Council's auditor. (6) As soon as practicable after receiving a direction under subsection (5), the Auckland Council must arrange for the accounts to be reviewed by the Council's auditor and a report by the auditor must be provided to the Maunga Authority. (7) Subsection (2) applies despite— (a) the provisions of the Reserves Act 1977 or any other enactment; and (b) any agreement or rule of law. (8) In this section,— funding, in relation to the maunga and the administered lands, means— (a) funding from the Auckland Council that is dedicated under the annual operational plan or otherwise held by the Council as funding for the maunga or the administered lands; and (b) funding from any other source revenue means revenue generated from any source, including all income derived from leases, licences, concessions, rentals, or other interests in the maunga and the administered lands, whether payable to the Maunga Authority or to the Auckland Council.
64	**Annual meeting of Auckland Council and Ngā Mana** Whenua o Tāmaki Makaurau (1) The Auckland Council must meet annually with Ngā Mana Whenua o Tāmaki Makaurau to discuss matters relating to the maunga and the administered lands, including— (a) the performance of the Maunga Authority during the year; and (b) the proposed activities of the Maunga Authority in the following year. (2) The process and particulars in relation to each meeting, including the date, time, place, and agenda, must be agreed between the trustee and the Auckland Council.
	Subpart 10—Conservation management plan for Hauraki Gulf / Tīkapa Moana inner motu (Tāmaki Makaurau motu plan)

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91	**Preparation of draft motu plan** The Director-General must prepare a draft motu plan in consultation with— (a) the trustee; and (b) the Conservation Board; and (c) the Auckland Council, in respect of that part of the draft plan relating to the Browns Island Recreation Reserve; and (d) any other persons or organisations that the Director-General considers it practicable and appropriate to consult.
92	**Notification of draft motu plan** (1) The Director-General must give notice of the draft motu plan as follows: (a) by public notice under section 49(1) of the Conservation Act 1987, as if he or she were the Minister of Conservation; and (b) by written notice to— (i) the Auckland Council; ...
	Part 3 Tūpuna Maunga o Tāmaki Makaurau Authority
106	**Establishment of Tūpuna Maunga o Tāmaki Makaurau Authority** This section establishes the Tūpuna Maunga o Tāmaki Makaurau Authority.
107	**Membership** (1) The Maunga Authority comprises— (a) 2 members appointed by the Marutūāhu rōpū entity; and (b) 2 members appointed by the Ngāti Whātua rōpū entity; and (c) 2 members appointed by the Waiohua Tāmaki rōpū entity; and (d) 6 members appointed by the Auckland Council; and (e) 1 non-voting member appointed by the Minister for Arts, Culture and Heritage— (i) for the first 3 years of the Maunga Authority's existence; and (ii) for any longer period agreed between the Minister, the trustee, and the Auckland Council.
108	**Chairperson and deputy chairperson** (1) The members appointed by the rōpū entities must appoint the chairperson of the Maunga Authority from among its members. (2) The members appointed by the Auckland Council must appoint the deputy

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	chairperson of the Maunga Authority from among its members.
110	**Maunga Authority administering body for certain other Land** (1) To enable integrated management, the Maunga Authority may consent to being appointed as the administering body of land of the following description: (a) land owned by the Crown— (i) that is subject to the Reserves Act 1977; and (ii) to which the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau have a historical and cultural relationship similar to the one that they have to the maunga; and (iii) in respect of which the Crown has determined that the Maunga Authority is best suited to manage the land; and (iv) in respect of which the Auckland Council has consented to the appointment of the Maunga Authority as the administering body: (b) land owned by or vested in the Auckland Council— (i) that is subject to the Reserves Act 1977; and (ii) to which the iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau have a historical and cultural relationship similar to the one that they have to the maunga; and (iii) in respect of which the Auckland Council has determined that the Maunga Authority is best suited to manage the land. (2) An appointment is made and takes effect on the day that the Minister of Conservation, by notice in the Gazette, declares the Maunga Authority to be the administering body of the land for the purposes of the Reserves Act 1977. (3) Land in respect of which the Maunga Authority has been appointed as the administering body under subsection (2) must be administered as if it were vested in the Maunga Authority and, subject to any terms and conditions specified in the notice,— (a) this Act and the Reserves Act 1977 apply, with any necessary modifications, to the land as if the land were administered lands; and (b) for the purposes of any registration matter relating to an interest, the Maunga Authority must be treated as the registered proprietor of the fee simple estate in the land. (4) Subsection (5) applies— (a) if the Crown— (i) no longer wishes the Maunga Authority to administer Crown-owned land in accordance with an appointment made under subsection (2); and

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	(ii) has consulted the Maunga Authority; and (iii) has notified the Minister of Conservation in writing of the matters in subparagraphs (i) and (ii); or (b) if the Auckland Council— (i) no longer wishes the Maunga Authority to administer land owned by or vested in the Auckland Council in accordance with an appointment made under subsection (2); and (ii) has consulted the Maunga Authority; and (iii) has notified the Minister of Conservation in writing of the matters in subparagraphs (i) and (ii). (5) The Minister of Conservation must, by notice in the Gazette, revoke the appointment, and, on the date of the notice, responsibility for the land for the purposes of the Reserves Act 1977 returns to the Crown or the Auckland Council, as the case may be.
112	**Local authority powers under Reserves Act 1977** (1) Subject to the other provisions of this Act, the Maunga Authority may exercise or perform, in relation to the maunga and the administered lands, a power or function— (a) that a local authority is authorised to exercise or perform under the Reserves Act 1977; and (b) that is relevant to the maunga and the administered lands. (2) For the purposes of subsection (1), the Reserves Act 1977 applies with all necessary modifications. (3) To avoid doubt, subsection (1) applies where a local authority is authorised to exercise or perform the power or function— (a) as the administering body of a reserve vested in the local authority; or (b) as the administering body appointed to control and manage a reserve; or (c) in any other capacity.
113	**Maunga Authority delegations for purposes of routine management of maunga and administered lands** (1) For the purposes of section 61, the Maunga Authority may delegate to the Auckland Council— (a) a power or function to which section 111 or 112 applies; and (b) 1 or more of its general functions, duties, and powers as the administering body of a maunga under the Reserves Act 1977.

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	(1) The Council may delegate any of the functions, duties, and powers delegated to it under this section by the Maunga Authority to another person, subject to any conditions, limitations, or prohibitions imposed on the Council by the Maunga Authority when making the original delegation. (3) The Council or a person to which or to whom the Council has delegated functions, duties, or powers under this section may, without confirmation by the Maunga Authority or the Council (as the case may be), exercise or perform the powers, functions, or duties in the same manner and with the same effect as the Maunga Authority could itself have exercised or performed them. (4) No delegation under this section relieves the Maunga Authority or the Council of the liability or legal responsibility to perform or to ensure the performance of any function or duty. (5) This section applies despite the provisions of the Reserves Act 1977
114	**Administrative support for Maunga Authority** (1) The Auckland Council must provide the Maunga Authority with the administrative support necessary for the Maunga Authority to carry out its functions and to exercise its powers under this Act. (2) he Council must provide the support— (a) from within the Council's current administrative framework; and (b) at a level equivalent to that provided to a committee of the Council. (3) Subsection (2) applies unless and until the Council and the Maunga Authority agree otherwise in writing. (4) To avoid doubt, administrative support includes administrative support for meetings held by the Maunga Authority.
115	**Maunga Authority not council organisation, council-controlled organisation, committee, or joint committee** (1) The Maunga Authority is not a council organisation or a council- controlled organisation for the purposes of the Local Government Act 2002. (2) The Maunga Authority is not a committee or a joint committee of the Auckland Council. (3) Subsection (2) is for the avoidance of doubt.
116	**Procedures** (1) Schedule 4 applies to the Maunga Authority and its members. (2) Otherwise, the Maunga Authority and its members may regulate their own procedures.
129	**Disposals of existing public works to local authorities**

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	(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 by 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.
130	**Disposals 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.
159	**Routine management of maunga and administered lands until first annual operational plan takes effect** (1) The Maunga Authority and the Auckland Council must agree an interim operational plan to provide the framework in which the Council will carry out its functions under section 61 until the first annual operational plan takes effect. (2) The interim operational plan— (a) must include, to the extent relevant, the same information as required for an annual operational plan under section 60(3); and (b) takes effect on and from the date it is adopted by the Maunga Authority under section 158(2)(e). (3) Until the interim operational plan takes effect, the Auckland Council must carry out routine management of the maunga and the administered lands at service levels that are not less than those that applied immediately prior to the effective date. (4) To avoid doubt, the Maunga Authority and the Auckland Council are not required to follow any particular process, or consult any person, for the purposes of agreeing the interim operational plan under subsection (1). (5) To avoid doubt, in this section, maunga does not include Maungauika or

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	Rarotonga / Mount Smart.
161	**Carrying out of authorised cultural activities prior to integrated management plan taking effect** (1) Not later than 3 months after the effective date, the Maunga Authority may prescribe interim terms and conditions to be imposed in relation to the carrying out of an authorised cultural activity on a maunga or the administered lands until the first integrated management plan prepared by the Maunga Authority under section 58 takes effect. (6) The Maunga Authority must make copies of the interim terms and conditions prescribed under this section available— (a) for inspection free of charge, and for purchase at a reasonable price, at the offices of the Auckland Council; and (b) free of charge on an Internet site maintained by or on behalf of the Maunga Authority or the Council.
162	**Financial management, financial reporting, and operational accountability** (1) This section applies only for the financial year in which this Act comes into force. (2) The Auckland Council is not required to report to the Maunga Authority under section 63(3) or (4) if the effective date is within the period of 3 months before the end of the financial year. (3) The Maunga Authority is not required to prepare an annual report under clause 27 of Schedule 4 if the effective date is within the period of 3 months before the end of the financial year. (4) Despite subsection (2), the Auckland Council must nevertheless keep records of the relevant information.
Schedule 4	**Tūpuna Maunga o Tāmaki Makaurau Authority**
clause 3	**When member ceases to hold office** (1) A member of the Maunga Authority remains a member until the earliest of the following: (a) his or her term of office ends: (b) he or she becomes disqualified under clause 1(2): (c) he or she dies: (d) he or she resigns by giving 20 working days' written notice to the Authority and the body or individual that appointed the member: (e) if the member is a member appointed by the Auckland Council, he or

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	she is removed under subclause (2). (2) The Auckland Council may, at any time for just cause, remove a member appointed by the Council. (3) In subclause (2), just cause includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the collective duties of the Maunga Authority or the individual duties of members (depending on the seriousness of the breach). (4) The removal must be made by written notice to the member (with a copy to the Maunga Authority). (5) The notice must state— (a) the date on which the removal takes effect, which must not be earlier than the date on which the notice is received by the member; and (b) the reasons for the removal.
clause 11	**Membership of committees and subcommittees** (1) The Maunga Authority may appoint or discharge any member of a committee or a subcommittee. (2) Despite subclause (3), at least 2 members of a committee must be members of the Maunga Authority, and, of those 2 members, 1 must be a member appointed by the rōpū entities and 1 must be a member appointed by the Auckland Council.
clause 12	**Quorums** (3) A quorum for a meeting of the Maunga Authority consists of one-half of the number of members, but no meeting may be held or continue unless— (a) the chairperson or deputy chairperson is present; and (b) at least 2 members appointed by the rōpū entities and 2 members appointed by the Auckland Council are present.
clause 13	**Remuneration and expenses of members** (1) The Auckland Council must fulfil its responsibility under section 62(1)(b) in relation to the remuneration and expenses of members of the Maunga Authority appointed by a rōpū entity in accordance with subclause (2).
clause 21	**When person is interested in matter** (3) However, a person is not interested in a matter— (a) only because he or she is a member of Ngā Mana Whenua o Tāmaki Makaurau or a member of the Auckland Council; or ...
clause 23	**Where and to whom disclosure of interest must be made**

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	The member must disclose details of the interest in an interests register kept by the Maunga Authority and to— (a) the chairperson or, if there is no chairperson or if the chairperson is unavailable or interested, the deputy chairperson; and (b) the Auckland Council.
clause 27	**Reporting and audit** (1) The Maunga Authority must prepare an annual report for each financial year. (3) The Maunga Authority must— (a) make copies of the report available— (i) free of charge, and for purchase at a reasonable price, at the offices of the Auckland Council; and (ii) free of charge on an Internet site maintained by or on behalf of the Authority or the Council; and (a) provide copies to the Auckland Council and the trustee.
Schedule 6	**Administration of Maungauika**
clause 4	**Ownership and Improvements** (1) On the specified date, improvements owned by the Auckland Council immediately before the specified date remain vested in the Auckland Council. However, the improvements must be treated as if they were vested in the Maunga Authority for the purposes of administering Maungauika under the Reserves Act 1977.

22 Ngāti Manuhiri Claims Settlement Act 2012

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28	**Purposes of statutory acknowledgement** The only purposes of the statutory acknowledgement are— (a) to require relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in sections 29 to 31; and (b) to require relevant consent authorities to forward summaries of resource consent applications, or copies of notices of resource consent applications, to the trustees, as provided for in section 33; and (c) to enable the trustees and members of Ngāti Manuhiri to cite the statutory acknowledgement as evidence of the association of Ngāti Manuhiri with a statutory area, as provided for in section 34.
29	**Relevant consent authorities to have regard to statutory acknowledgement** (1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made. (2) Subsection (1) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.
32	**Recording statutory acknowledgement on statutory plans** (1) On and from the effective date, a 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) the provisions of sections 26 to 31 and 33 to 36 in full; and (b) the descriptions of the statutory areas wholly or partly covered by the plan; and (c) any statements of association for the statutory areas. (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—

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	(a) part of the statutory plan; or (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.
33	**Provision of summaries or notices of certain applications to trustees** (1) Each relevant consent authority must, for a period of 20 years starting on 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) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority. (3) A summary of an application must be provided under subsection (1)(a)— (a) as soon as is reasonably practicable after the consent authority receives the application; but (b) before the consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application. (4) A copy of a notice of an application must be provided under subsection (1)(b) no later than 10 working days after the day on which the consent authority receives the notice. (5) This section does not affect a relevant consent authority's obligation,— (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or (b) under section 95E of that Act, to decide whether the trustees are affected persons in relation to an activity.
34	**Use of statutory acknowledgement** (1) The trustees and any member of Ngāti Manuhiri may, as evidence of the association of Ngāti Manuhiri with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection

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	Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or directly affecting the statutory area. (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on— (a) relevant consent authorities: (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991: (c) the Environment Court: (d) the Historic Places Trust: (e) parties to proceedings before those bodies: (f) any other person who is entitled to participate in those proceedings. (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account. (4) To avoid doubt,— (a) neither the trustees nor members of Ngāti Manuhiri are precluded from stating that Ngāti Manuhiri 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.
72	**Application of other enactments** (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 a cultural redress property.
104	**Application of other enactments** (1) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— (a) the transfer of a commercial redress property to the trustees; or (b) any matter incidental to, or required for the purpose of, the transfer. (1) The transfer of a commercial redress property to the trustees does not— (a) limit section 10 or 11 of the Crown Minerals Act 1991; or (b) affect other rights to subsurface minerals. (2) The transfer of a commercial redress property to the trustees is a disposition for the purposes of Part 4A of the Conservation Act 1987, but sections 24(2A), 24A,

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	and 24AA of that Act do not apply to the disposition. (4) In exercising the powers conferred by section 101, 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. (5) Subsection (4) is subject to subsections (2) and (3). (6) 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 commercial redress property.
121	**Disposals 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 by 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.

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23	**Makarau Bridge Reserve** (1) The reservation of Makarau Bridge Reserve as a recreation reserve subject to section 17 of the Reserves Act 1977 is revoked. (2) The fee simple estate in Makarau Bridge Reserve vests in the trustees of the Tari Pupuritaonga Trust. (3) Makarau Bridge Reserve is declared a reserve and classified as a local purpose (estuarine habitat) reserve subject to section 23 of the Reserves Act 1977. (4) Subsections (1) to (3) do not apply until the trustees of the Tari Pupuritaonga Trust provide the Council with a registrable right of way easement in gross in relation to the Makarau Bridge Reserve on the terms and conditions set out in part 7 of the documents schedule. (5) The reserve created by subsection (3) is named Makarau Bridge Local Purpose (Estuarine Habitat) Reserve.
34	**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.

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42	**Vesting of Parakai Recreation Reserve in Council cancelled** The vesting under section 26 of the Reserves Act 1977 of the Parakai Recreation Reserve in the Council is cancelled.
43	**Vesting in trustees and Council** (1) The fee simple estate in the Parakai Recreation Reserve is vested, as tenants in common as to an undivided half share each, in— (a)the trustees; and (b)the Council. (2) The Parakai Recreation Reserve is vested as a reserve under subsection (1), to be held in trust— (a) subject to, or together with, the interests listed in column 3 of the table in Part B of Schedule 1; and (b) for the purposes for which the reserve is classified from time to time under the Reserves Act 1977; and (c) subject to the provisions of this Act.
45	**Application of Reserves Act 1977 and other enactments** (1) The Parakai Recreation Reserve remains a recreation reserve under the Reserves Act 1977 unless subsection (3) applies. (2) The Parakai Recreation Reserve must not be— (a) exchanged for other land under section 15 of the Reserves Act 1977; or (b) united with another reserve (or with part of another reserve) under section 52 of that Act; or (c) transferred, mortgaged, or the subject of a grant of a security interest. (3) Subsection (1) does not prevent a change being made, in accordance with the Reserves Act 1977, to the classification of the Parakai Recreation Reserve. (4) Subsection (2)(a) and (b) does not limit any Act other than the Reserves Act 1977. (5) The vesting of an undivided half share of the fee simple estate in the Parakai Recreation Reserve by section 43(2) does not— (a) limit section 10 or 11 of the Crown Minerals Act 1991; or (b) affect other rights to subsurface minerals. (6) 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

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	settlement in relation to the Parakai Recreation Reserve. (7) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— (a) the vesting of an undivided half share of the fee simple estate in the Parakai Recreation Reserve by section 43(2); or (b) any matter incidental to, or required for the purpose of, that vesting.
46	**Board to be administering body** (1) Not later than the settlement date, the Parakai Recreation Reserve Board (the Board) must be appointed in accordance with Schedule 2. (2) The Board is subject to the provisions of that schedule. (3) Despite the fact that the Parakai Recreation Reserve is vested in the trustees and the Council,— (a) for the purposes of its administration, the Parakai Recreation Reserve is deemed to be vested in the Board under section 26 of the Reserves Act 1977; and (b) the Board has the same functions, powers, and obligations in respect of the Parakai Recreation Reserve as if, on the settlement date, that reserve had been so vested. (4) Section 41 of the Reserves Act 1977 applies to the Board as if it were a local authority for the purpose of preparing a management plan for the Parakai Recreation Reserve.
50	**Third-party rights unaffected** (1) Neither the vesting of the Parakai Recreation Reserve in the trustees and the Council nor the deemed vesting of the reserve in the Board under section 46(3), affects the rights and obligations of any person in respect of the Parakai Recreation Reserve other than— (a) the Crown; and (b) the trustees; and (c) the Council. (2) The rights and obligations referred to in subsection (1) include rights or obligations in relation to the ownership, management, or control of fixtures, structures, or improvements attached to, on, or under the Parakai Recreation Reserve. (3) On and from the settlement date, the lessor's interest in the leases over the Parakai Recreation Reserve vests in the Board.

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52	**Revocation of reservation** (1) This section applies if the Minister of Conservation— (a) revokes the reservation of the Parakai Recreation Reserve or part of it under section 24 of the Reserves Act 1977; or (b) cancels the deemed vesting under section 46(3) of the Parakai Recreation Reserve in the Board under section 27 of the Reserves Act 1977. (2) If subsection (1) applies,— (a) sections 43 to 48 cease to apply to the affected land; and (b) the fee simple estate in the affected land ceases to be vested in— (i) the Council under section 43; and (ii) the trustees or the Development Trust custodian trustee, as the case may be; and (c) the deemed vesting of the affected land in the Board under section 46 ceases; and (d) if the reservation of the affected land is revoked under section 24 of the Reserves Act 1977,— (i) section 25 of that Act applies; and (ii) the affected land becomes Crown land available for disposal under the Land Act 1948. (3) However, if the Minister of Conservation cancels the deemed vesting of the affected land under section 27 of the Reserves Act 1977, the land revests in the Crown in accordance with section 27(1) or (4) of that Act. (4) In this section, affected land means the whole or any part of the Parakai Recreation Reserve in respect of which the reservation is revoked.
62	**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.
86	**Application of other enactments**

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	(1) This section applies to the transfer to the trustees (including any transfer to the trustees as tenants in common with another person) of a transfer 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 that may otherwise be required in relation to the transfer. (5) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to— (a) the transfer; or (b) a matter incidental to, or required for the purpose of, that transfer. (6) In exercising the powers conferred by section 83, the Crown is not required to comply with any other enactment that would otherwise regulate or apply to the transfer of a relevant property to the trustees. (7) Subsection (4) does not limit subsection (2) or (3).
Subpart 4	**Right of first refusal over RFR land**[3]
95	**Interpretation** **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 106(1); but (d) to avoid doubt, does not include an administering body in which RFR land is vested— (i) on the settlement date; or

[3] Please note that the key provisions that affect the Council in relation to RFR land have been included in this table however there are a number of other provisions contained in Part3, Subpart 4 of the Act ('Right of first refusal over RFR land') that should be considered when making decisions that affect RFR land.

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	(ii) after the settlement date, under section 107(1).
99	**Restrictions on disposal of RFR land** (1) An RFR landowner must not dispose of RFR land to a person other than to the trustees or a governance entity referred to in subsection (3)(b) or (4)(b) (or the RFR land nominee of a governance entity) unless the land is disposed of— (a) under any of sections 105 to 115; or (b) under section 116(1); or (c) in accordance with subsection (2). (2) An RFR landowner may dispose of RFR land to any person within 2 years after the expiry date of an offer made by an RFR landowner if the offer was,— (a) in the case of exclusive RFR land, made by notice to the trustees: (b) in the case of Auckland Prison, made by notice in accordance with subsection (3): (c) in the case of non-exclusive RFR land, made by notice in accordance with subsection (4). (3) In the case of Auckland Prison, notice must be given, if the settlement date under the TKaM settlement legislation— (a) has not occurred at the date of the offer, to the trustees; or (b) has occurred at the date of the offer, to the trustees and the TKaM governance entity. (4) In the case of non-exclusive RFR land, notice must be given if the settlement date under the Marutūāhu settlement legislation— (a) has not occurred at the date of the offer, to the trustees; or (b) has occurred at the date of the offer, to the trustees and the Marutūāhu governance entity. (5) In every case where notice has been given under subsection (2)(a), (3), or (4), the offer must— (a) have been made in accordance with section 100; and (b) have been made on terms that are the same as, or more favourable to the relevant governance entity than, the terms of the disposal to the other person; and (c) not have been withdrawn under section 102; and (d) not have been accepted under section 103.
106	**Disposal of existing public works to local authority** (1) An RFR landowner may dispose of RFR land that is a public work or part of a

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	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.
107	**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.
129	**23 Commercial Road/1 Rata Street and 3 Rata Street vested** (3) The fee simple estate in the land at 23 Commercial Road/1 Rata Street and 3 Rata Street vests in the trustees of the Development Trust. (4) The vesting by subsection (3) does not include any improvements on the land that are owned by the Auckland Council
Schedule 2	**Parakai Recreation Reserve: Procedural matters**
clause 1	**Membership of Board** (1) The Parakai Recreation Reserve Board (the Board) must consist of 6 members (or may consist of 8 members if agreed in writing by the trustees and the Council). (2) The trustees must appoint half of the members of the Board by notice to the Council, and the Council must appoint half by notice to the trustees. (3) An act or decision of the Board is not invalid because fewer than the number of members required by subclause (1) have been appointed. (4) The first members of the Board must be appointed not later than the settlement date.
clause 2	**Application of Reserves Act 1977 to Board** Sections 31 to 34 of the Reserves Act 1977 apply to the Board as if it were a Board appointed under section 30(1) of that Act, except that— (a) section 31(a) of that Act does not apply to the term of office of a member of the Board; and (b) the Minister may not remove a member under section 31(c) of that Act;

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	and (c) section 32(1), (2), (5) and (10) of that Act do not apply to meetings of the Board.
clause 3	**Term of office of Board members** (1) A member of the Board holds office for a term not exceeding 3 years, as specified in the notice of appointment. (2) A member may be removed from office at the sole discretion of— (a) the trustees, in the case of a member appointed by the trustees, upon written notice by the trustees to the member and to the Council; and (b) the Council, in the case of a member appointed by the Council, upon written notice by the Council to the member and to the trustees. (3) A person removed from office under subclause (2) may be reappointed.
clause 4	**Chairperson** (1) The members of the Board appointed by the trustees must, by written notice to the Council, appoint a member to be the chairperson of the Board. (2) The term of office of the chairperson must be specified in the notice of appointment, but— (a) must not exceed the term of office of that person as a member of the Board; and (b) terminates if the person ceases to be a member of the Board.
clause 5	**Notice of appointments** (1) The Board must give public notice in a daily newspaper circulating in Auckland of the appointment of— (a) members of the Board; and (b) the chairperson.
clause 6	**Procedures of Board** (1) The Board may regulate its own procedure, unless otherwise provided for in this schedule, including procedures for— (a) subcommittees of the Board, including their appointment and powers; and (b) the resolution of disputes. (2) The Board may appoint persons who are not members of the Board to be members of subcommittees. (3) Every matter before the Board must be determined by a majority of votes of

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	the members present and voting on that matter.
clause 7	**Meetings of Board** (1) The first meeting of the Board must be held not later than 2 months after the settlement date. (2) Unless otherwise agreed by the members of the Board,— (a) the Board must meet at least twice each year; and (b) each member has 1 vote; and (c) if there is an equality of votes cast by members (including the chairperson), the chairperson also has a casting vote.
clause 8	**Funding of Board** (1) In addition to any money received by the Board by way of rent, royalty, or otherwise in respect of the Parakai Recreation Reserve under section 78(1) of the Reserves Act 1977, the trustees or the Council may agree to provide additional funding to be applied in respect of the reserve. (2) There is no obligation on the Council to make any payment to the members of the Board appointed by the trustees by way of remuneration, reimbursement of travelling or other expenses, or otherwise.
clause 9	**Application of Public Audit Act 2001** The Board is a public entity within the meaning of section 4 of the Public Audit Act 2001

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28	**Interpretation** (1) In this Act, statutory acknowledgement means the acknowledgement made by the Crown in section 29 in respect of the statutory area, on the terms set out in this subpart. (2) In this subpart,— **statement of association** means the statement— (a) made by Ngāti Whātua Ōrākei of their particular cultural, spiritual, historical, and traditional association with the statutory area; and (b) that is in the form set out in part 1 of the documents schedule of the deed of settlement at the settlement date **statutory area** means— (a) the land owned by the Crown, and vested for control and management in the Auckland Council, at Kauri Point (as shown marked "A" on deed of settlement plan OTS–121–02); and (b) the land owned by the Crown and held for defence purposes at Kauri Point (as shown marked "B" on deed of settlement plan OTS–121–02).
30	**Purposes of statutory acknowledgement** (1) The only purposes of the statutory acknowledgement are— (a) to require the Auckland Council, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in sections 31 to 33; and (b) to require the Auckland Council to provide summaries of resource consent applications, or copies of notices of resource consent applications, to the trustee, as provided for in section 35; and (c) to enable the trustee and members of Ngāti Whātua Ōrākei to cite the statutory acknowledgement as evidence of the association of Ngāti Whātua Ōrākei with the statutory area, as provided for in section 36. (2) This section does not limit sections 38 to 40.
31	**Auckland Council to have regard to statutory acknowledgement** (1) On and from the effective date, the Auckland Council 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 trustee

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	is an affected person in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made. (2) Subsection (1) does not limit the obligations of the Auckland Council under the Resource Management Act 1991.
34	**Recording statutory acknowledgement on statutory plans** (1) On and from the effective date, the Auckland Council must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area. (2) The information attached to a statutory plan must include— (a) the provisions of sections 29 to 33 in full; and (b) the description of the statutory area; and (c) the statement of association for the 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 Auckland Council 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. (4) In this section, statutory plan— (a) means a district plan, regional plan, regional coastal plan, regional policy statement, or proposed policy statement (as defined by section 43AA of the Resource Management Act 1991); and (b) includes a proposed plan (as defined by section 43AAC of that Act).
35	**Provision of resource consent applications to trustee** (1) The Auckland Council must, for a period of 20 years starting on the effective date, provide the following to the trustee for each resource consent application for an activity within, adjacent to, or directly affecting the statutory area: (a) if the application is received by the Auckland Council, a summary of the application; or (b) if notice of the application is served on the Auckland Council under section 145(10) of the Resource Management Act 1991, a copy of the notice. (2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B

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	of the Resource Management Act 1991, or as may be agreed between the trustee and the Auckland Council. (3) A summary of an application must be provided under subsection (1)(a)— (a) as soon as is reasonably practicable after the Auckland Council receives the application; and (b) before the Auckland Council decides under section 95 of the Resource Management Act 1991 whether to notify the application. (4) A copy of a notice of an application must be provided under subsection (1)(b) no later than 10 business days after the day on which the Auckland Council receives the notice. (5) This section does not affect the Auckland Council's obligation,— (a) under section 95 of the Resource Management Act 1991, to decide whether to notify an application, and to notify the application if it decides to do so; or (b) under section 95E of that Act, to decide whether the trustee is an affected person in relation to an activity.
36	**Use of statutory acknowledgement** (1) The trustee and any member of Ngāti Whātua Ōrākei may, as evidence of the association of Ngāti Whātua Ōrākei with the statutory area, cite the statutory acknowledgement that relates to the area in submissions to, and in proceedings before, the Auckland Council, the Environmental Protection Authority (EPA) or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or directly affecting the area. (2) The content of the statement of association is not, by virtue of the statutory acknowledgement, binding as fact on— (a) the Auckland Council: (b) the EPA or a board of inquiry under Part 6AA of the Resource Management Act 1991: (c) the Environment Court: (d) the Historic Places Trust: (e) a power or function to which section 111 or 112 applies; and (f) parties to proceedings before the bodies specified in paragraphs (a) to (d): (g) any other person who is entitled to participate in the proceedings specified in paragraph (e).

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	(3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account. (4) To avoid doubt,— (a) neither the trustee nor members of Ngāti Whātua Ōrākei are precluded from stating that Ngāti Whātua Ōrākei has an association with the 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.
37	**Trustee may waive rights** (1) The trustee may waive the right to be provided with summaries, and copies of notices, of resource consent applications under section 35 in relation to the statutory area. (2) Rights must be waived by written notice to the Auckland Council stating— (a) the scope of the waiver; and (b) the period for which it applies. (3) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.
46	**Administration of Pourewa Creek Recreation Reserve and application of Reserves Act 1977** (1) The Ngāti Whātua Ōrākei Reserves Board is the administering body of the Pourewa Creek Recreation Reserve for the purposes of the Reserves Act 1977 as if— (a) the reserve were vested in the Reserves Board under section 26 of that Act; and (b) the Reserves Board were a local authority within the meaning of section 2(1) of that Act. (2) However, the Reserves Board must still submit its management plan for the reserve to the Minister for approval under section 41(13) of the Reserves Act 1977. (3) Section 10 of the Reserves Act 1977 applies to the Reserves Board as if it were a local authority in respect of the reserve. (4) The Reserves Board is not required to comply with section 88 of the Reserves Act 1977 in respect of the reserve. Instead, it must comply with clause 5(1) of Schedule 4. (5) To avoid doubt, sections 48A, 114, and 115 of the Reserves Act 1977 apply to

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	the reserve. (6) The Minister must not change the name of the reserve under section 16(10) of the Reserves Act 1977 without the written consent of the Reserves Board, and section 16(10A) of that Act does not apply to any proposed change. (7) All costs and expenses incurred in and incidental to the administration of the reserve must be paid by the Auckland Council to the extent that any income arising from the reserve is insufficient to defray those costs and expenses. (8) Subsection (7) is subject to clause 6 of Schedule 4.
57	**Application of other enactments** (8) 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 of a commercial property.
63	**Permissible dealings with hapū land and pūtea that is land** (1) The trustee may grant 1 or more easements— (a) to any person over any part of the hapū land: (b) to the Auckland Council over any pūtea that is land. (2) An easement may be granted under subsection (1)— (a) for valuable consideration or otherwise; and (b) in gross or otherwise. (3) The trustee may— (a) use the development land for housing or other non-commercial purposes; or (b) subdivide the development land for housing purposes; or (c) lease the development land for commercial purposes— (i) as if the land were General land within the meaning of section 4 of Te Ture Whenua Maori Act 1993; and (ii) on the terms it thinks fit. (4) However, at any time, no more than one-fifth of the development land may be leased by the trustee under subsection (3)(c). (5) The trustee must transfer to the Auckland Council any road formed as part of a subdivision and development under subsection (3)(b). (6) To avoid doubt, land used or subdivided in accordance with subsection (3)(a) or (b) is not development land for the purposes of subsection (4) regardless of whether any improvements on the land are leased, tenanted, or otherwise

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	occupied.
69	**Costs of management of whenua rangatira** (1) All costs and expenses incurred in and incidental to the control and management of the whenua rangatira must be paid by the Auckland Council to the extent that any income arising from the whenua rangatira is insufficient to defray those costs and expenses. (2) This section is subject to clause 6 of Schedule 4.
70	**Stopped roads to vest in trustee** (1) In this section, road means a road or access way, or any part of a road or access way, that is— (a) vested in the Auckland Council; and (b) adjoining any part of the hapū land. (2) Subsection (3) applies if the Auckland Council stops a road. (3) On and from the stopping of the road, the road— (a) vests in fee simple in the trustee; and (b) becomes part of the adjoining hapū land (as papakāinga or whenua rangatira, as the case may be).
72	**Exemption from payment of rates and other charges** The whenua rangatira, the hapū reservation, and, to the extent that it remains undeveloped, the development land— (a) are not rateable under the Local Government (Rating) Act 2002; and (b) are exempt from all other taxes and charges from time to time imposed by the Auckland Council.
Schedule 4	**Schedule 4 Ngāti Whātua Ōrākei Reserves Board**
clause 1	**Membership of Reserves Board** (1) The Reserves Board comprises— (a) 6 individuals; or (b) any greater even number of individuals as may be fixed by written agreement between the Auckland Council and the trustee. (1) One-half of the members must be appointed in writing by the trustee. (2) One-half of the members must be appointed in writing by the Auckland Council.

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	(3) Subject to clause 2, members are appointed for a term of 3 years and may be reappointed.
clause 2	**Removal, resignation, etc, of members and extraordinary vacancies** (1) The body by which a member of the Reserves Board is appointed may, at any time in its discretion, by notice in writing to the member, remove the member from office. (2) A member of the Reserves Board may at any time resign his or her office by written notice addressed to the body by which the member was appointed. (3) If a member of the Reserves Board dies or resigns or is removed from office, his or her office becomes vacant and the vacancy is an extraordinary vacancy. (4) An extraordinary vacancy must be filled in the manner in which the appointment to the vacant office was originally made. (5) A person appointed to fill an extraordinary vacancy must be appointed for the residue of the term for which the vacating member was appointed. (6) The powers of the Reserves Board are not affected by any vacancy in its membership.
clause 3	**Appointment of chairperson and deputy chairperson** (1) The trustee must appoint a member of the Reserves Board as chairperson of the Reserves Board. (2) The Auckland Council must appoint a member of the Reserves Board as deputy chairperson of the Reserves Board. (3) Appointments made under subclause (1) or (2) must be made triennially or following the vacation of either office.
clause 4	**Meetings** (1) The Reserves Board must hold meetings at successive intervals of no more than 6 months. (2) Each meeting must be held at a time and place fixed by the Reserves Board. (3) At each meeting, a quorum consists of one-half of the members, but no meeting may be held or continue unless— (a) the chairperson or the deputy chairperson is present; and (b) at least 1 member appointed by the trustee and 1 member appointed by the Auckland Council are present. (4) The chairperson must chair all meetings at which he or she is present. (5) The deputy chairperson must chair any meeting from which the chairperson is absent. (6) All resolutions to be considered by the Reserves Board must be proposed by a member and must be seconded by another member. (7) A resolution is passed or rejected according to the voting, by a show of hands,

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	of the members present at the meeting. (8) The person presiding over a meeting has a deliberative vote, and, in the case of an equality of votes, also a casting vote. (9) The proceedings and resolutions of every meeting of the Reserves Board must be recorded in a minute book to be kept for the purpose.
Clause 5	**Accounting and auditing of Reserves Board** (1) No later than 4 months before the end of each financial year of the Auckland Council, the Reserves Board must give the Council an estimate of the income and expenditure of the Reserves Board, in relation to the Pourewa Creek Recreation Reserve and the whenua rangatira, in the next financial year. (2) The Reserves Board must keep full and accurate accounts of all money received and paid by it. (3) At the close of each financial year, the Reserves Board must have its accounts audited by a chartered accountant. (4) The Reserves Board must give a copy of the accounts audited under subclause (3) to the trustee and the Auckland Council, together with a report of the financial position of the Reserves Board and its financial operations during the period to which the accounts relate.
clause 6	**Remuneration of members appointed by trustee** A member of the Reserves Board who is appointed by the trustee must be paid, in accordance with the Fees and Travelling Allowances Act 1951, out of money appropriated by Parliament for the purpose,— (a) remuneration by way of fees, salary, or allowances for the member's services as a member of the Reserves Board; and (b) travelling allowances and expenses in respect of time spent travelling in the service of the Reserves Board.

25 Public Works Act 1981

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17	**Acquisition by agreement** (1) The Minister or a local authority may enter into an agreement to purchase any land for any public work for which the Crown or local authority, as the case may be, is responsible. (2) Any agreement to sell land to the Crown or a local authority for public work under this section may be implemented by a declaration under section 20 or by a memorandum of transfer under the Land Transfer Act 1952 for the stated public work. (3) [Repealed] (4) If the land sought is— (a) Maori freehold land as defined in section 2 of Te Ture Whenua Maori Act 1993; and (b) beneficially owned by more than 4 persons; and (c) not vested in any trustee or trustees— the Minister, or any person authorised generally or particularly in writing by him, or the local authority, as the case may be, may apply to the Maori Land Court for the district in which the land is situated for an order under the provisions of Part 9 of the Maori Affairs Amendment Act 1974. The Maori Land Court shall deal with the application as if a notice under an enactment had been issued to the owners. (5) If an agent is appointed by the Maori Land Court, he shall, subject to the terms of the appointment, be deemed to be the owner of the land for the purposes of entering into an agreement under this section and of executing any transfer or conveyance.
18	**Prior negotiations required for acquisition of land for essential works** (5) If the land required is— (a) Maori freehold land as defined in section 4 of Te Ture Whenua Maori Act 1993; and (b) beneficially owned by more than 4 persons; and (c) not vested in any trustee or trustees— the Minister, or any person authorised generally or particularly in writing by him, or the local authority, as the case may be, before complying with the provisions of subsection (1), may apply to the Maori Land Court for the district in which the land is situated for an order under the provisions of Part 10 of Te Ture Whenua Maori Act 1993. The Maori Land Court shall deal with the application as if a notice under an enactment had been issued to the owners. (6) If an agent is appointed by the Maori Land Court, he shall, subject to the terms

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	of the appointment, be deemed to be the owner of the land for the purposes of this section.
23	**Notice of intention to take land** (1) The provisions of this section requiring the names of the owners of the land to be shown on the plan of the land shall have no application in respect of any Maori land unless title to the land is registered under the Land Transfer Act 1952, but instead the plan shall be endorsed with the advice that the names of the owners may be obtained at the appropriate Maori Land Court. Entry on the Provisional Register shall not be deemed to be registration within the meaning of this subsection.
40	**Disposal to former owner of land not required for public work** (1) Where any land held under this or any other Act or in any other manner for any public work— (a) is no longer required for that public work; and (b) is not required for any other public work; and (c) is not required for any exchange under section 105— the chief executive of the department within the meaning of section 2 of the Survey Act 1986 or local authority, as the case may be, shall endeavour to sell the land in accordance with subsection (2), if that subsection is applicable to that land. (2) Except as provided in subsection (4), the chief executive of the department within the meaning of section 2 of the Survey Act 1986 or local authority, unless— (a) he or it considers that it would be impracticable, unreasonable, or unfair to do so; or (b) there has been a significant change in the character of the land for the purposes of, or in connection with, the public work for which it was acquired or is held— shall offer to sell the land by private contract to the person from whom it was acquired or to the successor of that person— (c) at the current market value of the land as determined by a valuation carried out by a registered valuer; or (d) if the chief executive of the department within the meaning of section 2 of the Survey Act 1986 or local authority considers it reasonable to do so, at any lesser price. (2A) If the chief executive of the department within the meaning of section 2 of the Survey Act 1986 or local authority and the offeree are unable to agree on a price following an offer made under subsection (2), the parties may agree that

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	the price be determined by the Land Valuation Tribunal. (3) Subsection (2) shall not apply to land acquired after 31 January 1982 and before the date of commencement of the Public Works Amendment Act (No 2) 1987 for a public work that was not an essential work. (4) Where the chief executive of the department within the meaning of section 2 of the Survey Act 1986 or local authority believes on reasonable grounds that, because of the size, shape, or situation of the land he or it could not expect to sell the land to any person who did not own land adjacent to the land to be sold, the land may be sold to an owner of adjacent land at a price negotiated between the parties. (5) For the purposes of this section, the term successor, in relation to any person, means the person who would have been entitled to the land under the will or intestacy of that person had he owned the land at the date of his death; and, in any case where part of a person's land was acquired or taken, includes the successor in title of that person.
41	**Disposal of former Maori land when no longer required** Notwithstanding anything in sections 40 and 42, where any land to which section 40(2) applies was, immediately before its taking or acquisition,— (a) Maori freehold land or General land owned by Maori (as those terms are defined in section 4 of Te Ture Whenua Maori Act 1993); and (b) beneficially owned by more than 4 persons; and (c) not vested in any trustee or trustees— the chief executive of the department within the meaning of section 2 of the Survey Act 1986 or local authority, as the case may be, shall— (d) comply with the requirements of section 40; or (e) apply to the Maori Land Court for the district in which the land is situated for an order under section 134 of Te Ture Whenua Maori Act 1993.
42A	**Solatium payment for loss of opportunity to purchase** (1) Where— (a) a recommendation made or deemed to have been made by the Waitangi Tribunal under section 8A of the Treaty of Waitangi Act 1975 for the return to Maori ownership of any land that is held for a public work takes effect as a final recommendation; or (b) any provision of an Act of Parliament returns to Maori ownership any land that immediately before being so returned was held for a public work,— any person (being the person from whom that land was acquired or the

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	successor of the person from whom that land was acquired) who would, but for section 8A(5) of the Treaty of Waitangi Act 1975 or the effect of the Act of Parliament by which the land was returned to Maori ownership, have received in respect of that land in the normal course of events an offer under section 40 or section 41 may, at the time at which the offer would have been made, apply to the Land Valuation Tribunal for a solatium payment from the Crown for the loss of the opportunity to purchase the land. (2) Every person who makes an application to the Land Valuation Tribunal under subsection (1) shall, as soon as practicable after making that application, serve a copy of that application on the chief executive of the department within the meaning of section 2 of the Survey Act 1986. (3) Subject to subsection (4), the Land Valuation Tribunal shall, in assessing the amount of any solatium payment payable under this section, take into account— (a) the fact that the person from whom the land was acquired was paid, at the time of acquisition, the then market price as agreed or assessed; and (b) any other payments made to the person from whom the land was acquired; and (c) the fact that the offer under section 40 or section 41 would, in most cases, have been an offer to sell the land at the current market value of the land as determined by a valuation carried out by a registered valuer; and (d) the reasonable likelihood of the offeree being financially capable of accepting the offer; and (e) the degree of attachment that the offeree has to the land, including, in particular, the degree of attachment that exists by reason of the offeree or members of the offeree's family or both having been associated with the land over a considerable period of time; and (f) the likely market value of the opportunity to purchase the land. (4) No solatium payment payable under this section in respect of the loss of the opportunity to purchase any land shall exceed $20,000.

26 Rating Valuations Act 1988

RATING VALUATIONS ACT 1998	
SECTION	**OBLIGATION TO MAORI**
Part 1	**Functions and powers of Valuer-General**
5B	**What constitutes rating unit if there is certificate of title** (1) For land for which there is a certificate of title, the land comprised in the certificate of title constitutes a rating unit. (2) However, the Valuer-General may make rules under section 5(1)(c) for the purposes of determining whether particular land comprised in the following constitutes a rating unit: (a) 2 or more certificates of title; (b) part of a certificate of title. (3) The Valuer-General may make rules— (a) under subsection (2)(a) only for land— (i) that is owned by the same person or persons; and (ii) that is used jointly as a single unit; and (iii) that is contiguous or separated only by a road, railway, drain, water race, river, or stream; and (b) under subsection (2)(b) only for land— (i) that is— (A) owned by the Crown; or (B) surveyed and subject to a separate lease registered under section 115 of the Land Transfer Act 1952; or (C) Māori freehold land subject to an occupation order made by the Māori Land Court under section 328 of Te Ture Whenua Maori Act 1993 (or an equivalent order made under a former provision); and (ii) that it is appropriate, in the opinion of the Valuer-General, to treat as if comprised in a separate certificate of title. (4) If land in a rating unit is in 2 or more districts, the part in each district constitutes a separate rating unit.
5C	**What constitutes rating unit if there is no certificate of title** (1) For land for which there is no certificate of title, what constitutes a rating unit must be determined in accordance with the following principles:

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	(a) for land owned by the Crown, a rating unit is the land that it is appropriate, in the opinion of the Valuer-General, to treat as if comprised in a certificate of title; (b) for land not owned by the Crown, a rating unit is,— (i) if an instrument exists, the land described in the instrument; or (ii) if an instrument does not exist, the land that it would be appropriate, in the opinion of the Valuer-General, to sell or transfer as a separate property. (2) The Valuer-General must make rules under section 5(1)(c) for the purposes of determining whether particular land, for which there is no certificate of title, constitutes a rating unit. (3) The rules must be consistent with the principles in subsection (1). (4) Despite subsection (3), the rules may include rules for the purposes of determining whether particular land in subsection (1) comprised in the following constitutes a rating unit: (a) 2 or more pieces of land (which may include 1 or more pieces of land comprised in a certificate of title); (b) part of a piece of land. (5) The Valuer-General may make rules— (a) under subsection (4)(a) only for land— (i) that is owned by the same person or persons; and (ii) that is used jointly as a single unit; and (iii) that is contiguous or separated only by a road, railway, drain, water race, river, or stream; and (b) under subsection (4)(b) only for land— (i) that is— (A) owned by the Crown; or (B) Māori freehold land subject to an occupation order made by the Māori Land Court under section 328 of Te Ture Whenua Maori Act 1993 (or an equivalent order made under a former provision); and (ii) that it is appropriate, in the opinion of the Valuer-General, to treat as if comprised in a separate certificate of title. (6) If land in a rating unit is in 2 or more districts, the part in each district constitutes a separate rating unit. (7) In this section, instrument—

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	(a) means an instrument under which ownership of the land is registered or recorded; and (b) to avoid doubt, includes an order made by the Māori Land Court determining ownership of land.
7	**Territorial authorities to prepare and maintain district valuation rolls** (1) Each territorial authority must prepare and maintain a district valuation roll for its own district in accordance with rules made under this Act. (2) Each roll must contain the information in respect of each rating unit within the district that is required by the rules. (3) Where the boundaries of the district of a territorial authority are altered, or a new district is constituted, the relevant territorial authorities must prepare such new rolls or make such alterations in existing rolls as may be necessary to give effect to the provisions of this Act.

27 Reserves Act 1977

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SECTION	**OBLIGATION TO MAORI**
10	**Delegation of Minister's powers** (1) The Minister may from time to time delegate any of his powers and functions under this Act (not being the power to approve any bylaw) to any ... local authority... either as to matters within his jurisdiction generally, or in any particular case or matter, or any particular class of cases or matters, or in respect of any reserve or reserves. (3) Subject to any general or special directions given by the Minister, any person, committee, body, local authority, organisation, or officer to which or to whom any powers have been so delegated may exercise those powers in the same manner and with the same effect as if they had been directly conferred on that person, committee, body, local authority, organisation, or officer by this Act and not by delegation. (4) Every person, committee, body, local authority, organisation, or officer purporting to act under any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation. (5) Any such delegation may at any time be revoked by the Minister in whole or in any part, but that revocation shall not affect in any way anything done under the delegated authority. (6) No such delegation shall prevent the exercise by the Minister himself of any of the powers and functions conferred on him by this Act.
12	**Minister's powers** (1) Where the Minister considers that any private land or any interest in or over private land or any interest in a Crown lease should be acquired by the Crown for the purposes of a reserve or for the improvement, protection, or extension of or access to an existing reserve, or to establish a public right to wander at will on foot within specified limits in any reserve, or to provide recreational tracks in the countryside,— (a) the Minister may, in the name and on behalf of Her Majesty, treat and agree for the purchase or taking on lease of the land or any interest therein or the acceptance of the land or interest therein as a gift, and for any such purpose enter into any contract he thinks fit; or (b) the land or interest therein (other than a public right to wander therein) may be taken or otherwise acquired under the Public Works Act 1981; provided that no Maori land or interest in Maori land may be taken under this

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	paragraph without the consent of the Minister of Maori Affairs; provided also that, notwithstanding anything in subsection (2) of section 23 of the Public Works Act 1981, where any Maori land in multiple ownership is proposed to be taken under the Public Works Act 1981 for the purposes of a reserve and the title to the land is not registered under the Land Transfer Act 1952, a copy of the notice and description referred to in subsection (1) of the said section 23 shall be served on the Registrar of the Maori Land Court in accordance with Part 10 of Te Ture Whenua Maori Act 1993, and the provisions of that Part shall apply accordingly.
25	**Effect of revocation of reserve or change of classification or purpose** (3) Notwithstanding anything in subsection (1) or subsection (2), where any land the reservation of which is revoked had been transferred to the Crown by way of gift for the purposes of a reserve, the following provisions shall apply: (a) the case of land that immediately before its transfer to the Crown was Maori land, the Minister, unless he considers it would not be in the public interest, shall offer the land, on such terms and conditions as he thinks fit, to the former owner or, if he is deceased, to his descendants, those descendants being as determined by order of the Maori Land Court: (b) in the case of any other land, the Minister, unless he considers it would not be in the public interest, shall offer the land, on such terms and conditions as he thinks fit, to the former owner or, if he is deceased, to his personal representative.
40	**Functions of administering body** (1) The administering body shall be charged with the duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act and in terms of its appointment and the means at its disposal, so as to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve for the purpose for which it is classified. (2) Every administering body of a reserve that includes any part of the Wanganui River shall, in carrying out its functions, have regard to the spiritual, historical, and cultural significance of the river to the Whanganui iwi.
46	**Grant of rights to Maori** (1) The Minister may from time to time, by notice in the Gazette, grant to Maori the right to take or kill birds within any scenic reserve which immediately before the reservation or taking thereof was Maori land, provided the taking and killing of the birds would not be in contravention of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act.

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	(2) Where any scenic or historic reserve includes any ancestral burial grounds of Maori, the Minister may, by notice in the Gazette, grant the right to bury or inter the remains of deceased Maori in a place to be specified therein. (3) Any rights so granted may at any time in like manner be withdrawn or varied by the Minister.
72	**Farming by another person or body** (1) Where all or any part of any recreation reserve or local purpose reserve is not for the time being required for the purpose specified in its classification, or where the administering body of a recreation reserve has decided under section 53(1)(a)(ii) that it is necessary or desirable to farm or graze any part of the reserve as part of a development, improvement, or management programme, the administering body may enter into an agreement or lease with the Minister providing for the carrying out by another person or body of farming or grazing operations, including the development and improvement of the land on behalf of the administering body, on such terms and conditions (including the repayment of development costs) as may be agreed upon between the Minister and the administering body: (2) [Repealed] (3) The agreement or lease shall include a condition providing adequate safeguards to prevent the destruction of or damage to any natural, scenic, historic, cultural, archaeological, geological, or other scientific features or indigenous flora and fauna.
77A	**Nga Whenua Rahui kawenata** (1) Notwithstanding any enactment or rule of law,— (a) if satisfied that any Maori land or Crown land held under a Crown lease by Maori should be managed so as to preserve and protect— (i) the natural environment, landscape amenity, wildlife or freshwater-life or marine-life habitat, or historical value of the land; or (ii) the spiritual and cultural values which Maori associate with the land,— the Minister may, subject to subsection (2), treat and agree with the owner or the lessee for a Nga Whenua Rahui kawenata to provide for the management of the land in a manner that will achieve those purposes; (b) a Nga Whenua Rahui kawenata under this section may be in perpetuity or for any specific term or may be in perpetuity subject to a condition that at agreed intervals of not less than 25 years the parties to the Nga Whenua Rahui kawenata shall review the objectives, conditions, and continuance of the Nga Whenua Rahui kawenata; and on such review the parties may mutually agree that the Nga Whenua Rahui kawenata

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	shall be terminated, or the owner or lessee may terminate the Nga Whenua Rahui kawenata on giving such notice (being not less than 6 months) as may be agreed. The Crown shall have regard to the manawhenua of the owner or lessee in any such review; (c) while any Nga Whenua Rahui kawenata under this section remains in force, sections 93 to 105, as far as they are applicable and with the necessary modifications, but subject to the terms of the Nga Whenua Rahui kawenata, shall apply to the land affected thereby in all respects as if it were a reserve, notwithstanding that the land or the interest of the lessee may be sold or otherwise disposed of; (d) every such Nga Whenua Rahui kawenata shall run with and bind the land that is subject to the burden of the Nga Whenua Rahui kawenata, and shall be deemed to be an interest in land for the purposes of the Land Transfer Act 1952; (e) where a Nga Whenua Rahui kawenata is entered into under this section, the District Land Registrar of the land registration district affected, on the application of the Commissioner, shall, without fee, enter in the appropriate folio of the register relating to the land that is subject to the burden of the Nga Whenua Rahui kawenata a notification thereof; (f) subject to sections 78, 82, 83, 84, 89, 90, 95, 105, and 110, any money payable as consideration for a Nga Whenua Rahui kawenata shall be paid out of money appropriated by Parliament; and references in those provisions to a conservation covenant shall be read as references to a Nga Whenua Rahui kawenata. (2) In the case of a Crown lease other than a lease administered by the Department of Conservation, the consent of the Minister of Lands shall be required before a Nga Whenua Rahui kawenata is entered into, and that Minister may give consent subject to the inclusion of any condition in the Nga Whenua Rahui kawenata or conditions, and may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so. (3) In the case of a Crown lease administered by the Department of Conservation, the Minister may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so. (4) Where the burden of a Nga Whenua Rahui kawenata under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar shall not enter in any register a notification of the Nga Whenua Rahui kawenata unless— (a) the land to which the Nga Whenua Rahui kawenata relates is defined on an existing plan approved under the Land Transfer Act 1952 or a new

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	plan approved under that Act; or (b) the document incorporating the Nga Whenua Rahui kawenata is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the Nga Whenua Rahui kawenata is adequately described and properly defined— (i) for the nature of the Nga Whenua Rahui kawenata; and (ii) in relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and (iii) in accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or Chief Surveyor, as the case may be.
86	**Payment of rates on Māori reservations** Where— (a) pursuant to subsection (12) of section 439 of the Maori Affairs Act 1953 (as added by section 11(2) of the Maori Purposes Act 1972), the notice constituting a Maori reservation under the said section 439 specifies that the reservation shall be held for the common use and benefit of the people of New Zealand; and (b) pursuant to subsection (7) of that section, the Maori Land Court has vested the reservation in a body corporate or in trustees to hold and administer the reservation— the Minister may, by agreement with the body corporate or the trustees, contribute towards the payment, out of money appropriated by Parliament for the purpose, of the whole or part of any rates from time to time levied on the land.
119	**Notices** (1) Where this Act requires anything to be publicly notified or refers to public notification, the subject matter shall, unless this Act specifically provides otherwise, be published as follows: (3) Subject, in relation to Maori land owned in multiple ownership, to section 181 of Te Ture Whenua Maori Act 1993, a notice required by this Act to be given to any person may be sent by registered post to the last-known place of abode or business of that person, and shall be deemed to have been delivered when in the ordinary course of post it would be delivered. If any such person is absent from New Zealand, the notice may be sent to his or her agent, and, if he or she has no known agent, the notice may be given to him or her by publishing it in a newspaper circulating in the district in which the land the subject matter of the

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	notice is situated.

28 Te Kawerau ā Maki Claims Settlement Act 2015

TE KAWERAU Ā MAKI CLAIMS SETTLEMENT ACT 2015	
SECTION	**OBLIGATION TO MAORI**
27	**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 Te Kawerau ā Maki of their particular cultural, historical, spiritual, and traditional association with the statutory area; and (b) set out in part 4 of the documents schedule **statutory acknowledgement** means the acknowledgement made by the Crown in section 28 in respect of the statutory areas, on the terms set out in this sub-part **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.
29	**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 30 to 32; 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 33 and 34; and (c) to enable the trustees and any member of Te Kawerau ā Maki to cite the statutory acknowledgement as evidence of the association of Te Kawerau ā Maki with a statutory area, in accordance with section 35.
30	**Relevant consent authorities to have regard to statutory acknowledgement**

TE KAWERAU Ā MAKI CLAIMS SETTLEMENT ACT 2015	
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	(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.
33	**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 28 to 32, 34, and 35; 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.
34	**Provision of summary or notice to trustees** (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area: (a) if the application is received by the consent authority, a summary of the application; or (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice. (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as 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

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

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	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
87	**Application of other enactments** (1) 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.
Part 3, Subpart 4	**Right of first refusal over RFR land**[4]
109	**Interpretation** **RFR landowner**, in relation to RFR land,— (2) means the Crown, if the land is vested in the Crown or the Crown holds the fee simple estate in the land; and (3) means a Crown body, if the body holds the fee simple estate in the land; and (4) means the Auckland Council, if the Council holds the fee simple estate in the Te Onekiritea Point land (see section 124(2)); and (5) includes a local authority to which RFR land has been disposed of under section 121(1); but (6) to avoid doubt, does not include an administering body in which RFR land, except the Te Onekiritea Point land, is vested— (i) on the settlement date; or (ii) after the settlement date, under section 122(1)
114	**Restrictions on disposal of RFR land** (1) An RFR landowner must not dispose of RFR land other than to the trustees or a governance entity referred to in subsection (3)(a)(ii) or (4)(b) who have or that has accepted an offer to dispose of RFR land under section 118, or to their nominees. (2) However, subsection (1) does not apply if the land is disposed of— (a) under any of sections 120 to 130; or (b) under any matter referred to in section 131(1); or (c) in accordance with a waiver or variation given under section 142; or (d) in accordance with subsection (3). (3) An RFR landowner may dispose of RFR land to any person within 2 years

[4] Please note that the key provisions that affect the Council in relation to RFR land have been included in this table however there are a number of other provisions contained in Part 3, Subpart 4 of the Act ('Right of first refusal over RFR land') that should be considered when making decisions that affect RFR land.

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	after the expiry date of an offer made by the RFR landowner if the offer was,— (a) in the case of Auckland Prison, made by notice to— the trustees; and the trustees of the Ngā Maunga Whakahii o Kaipara Development Trust: (b) in the case of exclusive RFR land, made by notice to the trustees: (c) in the case of non-exclusive RFR land, made by notice in accordance with subsection (4). (4) In the case of non-exclusive RFR land, a notice of offer must be given,— (a) if the settlement dates under both the approving Marutūāhu Iwi collective legislation and the approving Ngāti Whātua settlement legislation have not occurred at the date of offer, to the trustees; or (b) if the settlement date under the relevant approving legislation has occurred at the date of offer,— (i) to the trustees; and (ii) to the relevant approving governance entity. (5) In every case where notice has been given under subsection (3)(a) or (b) or (4), the offer must— (a) have been made in accordance with section 115; and (b) have been made on terms that are the same as, or more favourable to, the relevant governance entity than, the terms of the disposal to the other person; and (c) not have been withdrawn under section 117; and (d) not have been accepted under section 118. (1) In subsection (4)(b), relevant approving governance entity means— (a) the Marutūāhu Iwi governance entity if the settlement date under any approving Marutūāhu Iwi collective legislation has occurred: (b) the Ngāti Whātua governance entity if the settlement date under any approving Ngāti Whātua settlement legislation has occurred.
121	**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,— (a) in the case of the Te Onekiritea Point land, the RFR landowner may

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	dispose of that land to the Auckland Council for the purposes of a reserve; and (b) if RFR land is disposed of to a local authority, the local authority becomes— (i) the RFR landowner of the land; and (ii) subject to the obligations of an RFR landowner under this subpart.
122	**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.
124	**Disposal in accordance with legal or equitable obligations** (1) An RFR landowner may dispose of RFR land in accordance with— (a) a legal or an equitable obligation that— (i) was unconditional before the RFR date for that land; or (ii) was conditional before the RFR date for that land but became unconditional on or after that date; or (iii) arose after the exercise (whether before, on, or after the RFR date for that land) of an option existing before the RFR date for that land; or (b) the requirements, existing before the RFR date for that land, of a gift, an endowment, or a trust relating to the land. (2) If the RFR landowner disposes of the Te Onekiritea Point land to the Auckland Council in accordance with subsection (1) for the purposes of a reserve,— (a) the land does not cease to be RFR land; and (b) the Auckland Council becomes— (i) the RFR landowner of the land; and (ii) subject to the obligations of an RFR landowner under this subpart.

29 Te Ture Whenua Maori Act 1992

TE TURE WHENUA MAORI ACT 1992	
SECTION	**OBLIGATION TO MAORI**
134	**Change to Maori freehold land by vesting order on change of ownership** (1) This section applies to— (a) any land (other than Maori freehold land) that the beneficial owner wishes to have vested in or held in trust for any Maori or any group or class of Maori, or any Maori incorporation; and (b) any land (other than Maori freehold land) acquired for or on behalf of any Maori or any group or class of Maori or any Maori incorporation; and (c) any Maori land or General land owned by Maori that has at any time been acquired by the Crown or by any local authority or public body for a public work or other public purpose and is no longer required for that public work or other public purpose; and (d) any Crown land reserved for Maori; or (e) any Crown land (other than Crown land reserved for Maori). (2) The Maori Land Court shall have jurisdiction in accordance with the succeeding provisions of this section to make a vesting order in respect of any land to which this section applies and to declare in that order that the land shall become Maori freehold land. (3) An application to the court for the exercise of its jurisdiction under this section shall be made,— (a) in any case to which subsection (1)(a) applies, by or on behalf of the beneficial owner of the land; or (b) in any case to which subsection (1)(b) applies, by or on behalf of the person who has acquired the land; or (c) in any case to which subsection (1)(c) applies, by or on behalf of— (i) the Minister of the Crown under whose control the land is held or administered; or (ii) the chief executive of the department within the meaning of section 2 of the Survey Act 1986; or (iii) the local authority or public body by which the land was acquired; or (d) in any case to which subsection (1)(d) applies, the Minister of Maori Affairs; or (e) in any case to which subsection (1)(e) applies, any Minister of the Crown.

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SECTION	**OBLIGATION TO MAORI**
	(4) Notwithstanding anything in subsections (1) to (3), any Minister of the Crown having responsibility in regard to the matter may apply to the court for the exercise of its jurisdiction, and on such an application the court may exercise its jurisdiction, under this section in respect of any Crown land that has not been formally set aside for the benefit of Maori. (5) An application may be made to the court, and the court may exercise its jurisdiction, under this section notwithstanding the provisions of any Act to which the land is subject, and notwithstanding any terms and conditions imposed by the Act on the sale or other disposition of the land. (6) In any application under this section, the applicant may specify— (a) the person or persons in whom it is proposed the land shall be vested; and (b) the price to be paid for the land, and the terms and conditions of payment; and (c) any other conditions to which it is proposed the order shall be subject. (7) On an application under this section, the court may make an order vesting the land in— (a) such person or persons as the court may find to be entitled to the land or otherwise in accordance with the terms of the application, in such shares as may be specified in the order; or (b) a Maori incorporation or a Maori Trust Board or trustees for or on behalf of such person or persons, and on such terms of trust, as the court may specify in the order.
326B	**Reasonable access may be granted in cases of landlocked Maori land** (1) The owners of landlocked land may apply at any time to the court for an order in accordance with this section. (2) On an application made under this section,— (a) the owner of land adjoining the landlocked land that will or may be affected by the application must be joined as a party to the application; and (b) every person having an estate or interest in the landlocked land, or in any other piece of land (whether or not that piece of land adjoins the landlocked land), that will or may be affected if the application is granted, or claiming to be a party to or to be entitled to any benefit under any mortgage, lease, easement, contract, or other instrument affecting or relating to any such land, and the local authority concerned, are entitled to be heard in relation to any application for, or proposal to make, any order under this section. (2A) The applicant must, as soon as practicable after filing an application in the

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SECTION	**OBLIGATION TO MAORI**
	court, send a copy of the application to the local authority concerned.
340	**Maori reservation may be held for common use and benefit of people of New Zealand** (1) The notice constituting a Maori reservation (that is not a wahi tapu) under section 338 may, upon the express recommendation of the court, specify that the reservation (that is not a wahi tapu) shall be held for the common use and benefit of the people of New Zealand, and the reservation (that is not a wahi tapu) shall accordingly be held in that fashion. (2) Before issuing a recommendation that a Maori reservation (that is not a wahi tapu) be held for the common use and benefit of the people of New Zealand, the court shall be satisfied that this course is in accordance with the views of the owners, and that the local authority consents to it.

30 Te Uri o Hau Claims Settlement Act 2002

TE URI O HAU CLAIMS SETTLEMENT ACT 2002	
SECTION	**OBLIGATION TO MAORI**
35	**Application of other enactments** (1) Nothing in section 11 or Part 10 of the Resource Management Act 1991 applies to— (a) the vesting of a cultural redress property under this Act; or (b) any matter incidental to, or required for the purpose of, the vesting of a cultural redress property under this Act. (2) Neither this Act nor any vesting of the fee simple estate in a cultural redress property under this Act— (a) affects private rights to sub-surface minerals; or (b) limits sections 10 or 11 of the Crown Minerals Act 1991. (3) The vesting of the fee simple estate in a cultural redress property under this Act 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. (4) Sections 24 and 25 of the Reserves Act 1977 do not apply to the reserve status of a cultural redress property vested under this Act. (5) 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 by section 4 of the deed of settlement.
63	**Recording of statutory acknowledgements on statutory plans** (1) Local authorities with jurisdiction in respect of a statutory area must attach information recording the statutory acknowledgement to— (a) all regional policy statements, regional coastal plans, other regional plans, district plans, and proposed plans (as defined in section 2 of the Resource Management Act 1991) that— (i) cover, wholly or partly, the statutory area; and (ii) are prepared under the Resource Management Act 1991; and (b) all proposed policy statements of the kind referred to in Schedule 1 of the Resource Management Act 1991 that— (i) cover, wholly or partly, the statutory area; and (ii) are prepared under the Resource Management Act 1991. (2) The attachment of information under subsection (1) to a document referred to in that subsection— (a) may be by way of reference to this Part or by setting out the statutory acknowledgement in full; and

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SECTION	**OBLIGATION TO MAORI**
	(b) is for the purpose of public information only, and the information is neither part of the document (unless adopted by the relevant regional council or district council) nor subject to the provisions of Schedule 1 of the Resource Management Act 1991.
98	**Permission of council not required** The permission of a council under section 348 of the Local Government Act 1974 is not required for the granting of the right of way referred to in clause 5.5.1 of the deed of settlement.
123	**Roadways and rights of way** 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 by clause 7 of the deed of settlement.

31 Waitakere Ranges Heritage Area Act 2008

WAITAKERE RANGES HERITAGE AREA ACT 2008	
SECTION	**OBLIGATION TO MAORI**
3	**Purpose** (1) The purpose of this Act is to— (a) recognise the national, regional, and local significance of the Waitakere Ranges heritage area; and (b) promote the protection and enhancement of its heritage features for present and future generations. (2) To this end, the Act— (a) establishes the Waitakere Ranges heritage area; and (b) states its national significance; and (c) defines its heritage features; and (d) specifies the objectives of establishing and maintaining the heritage area; and (e) provides additional matters for the Auckland Council and certain other persons to consider when making a decision, exercising a power, or carrying out a duty that relates to the heritage area.
7	**National significance and heritage features of heritage area** (1) The heritage area is of national significance and the heritage features described in subsection (2), individually or collectively, contribute to its significance. (2) The heritage features of the heritage area are— (a) its terrestrial and aquatic ecosystems of prominent indigenous character that— (vi) are of cultural, scientific, or educational interest; (j) the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the area and their exercise of kaitiakitanga and stewardship;
8	**Heritage area objectives** The objectives of establishing and maintaining the heritage area are— (i) to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental, and cultural well-being: …

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SECTION	**OBLIGATION TO MAORI**
10	**Regional policy statements and regional plans** (1) When preparing or reviewing a regional policy statement or regional plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives. (2) The requirements in subsection (1) are in addition to the requirements in sections 61, 66, and 79 of the Resource Management Act 1991. (3) When evaluating a proposed policy statement, or proposed plan, change, or variation that affects the heritage area, the Council must also examine whether the statement, plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act). (4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.
11	**District plans** (1) When preparing or reviewing a district plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives. (2) The requirements in subsection (1) are in addition to the requirements in sections 74, 75, and 79 of the Resource Management Act 1991. (3) When evaluating a proposed district plan, change, or variation that affects the heritage area, the Council must examine whether the plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act). (4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.
13	**Resource consents** (1) When considering an application for resource consent for a discretionary or non-complying activity in the heritage area, a consent authority— (a) must have particular regard to— (i) the purpose of this Act and the relevant objectives; and (ii) the relevant provisions of any national policy statement or New Zealand coastal policy statement; and (b) must consider the objectives having regard to any relevant policies in the regional and district plans. (2) The requirements in subsection (1)(a)(i) are in addition to the requirements in the Resource Management Act 1991. (3) When considering an application for resource consent for a controlled activity or a restricted discretionary activity in the heritage area, a consent authority must consider the purpose of this Act and the relevant objectives as if they were matters specified in the plan or proposed plan over which the Council has reserved its control or has restricted the exercise of its discretion
17	**Application of section 77 of Local Government Act 2002 to this Act**

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SECTION	**OBLIGATION TO MAORI**
	If, in complying with section 76 of the Local Government Act 2002, the Council identifies an option under section 77 of that Act that involves a decision that relates to the heritage area, the Council must,— (a) in addition to doing the things required by section 77(1) of the Local Government Act 2002, have regard to the purpose of this Act and the objectives in the course of the decision-making process; but (b) paragraph (a) must be read subject to section 79 of the Local Government Act 2002.
25	**Local area plans** (1) The Council may prepare and adopt a local area plan for a local area that is within the heritage area. (3) A LAP must— (a) define the local area to which the LAP applies; and (b) identify the extent and nature of the heritage features existing in the local area; and (c) state how it is intended that the objectives in section 8 will be promoted in relation to the local area; and (d) identify the distinctive natural, cultural, or physical qualities or characteristics of the local area that contribute to the local area's long-term— (i) pleasantness or aesthetic coherence; or (ii) cultural or recreational attributes; and (e) state policies and objectives in relation to the amenity, character, and environment of the local area
26	**Preparation, amendment, revocation, and replacement of LAPs** In preparing, amending, revoking, or replacing a LAP, the Council may decide for itself the process that it uses but, in doing so, it must— (d) consult with tangata whenua, namely Ngati Whatua and Te Kawerau A Maki.
29	**Acknowledgement of tangata whenua relationship** (1) A deed of acknowledgement will acknowledge the particular historical, traditional, cultural, or spiritual relationship of tangata whenua of the heritage area, namely Ngati Whatua and Te Kawerau A Maki, with any land in the heritage area. (2) Parties to a deed of acknowledgement will be the Crown or the Council and tangata whenua of the heritage area. (3) A deed of acknowledgement will be entered into after consultation with, and

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	with the agreement of, the parties to that deed. (4) The deed of acknowledgement must not— (a) relate to— (i) any water; or (ii) land that is held in fee simple by any person, other than the Crown or the Council; or (b) be inconsistent with any registered interest in land to which it relates. (5) The deed of acknowledgement— (a) records the Crown or relevant local authority's acknowledgement referred to in subsection (1); and (b) must identify the land to which it relates; and (c) may acknowledge, if appropriate, any statement of relationship by any others who claim tangata whenua status with the same land; and (d) without limiting section 30, must identify any specific opportunities for contribution by the tangata whenua to whom the deed relates to the management of the land by the Crown or the Council. (6) The deed of acknowledgement may be amended or revoked by agreement between the parties.
30	**Purpose and effect of deed of acknowledgement** (1) The only purpose of a deed of acknowledgement is to identify opportunities for contribution by tangata whenua to the management of the land concerned by the Crown or the Council.
31	**May be more than one deed of acknowledgement for same land** A deed of acknowledgement entered into by the Crown or a local authority with tangata whenua does not prevent the Crown or the local authority from entering into further deeds of acknowledgement for the same land with other tangata whenua who have a historical, traditional, cultural, or spiritual relationship with the land.
33	**Consultation processes with tangata whenua** (1) In addition to any specific opportunities for contribution identified in a deed of acknowledgement under section 29(5)(d), the Council must establish and maintain processes to provide opportunities for Ngati Whatua and Te Kawerau A Maki to contribute to the decision-making processes of the Council in its implementation of this Act. (2) For the avoidance of doubt, subsection (1) does not apply to a decision of the Council in relation to land that is held in fee simple by any person other than the Crown or the Council (for example, a decision in relation to a consent, permit, or authorisation).

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Te Kaunihera o Tāmaki Makaurau