

Version  
as at 28 October 2021



## Te Urewera Act 2014

Public Act      2014 No 51  
Date of assent    27 July 2014  
Commencement    see section 2

### Contents

		Page
1	Title	7
2	Commencement	7

### Part 1 Te Urewera

	Subpart 1—Background, purpose, and principles	
3	Background to this Act	8
4	Purpose of this Act	9
5	Principles for implementing this Act	9
	Subpart 2—Interpretation and other matters	
6	Interpretation generally	9
7	Interpretation	9
8	Provisions to take effect on settlement date	12
9	Act binds the Crown	12
10	Outline	12

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Department of Conservation.**

Subpart 3—Legal identity of Te Urewera and vesting of Te  
Urewera land*Legal entity*

11	Te Urewera declared to be legal entity	14
----	--	----

*Te Urewera establishment land vested in Te Urewera*

12	Vesting of Te Urewera establishment land	15
----	--	----

13	Te Urewera land inalienable	15
----	-----------------------------	----

*Amendment of other enactments*

14	National Parks Act 1980 amended	15
----	---------------------------------	----

15	Public Finance Act 1989 amended	15
----	---------------------------------	----

**Part 2****Governance and management of Te Urewera**

## Subpart 1—Te Urewera Board

*Board established*

16	Board established	16
----	-------------------	----

*Purposes, functions, and powers of Board*

17	Purposes of Board	16
----	-------------------	----

18	Functions of Board	16
----	--------------------	----

19	General powers of Board	17
----	-------------------------	----

20	Decision making affecting relationship of iwi and hapū with Te Urewera	18
----	--	----

*Membership of Board*

21	Appointment of members of Board	18
----	---------------------------------	----

22	Disqualification	19
----	------------------	----

23	Declaration required as condition of appointment	20
----	--	----

*Chair and deputy chair of Board*

24	Chair	20
----	-------	----

25	Deputy chair	20
----	--------------	----

*Terms for Board and members*

26	First and subsequent terms of Board	21
----	-------------------------------------	----

27	Term for which members appointed	21
----	----------------------------------	----

*Vacancies*

28	Removal of member	21
----	-------------------	----

29	Vacancies	22
----	-----------	----

*Liability*

30	Liability of members	22
----	----------------------	----

*Decision making*

31	Obligations of members of Board in decision making	22
----	--	----

32	Role of chair in decision making	22
33	Unanimous decisions	23
34	Consensus decisions	23
35	Mediation	24
36	Decision by voting	24
37	Decisions by committee	24
	<i>Financial provisions</i>	
38	Budget of Board	24
39	Revenue	24
	<i>Taxation</i>	
40	Tax treatment of Te Urewera and Board	25
	<i>Application of other Acts</i>	
41	Other statutory powers not affected	25
42	Application of certain Acts	26
43	Application of Resource Management Act 1991	26
	Subpart 2—Te Urewera management plan	
	<i>Preparation, approval, purpose, and scope of plan</i>	
44	Obligation on Board to prepare and approve management plan for Te Urewera	26
45	Purpose of Te Urewera management plan	26
46	Contents of Te Urewera management plan	27
47	Relationship between management plan and conservation planning documents	28
	<i>Review of management plan</i>	
48	Review and amendment of management plan	28
	<i>Transitional</i>	
49	Transitional provision	28
	Subpart 3—Operational management of Te Urewera	
50	Responsibilities of chief executive and Director-General	28
51	Board's statement of priorities	29
52	Powers and obligations	29
53	Annual operational plan	29
54	Kaimahi	30
	Subpart 4—Authorisation of certain activities in Te Urewera	
55	Categories of activity	31
56	Activities for which no authorisation required	31
57	Requirements applying to authorisations	32
	<i>Activity permits</i>	
58	Activities requiring activity permit	32

59	Process for determining applications for activity permits	32
60	Application of Wildlife Act 1953	33
61	Relationship with Fish and Game Council	33
	<i>Concessions</i>	
62	Activities requiring concessions	33
	<i>Authorisation for biological control</i>	
63	Introduction of biological control organisms	34
64	Crown Minerals Act 1991	34
	Subpart 5—Review of governance and management of Te Urewera	
65	Independent review to be undertaken	34
66	Appointment of reviewer or review panel	35
67	Obligations of reviewer	35
68	Response on review report	35
69	Costs	36
	Subpart 6—Bylaws, compliance and enforcement, offences, penalties, and other matters	
	<i>Bylaws</i>	
70	Board may make bylaws	36
	<i>Compliance and enforcement</i>	
71	Compliance and enforcement policy and training	38
72	Warranting	38
73	Powers of warranted officers	39
74	Constables	39
75	Warrants under other legislation	39
	<i>Offences</i>	
76	Offences in Te Urewera	39
77	Offences against warranted officers	41
	<i>Penalties</i>	
78	Penalties for specified offences	41
79	Penalties not otherwise prescribed	42
80	Penalties for offences committed for commercial gain	42
	<i>Proceedings</i>	
81	Proceedings in respect of offences	42
82	Limitation period for filing charging document	43
83	Presumptions relating to offences	43
	<i>Control of dogs in Te Urewera</i>	
84	Control of dogs	43
85	Dog control permits	43
86	Offences in relation to dogs	44

	<i>Fines payable to Board</i>	
87	Board to receive fines	44
	<b>Part 3</b>	
	<b>Te Urewera land and related matters</b>	
	<i>Interpretation</i>	
88	Interpretation	45
	Subpart 1—Provisions for registration and other matters relating to Te Urewera land	
89	Registration of Te Urewera establishment land in Te Urewera	45
90	Resumptive memorials to be cancelled	46
91	Interests of registered proprietors of adjacent land not affected	46
92	Existing interests to continue	46
93	Application of other enactments	47
	<i>Official geographic names</i>	
94	Official geographic names discontinued	47
	<i>Improvements</i>	
95	Ownership of improvements	48
	<i>Liabilities</i>	
96	Certain liabilities excluded	48
97	Costs of meeting any liability	49
	<i>Easements required</i>	
98	Easement over former Kainaha historic reserve	49
99	Waikaremoana easements	50
	Subpart 2—Land added to, or removed from, Te Urewera or interests acquired	
100	Land added to Te Urewera	50
101	Criteria for adding land	50
102	Other interests may be acquired	51
103	Relevant considerations for determining whether land may be added or interests acquired	51
	<i>Addition of private land</i>	
104	Proposal to add private land to Te Urewera	52
105	Minister's obligations	52
	<i>Addition of public conservation land</i>	
106	Board's obligations	53
107	Minister's obligations	55
	<i>Registration of land added to Te Urewera</i>	
108	Registration of land added to Te Urewera	56

	<i>Unformed roads</i>	
109	Stopping certain unformed roads adjoining Te Urewera land	57
110	Registration of land added to Te Urewera if road stopped	57
	<i>Removal of land from Te Urewera</i>	
111	Circumstances when land may be removed from Te Urewera	58
112	Registration after land removed from Te Urewera	59
	Subpart 3—Powers to establish special areas and to enter into covenants	
	<i>Establishment of special areas within Te Urewera</i>	
113	Recommendation to establish special areas in Te Urewera	59
114	Criteria for recommendations to establish special areas	60
115	Determination of recommendation to establish special areas	60
116	Management of areas established under this subpart	61
117	Minister may propose establishing specially protected area	61
	<i>Specially protected areas</i>	
118	Authorisation of activities in specially protected areas	61
	<i>Wilderness areas</i>	
119	Restrictions on activities in wilderness areas	62
120	Criteria for authorising activities in wilderness areas	62
	<i>Amenity areas</i>	
121	Limitation on purpose and principles	62
	<i>Power to covenant land</i>	
122	Board may enter into covenants	63
123	Scope of covenants	63
124	Compliance and enforcement	63
125	Legal effect and registration of covenant	64
	Subpart 4—Provisions relating to certain parts of Te Urewera	
	<i>Ruakituri Wilderness Area</i>	
126	Ruakituri Wilderness Area	64
	<i>Te Whāiti</i>	
127	Status of Te Whāiti changed	64
	<i>Onepoto</i>	
128	Status of Onepoto changed	65
	<i>Tāwhiuau Maunga and Ngāti Manawa interests in western parts of Te Urewera</i>	
129	Interpretation	65
130	Vesting of Tāwhiuau Maunga in name of Tangiharuru	66
131	Registration of Tāwhiuau Maunga in name of Tangiharuru	66

132	Role of trustees of Te Rūnanga o Ngāti Manawa	67
133	Management of Tāwhiuau area	67
134	Agreement between trustees of Te Rūnanga o Ngāti Manawa and Te Urewera Board	67
135	Application of other provisions <i>Interests of Ngāti Whare in certain parts of Te Urewera</i>	68
136	Agreement between trustees of Te Rūnanga o Ngāti Whare and Te Urewera Board <i>Interests of Ngāti Ruapani ki Waikaremoana in Waikaremoana area</i>	68
137	Interests of Ngāti Ruapani ki Waikaremoana in Waikaremoana area Subpart 5—Consequential amendments to other Acts	69
138	Amendment to other Acts	69
	<b>Schedule 1</b>	70
	<b>Land descriptions</b>	
	<b>Schedule 2</b>	71
	<b>Further provisions relating to Board</b>	
	<b>Schedule 3</b>	82
	<b>Further provisions relating to authorisations and administrative matters</b>	
	<b>Schedule 4</b>	101
	<b>Further provisions relating to compliance and enforcement</b>	
	<b>Schedule 5</b>	114
	<b>Consequential amendments to other Acts</b>	

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

**1 Title**

This Act is the Te Urewera Act 2014.

**2 Commencement**

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

## Part 1

### Te Urewera

#### Subpart 1—Background, purpose, and principles

#### 3 Background to this Act

##### *Te Urewera*

- (1) Te Urewera is ancient and enduring, a fortress of nature, alive with history; its scenery is abundant with mystery, adventure, and remote beauty.
- (2) Te Urewera is a place of spiritual value, with its own mana and mauri.
- (3) Te Urewera has an identity in and of itself, inspiring people to commit to its care.

##### *Te Urewera and Tūhoe*

- (4) For Tūhoe, Te Urewera is Te Manawa o te Ika a Māui; it is the heart of the great fish of Maui, its name being derived from Murakareke, the son of the ancestor Tūhoe.
- (5) For Tūhoe, Te Urewera is their ewe whenua, their place of origin and return, their homeland.
- (6) Te Urewera expresses and gives meaning to Tūhoe culture, language, customs, and identity. There Tūhoe hold mana by ahikāroa; they are tangata whenua and kaitiaki of Te Urewera.

##### *Te Urewera and all New Zealanders*

- (7) Te Urewera is prized by other iwi and hapū who have acknowledged special associations with, and customary interests in, parts of Te Urewera.
- (8) Te Urewera is also prized by all New Zealanders as a place of outstanding national value and intrinsic worth; it is treasured by all for the distinctive natural values of its vast and rugged primeval forest, and for the integrity of those values; for its indigenous ecological systems and biodiversity, its historical and cultural heritage, its scientific importance, and as a place for outdoor recreation and spiritual reflection.

##### *Tūhoe and the Crown: shared views and intentions*

- (9) Tūhoe and the Crown share the view that Te Urewera should have legal recognition in its own right, with the responsibilities for its care and conservation set out in the law of New Zealand. To this end, Tūhoe and the Crown have together taken a unique approach, as set out in this Act, to protecting Te Urewera in a way that reflects New Zealand's culture and values.
- (10) The Crown and Tūhoe intend this Act to contribute to resolving the grief of Tūhoe and to strengthening and maintaining the connection between Tūhoe and Te Urewera.



#### **4 Purpose of this Act**

The purpose of this Act is to establish and preserve in perpetuity a legal identity and protected status for Te Urewera for its intrinsic worth, its distinctive natural and cultural values, the integrity of those values, and for its national importance, and in particular to—

- (a) strengthen and maintain the connection between Tūhoe and Te Urewera; and
- (b) preserve as far as possible the natural features and beauty of Te Urewera, the integrity of its indigenous ecological systems and biodiversity, and its historical and cultural heritage; and
- (c) provide for Te Urewera as a place for public use and enjoyment, for recreation, learning, and spiritual reflection, and as an inspiration for all.

#### **5 Principles for implementing this Act**

- (1) In achieving the purpose of this Act, all persons performing functions and exercising powers under this Act must act so that, as far as possible,—
  - (a) Te Urewera is preserved in its natural state;
  - (b) the indigenous ecological systems and biodiversity of Te Urewera are preserved, and introduced plants and animals are exterminated;
  - (c) Tūhoetanga, which gives expression to Te Urewera, is valued and respected;
  - (d) the relationship of other iwi and hapū with parts of Te Urewera is recognised, valued, and respected;
  - (e) the historical and cultural heritage of Te Urewera is preserved;
  - (f) the value of Te Urewera for soil, water, and forest conservation is maintained;
  - (g) the contribution that Te Urewera can make to conservation nationally is recognised.
- (2) In achieving the purpose of this Act, all persons performing functions and exercising powers under this Act must act so that the public has freedom of entry and access to Te Urewera, subject to any conditions and restrictions that may be necessary to achieve the purpose of this Act or for public safety.

### Subpart 2—Interpretation and other matters

#### **6 Interpretation generally**

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

#### **7 Interpretation**

In this Act, unless the context otherwise requires,—

**activity permit** means an authorisation required under section 58

**amenity area** means a part of Te Urewera set apart as an amenity area under section 113

**appointers** has the meaning given in section 21(7)

**attachments** means the attachments in the deed of settlement

**authorisation** means an activity permit, concession, or other form of permission granted under this Act for activities to be undertaken in, or in respect of, Te Urewera

**Board** means Te Urewera Board

**chief executive** means (unless otherwise specified) the chief executive of Tūhoe Te Uru Taumatua

**committee** means a committee of Te Urewera Board

**computer freehold register** and **computer register** have the meanings given in section 4 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002

**concession** means an authorisation required by section 62

**consensus** means the absence of a formally recorded dissent from a member present at a Board meeting

**conservation legislation** means the Conservation Act 1987 and the enactments listed in Schedule 1 of that Act

**conservation planning document**—

- (a) means—
  - (i) a statement of general policy approved for national parks under the National Parks Act 1980;
  - (ii) a conservation management strategy approved under the Conservation Act 1987; and
- (b) for the purposes of section 47(2), includes a sports fish and game management plan to the extent that it relates to Te Urewera

**deed of settlement**—

- (a) means the deed of settlement dated 4 June 2013 and signed by—
  - (i) the Right Honourable John Key, Prime Minister of New Zealand, the Honourable Christopher Finlayson, Minister for Treaty of Waitangi Negotiations, the Honourable Simon William English, Minister of Finance, and the Honourable Dr Pita Sharples, Minister of Māori Affairs for and on behalf of the Crown; and
  - (ii) Tāmami Kruger, Īharāira Tēmara, Irene Williams, Hinerangi Biddle, Tāhae Doherty, Clifford Ākuhata, Matthew Te Pou, Lorna Taylor, Kuini Beattie, Hārata Williams, Titia Graham, Waereti

Tait-Rolleston, Rāwinia Higgins, and Rangihau Te Moana for and on behalf of Tūhoe; and

(iii) Tāmami Kruger, Te Tokawhakea Tēmara, Patrick McGarvey, Tāmami Cairns, Martin Rakuraku, Matthew Te Pou, and Lorna Taylor, being the trustees of Tūhoe Te Uru Taumatua; and

(b) includes—

(i) the schedules of, and attachments to, the deed; and

(ii) any amendments to the deed or its schedules and attachments

**Director-General** means the Director-General of Conservation within the meaning of section 2(1) of the Conservation Act 1987

**Fish and Game Council** has the meaning given in section 2(1) of the Conservation Act 1987

**interest** means a lease, licence, licence to occupy, easement, covenant, or other right or obligation relating to Te Urewera land

**management plan** means Te Urewera management plan

**Minister** means the Minister of Conservation

**New Zealand Conservation Authority** has the meaning given in section 2(1) of the Conservation Act 1987

**New Zealand Fish and Game Council** has the meaning given in section 2(1) of the Conservation Act 1987

**operational plan** means the annual operational plan for Te Urewera provided for under subpart 3 of Part 2

**public conservation land** means land held under conservation legislation

**Registrar-General** means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

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

**settlement date** means the date that is 40 working days after the date on which this Act comes into force

**specially protected area** means a part of Te Urewera set apart as a specially protected area under section 113

**sports fish** has the meaning given in section 2(1) of the Conservation Act 1987

**sports fish and game management plan** has the meaning given in section 2(1) of the Conservation Act 1987

**taonga tūturu** has the meaning given in section 2(1) of the Protected Objects Act 1975 and includes ngā taonga tūturu

**Te Urewera** means the legal entity created by section 11 or, as the context requires, the place encompassing Te Urewera land

**Te Urewera Board** and **Board** mean the Board established by section 16

**Te Urewera establishment land** and **establishment land** mean the land vested by section 12(3) and described in Part 1 of Schedule 1

**Te Urewera land** means the land held from time to time in the name of Te Urewera and subject to this Act

**Te Urewera management plan** means the management plan for Te Urewera prepared and approved under subpart 2 of Part 2

**Te Urewera volunteer** means a person appointed for the purposes of section 54

**trustees** means the trustees, acting in their capacity as trustees, of Tūhoe Te Uru Taumatua

**Tūhoe** has the meaning given in section 13 of the Tūhoe Claims Settlement Act 2014

**Tūhoe Te Uru Taumatua** means the Tūhoe Trust established by trust deed dated 5 August 2011

**warranted officer** means a person described in section 71(5) who has been issued with a warrant under section 72, and includes, as the context requires, an honorary warranted officer

**wilderness area** means a part of Te Urewera set apart as a wilderness area under section 113.

## **8 Provisions to take effect on settlement date**

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

## **9 Act binds the Crown**

This Act binds the Crown.

## **10 Outline**

- (1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.
- (2) In this Part,—
  - (a) subpart 1 sets out the background to this Act, its purpose, and the principles for implementing it:

- (b) this subpart includes the definitions applying in this Act, the general rule as to when provisions take effect, and the fact that this Act binds the Crown:
  - (c) subpart 3 creates the legal entity of Te Urewera, vests Te Urewera establishment land in Te Urewera, stipulates that, except if authorised by an Act of Parliament, Te Urewera land is inalienable, amends the National Parks Act 1980 to remove Te Urewera from the jurisdiction of that Act, and amends the Public Finance Act 1989 to recognise Te Urewera as a legal entity for certain purposes under that Act.
- (3) In Part 2,—
- (a) subpart 1 establishes the Board that provides all the governance functions for Te Urewera, setting out its purposes, functions, and powers, and the process for the appointment of its members, as well as stating how the Board and the entity are to be treated for taxation purposes; further provisions relating to the Board are contained in Part 1 of Schedule 2:
  - (b) subpart 2 and Part 2 of Schedule 2 set out the requirements for the contents, preparation, and approval of the Te Urewera management plan:
  - (c) subpart 3 and Part 3 of Schedule 2 set out the requirements for the operational management of Te Urewera:
  - (d) subpart 4 and Schedule 3 set out the bases for activities that may be carried out in Te Urewera, whether as of right or by virtue of the grant of an activity permit or concession, including how the Minister of Conservation may authorise activities relating to biological control in Te Urewera and the status of Te Urewera under the Crown Minerals Act 1991:
  - (e) subpart 5 provides for review of the governance and management of Te Urewera:
  - (f) subpart 6 and Schedule 4 set out how compliance and enforcement are to be conducted in relation to Te Urewera.
- (4) In Part 3,—
- (a) subpart 1 provides for the registration of Te Urewera establishment land and certain other matters that apply to all Te Urewera land, and also secures certain easements:
  - (b) subpart 2 sets out the circumstances when private or public conservation land may be added to Te Urewera, makes provision for registration of that land, and also provides that land may be removed from Te Urewera, but only by an Act of Parliament:
  - (c) subpart 3 gives powers to establish specially protected, wilderness, and amenity areas within Te Urewera and to covenant land:
  - (d) subpart 4—

- (i) makes provision for the status of certain areas within Te Urewera, namely Ruakituri (to remain a wilderness area but under this Act), Te Whāiti (declared a conservation area and part of the Whirinaki Te Pua-a-Tāne Conservation Park), and Onepoto (declared a conservation area but protected as if it were a national park); and
  - (ii) by agreement with the trustees of Te Rūnanga o Ngāti Manawa, removes the area defined as Tāwhiuau Maunga from Te Urewera National Park, excludes it from Te Urewera, and vests it inalienably in the name of Tangiharuru, a Ngāti Manawa ancestor. This subpart also provides that for management purposes, Tāwhiuau Maunga is to be treated as if it were part of Te Urewera. The wider area defined as Tāwhiuau, which is within Te Urewera, is also within the jurisdiction of the Te Urewera Board, which must fulfil its obligations mindful of Ngāti Manawa values and that Tāwhiuau Maunga is vested in Tangiharuru; and
  - (iii) provides for an agreement to be entered into between the Board and the trustees of Te Rūnanga o Ngāti Whare to provide for recognition of the special association and customary interest of Ngāti Whare in parts of Te Urewera.
- (5) There are 5 schedules relating to this Act, setting out,—
- (a) in Schedule 1, the legal descriptions of Te Urewera settlement land and of Tāwhiuau Maunga:
  - (b) in Schedule 2, provisions applying to the Board and its obligations under this Act:
  - (c) in Schedule 3, provisions relating to authorisations for activities and other administrative matters:
  - (d) in Schedule 4, provisions relating to compliance and enforcement:
  - (e) in Schedule 5, consequential amendments to other Acts.

### Subpart 3—Legal identity of Te Urewera and vesting of Te Urewera land

#### *Legal entity*

#### **11 Te Urewera declared to be legal entity**

- (1) Te Urewera is a legal entity, and has all the rights, powers, duties, and liabilities of a legal person.
- (2) However,—
  - (a) the rights, powers, and duties of Te Urewera must be exercised and performed on behalf of, and in the name of, Te Urewera—
    - (i) by Te Urewera Board; and
    - (ii) in the manner provided for in this Act; and

- (b) the liabilities are the responsibility of Te Urewera Board, except as provided for in section 96.

*Te Urewera establishment land vested in Te Urewera*

**12 Vesting of Te Urewera establishment land**

- (1) Te Urewera establishment land ceases to be vested in the Crown.
- (2) Any part of the establishment land that is—
- (a) a conservation area under the Conservation Act 1987 ceases to be a conservation area:
- (b) Crown land under the Land Act 1948 ceases to be Crown land:
- (c) a national park under the National Parks Act 1980 ceases to be a national park:
- (d) a reserve under the Reserves Act 1977 has the reserve status revoked.
- (3) The fee simple estate in the establishment land vests in Te Urewera and is held under, and in accordance with, this Act.

**13 Te Urewera land inalienable**

Te Urewera land must not be alienated, mortgaged, charged, or otherwise disposed of, except—

- (a) in accordance with section 111; or
- (b) if a lease or an easement is granted under section 62(1).

*Amendment of other enactments*

**14 National Parks Act 1980 amended**

- (1) This section amends the National Parks Act 1980.
- (2) Repeal section 6(1)(g) and (4).

**15 Public Finance Act 1989 amended**

- (1) This section amends the Public Finance Act 1989.
- (2) In section 27(3), after paragraph (ba), insert:
- (bb) all legal entities named or described in Schedule 6:
- (3) After Schedule 5, insert:

**Schedule 6**  
**Legal entities created by Treaty of Waitangi settlement Acts**

s 27(3)

- (4) The Public Finance Act 1989 is consequentially amended in the manner shown in Schedule 5.

## **Part 2**

### **Governance and management of Te Urewera**

#### Subpart 1—Te Urewera Board

##### *Board established*

#### **16 Board established**

- (1) Te Urewera Board is established.
- (2) Further provision is made for matters relevant to the Board in Part 1 of Schedule 2.

##### *Purposes, functions, and powers of Board*

#### **17 Purposes of Board**

The purposes of the Board are—

- (a) to act on behalf of, and in the name of, Te Urewera; and
- (b) to provide governance for Te Urewera in accordance with this Act.

#### **18 Functions of Board**

(1) The functions of the Board are—

- (a) to prepare and approve Te Urewera management plan; and
- (b) to advise the persons managing Te Urewera on the implementation of the management plan, including by means such as—
- (i) issuing an annual statement of priorities for implementing the management plan;
- (ii) undertaking any specified functions in relation to the annual operational plan for Te Urewera;
- (iii) monitoring the implementation of the annual operational plan; and
- (c) to initiate proposals and make recommendations for—
- (i) adding land to, or removing land from, Te Urewera; and
- (ii) acquiring interests in land; and
- (iii) establishing specially protected areas, wilderness areas, and amenity areas within Te Urewera; and
- (d) to make bylaws for Te Urewera; and
- (e) to authorise activities that must not otherwise be undertaken in Te Urewera without an authorisation under Part 2; and



- (f) to prepare or commission reports, advice, or recommendations on matters relevant to the purposes of the Board; and
  - (g) to promote or advocate for the interests of Te Urewera in any statutory process or at any public forum; and
  - (h) to liaise with, advise, or seek advice from any agency, local authority, or other entity on matters relevant to the purposes of the Board; and
  - (i) to perform any other function of the Board specified in this Act or in any other enactment; and
  - (j) to take any other action that the Board considers to be relevant and appropriate in achieving its purposes.
- (2) In performing its functions, the Board may consider and give expression to—
- (a) Tūhoetanga:
  - (b) Tūhoe concepts of management such as—
    - (i) rāhui:
    - (ii) tapu me noa:
    - (iii) mana me mauri:
    - (iv) tohu.

- (3) In this section, in accordance with the understanding of Tūhoe,—
- mana me mauri** conveys a sense of the sensitive perception of a living and spiritual force in a place
- rāhui** conveys the sense of the prohibition or limitation of a use for an appropriate reason
- tapu** means a state or condition that requires certain respectful human conduct, including raising awareness or knowledge of the spiritual qualities requiring respect
- tapu me noa** conveys, in tapu, the concept of sanctity, a state that requires respectful human behaviour in a place; and in noa, the sense that when the tapu is lifted from the place, the place returns to a normal state
- tohu** connotes the metaphysical or symbolic depiction of things.

## 19 General powers of Board

- (1) The Board has full capacity and all the powers reasonably necessary to achieve its purposes and perform its functions.
- (2) In performing its functions, the Board must act consistently with—
  - (a) this Act; and
  - (b) Te Urewera management plan; and
  - (c) any other lawful requirement.
- (3) Except as provided in this Act, the Board may determine its own procedure.

**20 Decision making affecting relationship of iwi and hapū with Te Urewera**

- (1) The Board must consider and provide appropriately for the relationship of iwi and hapū and their culture and traditions with Te Urewera when making decisions, including—
  - (a) the approval of Te Urewera management plan; and
  - (b) the adoption of the Board’s annual statement of priorities; and
  - (c) the acceptance of the annual operational plan; and
  - (d) the making of a recommendation to add land to Te Urewera or remove land from Te Urewera; and
  - (e) the making of a recommendation to establish a specially protected area, a wilderness area, or an amenity area; and
  - (f) the grant of an activity permit or a concession in Te Urewera; and
  - (g) the imposition of controls on access to parts of Te Urewera; and
  - (h) the making of bylaws.
- (2) The purpose of subsection (1) is to recognise and reflect—
  - (a) Tūhoetanga; and
  - (b) the Crown’s responsibility under the Treaty of Waitangi (Te Tiriti o Waitangi).

*Membership of Board***21 Appointment of members of Board**

- (1) For the first 3 years after the settlement date, the Board consists of 8 members, appointed as follows:
  - (a) 4 members appointed by the trustees of Tūhoe Te Uru Taumatua; and
  - (b) 4 members appointed jointly by the Minister and the Minister for Treaty of Waitangi Negotiations (the **Ministers**).
- (2) From the third anniversary of the settlement date, the Board is to consist of 9 members, appointed as follows:
  - (a) 6 members appointed by the trustees of Tūhoe Te Uru Taumatua; and
  - (b) 3 members appointed by the Minister.
- (3) In making an appointment, an appointer must consider whether the proposed member has the mana, standing in the community, skills, knowledge, or experience—
  - (a) to participate effectively in the Board; and
  - (b) to contribute to achieving the purposes of the Board.
- (4) Before making any appointment, each appointer must—
  - (a) notify the other appointer of the proposed appointment; and

- (b) seek the views of the other appointer as to whether the proposed member meets the criteria of subsection (3); and
  - (c) consider the views expressed by the other appointer.
- (5) Before appointments are made under subsection (1)(b) or (2)(b), the Minister must seek a recommendation from the New Zealand Conservation Authority in relation to 1 of the members to be appointed by the Ministers or Minister, as appropriate.
- (6) Any recommendation received under subsection (5) must be considered by the Minister, but the Minister—
- (a) is not obliged to give effect to the recommendation; and
  - (b) may consider a recommendation from any other person.
- (7) In this subpart, **appointers** means,—
- (a) in relation to the first term of the Board, the trustees of Tūhoe Te Uru Taumatua and the Ministers;
  - (b) in relation to the subsequent terms of the Board, the trustees of Tūhoe Te Uru Taumatua and the Minister.

## 22 Disqualification

- (1) A natural person who is a disqualified person must not be appointed as a member of the Board.
- (2) In subsection (1), a **disqualified person** is a person—
- (a) who is an undischarged bankrupt; or
  - (b) who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993; or
  - (c) who is subject to a property order under the Protection of Personal and Property Rights Act 1988; or
  - (d) in respect of whom a personal order has been made under the Protection of Personal and Property Rights Act 1988 that reflects adversely on the person's—
    - (i) competence to manage his or her own affairs in relation to his or her property; or
    - (ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare; or
  - (e) who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person; or
  - (f) who is a member of Parliament; or

- (g) who is disqualified under another Act.

### **23 Declaration required as condition of appointment**

Before an appointment made under section 21 takes effect, a proposed member must make a declaration in writing to confirm that the member will, if appointed,—

- (a) act in a manner that achieves the purposes of the Board and for no other purpose; and
- (b) act in good faith and not pursue his or her own interests at the expense of the interests of Te Urewera or the Board; and
- (c) work with the other members to assist the Board to strive for unanimous or consensus decision making, as the context requires; and
- (d) act with honesty and integrity as a member of the Board; and
- (e) exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances; and
- (f) promote the highest level of collaboration among the members of the Board, in accordance with paragraphs (a) to (e); and
- (g) not contravene, cause the contravention of, or agree to the Board contravening this Act.

#### *Chair and deputy chair of Board*

### **24 Chair**

- (1) The members of the Board must appoint a member appointed by the trustees to be the chair of the Board.
- (2) The chair is appointed for the same 3-year term as the members of the Board, unless the chair resigns, is removed from that office by the Board, or otherwise vacates the office.
- (3) A chair may be reappointed as chair, but for not more than 3 consecutive terms.
- (4) However, a chair may hold that office for more than 3 terms, as long as the office is not held by the same person for more than 3 consecutive terms.
- (5) If a chair is absent from 3 consecutive meetings, the Board must, in accordance with subsection (1), appoint a member appointed by the trustees to be the acting chair to act instead of the chair for the subsequent 3 meetings.
- (6) If a chair is absent for 6 consecutive meetings, the office of the chair is vacated and the Board must appoint a member appointed by the trustees to be the new chair.

### **25 Deputy chair**

- (1) The members of the Board must appoint a member to be the deputy chair of the Board.

- (2) The deputy chair is appointed for the same 3-year term as the members of the Board, unless the deputy chair resigns, is removed from that office by the Board, or otherwise vacates the office.
- (3) A deputy chair may be reappointed as deputy chair, but for not more than 3 consecutive terms.
- (4) However, a deputy chair may hold that office for more than 3 terms, as long as the office is not held by the same person for more than 3 consecutive terms.

### *Terms for Board and members*

#### **26 First and subsequent terms of Board**

- (1) The first term of the Board—
  - (a) commences on the settlement date; and
  - (b) ends on the day immediately before the third anniversary of the settlement date.
- (2) Each subsequent term of the Board—
  - (a) commences on the third anniversary of the date on which the previous term commenced; and
  - (b) ends on the day immediately before the third anniversary of the commencement of that term.

#### **27 Term for which members appointed**

- (1) The members of the Board are appointed for a term of 3 years from the commencement of a term of the Board, unless a member resigns, is removed from office by the appointer of that member, or otherwise vacates office.
- (2) A member may be reappointed, but for no more than 3 consecutive terms.
- (3) However, a member may be appointed for more than 3 terms, as long as the member is not appointed for more than 3 consecutive terms.

### *Vacancies*

#### **28 Removal of member**

- (1) A member of the Board may be removed by, and at the sole discretion of, the appointer of that member.
- (2) If a member becomes disqualified under section 22(2), that person is no longer a member of the Board.
- (3) Written notice of the removal of a member must be given,—
  - (a) in the case of a removal under subsection (1), by the relevant appointer to—
    - (i) the member removed; and
    - (ii) the Board; and

- (iii) the other appointer; and
  - (b) in the case of a removal under subsection (2), by the Board to—
    - (i) the member; and
    - (ii) both appointers.
- (4) A member may resign by written notice to the appointer of the member and to the Board.

## **29 Vacancies**

- (1) If a member is removed or resigns, or the office of a member otherwise becomes vacant, there is an extraordinary vacancy on the Board.
- (2) An extraordinary vacancy must be filled in the same manner as the appointment giving rise to the vacancy was made, except that the replacement appointment is for the remainder of the term of the Board to which the vacating member was appointed.
- (3) The ability of the Board to exercise its functions is not affected by—
- (a) an extraordinary vacancy; or
  - (b) a failure by an appointer to make an appointment or a replacement appointment.

### *Liability*

## **30 Liability of members**

A member of the Board who has acted in good faith in the course of the Board performing its functions is not personally liable for any act or omission of the Board or of any member of the Board.

### *Decision making*

## **31 Obligations of members of Board in decision making**

- (1) In participating in any decision making, every member of the Board must—
- (a) act for no other purpose than to achieve the purposes of the Board; and
  - (b) promote unanimous or consensus decision making, as the context requires; and
  - (c) promote the highest level of collaboration among the members of the Board.
- (2) All decisions of the Board must be made at a meeting of the Board.

## **32 Role of chair in decision making**

In relation to the Board's decisions, the chair's role includes—

- (a) the provision of leadership; and

- (b) the promotion of unanimous or consensus decision making, as the context requires; and
- (c) the promotion of the highest level of collaboration among the members of the Board; and
- (d) at the sole discretion of the chair, initiation of—
  - (i) mediation or other process to assist in decision making; and
  - (ii) the process for voting under section 36.

### **33 Unanimous decisions**

- (1) The Board must strive to make the following decisions by unanimous agreement:
  - (a) the appointment of the chair and deputy chair of the Board; and
  - (b) the approval of Te Urewera management plan and any amendment to it; and
  - (c) the delegation of the Board's functions and powers; and
  - (d) the adoption of the Board's annual statement of priorities; and
  - (e) the acceptance by the Board of the annual operational plan; and
  - (f) a recommendation by the Board to add land to Te Urewera; and
  - (g) a recommendation by the Board to remove land from Te Urewera; and
  - (h) a recommendation by the Board to establish a specially protected area, wilderness area, or amenity area in Te Urewera; and
  - (i) the appointment or revocation of appointment of a committee; and
  - (j) the replacement or amendment of the terms of an appointment of a committee; and
  - (k) the making of bylaws.
- (2) If, after reasonable discussion, the chair considers that it is not practicable to reach a unanimous decision, the chair may, at his or her sole discretion, declare that the Board's decision is to be made as a consensus decision in accordance with section 34.

### **34 Consensus decisions**

- (1) The Board must strive to make the following decisions by consensus:
  - (a) a decision of a kind not referred to in section 33(1); and
  - (b) a decision declared to require a consensus decision under section 33(2).
- (2) If, after reasonable discussion, the chair considers that it is not practicable for the Board to reach a consensus decision, the chair may, at his or her sole discretion, declare that the decision will be made by a vote of the Board.
- (3) However, the chair may, at his or her sole discretion, at any time in the decision-making process,—

- (a) appoint a mediator to assist the Board to make a decision:
- (b) initiate any other process or take any other action to assist the Board to make a decision.

### **35 Mediation**

If the chair initiates mediation under section 32(d)(i), the chair must notify the Board and the mediator of—

- (a) the mediation process to be adopted; and
- (b) the time within which the mediation process must be undertaken.

### **36 Decision by voting**

- (1) If the chair declares that it is not practicable to reach a consensus decision after reasonable discussion, a decision may be made by voting, with the support of—
  - (a) a minimum of 80% of the members present and voting at a meeting of the Board; and
  - (b) not fewer than 2 members appointed by the Minister or Ministers, as appropriate.
- (2) The chair (or the deputy chair, if the chair is not present) has a deliberative vote, but not a casting vote.

### **37 Decisions by committee**

- (1) The Board may delegate decision making to a committee of the Board set up in accordance with Part 1 of Schedule 2.
- (2) The Board must specify the terms of appointment of a committee, including whether, and in what circumstances, the committee must refer a decision to the Board for confirmation or for a final decision.

## *Financial provisions*

### **38 Budget of Board**

- (1) Before the beginning of each financial year, the Board, the chief executive, and the Director-General must develop and agree a budget for the performance of the powers of the Board and the exercise of its powers for that financial year.
- (2) The chief executive and the Director-General must contribute equally to the costs provided for in the budget, unless both agree to a different contribution.

### **39 Revenue**

- (1) All revenue received by the Board must be paid into a bank account of the Board and applied, as directed by the Board, for achieving the purpose of this Act.



- (2) Money received by the Board as a gift or bequest must be applied in accordance with any directions from the gifter or bequestor for its use or for a particular purpose in Te Urewera, but otherwise must be used in accordance with subsection (1).

### *Taxation*

#### **40 Tax treatment of Te Urewera and Board**

- (1) In this section, **Inland Revenue Acts** has the meaning given in section 3(1) of the Tax Administration Act 1994.
- (2) For the purposes of the Inland Revenue Acts and the liabilities and obligations placed on a person under those Acts, Te Urewera and the Board are deemed to be the same person.
- (3) In particular (and to avoid doubt),—
  - (a) income derived by Te Urewera is treated as income derived by the Board; and
  - (b) expenditure incurred by Te Urewera is treated as expenditure incurred by the Board; and
  - (c) the application of funds attributable to Te Urewera is treated as the application of funds attributable to the Board; and
  - (d) goods and services supplied by Te Urewera are treated as goods and services supplied by the Board; and
  - (e) good and services acquired by Te Urewera are treated as goods and services acquired by the Board; and
  - (f) obligations placed on Te Urewera under section 15B of the Tax Administration Act 1994 are treated as obligations placed on the Board.
- (4) A notice issued by the Commissioner of Inland Revenue to Te Urewera is treated for the purposes of the Inland Revenue Acts as a notice to the Board.
- (5) Despite subsections (2) to (4), Te Urewera and the Board are jointly and severally liable under the Inland Revenue Acts.
- (6) The Income Tax Act 2007 is consequentially amended in the manner shown in Schedule 5.

### *Application of other Acts*

#### **41 Other statutory powers not affected**

Except as expressly provided in this Act, this Act and the deed of settlement do not limit—

- (a) any enactment or rule of law; or
- (b) the statutory functions and powers exercised by a body within Te Urewera, including the statutory powers and functions of—

- (i) a local authority; or
- (ii) the New Zealand Fish and Game Council; or
- (iii) a Fish and Game Council with jurisdiction in the locality of Te Urewera.

#### **42 Application of certain Acts**

The following Acts apply to the Board:

- (a) the Official Information Act 1982; and
- (b) the Ombudsmen Act 1975; and
- (c) the Public Audit Act 2001.

#### **43 Application of Resource Management Act 1991**

Despite section 41,—

- (a) work undertaken within Te Urewera by the Board, chief executive, or Director-General does not require a resource consent under section 9(3) of the Resource Management Act 1991 if that work—
  - (i) is for the purpose of managing Te Urewera under this Act; and
  - (ii) is consistent with this Act and the management plan; and
  - (iii) does not have a significant adverse effect on the environment beyond the boundary of Te Urewera; and
- (b) section 11 and Part 10 of the Resource Management Act 1991 do not apply to leases over Te Urewera granted by the Board under this Act.

#### **Subpart 2—Te Urewera management plan**

##### *Preparation, approval, purpose, and scope of plan*

#### **44 Obligation on Board to prepare and approve management plan for Te Urewera**

- (1) The Board must prepare and approve Te Urewera management plan in accordance with this subpart.
- (2) Public notice, as required by clause 19(1)(c) of Schedule 2, must be given not later than 1 year after the settlement date that a draft management plan is to be prepared.
- (3) Further provision is made for the preparation, notification, consideration, and approval of the management plan in Part 2 of Schedule 2.

#### **45 Purpose of Te Urewera management plan**

The purpose of Te Urewera management plan is—

- (a) to identify how the purpose of this Act is to be achieved through the management of Te Urewera; and

- (b) to set objectives and policies for Te Urewera.

#### **46 Contents of Te Urewera management plan**

- (1) The management plan must—
  - (a) state the objectives and policies for the integrated management of Te Urewera; and
  - (b) identify relevant values at places within Te Urewera, including values relating to—
    - (i) indigenous species, habitats, and ecosystems; and
    - (ii) cultural and historical heritage; and
    - (iii) recreational values; and
    - (iv) scenic, geological, soil, and landform features; and
    - (v) freshwater fisheries and freshwater fish habitats; and
  - (c) identify the outcomes planned for specified places within Te Urewera—
    - (i) that are consistent with the values under paragraph (b); and
    - (ii) that take into account relevant national species recovery and management objectives; and
  - (d) explain how any conflicts between planned outcomes will be resolved; and
  - (e) identify any effects of activities undertaken within Te Urewera and explain how adverse effects are to be minimised; and
  - (f) identify any places in Te Urewera that have been given international recognition in agreements ratified or given legal standing in New Zealand and provide for the management of those places accordingly, where this is consistent with the purpose of this Act; and
  - (g) identify whether there is a need to create specially protected areas, wilderness areas, or amenity areas; and
  - (h) identify the criteria for decision making in respect of Te Urewera, including decisions on applications for activity permits and concessions; and
  - (i) identify what regular monitoring and evaluation of Te Urewera ought to be undertaken; and
  - (j) identify the matters proposed to be regulated by bylaws.
- (2) The management plan may address any other matters relevant to achieving the purpose of this Act.

**47 Relationship between management plan and conservation planning documents**

- (1) Every person or entity that prepares, approves, or reviews the management plan may have regard to any relevant conservation planning document.
- (2) Every person or entity that prepares, approves, or reviews a conservation planning document that is relevant to Te Urewera must have regard to the management plan.

*Review of management plan***48 Review and amendment of management plan**

- (1) The Board must commence a review of the management plan not later than 10 years after the date of the previous approval of that plan.
- (2) Despite subsection (1), the Board may undertake a review of the management plan, in whole or in part, and amend it if, at any time, it considers that it is necessary or desirable to ensure that the plan takes account of increased knowledge or changing circumstances.
- (3) Amendments must be made in accordance with section 47(1) and the process set out in Part 2 of Schedule 2.
- (4) However, the provisions of clauses 22(4) and 23 of Schedule 2 may be followed for making an amendment if the Board considers the amendment to be such that it does not materially affect—
  - (a) the objectives and policies expressed in the management plan; or
  - (b) the public interest in Te Urewera.

*Transitional***49 Transitional provision**

- (1) Until the date when the management plan required by section 44 is approved under this Part, the Te Urewera National Park management plan approved on 12 February 2003 under section 48 of the National Parks Act 1980 applies to Te Urewera, to the extent that it is not inconsistent with sections 4 and 5, as if that plan were approved for Te Urewera.
- (2) To avoid doubt, section 48 applies to the Te Urewera National Park management plan, with the necessary modifications, until the date when the management plan required by section 44 is approved under this Part.

**Subpart 3—Operational management of Te Urewera****50 Responsibilities of chief executive and Director-General**

- (1) The chief executive and the Director-General are responsible for the operational management of Te Urewera.

- (2) The operational management of Te Urewera must be in accordance with—
  - (a) this Act; and
  - (b) Te Urewera management plan; and
  - (c) the Board’s statement of priorities; and
  - (d) the annual operational plan.
- (3) The process for preparing an operational plan is set out in Part 3 of Schedule 2.

### **51 Board’s statement of priorities**

- (1) Each year the Board must adopt and issue a statement of priorities for implementing the management plan in the following year.
- (2) The Board must—
  - (a) give public notice, in whatever manner it considers appropriate, of its adoption of the statement of priorities; and
  - (b) provide a copy of the statement of priorities to the chief executive and the Director-General.

### **52 Powers and obligations**

- (1) The Director-General and every other person who performs functions and exercises powers and duties under the Conservation Act 1987 has the powers that are necessary or expedient for the performance of the functions and exercise of the powers and duties under this Act.
- (2) Those functions, powers, and duties must be performed and exercised in accordance with—
  - (a) this Act; and
  - (b) the Conservation Act 1987.
- (3) Subsection (2)(b) does not limit subsection (2)(a).

### **53 Annual operational plan**

- (1) Each year the chief executive and the Director-General must prepare an annual operational plan for the operational management of Te Urewera in the following year.
- (2) The operational plan must—
  - (a) reflect the purpose of this Act; and
  - (b) as far as practicable, implement the management plan; and
  - (c) as far as practicable, implement the Board’s statement of priorities for the relevant year; and
  - (d) identify the funding for the management of Te Urewera for the relevant year that is available from—
    - (i) the chief executive; and

- (ii) the Director-General; and
  - (e) describe the management activities that are planned for Te Urewera, including—
    - (i) capital and operational projects; and
    - (ii) policy and planning projects; and
    - (iii) projects spanning more than 1 financial year; and
    - (iv) restoration and maintenance activities; and
    - (v) contracts for management activities; and
    - (vi) the processing of applications for concessions and activity permits; and
    - (vii) the monitoring of activities undertaken under activity permits and concessions; and
  - (f) identify the responsibility of the chief executive and the Director-General for particular management activities; and
  - (g) identify opportunities for members of Tūhoe to carry out or participate in management activities; and
  - (h) identify priorities and actions for building Tūhoe capability to undertake operational management in Te Urewera; and
  - (i) include any other information relevant to the operational management of Te Urewera.
- (3) The annual operational plan may refer to funding that extends over more than 1 year.
- (4) The nature and extent of funding referred to in subsection (2)(d) is solely at the discretion of the body or person providing that funding.
- (5) Implementation of the matters identified under subsection (2)(b), (c), and (e) is required only to the extent that funding and other resources make that practicable.

#### **54 Kaimahi**

- (1) The chief executive or the Director-General may appoint persons to act in an honorary capacity as kaimahi for the purposes of operational management in Te Urewera.
- (2) Persons appointed under subsection (1)—
- (a) may be appointed for a term of not more than 3 years, but may be reappointed; and
  - (b) are not employed, or deemed to be employed, in the service of the Sovereign for the purposes of—
    - (i) the Public Service Act 2020;
    - (ii) the Government Superannuation Fund Act 1956.

Section 54(2)(b)(i): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

#### Subpart 4—Authorisation of certain activities in Te Urewera

##### **55 Categories of activity**

- (1) There are 4 categories of activity that may be undertaken in Te Urewera, as follows:
  - (a) activities described in section 56 (activities for which no authorisation is required):
  - (b) activities described in section 58 (activities which may only be undertaken if authorised by an activity permit granted by the Board):
  - (c) activities (including a trade, business, or occupation) authorised by a concession granted by the Board under section 62:
  - (d) activities otherwise authorised by or under this Act.
- (2) An activity permit or concession obtained from the Board under this subpart does not exempt a person from obtaining any other authorisation required by any other enactment.
- (3) Further provision is made in Schedule 3 for the granting and operating of activity permits and concessions.

##### **56 Activities for which no authorisation required**

The following classes of activity may be undertaken in Te Urewera without authorisation:

- (a) a cultural, recreational, or educational activity that—
  - (i) is undertaken by an individual or group without any specific gain or reward for that activity, whether pecuniary or otherwise (other than a reasonable charge to recover the reasonable expenses of organising the activity); and
  - (ii) otherwise complies with this Act:
- (b) a mining activity that is authorised under the Crown Minerals Act 1991:
- (c) an activity carried out by or on behalf of the Board, the chief executive, or the Director-General in relation to the management of Te Urewera under this Act, the management plan, and the annual operational plan:
- (d) an activity that is necessary to—
  - (i) save or protect human life or health; or
  - (ii) prevent serious damage to property; or
  - (iii) avoid an actual or likely adverse effect on the environment within Te Urewera.

**57 Requirements applying to authorisations**

- (1) Any person may apply to the Board for authorisation of an activity under an activity permit or a concession, as relevant.
- (2) In determining an application, the Board must be satisfied—
  - (a) that a proposed activity is not contrary to this Act; and
  - (b) in the case of the activities described in clauses 1 to 6 of Schedule 3, that the requirements of those clauses are complied with.

*Activity permits***58 Activities requiring activity permit**

The following activities must not be undertaken in Te Urewera unless they are authorised by an activity permit issued by the Board:

- (a) taking, cutting, or destroying any plant, whether indigenous or exotic:
- (b) disturbing, trapping, taking, hunting, or killing any animal, whether indigenous or exotic (other than sports fish):
- (c) possessing dead protected wildlife for any cultural or other purpose:
- (d) entering specially protected areas:
- (e) making a road or altering an existing road:
- (f) establishing accommodation:
- (g) farming:
- (h) recreational hunting:
- (i) any activity that would otherwise be an offence under this Act.

**59 Process for determining applications for activity permits**

- (1) The Board must develop and make publicly available, in whatever manner it considers appropriate, a process and procedures for receiving, processing, and determining applications for activity permits.
- (2) The process must accord with good administrative practice and must cover such matters as—
  - (a) the power of the Board to request further information or commission reports:
  - (b) the power of the Board to set fees for processing applications or for the use of facilities and structures, as provided for in clause 34 of Schedule 3:
  - (c) criteria for when it will be appropriate to give public notice, as provided for in clause 35 of Schedule 3, in relation to an application, accepting public submissions, and conducting a public hearing:



- (d) the power of the Board to reject an application as being incomplete or inconsistent with this Act or the management plan:
- (e) the power of the Board to impose conditions on an activity permit.

### **60 Application of Wildlife Act 1953**

- (1) The Board and the Director-General must jointly develop and make available a process for dealing with applications for authorisations that are required under both this subpart and the Wildlife Act 1953.
- (2) The process required by subsection (1) must—
  - (a) promote an efficient processing and determination of those applications; and
  - (b) preserve the ability of each statutory decision maker to determine an application in accordance with the relevant enactment.
- (3) The Board may grant an activity permit to possess, for cultural purposes, dead protected wildlife found and lawfully taken in Te Urewera.
- (4) If the Board has granted an activity permit under subsection (3), a permit is not required under the Wildlife Act 1953 for that activity.

### **61 Relationship with Fish and Game Council**

As soon as is reasonably practicable after the settlement date, the Board and the Fish and Game Council with jurisdiction in the locality of Te Urewera must commence discussions for the purpose of entering into a memorandum of understanding that records how the Board and the relevant Council will work together in a co-ordinated and co-operative way to ensure that they carry out their statutory functions under this Act and the Conservation Act 1987.

### *Concessions*

### **62 Activities requiring concessions**

- (1) The Board may grant concessions in the form of a lease, licence, permit, or easement, but only if the activity to which the concession relates is not inconsistent with the management plan.
- (2) Every activity that is or includes a trade, business, or occupation undertaken for specific gain or other reward, whether pecuniary or otherwise, must be authorised by a concession.
- (3) Application must not be made for a concession if the Board has exercised a power under clause 30 of Schedule 3 to initiate a process and the application would be inconsistent with that process.

*Authorisation for biological control***63 Introduction of biological control organisms**

- (1) In order to control wild animals, animal pests, or plant pests in Te Urewera, the Minister may approve the introduction of any biological control organism into Te Urewera.
- (2) Before granting an approval, the Minister must—
  - (a) consult the Board and have regard to its views; and
  - (b) undertake a risk assessment, including an assessment of alternative methods of control, based on scientific advice supported by research; and
  - (c) have regard to whether—
    - (i) a biological control organism, if introduced into Te Urewera, would itself become a problem or adversely affect any indigenous organism; and
    - (ii) there is sufficient scientific advice supported by research to indicate that the adverse impacts described in subparagraph (i) would occur.
- (3) The Minister must not grant an approval under subsection (1) that is inconsistent with—
  - (a) any relevant enactment, including this Act; or
  - (b) the management plan; or
  - (c) any relevant conservation planning document.

**64 Crown Minerals Act 1991**

- (1) Despite anything in this Act, Te Urewera land is to be treated as if it were Crown land described in Schedule 4 of the Crown Minerals Act 1991.
- (2) Section 61 of the Crown Minerals Act 1991 applies to the Board as if references to the appropriate Minister or Minister of Conservation in that section were references to the Board.

**Subpart 5—Review of governance and management of Te Urewera****65 Independent review to be undertaken**

- (1) An independent review of the governance and management of Te Urewera must be undertaken, commencing on the fifth anniversary of the settlement date.
- (2) The purpose of the review is to review—
  - (a) the extent to which the purpose of this Act is being achieved; and
  - (b) without limiting the generality of paragraph (a),—

- (i) the functioning of the Board; and
  - (ii) the decision-making process of the Board, including the voting process provided for by section 36; and
  - (iii) the structure and functioning of any committees; and
  - (iv) the funding for the governance and management of Te Urewera.
- (3) The review must provide recommendations, if appropriate, to the appointers on any matter considered in the review.
- (4) Further reviews may be conducted at any later date by agreement of the relevant appointers.

#### **66 Appointment of reviewer or review panel**

- (1) The chair of the trustees and the Minister must jointly appoint a reviewer for the purpose of section 65, or may appoint more than 1 reviewer as a review panel.
- (2) The appointment must include the terms of reference.
- (3) The reviewer must act in accordance with the terms of reference.
- (4) In this section and sections 67 and 68, **reviewer** includes a review panel of more than 1 reviewer.

#### **67 Obligations of reviewer**

- (1) In undertaking the review, the reviewer must discuss matters that the reviewer considers relevant to the review with—
- (a) the Board; and
  - (b) the chief executive and the Director-General; and
  - (c) other persons or entities that the reviewer considers appropriate.
- (2) The Board, the chief executive, and the Director-General must—
- (a) co-operate with and assist the reviewer in undertaking the review; and
  - (b) provide information that is reasonably requested by the reviewer if it is reasonably practicable to do so.
- (3) The reviewer must provide a draft report to the Board, the chair of the trustees, and the Minister, who may provide comments to the reviewer.
- (4) The reviewer must consider those comments and supply the final report to those persons.

#### **68 Response on review report**

- (1) The chair of the trustees and the Minister must, as soon as is reasonably practicable, consider and agree their response to the findings and recommendations of the reviewer set out in the final review report.
- (2) The final review report must be—

- (a) made publicly available by the chair of the trustees and the Minister; and
  - (b) presented to the House of Representatives by that Minister.
- (3) The chair of the trustees and the Minister must work together to implement their agreed response to the final review report.

#### **69 Costs**

The costs of the independent review conducted under this subpart must be met equally by the persons appointing the reviewer.

### Subpart 6—Bylaws, compliance and enforcement, offences, penalties, and other matters

#### *Bylaws*

#### **70 Board may make bylaws**

- (1) The Board may make bylaws to regulate conduct, including bylaws for any of the following purposes:
- (a) the management, safety, and preservation of Te Urewera and the safety and preservation of the indigenous plants and animals in Te Urewera:
  - (b) the safety and protection of the public using Te Urewera:
  - (c) excluding the public from any specified part of Te Urewera:
  - (d) prescribing the conditions on which persons may—
    - (i) have access to, or be excluded from, any part of Te Urewera:
    - (ii) use any building or facility in Te Urewera:
  - (e) prescribing charges for the admission of persons to any part of Te Urewera set apart for a specified purpose of public recreation or for the use of any building or facility:
  - (f) prescribing conditions on which persons may be permitted to enter, or remain in, a wilderness area within Te Urewera:
  - (g) prescribing conditions for the use of camping sites or picnic places in Te Urewera and fixing charges for their use:
  - (h) prohibiting or regulating the use or parking of vehicles or the use or mooring of boats in Te Urewera:
  - (i) setting apart parking areas within Te Urewera, prescribing conditions and fixing charges for their use, and providing for the removal of motor vehicles that are parked in breach of the conditions:
  - (j) prohibiting or regulating the use of internal combustion engines in Te Urewera, whether or not the engine is the means of propulsion of a vehicle, boat, machine, or appliance:

- (k) prescribing the safety devices that must be fitted to any machinery or device operated in Te Urewera under the authority of an agreement made, or a lease or licence granted, by the Board, including regulation of the operation and maintenance of the machinery or device:
- (l) prohibiting aircraft from hovering over or landing on any part of Te Urewera:
- (m) prescribing conditions on which operators and pilots in command of aircraft may land, take off, or set down, pick up, or recover within Te Urewera any person, livestock, carcass, or article of any kind:
- (n) prohibiting or restricting animals from being taken into, or used in, Te Urewera:
- (o) prescribing, for the breach of any bylaw made under this section, fines not exceeding—
  - (i) \$10,000 in any 1 case in respect of a breach of bylaws prescribed under paragraphs (l) or (m):
  - (ii) \$5,000 in any 1 case in respect of any other bylaws made under this section.
- (2) If the Board intends to make a bylaw under this section, the Board—
  - (a) must seek advice on the content of the proposed bylaw from the chief executive and the Director-General and may seek comments from other persons or organisations that the Board considers appropriate; and
  - (b) must, together with the chief executive and the Director-General, prepare a draft set of bylaws to submit to the Minister for approval.
- (3) Bylaws made under this section—
  - (a) must be consistent with this Act and the management plan; and
  - (b) must be approved by the Minister.
  - (c) *[Repealed]*
- (4) Bylaws under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (4A) That Act applies as if—
  - (a) the Minister were the maker of the bylaws; and
  - (b) the bylaws were made by the Minister approving them.
- (5) Bylaws made under the National Parks Act 1980 and applying immediately before the settlement date to Te Urewera land remain in force until they expire or are revoked under the National Parks Act 1980.

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

<b>Publication</b>	The maker must notify it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)

**Disallowance** It may be disallowed by the House of Representatives LA19 ss 115, 116  
*This note is not part of the Act.*

Section 70(3)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(3)(c): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(4A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### *Compliance and enforcement*

#### **71 Compliance and enforcement policy and training**

- (1) The Board may prepare and approve a compliance and enforcement policy for Te Urewera.
- (2) For the purpose of undertaking compliance and enforcement under this subpart, the chief executive and the Director-General must—
  - (a) agree the content of training that is appropriate for the exercise of the compliance and enforcement powers and duties of warranted officers; and
  - (b) make provision for such training.
- (3) All persons responsible for undertaking compliance and enforcement duties must have regard to any compliance and enforcement policy approved by the Board.
- (4) The chief executive and the Director-General must—
  - (a) co-ordinate the exercise of compliance and enforcement powers conferred by this Act; and
  - (b) jointly submit to the Board an annual report on the compliance and enforcement undertaken in Te Urewera.
- (5) In this section, **warranted officer** means a person who is issued with a written warrant under section 72, whether that person is—
  - (a) employed by the chief executive or the Director-General for compliance and enforcement duties under this Act; or
  - (b) engaged in an honorary capacity by the chief executive or the Director-General for compliance and enforcement duties under this Act.

#### **72 Warranting**

- (1) The chief executive and the Director-General may jointly issue a written warrant to a person if the chief executive and the Director-General—
  - (a) agree that the person is a fit and proper person to exercise and perform the powers and duties of a warranted officer; and

- (b) are satisfied that the person has—
  - (i) received the appropriate training; and
  - (ii) received the required qualification associated with that training.
- (2) A warrant issued under this section—
  - (a) must state the powers that the person is authorised to exercise;
  - (b) may be issued for a term not exceeding 3 years and may be renewed;
  - (c) may be surrendered voluntarily by written notice to the chief executive or Director-General, as appropriate;
  - (d) must be surrendered to the chief executive or Director-General, as appropriate, when the term of appointment ends or the person ceases to be warranted for any reason.

### **73 Powers of warranted officers**

A warranted officer may exercise the powers conferred by this Act.

### **74 Constables**

Every constable has the powers of a warranted officer for the purposes of compliance and enforcement under this Act.

### **75 Warrants under other legislation**

- (1) The following persons may exercise, within Te Urewera, the powers and duties conferred on them by or under other legislation:
  - (a) rangers appointed under section 38(1) of the Wildlife Act 1953; and
  - (b) fish and game rangers appointed under section 26FA of the Conservation Act 1987, in respect of sports fish and game birds; and
  - (c) fishery officers and honorary fishery officers appointed under Part 11 of the Fisheries Act 1996, in respect of freshwater fisheries.
- (2) Clauses 4 and 5 of Schedule 4 apply to existing and temporary warrants issued under the Conservation Act 1987.

## *Offences*

### **76 Offences in Te Urewera**

- (1) Every person commits an offence who, without being authorised under this Act, the Crown Minerals Act 1991, or any bylaw made under section 70,—
  - (a) causes or allows an animal owned by, or under the control of, that person to trespass on Te Urewera; or
  - (b) takes an animal into, or liberates an animal in, Te Urewera; or
  - (c) plants a plant, or sows or scatters the seed of a plant, or introduces any substance that the person knows or ought to have known is injurious to plant or animal life, in Te Urewera; or

- (d) removes or wilfully damages any, or any part of, any plant, stone, mineral, gravel, kauri gum, or protected New Zealand object in Te Urewera; or
  - (e) wilfully digs, cuts, excavates, or damages the turf in Te Urewera; or
  - (f) occupies or uses any land in Te Urewera for cultivation or any other purpose; or
  - (g) wilfully damages or defaces a fence, a building, or any apparatus in Te Urewera; or
  - (h) takes, destroys, or wilfully injures, or in any manner disturbs or interferes with, an indigenous animal or the nest or eggs of an indigenous animal in Te Urewera; or
  - (i) erects a building, a sign, a hoarding, or any apparatus in Te Urewera; or
  - (j) does anything in Te Urewera that requires a lawful authority under this Act—
    - (i) without an authority; or
    - (ii) in breach of the authority; or
  - (k) in any way interferes with or damages a natural or historic feature of Te Urewera; or
  - (l) refuses to give the information when requested under clause 6 of Schedule 4; or
  - (m) after being asked to desist or stop under clause 7 or 8 of Schedule 4, fails to do so.
- (2) Every person commits an offence against this Act who,—
- (a) when required by notice from the chief executive or the Director-General to remove from Te Urewera an animal owned by, or under the control of, that person, fails to do so within the period specified in the notice:
  - (b) being the driver of a vehicle or the pilot of an aircraft or the person in charge of a boat that is illegally in Te Urewera or part of it, fails or refuses to remove that vehicle, aircraft, or boat when required to do so by a warranted officer:
  - (c) without a concession or other right or authority, does or causes something to be done for which a concession or other right or authority is required by this Act:
  - (d) unlawfully alters, obliterates, defaces, pulls up, removes, interferes with, or destroys boundary marks, or a stamp, mark, sign, poster, intentions book, concession, or right or authority issued by the Board, the chief executive, or the Director-General.



- (3) Every person commits an offence against this Act who uses, receives, sells, or otherwise disposes of an item specified in subsection (1)(d) or (h) knowing it to have been removed unlawfully from Te Urewera.
- (4) Every person commits an offence against this Act who, without being authorised under this Act,—
  - (a) is in possession of a chainsaw, firearm, trap, net, or other like object in Te Urewera; or
  - (b) discharges a firearm in Te Urewera; or
  - (c) from outside Te Urewera, shoots at an animal or other object or thing inside Te Urewera with a firearm.
- (5) If a person is found discharging a firearm in breach of subsection (4), clause 11(8) of Schedule 4 applies to that firearm as if it were illegally in the possession of that person in Te Urewera.
- (6) Every person commits an offence against this Act who breaches a bylaw made under section 70 and is liable on conviction to the penalty prescribed under section 70(1)(o).
- (7) In addition to any penalty for which the person may be liable, a person convicted of an offence under this section is liable to pay the cost of any loss or damage, or expenses caused by or arising from the action constituting the offence (which may include salaries, wages, and incidental expenses incurred in investigating the offence or in remedying the loss or damage caused by that action).
- (8) The proof of authorisation for the purposes of subsection (1) or (4) must be established by the person charged.
- (9) For the purpose of subsection (7), the cost or value must be assessed by a District Court Judge and is recoverable as if it were incurred as a fine.

#### **77 Offences against warranted officers**

Every person commits an offence against this Act who—

- (a) wilfully obstructs a warranted officer acting in the execution of any of the functions, powers, or duties conferred or imposed by or under this subpart:
- (b) not being a warranted officer, represents that he or she is such an officer.

#### *Penalties*

#### **78 Penalties for specified offences**

- (1) Every person who commits an offence against any of the provisions listed in subsection (2) is liable on conviction to the penalties prescribed in subsection (3).
- (2) The provisions are—

- (a) section 76(1)(a) to (i) and (k):
  - (b) section 76(2)(a) and (b):
  - (c) section 76(4)(b) and (c):
  - (d) section 77(a).
- (3) The penalties are,—
- (a) in the case of an individual, imprisonment for a term not exceeding 2 years or a fine not exceeding \$100,000, or both:
  - (b) in the case of a body corporate, a fine not exceeding \$200,000:
  - (c) in any case where the offence is a continuing one, a further fine not exceeding \$10,000 for every day on which the offence continues.

### **79 Penalties not otherwise prescribed**

Every person who commits an offence against this Act for which no penalty is prescribed elsewhere in this Act is liable, on conviction, to,—

- (a) in the case of an individual, imprisonment for a term not exceeding 1 year or a fine not exceeding \$100,000, or both:
- (b) in the case of a body corporate, a fine not exceeding \$200,000:
- (c) in any case where the offence is a continuing one, a further fine not exceeding \$10,000 for every day on which the offence continues.

### **80 Penalties for offences committed for commercial gain**

- (1) If a person is convicted of an offence against this Act, and it is proved beyond reasonable doubt on sentencing that the offence was committed for the purpose of commercial gain or reward (whether or not any gain or reward is realised), the person is liable, in place of any penalty otherwise prescribed,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$300,000, or both:
  - (b) in the case of a body corporate, to a fine not exceeding \$300,000:
  - (c) in any case, if the offence is a continuing one, a further fine not exceeding \$20,000 for every day on which the offence continues.
- (2) Subsection (1) is not limited by any other provisions in this subpart.

### *Proceedings*

### **81 Proceedings in respect of offences**

- (1) Any person may commence a proceeding under this Act.
- (2) If the Board, the chief executive, or the Director-General proposes to commence a proceeding under this Act, that person must inform the others of—
- (a) the particulars of the offence; and

- (b) the nature of the proposed proceeding, including the time when that person intends to commence it.
- (3) There is no duty on any person, other than those referred to in subsection (2), to inform any person of the intention to commence a proceeding.

## **82 Limitation period for filing charging document**

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of offences against this Act ends on the day that is 12 months from the date of the discovery of the offence.

## **83 Presumptions relating to offences**

- (1) If a person is found in possession of a plant, stone, mineral, egg, nest, animal, taonga tūturu, or part of any similar thing in the vicinity of Te Urewera, and fails or refuses to give a satisfactory account, when asked by a warranted officer, as to how the thing has come to be in that person's possession, that is to be treated as evidence that the person removed it from Te Urewera.
- (2) In a proceeding for an offence against this Act or against a bylaw made under section 70, unless there is proof to the contrary, it is presumed that a map or plan specifying the location where the offence is alleged to have taken place, if signed by the chief executive of Land Information New Zealand, is sufficient evidence that the location is within Te Urewera without the personal attendance of that chief executive or proof of his or her signature.

### *Control of dogs in Te Urewera*

## **84 Control of dogs**

- (1) No person who owns or is in charge of a dog may allow the dog to be in Te Urewera unless permitted by or under this Act or by a bylaw made under section 70.
- (2) Provision is made in Part 2 of Schedule 4 for further matters relevant to dog control in Te Urewera.

## **85 Dog control permits**

- (1) Subject to clause 13 of Schedule 4, the Board may from time to time issue a dog control permit to allow the owner or person in charge of a dog to take the dog into Te Urewera or the part of Te Urewera specified in the permit.
- (2) Without limiting subsection (1), the Board may refuse to issue a dog control permit if the permit is sought—
  - (a) for a dog that is classified as a dangerous dog under section 31 of the Dog Control Act 1996 or is not registered under that Act; or
  - (b) by a person who—
    - (i) is classified under section 21(1) of the Dog Control Act 1996 as a probationary owner; or

- (ii) is disqualified under section 25 of the Dog Control Act 1996 from being the owner of any dog; or
  - (iii) has been convicted of an offence under the Dog Control and Hydatids Act 1982; or
  - (iv) has been convicted of an offence against section 86 or under section 26ZZP or 26ZZQ of the Conservation Act 1987; or
  - (v) has been convicted of an offence against the Wildlife Act 1953, the Marine Mammals Protection Act 1978, or the Trade in Endangered Species Act 1989, or against regulations made under any of those Acts.
- (3) Every dog control permit issued under subsection (1) is subject to—
- (a) the condition that the holder carry the permit on his or her person whenever the holder is in Te Urewera and is accompanied by the dog; and
  - (b) other conditions that the Board thinks fit to impose.
- (4) Every dog control permit issued under subsection (1) must state the activity and purpose for which it is issued.

### **86 Offences in relation to dogs**

- (1) Every person commits an offence against this Act and is liable on conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$10,000 or to both who—
- (a) is the owner of a dog or person in charge of a dog and who allows the dog, contrary to section 84, to be in Te Urewera; or
  - (b) is a person authorised by or under this Act to take a dog into Te Urewera, but fails to keep the dog under proper control; or
  - (c) is the owner of a dog or person in charge of a dog, but fails to comply with any condition of a dog control permit.
- (2) Without limiting subsection (1)(b), for the purpose of this Act, a dog is not under proper control if it is found at large in Te Urewera.

#### *Fines payable to Board*

### **87 Board to receive fines**

- (1) Fines imposed and recovered in any proceedings under this subpart must be paid to the Board.
- (2) Money received by the Board under this section is subject to—
- (a) section 39(1); and
  - (b) section 73 of the Public Finance Act 1989.

## **Part 3**

### **Te Urewera land and related matters**

#### *Interpretation*

#### **88 Interpretation**

In this Part, unless the context requires otherwise,—

**Crown improvements** means the improvements—

- (a) attached to Te Urewera establishment land; and
- (b) owned by the Crown immediately before the settlement date

**historical Treaty claim** has the meaning given in section 2 of the Treaty of Waitangi Act 1975

**LINZ** means Land Information New Zealand

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

**private land** means land that is held in fee simple by any person other than the Sovereign, and includes Māori freehold land

**Te Urewera easements** means—

- (a) the right of way easement created by Transfer H731315.3 registered on computer freehold registers SA27A/847 and SA38D/87; and
- (b) the right of way easement created by Transfer H679634.3 registered on computer freehold register SA49A/375; and
- (c) the easements referred to in section 99 if the required easements are registered by the Crown before the settlement date.

#### Subpart 1—Provisions for registration and other matters relating to Te Urewera land

#### **89 Registration of Te Urewera establishment land in Te Urewera**

- (1) The Registrar-General must, in accordance with a written application by a person authorised by the Director-General,—
  - (a) create, in the name of Te Urewera, 1 computer freehold register for the fee simple estate in Te Urewera establishment land; and
  - (b) record on the computer freehold register—
    - (i) any interests that are registered, notified, or notifiable (including the Te Urewera easements), and are described in the application; and
    - (ii) a notation that the establishment land is subject to this Act; and

- (iii) for the purpose of section 91, a notation that the register is limited as to parcels.
- (2) Despite the registration of Te Urewera establishment land in the name of Te Urewera, the Board must exercise and perform all the rights, powers, and duties of the registered proprietor of the establishment land on behalf of, and in the name of, Te Urewera.
- (3) The Registrar-General must have regard to subsection (2).
- (4) A computer freehold register must be created for the establishment land as soon as is reasonably practicable after the settlement date, but not later than 24 months after that date.
- (5) Subsection (1) applies despite—
  - (a) the Land Transfer Act 1952 or any other enactment or rule of law; and
  - (b) the fact that Te Urewera establishment land is situated in 2 land registration districts.

## **90 Resumptive memorials to be cancelled**

- (1) The following enactments cease to apply to Te Urewera land:
  - (a) Part 3 of the Crown Forest Assets Act 1989;
  - (b) sections 568 to 570 of the Education and Training Act 2020;
  - (c) Part 3 of the New Zealand Railways Corporation Restructuring Act 1990;
  - (d) sections 27A to 27C of the State-Owned Enterprises Act 1986;
  - (e) sections 8A to 8HJ of the Treaty of Waitangi Act 1975.
- (2) The Registrar-General must ensure that no resumptive memorials that relate to the enactments listed in subsection (1) are entered on the register for Te Urewera land.

Section 90(1)(b): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

## **91 Interests of registered proprietors of adjacent land not affected**

The computer freehold register for Te Urewera land does not adversely affect or in any way limit the title of a registered proprietor of land adjacent to Te Urewera land.

## **92 Existing interests to continue**

- (1) Any interests relating to Te Urewera establishment land immediately before its vesting by section 12 are existing interests (**existing interests**).
- (2) Existing interests continue to apply, with any necessary modification, until the interest expires or is terminated.
- (3) For the purposes of the existing interests, on and from the settlement date,—

- (a) in any case where the interest has been granted by or to the Crown, the Crown is deemed to have been replaced by the Board as the grantor or grantee; and
  - (b) if the context requires, references to other enactments are to be read as references to this Act; and
  - (c) references to Te Urewera National Park are to be read as references to Te Urewera.
- (4) Despite subsection (3)(a), a variation to, or renewal of, an interest relating to Tāwhiuau Maunga must have the written consent of the trustees of Te Rūnanga o Ngāti Manawa.
- (5) In this section, **Tāwhiuau Maunga** and **trustees of Te Rūnanga o Ngāti Manawa** have the meanings given in section 129.

### **93 Application of other enactments**

- (1) Nothing in Part 4A of the Conservation Act 1987 or the Public Works Act 1981 applies to the vesting of the fee simple estate in Te Urewera land.
- (2) Nothing in Te Ture Whenua Maori Act 1993 applies to Te Urewera land.
- (3) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation, under this subpart, of the reserve status of any part of Te Urewera land.
- (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 Te Urewera land; or
  - (b) any matter incidental to, or required for the purpose of, the vesting.
- (5) The vesting of the fee simple estate in Te Urewera land does not—
- (a) limit section 10 or 11 of the Crown Minerals Act 1991; or
  - (b) affect other rights to subsurface minerals in Te Urewera land.
- (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 Te Urewera land.

### *Official geographic names*

### **94 Official geographic names discontinued**

- (1) The official geographic name of Te Urewera National Park is discontinued.
- (2) If any part of Te Urewera land was a Crown protected area immediately prior to its vesting, the official geographic name of that land is discontinued.
- (3) The New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa must amend the Gazetteer to record that the relevant official geographic names have been discontinued by this section.

- (4) In this section, **Crown protected area**, **Gazetteer**, and **official geographic name** have the meanings given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

### *Improvements*

#### **95 Ownership of improvements**

- (1) Crown improvements—
- (a) remain vested in the Crown; and
  - (b) may be used, occupied, accessed, maintained, removed, or demolished by the chief executive or the Director-General in a manner that is consistent with—
    - (i) the management plan; and
    - (ii) the annual operational plan for Te Urewera.
- (2) Subsection (1)(b) applies only to the extent that the use, occupation, access, maintenance, removal, or demolition of the improvements is not inconsistent with—
- (a) the terms of an existing interest (within the meaning of section 92(1)); or
  - (b) any existing grant by the Crown to a third party for the use of the improvements.
- (3) Other improvements attached to the establishment land that are not governed by an existing interest (within the meaning of section 92(1)) are vested in—
- (a) the person or body that attached the improvement to the land; or
  - (b) if that person or body no longer exists or no longer has an interest in the improvement, the person or body who would have had ownership rights to the improvement immediately before the vesting, as if the improvement were personal property.

### *Liabilities*

#### **96 Certain liabilities excluded**

##### *Rates*

- (1) Te Urewera land is to be treated as if Te Urewera were listed in clause 1 of Part 1 of Schedule 1 of the Local Government (Rating) Act 2002.

##### *Fire Authority levies*

- (2) No levy may be imposed on the Board in respect of Te Urewera land under section 45(3) or 46(3) of the Forest and Rural Fires Act 1977.



*Contamination of land*

- (3) The Crown, and not the Board, is responsible for any liability to remediate Te Urewera land that is contaminated, if the contamination occurred at any time while the Crown owned the land.
- (4) In subsection (3), **contaminated land** has the meaning given in section 2(1) of the Resource Management Act 1991.

**97 Costs of meeting any liability**

- (1) This section applies if—
  - (a) the Board has a liability arising from acting on behalf of Te Urewera; and
  - (b) the Board cannot meet the costs or other obligations imposed by that liability.
- (2) The Board must, at the earliest practicable opportunity, give written notice of the matter to—
  - (a) the trustees; and
  - (b) the Minister of Finance and the Minister of Conservation (the **Ministers**).
- (3) The notice may propose options for meeting the costs and other obligations associated with the liability.
- (4) The Board, the trustees, and the Ministers must consider and respond to any proposals any of them may make.
- (5) The trustees and the Ministers may—
  - (a) propose options or seek proposals from the Board for meeting the liability; and
  - (b) agree to provide assistance to the Board, specifying any condition on that assistance that they consider appropriate.

*Easements required*

**98 Easement over former Kainaha historic reserve**

- (1) The Board must, at its first meeting after the settlement date, sign and return to the Crown, in favour of the Minister for Arts, Culture and Heritage, a registrable easement in gross for a right to locate, access, and maintain headstones on the former Kainaha historic reserve, on the terms and conditions set out in part 8.2 of the documents schedule.
- (2) The easement—
  - (a) must be enforceable in accordance with its terms despite this Act or any other enactment; and
  - (b) is to be treated as having been granted in accordance with this Act.

**99 Waikaremoana easements**

- (1) The Board must grant and register easements in perpetuity over the part of Te Urewera establishment land used for the operation of the Waikaremoana power station, on the terms and conditions specified by the Crown.
- (2) The easements—
  - (a) must be enforceable in accordance with their terms, despite this Act or any other enactment; but
  - (b) are to be treated as having been granted in accordance with this Act.
- (3) This section applies only if the Crown has not registered the easements before the settlement date.

Subpart 2—Land added to, or removed from, Te Urewera or interests  
acquired

**100 Land added to Te Urewera**

- (1) Any area of land outside the boundaries to Te Urewera may be added to Te Urewera under this subpart.
- (2) Land may be added to Te Urewera only if—
  - (a) it meets the criteria set out in section 101; and
  - (b) the land is approved for addition to Te Urewera in accordance with sections 104 to 107, as relevant.
- (3) Land added to Te Urewera becomes Te Urewera land.

**101 Criteria for adding land**

- (1) All land proposed for addition to Te Urewera must contain—
  - (a) features that have significant natural, cultural, or historic values important for the connection between Tūhoe and Te Urewera, if their inclusion in Te Urewera will strengthen and maintain that connection; or
  - (b) natural features of such distinctive natural beauty or cultural or scientific value that preservation of the land in perpetuity is of national importance; or
  - (c) indigenous ecological systems and biodiversity or other natural features whose natural, cultural, or historic values are unique or so scientifically important that their preservation in perpetuity is of national importance.
- (2) An area of land outside the boundaries of Te Urewera may be considered for inclusion in Te Urewera, even if its natural, cultural, or historic values have been diminished, as long as the land—
  - (a) is capable of restoration or regeneration, particularly if it is representative of an indigenous ecological system not elsewhere protected in New Zealand; or

- (b) contains features that are not elsewhere protected in New Zealand but are unique, or so beautiful or scientifically important as to justify protection as part of Te Urewera; or
- (c) does not have significant natural values but—
  - (i) the area has cultural or historic values significant enough to justify protection as part of Te Urewera; and
  - (ii) the inclusion of that land is compatible with the protection of the natural values of Te Urewera.

### **102 Other interests may be acquired**

- (1) The Board may acquire interests of the kind described in subsection (3) if the Board is satisfied as to the matters set out in subsection (2).
- (2) Before exercising a power under this section, the Board must be satisfied,—
  - (a) after considering the matters in sections 101 and 103, that the acquisition of an interest would be for the benefit of Te Urewera; and
  - (b) that the Board is able to secure the necessary funds for the acquisition.
- (3) The Board may—
  - (a) enter into a contract for—
    - (i) a lease or licence over private land;
    - (ii) an easement over private land;
    - (iii) an interest of a licensee or lessee in private land;
  - (b) accept an easement, lease, licence, or the interest of a licensee or lessee as a gift.
- (4) An interest acquired under this section is, for the duration of the interest, subject to this Act and must be administered by the Board for the purpose of this Act.

### **103 Relevant considerations for determining whether land may be added or interests acquired**

In considering a proposal to add land to Te Urewera or to acquire an interest, the Board, the chief executive, the Minister, and the Director-General must each consider, as relevant, the following matters:

- (a) the extent to which the land proposed to be added to Te Urewera, or any interest acquired, would contribute to—
  - (i) achieving the purpose of this Act; and
  - (ii) protecting Te Urewera from the adverse effects of activities outside Te Urewera; and
  - (iii) strengthening and maintaining the connection of Tūhoe with Te Urewera; and

- (iv) achieving protection of a nationally representative range of ecosystems, natural features, scenery types, and landscape types, and the contribution of Te Urewera to achieving that goal; and
  - (v) the efficient management of Te Urewera; and
  - (vi) public access to Te Urewera, to the extent that that is consistent with the need to preserve the natural, cultural, historic, or scientific values of Te Urewera; and
- (b) any extant historical Treaty claims over the land to which the proposal relates; and
  - (c) any financial or other implications relevant to the governance and management of Te Urewera; and
  - (d) any other matters that are considered relevant.

*Addition of private land*

**104 Proposal to add private land to Te Urewera**

- (1) The Board may make a proposal to add private land to Te Urewera if it is satisfied that the land is suitable to add to Te Urewera on the grounds that—
  - (a) the land meets the criteria set out in section 101; and
  - (b) the Board and the owner of the land have reached an agreement for the Board to acquire the land by sale and purchase or receive it as a gift.
- (2) If the private land that is the subject of a proposal is Māori freehold land,—
  - (a) the agreement to add that land to Te Urewera must be treated as an alienation of the whole or part of a block for the purposes of Part 7 of Te Ture Whenua Maori Act 1993; and
  - (b) the agreement is conditional on the Minister making a recommendation under section 105(1)(a); and
  - (c) the requirements of Te Ture Whenua Maori Act 1993 for alienation of the whole or part of a block must be complied with.
- (3) The Board may, before making a proposal under subsection (1), request the chief executive and the Director-General to investigate the proposal and provide a report to the Board with recommended outcomes.
- (4) To avoid doubt, the Māori Land Court does not have jurisdiction to make a vesting order to add land to Te Urewera.
- (5) The addition of any land to Te Urewera is subject to the Board being able to secure the funds necessary for the purchase price (if any).

**105 Minister's obligations**

- (1) The Minister must consider a proposal of the Board under section 104 and may, if the Minister considers it appropriate,—

- (a) recommend to the Governor-General that all or part of the land referred to in the Board’s proposal be added to Te Urewera; or
  - (b) decide not to make a recommendation to the Governor-General.
- (2) In the case of a proposal relating to Māori freehold land, the Minister must be satisfied that the Māori Land Court has—
  - (a) endorsed the agreement to alienate the land for the purpose of adding it to Te Urewera by issuing a certificate of confirmation under Part 8 of Te Ture Whenua Maori Act 1993; or
  - (b) in the case of a resolution of the owners to alienate the land, made an order of confirmation under Part 8 of that Act.
- (3) Before deciding not to make a recommendation to the Governor-General, the Minister must provide the Board with—
  - (a) the reasons why the Minister is considering not making a recommendation; and
  - (b) an opportunity to consider how to respond to the Minister.
- (4) The Governor-General may, on the advice of the Minister, make an Order in Council that—
  - (a) vests in Te Urewera the land referred to in the Minister’s recommendation; and
  - (b) states that the land is held under, and in accordance with, this Act; and
  - (c) sets out any other matters relevant to the vesting.
- (5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 105(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

*Addition of public conservation land*

**106 Board’s obligations**

- (1) If the Board proposes to add public conservation land to Te Urewera, the Board must—
  - (a) advise the Minister of the proposal; and
  - (b) seek and consider views on the proposal from—
    - (i) iwi and hapū; and

- (ii) the New Zealand Conservation Authority; and
  - (iii) the relevant conservation boards; and
  - (iv) the relevant local authorities; and
  - (v) the New Zealand Fish and Game Council; and
  - (vi) a Fish and Game Council with jurisdiction in the locality of Te Urewera.
- (2) The Board may request the Director-General to investigate the proposal and report on it to the Board, including outcomes the Director-General recommends.
- (3) If the Director-General receives a request under subsection (2), the Director-General must—
- (a) consider the matters set out in section 103 (setting out the relevant considerations); and
  - (b) give written notice to the Minister of Energy and Resources.
- (4) After undertaking an investigation, the Director-General must—
- (a) give public notice nationally of the draft report on the investigation, in whatever manner the Director-General considers appropriate, stating where the draft report may be viewed; and
  - (b) invite public submissions on the report by a specified date, which must be not less than 40 working days after the date of the notice; and
  - (c) specify how submissions may be made and request submitters to state whether they wish to be heard by the Director-General in support of their submissions; and
  - (d) provide submitters who wish to be heard with a reasonable opportunity to appear and be heard; and
  - (e) consider all submissions, written and oral, as long as they are relevant to the investigation and comply with the conditions notified; and
  - (f) prepare a final report.
- (5) The final report of the Director-General must include—
- (a) an explanation of the process of the investigation; and
  - (b) a summary and evaluation of the submissions made on the report; and
  - (c) the final outcomes recommended.
- (6) The Director-General must provide the final report to the Board.
- (7) The Board must seek comment on that final report from the New Zealand Conservation Authority and relevant conservation boards.
- (8) Before making a recommendation to the Minister that all, part, or none of the land referred to in the Director-General's final report be added to Te Urewera, the Board must consider—

- (a) the report of the Director-General and any comments received under subsection (7); and
  - (b) the matters set out in section 103.
- (9) If the Board is satisfied that the addition of the relevant land would benefit Te Urewera, the Board may recommend to the Minister that all or part of the land be added to Te Urewera.

### 107 Minister's obligations

- (1) The Minister must consider the recommendation received from the Board under section 106(8) and may, if the Minister considers it appropriate,—
- (a) recommend to the Governor-General that all or part of the land referred to in the final report of the Director-General be added to Te Urewera; or
  - (b) decide not to make a recommendation to the Governor-General.
- (2) Before deciding not to make a recommendation to the Governor-General, the Minister must provide the Board with—
- (a) the reasons why the Minister is considering not making a recommendation; and
  - (b) an opportunity to consider how to respond to the Minister's concerns.
- (3) The Governor-General may, on the advice of the Minister, make an Order in Council that—
- (a) frees the land to be added to Te Urewera of its status as public conservation land held or administered under conservation legislation; and
  - (b) vests that land in Te Urewera; and
  - (c) states that the land ceases to be vested in the Crown but is held in the name of Te Urewera under, and in accordance with, this Act; and
  - (d) sets out any other matters relevant to the vesting.
- (4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 107(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

*Registration of land added to Te Urewera***108 Registration of land added to Te Urewera**

- (1) This section applies to land added at any time to Te Urewera by an Order in Council made under section 105 or 107.
- (2) After an Order in Council made under section 105 or 107 comes into force, the Board, or a person authorised by the Board, must promptly apply in writing to the Registrar-General to create a new computer freehold register for Te Urewera land.
- (3) The Registrar-General must, in accordance with that application,—
  - (a) register the Order in Council obtained under section 105 or 107 against any computer registers referred to in the Order and cancel such registers as to the land described in the Order in Council; and
  - (b) cancel the existing computer freehold register for Te Urewera land; and
  - (c) create, in the name of Te Urewera, 1 computer freehold register for the fee simple estate in Te Urewera land (being the land described in the Order in Council and the land in the computer freehold register in the name of Te Urewera immediately before that register is cancelled under paragraph (b)); and
  - (d) record on the computer freehold register—
    - (i) any interests that are registered, notified, or notifiable and are described in the application; and
    - (ii) a notation that the land is subject to this Act; and
    - (iii) for the purpose of section 91, a notation that the register is limited as to parcels.
- (4) Despite the registration of Te Urewera land in the name of Te Urewera, the Board must exercise and perform all the rights, duties, and powers of the registered proprietor of Te Urewera land on behalf of, and in the name of, Te Urewera.
- (5) The Registrar-General must have regard to subsection (4).
- (6) Subsection (3)—
  - (a) applies despite—
    - (i) the Land Transfer Act 1952 or any other enactment or rule of law; and
    - (ii) the fact that Te Urewera land is situated in 2 land registration districts; and
  - (b) is subject to the completion of any survey necessary to create a computer freehold register.



*Unformed roads*

**109 Stopping certain unformed roads adjoining Te Urewera land**

- (1) This section applies if a local authority—
  - (a) stops an unformed road adjoining Te Urewera for the purpose of adding that land to Te Urewera; and
  - (b) declares by public notice that the road is stopped.
- (2) The road ceases to be a road and the land vests in Te Urewera and becomes Te Urewera land.
- (3) The provisions of Schedule 10 of the Local Government Act 1974 apply to the stopping of a road under this section, except as this section provides otherwise.
- (4) Despite section 100(2), sections 103 to 105 do not apply to land added to Te Urewera under this section.
- (5) The following provisions of the Local Government Act 1974 do not apply to the stopping of a road under this section:
  - (a) section 342(1)(a) (to the extent that it requires the prior consent of the Minister for Land Information to be obtained);
  - (b) section 345 (which relates to the disposal of land not required for a road).

**110 Registration of land added to Te Urewera if road stopped**

- (1) The Board, or a person authorised by the Board, must promptly apply in writing to the Registrar-General to create a new computer freehold register for Te Urewera land.
- (2) The Registrar-General must, in accordance with that written application,—
  - (a) cancel the existing computer freehold register for Te Urewera land; and
  - (b) create, in the name of Te Urewera, 1 computer freehold register for the fee simple estate in Te Urewera land (being the stopped road and the land in the computer freehold register in the name of Te Urewera immediately before that register was cancelled under paragraph (a)); and
  - (c) record on the computer freehold register—
    - (i) any interests that are registered, notified, or notifiable and are described in the application; and
    - (ii) a notation that the land is subject to this Act; and
    - (iii) for the purpose of section 91, a notation that the register is limited as to parcels.
- (3) Despite the registration of Te Urewera land in the name of Te Urewera, the Board must exercise and perform all the rights, duties, and powers of the registered proprietor of Te Urewera land on behalf of, and in the name of, Te Urewera.

- (4) The Registrar-General must have regard to subsection (3).
- (5) Subsection (2)—
  - (a) applies despite—
    - (i) the Land Transfer Act 1952 or any other enactment or rule of law; and
    - (ii) the fact that Te Urewera land is situated in 2 land registration districts; and
  - (b) is subject to the completion of any survey necessary to create a computer freehold register.

*Removal of land from Te Urewera*

**111 Circumstances when land may be removed from Te Urewera**

- (1) No area of land may be removed from Te Urewera except by an Act of Parliament enacted after the commencement of this Act.
- (2) On the recommendation of the Board, the Minister may propose legislation for introduction to Parliament to remove an area of land from Te Urewera, but only—
  - (a) if the removal would enable a minor boundary adjustment to align Te Urewera more closely with natural boundaries or as a result of a resurvey; or
  - (b) if land is required for the realignment of an existing formed legal road, for a new legal road, or for the legalisation of an existing public road; or
  - (c) to facilitate the exchange of land to deal with an encroachment or to enhance the boundaries of Te Urewera; or
  - (d) if the land does not have natural, cultural, historic, or scientific values to justify its inclusion in Te Urewera.
- (3) If the proposal to remove land from Te Urewera has not been included in the management plan and the Board considers that its removal may be controversial, the Board must give public notice nationally seeking public comment on the proposal before making a recommendation under subsection (2).
- (4) Section 11 and Part 10 of the Resource Management Act 1991 do not apply—
  - (a) to the removal of land from Te Urewera; or
  - (b) to any matter incidental to, or required for the purpose of, the removal.
- (5) Land removed from Te Urewera under this section—
  - (a) ceases to be Te Urewera land; and
  - (b) is no longer subject to this Act.

**112 Registration after land removed from Te Urewera**

- (1) If land is removed from Te Urewera under section 111, the Board, or a person authorised by the Board, must promptly apply in writing to the Registrar-General to create a new computer freehold register for Te Urewera land.
- (2) The Registrar-General must, in accordance with that written application,—
  - (a) cancel the existing computer freehold register for Te Urewera land; and
  - (b) create, in the name of Te Urewera, 1 computer freehold register for the fee simple estate in Te Urewera land (being the land in the computer freehold register in the name of Te Urewera immediately before that register was cancelled under paragraph (a), but excluding the land removed in accordance with section 111); and
  - (c) record on the computer freehold register—
    - (i) any interests that are registered, notified, or notifiable and are described in the application; and
    - (ii) a notation that the land is subject to this Act; and
    - (iii) for the purpose of section 91, a notation that the register is limited as to parcels.
- (3) Despite the registration of Te Urewera land in the name of Te Urewera, the Board must exercise and perform all the rights, duties, and powers of the registered proprietor of Te Urewera land on behalf of, and in the name of, Te Urewera.
- (4) The Registrar-General must have regard to subsection (3).
- (5) Subsection (2)—
  - (a) applies despite—
    - (i) the Land Transfer Act 1952 or any other enactment or rule of law; and
    - (ii) the fact that Te Urewera land is situated in 2 land registration districts; and
  - (b) is subject to the completion of any survey necessary to create a computer freehold register.

**Subpart 3—Powers to establish special areas and to enter into covenants**

*Establishment of special areas within Te Urewera*

**113 Recommendation to establish special areas in Te Urewera**

- (1) The Board may, if provided for in the management plan, recommend to the Minister that any of the following areas be established in any part of Te Urewera:
  - (a) a specially protected area:

- (b) a wilderness area;
  - (c) an amenity area.
- (2) The Board must specify in its recommendation—
- (a) the particular features that justify the area being established under this subpart; and
  - (b) the name proposed for the area.

#### **114 Criteria for recommendations to establish special areas**

##### *Specially protected areas*

- (1) The Board may make a recommendation to establish a specially protected area in a specified part of Te Urewera, but only if the Board considers that there are special features or values in that part of Te Urewera that—
- (a) are of particular importance in achieving the purpose of this Act; and
  - (b) justify the status of a specially protected area; and
  - (c) are of such importance that public access to that area should be controlled.

##### *Wilderness areas*

- (2) The Board may make a recommendation to establish a wilderness area in a specified part of Te Urewera, but only if the Board considers that there are particular natural and wilderness values in that part of Te Urewera that—
- (a) are of particular importance in achieving the purpose of this Act; and
  - (b) justify the status of a wilderness area; and
  - (c) are of such importance that the restrictions set out in sections 119 and 120 must apply.
- (3) An area set aside as a wilderness area must be sufficiently large, remote, and buffered to be affected by human influences only in minor ways.

##### *Amenity areas*

- (4) The Board may make a recommendation to establish an amenity area in a specified part of Te Urewera, but only if the Board considers that—
- (a) the area should be set apart for the development of recreational, public, and cultural amenities and related services; and
  - (b) the development of those amenities and services cannot practicably be located outside Te Urewera; and
  - (c) the adverse effects on the rest of Te Urewera can be minimised.

#### **115 Determination of recommendation to establish special areas**

- (1) On receiving a recommendation from the Board under section 113, the Minister—
- (a) must consider the Board's recommendation; and

- (b) may request further information from the Board that the Minister considers relevant; and
  - (c) may by notice in the *Gazette* establish all or part of the area in the manner recommended by the Board, specifying the name of the area or may decline to accept the recommendation.
- (2) Before the Minister declines to accept a recommendation in whole or in part, the Minister must provide the Board with—
- (a) the reasons why the Minister is considering not accepting the recommendation; and
  - (b) an opportunity to consider how to respond to the Minister’s concerns.
- (3) The status of an area established under this section may be revoked or the boundaries of the area altered, on a recommendation of the Board and in accordance with subsections (1) and (2).

**116 Management of areas established under this subpart**

- (1) A specially protected area must be managed in accordance with—
- (a) the management plan; and
  - (b) the purpose for which the area is established.
- (2) A wilderness area must be managed—
- (a) in accordance with the management plan; and
  - (b) to preserve its indigenous natural resources; and
  - (c) to retain its wilderness qualities.
- (3) An amenity area must be managed in accordance with—
- (a) the management plan; and
  - (b) the purpose for which the area is established.

**117 Minister may propose establishing specially protected area**

- (1) The Minister may propose to the Board that a specially protected area be established in any part of Te Urewera.
- (2) The Board must consider the Minister’s proposal and may, if it considers it appropriate, make a recommendation to that effect under section 113.

*Specially protected areas*

**118 Authorisation of activities in specially protected areas**

- (1) No person may enter a specially protected area unless that person—
- (a) is authorised to do so by the Board; and
  - (b) complies with the conditions of the authorisation.
- (2) An authorisation may be issued subject to any conditions.

- (3) The Board must not issue an authorisation that would be inconsistent with the management plan.
- (4) If a specially protected area is established under section 117, the Board may allow the Minister to be responsible for issuing authorisations in relation to that area.

### *Wilderness areas*

#### **119 Restrictions on activities in wilderness areas**

- (1) While an area is set apart as a wilderness area,—
  - (a) its indigenous natural resources must be preserved; and
  - (b) the following activities are prohibited:
    - (i) constructing, erecting, or maintaining buildings, machinery, or apparatus in the area; and
    - (ii) taking into, or using animals, vehicles, or motorised vessels (including hovercraft and jet boats) in, the area; and
    - (iii) landing, hovering, or taking off of a helicopter or other motorised aircraft for the purpose of embarking or disembarking passengers or goods in the area:
  - (iv) constructing roads, tracks, or trails in the area.
- (2) The activities specified in subsection (1) must not be undertaken in a wilderness area unless authorised by the Board under section 120.

#### **120 Criteria for authorising activities in wilderness areas**

- (1) The Board may authorise an activity described in section 119, but only if it is satisfied that the proposed activity—
  - (a) is consistent with the management plan; and
  - (b) is necessary or desirable for preserving the indigenous natural resources in the wilderness area; and
  - (c) is consistent with the purpose of this Act.
- (2) The Board may authorise any person to liberate any species of indigenous animal in a wilderness area if—
  - (a) the Board is satisfied that there is sufficient evidence of the species previously being present in the area; and
  - (b) the proposed liberation is not inconsistent with the management plan.

### *Amenity areas*

#### **121 Limitation on purpose and principles**

While an area is set aside as an amenity area, the purpose and principles set out in sections 4 and 5 apply in that area only to the extent that they are compatible

with the development and operation of the recreational, public, and cultural amenities and services for which the amenity area is established.

*Power to covenant land*

**122 Board may enter into covenants**

- (1) The purpose of this section and sections 123 to 125 is to enable the Board, in its discretion, to enter into a covenant with the owner of private land outside Te Urewera (or with the lessee of the land, with the consent of the owner).
- (2) The purpose of entering into a covenant is to provide for the protection of the relevant land in a manner that contributes to achieving the purpose of this Act.
- (3) A covenant may be entered into only if—
  - (a) the Board is satisfied that the land over which a covenant is proposed meets the criteria set out in section 101; and
  - (b) the Board has considered the matters set out in section 103; and
  - (c) the owner of the land (or the lessee, with the consent of the owner) is willing to enter into a covenant that provides for the management of the land in a manner that will achieve the purpose of the covenant.
- (4) The Board must meet all the costs associated with entering into a covenant.

**123 Scope of covenants**

- (1) A covenant entered into under section 122 may be in perpetuity or for any term specified in the covenant document.
- (2) In the case of a covenant applying to any Māori freehold land, a covenant may be in perpetuity, but subject to a condition that, at intervals of not less than 25 years, the objectives, conditions, and continuation of the covenant be reviewed, with a power to terminate the covenant—
  - (a) by agreement; or
  - (b) by notice of either party of not less than 6 months.
- (3) The Board must have regard to the manawhenua of the owner or lessee in a review under subsection (2).

**124 Compliance and enforcement**

- (1) For the duration of a covenant, the following provisions apply to the covenanted land, as far as they are applicable and with the necessary modifications, as if the land were part of Te Urewera:
  - (a) clauses 6 to 12 of Schedule 4 (which relate to the powers of warranted officers);
  - (b) sections 76 and 77 (which set out the offences applying in Te Urewera).
- (2) Subsection (1) applies subject to the terms and conditions of the covenant.

**125 Legal effect and registration of covenant**

- (1) Despite any other enactment or rule of law or equity, a covenant runs with the covenanted land and binds the land with the burden of the covenant.
- (2) A covenant is deemed to be an interest in land for the purposes of the Land Transfer Act 1952.
- (3) The Board, or a person authorised by the Board, must lodge the covenant for registration with the Registrar-General who must record on a computer register for the land a notation that the land is subject to a covenant under sections 122 to 124.
- (4) Subsection (3) is subject to the completion of a survey if the land to which the covenant applies is not already defined in accordance with rules made under section 49 of the Cadastral Survey Act 2002 or under any previous survey regulations.

**Subpart 4—Provisions relating to certain parts of Te Urewera***Ruakituri Wilderness Area***126 Ruakituri Wilderness Area**

The Ruakituri Wilderness Area established under the National Parks Act 1980 by notice published in the *Gazette* (2006, page 405) continues to be set apart and managed as a wilderness area under this Act as if it were gazetted under this Act.

*Te Whāiti***127 Status of Te Whāiti changed**

- (1) Te Whāiti (being part of Te Urewera National Park) ceases to be a national park under the National Parks Act 1980.
- (2) Te Whāiti is declared to be a conservation area under the Conservation Act 1987 and becomes part of the Whirinaki Te Pua-a-Tāne Conservation Park, to be held and managed under that Act.
- (3) However, Te Whāiti continues to be protected as if it were part of a national park.
- (4) The status of Te Whāiti as a conservation area and part of the Whirinaki Te Pua-a-Tāne Conservation Park cannot be revoked except by an Act of Parliament.
- (5) In this section, **Te Whāiti** means the land identified on the plan labelled Te Whāiti in part 2.2 of the attachments, being 593.8760 hectares, more or less, being Sections 3, 7, and 8 Block V Ahikereru Survey District and Sections 6 and 7 Block VI Ahikereru Survey District. All Instrument S529245 (South Auckland District).



*Onepoto*

**128 Status of Onepoto changed**

- (1) The part of Onepoto that is a national park (being part of Te Urewera National Park)—
  - (a) ceases to be a national park under the National Parks Act 1980; and
  - (b) is declared to be a conservation area under the Conservation Act 1987, while continuing to be protected as if it were a national park under the National Parks Act 1980.
- (2) The part of Onepoto that has a secondary use designation as a national park ceases to have that designation, but is declared by this section to have a secondary use designation as a conservation area.
- (3) The part of Onepoto referred to—
  - (a) in subsection (1) is Part Section 5 and Section 6 Block 1 Waiiau Survey District Balance *Gazette* notice 76439 (Gisborne Land District); and
  - (b) in subsection (2) is Sections 18 and 19 SO 8881 and Section 7 Block 1 Waiiau Survey District Balance *Gazette* notice 79491 (secondary use) as noted on computer freehold register GS5B/673 (Gisborne Land District).

*Tāwhiuau Maunga and Ngāti Manawa interests in western parts of Te Urewera*

**129 Interpretation**

- (1) In this section and sections 130 to 135,—

**Ngāti Manawa area of interest** has the meaning given in Part 13 of the Ngāti Manawa deed of settlement

**Ngāti Manawa deed of settlement** has the meaning given to **deed of settlement** in section 10 of the Ngāti Manawa Claims Settlement Act 2012

**Ngāti Manawa values** has the meaning given in section 10 of the Ngāti Manawa Claims Settlement Act 2012

**protection principles** has the meaning given in section 10 of the Ngāti Manawa Claims Settlement Act 2012

**Tangiharuru** means the Ngāti Manawa ancestor of that name

**Tāwhiuau area**—

  - (a) means the land defined as Tāwhiuau in section 10 of the Ngāti Manawa Claims Settlement Act 2012; and
  - (b) includes Tāwhiuau Maunga

**Tāwhiuau Maunga** means the land described in Part 2 of Schedule 1

**trustees of Te Rūnanga o Ngāti Manawa** has the meaning given in section 10 of the Ngāti Manawa Claims Settlement Act 2012.

- (2) The Ngāti Manawa Claims Settlement Act 2012 is consequentially amended in the manner shown in Schedule 5.

### **130 Vesting of Tāwhiuau Maunga in name of Tangiharuru**

- (1) Tāwhiuau Maunga—
- (a) ceases to be part of Te Urewera National Park and held under the National Parks Act 1980; and
  - (b) is not part of Te Urewera.
- (2) The fee simple estate in Tāwhiuau Maunga is vested in the name of Tangiharuru.
- (3) The land vested by subsection (2) must not be alienated, mortgaged, charged, or otherwise disposed of, other than by the grant of a lease or an easement by the Board under section 62(1).
- (4) Despite subsection (1), for management purposes Tāwhiuau Maunga is to be treated as if it were part of Te Urewera and subject to this Act.
- (5) A concession in the form of a lease, licence, or an easement over any part of the land vested by subsection (3) must not be granted without the written consent of the trustees of Te Rūnanga o Ngāti Manawa.

### **131 Registration of Tāwhiuau Maunga in name of Tangiharuru**

- (1) The Registrar-General must, in accordance with a written application by a person authorised by the Director-General,—
- (a) create, in the name of Tangiharuru, 1 computer freehold register for the fee simple estate in Tāwhiuau Maunga; and
  - (b) record on the computer freehold register—
    - (i) any interests that are registered, notified, or notifiable, and are described in the application; and
    - (ii) a notation that the land is subject to this Act; and
    - (iii) for the purpose of section 91, a notation that the register is limited as to parcels.
- (2) The interests referred to in subsection (1)(b)(i) include the Te Urewera easements referred to in paragraphs (a) and (b) of the definition of Te Urewera easements in section 88.
- (3) The computer freehold register required by subsection (1) must be created not later than 24 months after the settlement date.
- (4) Subsection (1) applies despite the Land Transfer Act 1952 or any other enactment or rule of law.
- (5) For the purposes of any registration matter relating to a concession granted by the Board under section 62(1), the Registrar-General may only register the

interest if the document presented for registration is accompanied by the written consent of the trustees of Te Rūnanga o Ngāti Manawa.

- (6) The Registrar-General must have regard to section 132(1).

### **132 Role of trustees of Te Rūnanga o Ngāti Manawa**

- (1) On and from the date when the fee simple estate in Tāwhiuau Maunga is registered in the name of Tangiharuru under section 131, the trustees of Te Rūnanga o Ngāti Manawa, except as otherwise provided in this Act,—
- (a) have all the duties, powers, and rights of the registered proprietor of Tāwhiuau Maunga; and
  - (b) must perform the duties, and exercise the powers and rights, in their own names and not in the name of Tangiharuru.
- (2) On and from the date of registration of Tāwhiuau Maunga, section 100 of the Ngāti Manawa Claims Settlement Act 2012 ceases to apply to Tāwhiuau Maunga.

### **133 Management of Tāwhiuau area**

- (1) This section applies to the following kinds of decisions made in relation to the Tāwhiuau area by the Board or Minister of Conservation:
- (a) a decision that relates solely to the Tāwhiuau area:
  - (b) a decision that may have a significant effect on the Tāwhiuau area or Ngāti Manawa values and protection principles.
- (2) In making a decision of a kind described in subsection (1), the Board or the Minister of Conservation, as appropriate, must—
- (a) engage with the trustees of Te Rūnanga o Ngāti Manawa; and
  - (b) have particular regard for the fact that Tāwhiuau Maunga is vested in Tangiharuru; and
  - (c) not make a decision that is inconsistent with Ngāti Manawa values and protection principles.

### **134 Agreement between trustees of Te Rūnanga o Ngāti Manawa and Te Urewera Board**

In order to recognise Ngāti Manawa's interests within the western parts of Te Urewera that are in the Ngāti Manawa area of interest, the trustees of Te Rūnanga o Ngāti Manawa and the Board must, not later than 24 months after the settlement date, enter into an agreement to make provision for how the Board and the trustees of Te Rūnanga o Ngāti Manawa will conduct their relationship—

- (a) in matters relating to the management and administration of the area of Te Urewera where Ngāti Manawa have existing redress under the Ngāti Manawa Claims Settlement Act 2012; and

- (b) in other matters of interest to both the Board and the trustees of Te Rūnanga o Ngāti Manawa, such as—
  - (i) the process by which the parties will interact; and
  - (ii) the consideration of Ngāti Manawa’s values; and
  - (iii) the involvement of Ngāti Manawa in relevant decision-making processes.

### **135 Application of other provisions**

The following provisions apply to Tāwhiua Maunga as if the references to Te Urewera land and Te Urewera establishment land were references to Tāwhiua Maunga:

- (a) section 64 (which provides for the status of Te Urewera land under the Crown Minerals Act 1991), except that the Board must obtain the written consent of the trustees of Te Rūnanga o Ngāti Manawa before it may enter into or vary an access arrangement under section 61 of the Crown Minerals Act 1991 in respect of Tāwhiua Maunga:
- (b) sections 91 and 92 (which protect the interests of registered owners of land adjacent to Te Urewera land and existing interests over establishment land):
- (c) section 93 (which provides for how certain other enactments apply to Te Urewera land):
- (d) section 95 (which provides for the ownership of improvements on Te Urewera establishment land):
- (e) section 96 (which excludes certain liabilities).

#### *Interests of Ngāti Whare in certain parts of Te Urewera*

### **136 Agreement between trustees of Te Rūnanga o Ngāti Whare and Te Urewera Board**

- (1) Not later than 24 months after the settlement date, the Board must enter into an agreement with the trustees of Te Rūnanga o Ngāti Whare to make provision for how the trustees of Te Rūnanga o Ngāti Whare and the Board will conduct their relationship in matters relating to the management and administration of certain western parts of Te Urewera and other agreed matters of interest to both the Board and Ngāti Whare.
- (2) The purpose of subsection (1) is to provide for the recognition of, and to reflect,—
  - (a) the special association and customary interest of Ngāti Whare in relation to parts of Te Urewera; and
  - (b) the close relationship between Te Rūnanga o Ngāti Whare and Tūhoe Te Uru Taumatua.

- (3) In this section, **trustees of Te Rūnanga o Ngāti Whare** has the meaning given in section 10 of the Ngāti Whare Claims Settlement Act 2012.

*Interests of Ngāti Ruapani ki Waikaremoana in Waikaremoana area*

**137 Interests of Ngāti Ruapani ki Waikaremoana in Waikaremoana area**

- (1) As soon as practicable after the settlement date, the Board and Ngāti Ruapani ki Waikaremoana must commence discussions for the purpose of entering into a memorandum of understanding that records how the Board will work with Ngāti Ruapani ki Waikaremoana in undertaking processes under this Act that affect the interests of Ngāti Ruapani ki Waikaremoana in the Waikaremoana area.
- (2) Legislation enacted to give effect to a settlement of the historical claims of Ngāti Ruapani ki Waikaremoana may provide for the memorandum of understanding entered into under subsection (1) to terminate.
- (3) Subsection (2) applies if the Crown and Ngāti Ruapani ki Waikaremoana agree that redress provided to Ngāti Ruapani ki Waikaremoana under other legislation supersedes the matters set out in the memorandum of understanding.

Subpart 5—Consequential amendments to other Acts

**138 Amendment to other Acts**

Amend the Acts specified in Schedule 5 in the manner specified in that schedule.

## Schedule 1

### Land descriptions

ss 7, 129

#### Part 1

#### Te Urewera establishment land

<b>Name of property</b>	<b>Description</b>
Te Urewera establishment land	<i>South Auckland Land District and Gisborne Land District—Wairoa District, Gisborne District, Whakatane District, and Opotiki District</i> 208671.3397 hectares, more or less, being Sections 1 to 63 SO 461052. All <i>Gazette</i> notices 133217.1, 117422.1, 113221.1, 76598, 66950, S612826, and 60531. Balance <i>Gazette</i> notices S655768 and 71352 and Part <i>Gazette</i> notice H679634.1.

#### Part 2

#### Tāwhiuau Maunga

<b>Name of property</b>	<b>Description</b>
Tāwhiuau Maunga	<i>South Auckland Land District—Whakatane District</i> 62.3528 hectares, more or less, being Section 70 SO 461052. Part <i>Gazette</i> notice H679634.1.

## Schedule 2

### Further provisions relating to Board

ss 16, 37, 44, 48, 50

#### Contents

Page

#### Part 1 Administrative matters

##### *Meetings*

1	Schedule of meetings to be agreed	72
2	Quorum	72
3	Conduct of meetings	72
4	Who may attend Board meetings	72
5	Public notice of meetings	73

##### *Standing orders*

6	Standing orders to be adopted	73
---	-------------------------------	----

##### *Reporting and accountability*

7	Annual report	73
8	Disclosure of annual report	74

##### *Committees*

9	Initial appointment of committees	74
10	Obligation on committees	75

##### *Delegation*

11	Power of Board to delegate	75
12	Powers of delegate	75
13	Effect of delegation on Board	76
14	Revocation of delegation	76

##### *Conflict of interest of members of Board*

15	When interests must be disclosed	76
16	Obligation to disclose interest	77

##### *Authority to bind Board*

17	Method of entering into legally binding obligation	77
----	--	----

#### Part 2 Preparation of management plan

18	Preparation of draft management plan may be devolved	78
19	Obligations in preparing draft management plan	78
20	Notification and submissions	78
21	Consideration of submissions and amendment of draft management plan	79

22	Process of approval for management plan	79
23	Approval and notification of management plan	80

**Part 3**  
**Annual operational plan**

24	Process for preparation	81
----	-------------------------	----

**Part 1**  
**Administrative matters**

*Meetings*

**1 Schedule of meetings to be agreed**

- (1) At the first meeting of the Board in each year of the term of the Board, the Board must agree a schedule of the meetings of the Board for that year.
- (2) The Board must regularly review the schedule to ensure that it provides for sufficient meetings to enable the Board to achieve its purposes and perform its functions.
- (3) The Board must hold its first meeting not later than 20 working days after the settlement date.

**2 Quorum**

The quorum for a meeting of the Board is no fewer than 6 members, including—

- (a) at least 2 members appointed by the trustees; and
- (b) at least 2 members appointed by the Ministers or Minister, as appropriate; and
- (c) the chair or deputy chair of the Board.

**3 Conduct of meetings**

- (1) The chair must preside over the meetings of the Board.
- (2) If the chair is unable to attend a meeting, the deputy chair must preside over that meeting.

**4 Who may attend Board meetings**

- (1) The chief executive or his or her delegate and the Director-General or his or her delegate may attend any meeting of the Board unless the chair of the Board decides, on reasonable grounds, that they may not attend a meeting or part of a meeting.
- (2) Members of the public may attend any meeting of the Board unless, in the reasonable opinion of the chair,—



- (a) the attendance of the public would result in the disclosure of information and there is good reason for withholding that information; or
- (b) the behaviour of a member of the public or news media is likely to prejudice or continue to prejudice the orderly or efficient conduct of the meeting.

## **5 Public notice of meetings**

- (1) Public notice of meetings of the Board must be given in whatever manner the Board considers appropriate, including on the Board's Internet site, not later than 10 working days before each scheduled meeting.
- (2) The notice must include—
  - (a) the date, time, and place of the meeting; and
  - (b) where documentation relevant to the meeting may be viewed or obtained; and
  - (c) the entitlement of members of the public to attend, and when they may be excluded.
- (3) The agenda must be made publicly available at least 2 working days before a meeting.

### *Standing orders*

## **6 Standing orders to be adopted**

- (1) At the first meeting of the Board, the Board must adopt a set of standing orders.
- (2) The Board may—
  - (a) at any time amend the standing orders:
  - (b) temporarily suspend standing orders during a meeting.
- (3) The standing orders must not contravene this Act.

### *Reporting and accountability*

## **7 Annual report**

- (1) Each year the Board must adopt and publish an annual report.
- (2) The annual report must contain the following information in respect of the financial year to which it relates:
  - (a) a report on the Board's exercise of its functions and powers and its progress in achieving its purposes; and
  - (b) the financial statements prepared in accordance with generally accepted accounting practice; and
  - (c) a statement of responsibility for the financial statements; and

- (d) an audit report.
- (3) The Board, the trustees, the Minister, and the Minister of Finance may agree to any further reporting requirements necessary to reflect any change to the financial relationship between the Crown and the Board.
- (4) The Board is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.
- (5) In this clause,—  
**financial statements** has the meaning given in section 6 of the Financial Reporting Act 2013  
**generally accepted accounting practice** has the meaning given in section 8 of the Financial Reporting Act 2013.

## 8 Disclosure of annual report

- (1) The Board must provide the annual report to—
  - (a) the chair of the trustees; and
  - (b) the Minister.
- (2) The Minister must present the Board's annual report to the House of Representatives as soon as practicable after it has been received by the Minister.
- (3) After the report has been provided under subclause (1), an appointer may seek further information from the Board, and make comments to the Board, on any relevant matter arising out of the report.

### *Committees*

## 9 Initial appointment of committees

- (1) The Board may establish committees to deal with matters that include, for example,—
  - (a) rāhui and the taking of cultural materials;
  - (b) the granting of concessions and authorisations for other activities.
- (2) The Board must, not later than 6 months after its first meeting,—
  - (a) establish any initial committees; and
  - (b) appoint members of the Board to be members of the committees; and
  - (c) appoint members of the Board to chair the committees; and
  - (d) determine the functions and decisions to be delegated to each committee; and
  - (e) determine the procedures of the committees, including their standing orders and decision-making processes.
- (3) The Board may, at any time,—
  - (a) appoint additional committees:

- (b) revoke the appointment of a committee:
- (c) reappoint a committee or alter the membership of a committee:
- (d) replace or amend the terms of appointment of a committee.

#### **10 Obligation on committees**

Every committee appointed by the Board—

- (a) is subject to the direction and control of the Board; and
- (b) must carry out all the directions of the Board.

#### *Delegation*

#### **11 Power of Board to delegate**

- (1) The Board may delegate any of its functions and powers, either generally or specifically, and subject to any conditions, by written notice, to—
  - (a) the chief executive:
  - (b) the Director-General:
  - (c) 1 or more members of the Board:
  - (d) a committee or subcommittee of the Board.
- (2) However, the Board must not delegate any of the following matters:
  - (a) the approval or amendment of Te Urewera management plan; or
  - (b) the adoption of the Board's annual statement of priorities; or
  - (c) the acceptance of the annual operational plan; or
  - (d) a recommendation to add land to Te Urewera; or
  - (e) a recommendation to remove land from Te Urewera; or
  - (f) a recommendation that a specially protected area, a wilderness area, or an amenity area be established in Te Urewera; or
  - (g) the appointment, or revocation of appointment, of a committee; or
  - (h) the replacement or amendment of the terms of appointment of a committee; or
  - (i) the making of bylaws; or
  - (j) the power of delegation.

#### **12 Powers of delegate**

- (1) A delegate to whom a function or power of the Board is delegated may, unless the terms of delegation provide otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the Board.
- (2) A delegate who purports to perform a function or exercise a power under a delegation—

- (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
- (b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

### **13 Effect of delegation on Board**

No delegation under this Act—

- (a) affects or prevents the performance of a function or exercise of a power by the Board; or
- (b) affects the responsibility of the Board for the actions of the delegate acting under the delegation; or
- (c) is affected by any change in the membership of the Board or of any committee.

### **14 Revocation of delegation**

A delegation may be revoked at will by the Board by—

- (a) decision of the Board and written notice to the delegate; or
- (b) any other method provided for in the delegation.

#### *Conflict of interest of members of Board*

### **15 When interests must be disclosed**

- (1) In this clause and clause 16, **matter** means—
  - (a) the Board's performance of its functions and exercise of its powers; or
  - (b) an arrangement, agreement, contract, concession, or permit made, entered into, or granted (or any consideration of or proposal to do so) by the Board.
- (2) A member of the Board has an actual or potential interest in a matter if that member—
  - (a) may derive a financial benefit from the matter; or
  - (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
  - (c) may have a financial interest in a person to whom the matter relates; or
  - (d) is a partner, director, officer, Board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
  - (e) is otherwise directly or indirectly interested in the matter.
- (3) However, a person is not interested in a matter if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the person in carrying out his or her responsibilities as a member of the Board.

## **16 Obligation to disclose interest**

- (1) A member of the Board must disclose any actual or potential interest in a matter to the Board.
- (2) The Board must maintain an interests register that records the actual or potential interests disclosed to the Board.
- (3) The Board must consider, and if necessary take steps to manage, any actual or potential conflict of interest.
- (4) A member of the Board is not precluded from discussing or voting on a matter by virtue only that—
  - (a) the member is affiliated to an iwi or a hapū with interests in Te Urewera; or
  - (b) the economic, social, cultural, and spiritual values of an iwi or a hapū with interests in Te Urewera and their relationship with Te Urewera are advanced by or reflected in—
    - (i) the subject matter under consideration; or
    - (ii) a decision or recommendation of the Board; or
    - (iii) the participation of the member in the matter.
- (5) The following are not, in themselves, an interest that must be disclosed or recorded:
  - (a) the affiliation of a member of the Board to an iwi or a hapū with interests in Te Urewera;
  - (b) the fact that a member of the Board is also a trustee of Tūhoe Te Uru Taumatua.

### *Authority to bind Board*

## **17 Method of entering into legally binding obligation**

- (1) All contracts or other obligations that would create a liability greater than \$1,000 for the Board must be entered into in writing and signed on behalf of the Board by—
  - (a) the chair of the Board; and
  - (b) 1 other member of the Board.
- (2) Subclause (1) applies to a contract or an obligation—
  - (a) whether or not it is entered into in New Zealand; and
  - (b) whether or not the law governing the contract or obligation is the law of New Zealand.

## **Part 2**

### **Preparation of management plan**

#### **18 Preparation of draft management plan may be devolved**

The Board may—

- (a) appoint a committee of the Board to prepare the draft management plan:
- (b) make any reasonable request to the chief executive or the Director-General or to both jointly—
  - (i) to prepare the draft management plan:
  - (ii) to provide assistance in the management plan process.

#### **19 Obligations in preparing draft management plan**

- (1) Before beginning to prepare the draft management plan, the Board must—
  - (a) discuss with the chief executive and the Director-General—
    - (i) the principal matters to be dealt with in the management plan; and
    - (ii) how those matters are to be dealt with; and
  - (b) prepare a statement of priorities for the management plan; and
  - (c) give public notice nationally in whatever manner the Board considers appropriate that—
    - (i) a draft management plan is to be prepared; and
    - (ii) a statement of priorities has been prepared and where it may be viewed; and
  - (d) invite written comment by a specified date on the matters that should be dealt with in the management plan.
- (2) In preparing the draft management plan, the Board must consider written comments provided to it by the specified date.

#### **20 Notification and submissions**

- (1) As soon as practicable after completing the draft management plan, the Board must—
  - (a) give public notice nationally of the draft management plan, with advice as to where it can be viewed; and
  - (b) provide a copy of the draft management plan to—
    - (i) the chair of Tūhoe Te Uru Taumatua and the chief executive; and
    - (ii) the Minister and the Director-General; and
    - (iii) any person or organisation that provided comment in response to clause 19(1)(d); and
    - (iv) the New Zealand Conservation Authority; and

- (v) the relevant conservation boards; and
  - (vi) the relevant local authorities; and
  - (vii) any other persons or organisations that the Board considers should be provided with the draft management plan.
- (2) The public notice, given in whatever manner the Board considers appropriate, must—
- (a) state where the draft management plan may be viewed and the times; and
  - (b) invite submissions on the draft management plan and state how they may be made; and
  - (c) specify the date by which submissions must be received, which must not be earlier than 40 working days after the date of the notice; and
  - (d) invite submitters to indicate whether they wish to be heard in support of their submission.
- (3) Any person may make a written submission in accordance with the conditions set out in the public notice.

## **21 Consideration of submissions and amendment of draft management plan**

- (1) The Board must—
- (a) give persons who wish to do so a reasonable opportunity to appear and be heard on their submission; and
  - (b) consider all written and oral submissions that—
    - (i) are relevant to the purpose of the management plan; and
    - (ii) comply with the conditions given in the public notice for making a submission; and
  - (c) prepare and publish a summary of the submissions, together with a statement of the Board's response to the submissions.
- (2) After considering the submissions, the Board may amend the draft management plan as it considers appropriate.

## **22 Process of approval for management plan**

- (1) After taking the steps described in clause 21, the Board must provide the draft management plan to the New Zealand Conservation Authority (the **Authority**) for comment, requesting its comment not later than 30 working days from the date when the draft management plan was provided to the Authority.
- (2) The Board—
- (a) must have regard to any comments from the Authority that are relevant to the purpose of the management plan and comply with the time frame in subclause (1); and
  - (b) may amend the draft management plan as it considers appropriate.

- (3) The Board must provide the following to the chair of the trustees and the Minister:
  - (a) the draft management plan; and
  - (b) the summary of submissions and statement referred to in clause 21(1)(c); and
  - (c) any comments from the Authority; and
  - (d) a statement as to how those comments have been dealt with.
- (4) The Board must request that the chair of the trustees and the Minister either—
  - (a) recommend that the Board approve the draft management plan; or
  - (b) advise the Board of any matters that either of them considers require further consideration or revision.
- (5) Both the chair of the trustees and the Minister must agree before a recommendation for approval may be given under subclause (4)(a).
- (6) If the chair of the trustees and the Minister do not agree, the matter on which they disagree must be put to the Board as advice under subclause (4)(b).
- (7) If advice is given under subclause (6), the Board—
  - (a) must consider it; and
  - (b) may, as the Board considers appropriate, amend the draft management plan in response to the advice; and
  - (c) must provide the draft management plan to the chair of the trustees and the Minister—
    - (i) with an explanation of how the advice has been dealt with; and
    - (ii) with a further request for a recommendation under subclause (4)(a).
- (8) Subclauses (4) to (7) apply to a request under subclause (7)(c)(ii).

### **23 Approval and notification of management plan**

- (1) Following a recommendation from the chair of the trustees and the Minister under clause 22(4)(a), the Board—
  - (a) may approve the management plan; and
  - (b) must, at the same time as it approves a management plan, issue a report stating how it has considered and responded to submissions and comments on the draft management plan.
- (2) The Board must give public notice nationally of the approved management plan, in whatever manner it considers appropriate, stating the date on which the plan comes into force.



### Part 3

## Annual operational plan

#### 24 Process for preparation

- (1) Each year the chief executive and the Director-General must present a draft annual operational plan (**draft plan**) to the Board before the beginning of the year to which the plan relates.
- (2) The Board must consider the draft plan and determine whether it is consistent with the management plan and statement of priorities.
- (3) The Board may—
  - (a) accept the draft plan in part or as a whole as being consistent with the management plan and statement of priorities; or
  - (b) reject the draft plan in its entirety.
- (4) The Board must notify the chief executive and the Director-General in writing of its decision as soon as practicable after receiving the draft plan and, in the event that it—
  - (a) accepts part of the draft plan only, it must—
    - (i) advise which parts of the draft plan are accepted; and
    - (ii) refer those parts that are not accepted to the chief executive and the Director-General for further consideration; and
    - (iii) meet with the chief executive and the Director-General to discuss the Board's decision:
  - (b) rejects the plan in its entirety, take the steps set out in paragraph (a)(i) to (iii).
- (5) The Board, the chief executive, and the Director-General must, in good faith, seek to resolve any disagreement over the draft plan, with the intention to make the whole plan acceptable to the Board as soon as is reasonably possible.
- (6) From the commencement of the relevant year,—
  - (a) the chief executive and the Director-General—
    - (i) must undertake management activities in accordance with the accepted parts of the draft plan; and
    - (ii) may, in an emergency, undertake other management activities they consider necessary for the safety of Te Urewera or any person in Te Urewera; but
  - (b) each retains discretion over the use of their respective funds to implement the annual operational plan.
- (7) At the end of each year, the chief executive and the Director-General must report to the Board on the implementation of the operational plan for that year.

## Schedule 3

### Further provisions relating to authorisations and administrative matters

ss 55, 57, 59, 62(3)

#### Contents

		Page
	<i>Activity permits</i>	
1	Indigenous plants and animals	83
2	Accommodation	83
3	Roads	84
4	Farming	84
5	Activity permits for recreational hunting	85
6	Declarations relating to recreational hunting	85
	<i>Concessions</i>	
7	Requirement if proposal is for commercial purpose	85
8	When applications may be granted	85
9	When applications must be declined	86
10	When applications may be declined	87
11	Contents of applications	87
12	Further information may be required	88
13	Process to apply when application is complete	88
14	Matters that Board must consider	89
15	Mandatory conditions	89
16	Board may impose conditions	90
17	Condition as to payment of rents, fees, and royalties	91
18	Conditions may be varied	91
19	Term of concession	92
20	Continuation of term after new concession applied for	92
21	Continuation of existing concession	93
22	If Board declines to grant new concession	94
23	Further circumstance when term may continue	94
24	If Board grants concession	95
25	Board declines to grant concession	96
26	Board may reconsider decision	96
27	Failure to execute concession document or exercise concession	96
28	Charges	97
29	Restrictions on aircraft landing in Te Urewera	97
30	Tendering and management	97
31	Accounts relating to concessions	98
32	Concession records	98
33	Contributions for services provided for benefit of concessionaires	98

*Power to charge for authorisations and certain uses*

34	Charging for processing applications and use of facilities	99
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*Public notice requirements*

35	Requirements for certain public notices	100
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*Activity permits*

**1 Indigenous plants and animals**

- (1) This clause applies to applications for the following activities:
  - (a) taking, cutting, or destroying indigenous plants within Te Urewera; and
  - (b) disturbing, trapping, taking, hunting, or killing indigenous animals within Te Urewera.
- (2) The Board may only grant an activity permit for the activities specified in sub-clause (1) if—
  - (a) the preservation of the species concerned is not adversely affected; and
  - (b) the effects on Te Urewera are no more than minor; and
  - (c) the grant of a permit is consistent with the management plan.
- (3) In deciding an application, the Board must take into account whether—
  - (a) the proposed activity is essential for management, research, interpretation, or educational purposes; and
  - (b) the proposed activity is important for the restoration or maintenance of customary practices that are relevant to the relationship of iwi and hapū to Te Urewera; and
  - (c) the quantity of indigenous plants or animals that will be affected is minor in relation to the abundance of the material; and
  - (d) the proposed activity could occur outside Te Urewera or elsewhere within Te Urewera where the potential adverse effects would be significantly less; and
  - (e) iwi and hapū support the application.

**2 Accommodation**

- (1) This clause applies to applications for an activity permit—
  - (a) to establish accommodation within Te Urewera; or
  - (b) to add to an existing structure or facility.
- (2) The Board may only grant a permit for accommodation if that activity is provided for in the management plan.
- (3) In deciding an application, the Board must take into account whether—

- (a) the accommodation or related facility could reasonably be located outside Te Urewera or elsewhere within Te Urewera where the potential adverse effects would be significantly less; and
  - (b) the activity could reasonably be undertaken in an existing structure or facility; and
  - (c) the proposal—
    - (i) minimises any adverse effects on Te Urewera and on the existing benefit, use, and enjoyment of the public arising from public access to and in Te Urewera; and
    - (ii) avoids a rapid increase in the built environment within Te Urewera; and
    - (iii) complements any existing accommodation and its related facilities; and
    - (iv) provides for a location, scale design, construction, colour, and maintenance that preserve a sense of naturalness and harmonise with the landscape.
- (4) New accommodation and related facilities, including encampments, for exclusive private use are not permitted in Te Urewera.

### **3 Roads**

- (1) The Board may grant an activity permit for the following activities, but only if the activity is provided for in the management plan:
- (a) to make a road or an extension to a road:
  - (b) to alter an existing road.
- (2) Before granting an activity permit under this clause, the Board must be satisfied that—
- (a) any new road, road extension, or upgrade to an existing road in Te Urewera will have minimal effects on natural features, as far as practicable; and
  - (b) all practicable measures are to be taken, in making a new road or extending or upgrading an existing road, to mitigate any adverse effects, including—
    - (i) avoiding the fragmentation of habitats and ecosystems; and
    - (ii) the rehabilitation of the surfaces of earthworks; and
    - (iii) weed control; and
    - (iv) the collection and treatment of storm water run-off.

### **4 Farming**

- (1) This clause applies to farming and grazing land that, in the public interest, should continue to be farmed or used for grazing.

- (2) The Board may grant activity permits under section 57 for Te Urewera land to be used for farming or grazing, but only if farming or grazing is provided for in the management plan.

## **5 Activity permits for recreational hunting**

- (1) The Board may grant an activity permit to undertake recreational hunting for exotic animals in Te Urewera that are not protected, as long as the Board is satisfied—
- (a) that the grant of such a permit—
- (i) would be consistent with the management plan; and
- (ii) would not interfere with any operation to control wild animals and pests in Te Urewera; and
- (b) that the safety of persons in, or likely to be in, the vicinity of the area to which any permit applies has been provided for.
- (2) The Board may include conditions on a permit granted under this clause, including conditions about the use of dogs, helicopters, and horses.

## **6 Declarations relating to recreational hunting**

- (1) The Board may, by public notice,—
- (a) declare areas of Te Urewera to be open or closed for recreational hunting;
- (b) identify areas in Te Urewera where hunting may, with an activity permit, be undertaken.
- (2) Public notice may be given in whatever manner the Board considers appropriate.
- (3) Any declaration or identification under subclause (1) must be consistent with the management plan.

### *Concessions*

## **7 Requirement if proposal is for commercial purpose**

- (1) This clause applies to every activity described in clauses 1 to 6 that is for a commercial purpose, as described in section 62(2), including commercial hunting and trapping, guided hunting operations, and wild animal control operations.
- (2) An activity to which subclause (1) refers is prohibited unless a concession is obtained in addition to any other authorisation required under this Act or other enactment.

## **8 When applications may be granted**

- (1) The Board may grant an application for a lease or a licence (other than a *profit à prendre*), but only if—

- (a) the lease or licence relates to 1 or more fixed structures and facilities (which do not include any track or road except where the track or road is an integral part of a larger facility); and
  - (b) in any case where the application includes an area or areas around the structure or facility,—
    - (i) either—
      - (A) it is necessary for the purposes of safety or security of the site, structure, or facility to include any area or areas (including any security fence) around the structure or facility; or
      - (B) it is necessary to include any clearly defined area or areas that are an integral part of the activity on the land; and
    - (ii) the grant of a lease or licence is essential to enable the activity to be carried on.
- (2) However, no lease may be granted unless the applicant satisfies the Board that exclusive possession is necessary for—
- (a) the protection of public safety; or
  - (b) the protection of the physical security of the activity concerned; or
  - (c) the competent operation of the activity concerned.
- (3) For the purposes of subclause (2)(c), the competent operation of an activity includes the necessity for the activity to achieve adequate investment and maintenance.
- (4) The Board must not grant an easement over Te Urewera land in a case where a lease, licence, or permit may be granted if the Board considers that a lease, licence, or permit is more appropriate in the circumstances.
- (5) However, if the management plan does not make provision for a concession of the kind applied for, the Board may, after complying with clauses 11 to 14, grant the concession.

## **9 When applications must be declined**

The Board must not grant an application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, if the Board is satisfied that the activity—

- (a) could reasonably be undertaken outside Te Urewera or in another part of Te Urewera where the potential adverse effects would be significantly less; or
- (b) could reasonably use an existing structure or facility or the existing structure or facility without the addition.

## **10 When applications may be declined**

- (1) The Board may decline an application if the Board considers that—
  - (a) the information provided is insufficient or inadequate to enable the Board to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or
  - (b) there are no adequate or reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility.
- (2) The Board may decline an application, whether or not it is provided for in the management plan, if the Board considers that the effects of the activity are such that a review of the management plan would be more appropriate.
- (3) If the Board declines an application under subclause (2), the Board may, if requested by the applicant, initiate a review of the management plan in accordance with subpart 5 of Part 2.
- (4) The Board may require the applicant to pay all or part of the reasonable costs of such a review.
- (5) Subclauses (2) and (3) do not limit the discretion of the Board to initiate a review under subpart 5 of Part 2.

## **11 Contents of applications**

- (1) Every application for a concession must be made to the Board and must include the following information:
  - (a) a description of the proposed activity;
  - (b) a description identifying the places where the proposed activity will be carried out and indicating the status of such places;
  - (c) a description of the potential effects of the proposed activity, and any actions which the applicant proposes to take to avoid, remedy, or mitigate any adverse effects;
  - (d) details of the proposed type of concession for which the applicant is applying;
  - (e) a statement of the proposed duration of the concession and the reasons for that proposed duration;
  - (f) relevant information relating to the applicant, including any information relevant to the applicant's ability to carry out the proposed activity.
- (2) In the case of an application for a concession of a kind listed in subclause (3), the applicant must also give—
  - (a) reasons for the request; and
  - (b) sufficient information to satisfy the Board that it would be appropriate and lawful to grant the application.
- (3) The kinds of concessions referred to in subclause (2) are—

- (a) a lease:
- (b) a *profit à prendre* or licence:
- (c) an easement.

## **12 Further information may be required**

- (1) The Board may require an applicant for a concession to supply further information as it considers necessary to enable a decision to be made, including the preparation of an assessment of effects on the environment in the form set out in Schedule 4 of the Resource Management Act 1991 or any other form the Board requires.
- (2) The Board may, at the applicant's expense,—
  - (a) commission a report or seek advice from any person (including the Director-General) on any matters raised in relation to the application, including a review of any information provided by the applicant:
  - (b) obtain from any source any existing relevant information on the proposed activity or structure that is the subject of the application.
- (3) Any information obtained by the Board under subclause (2) must be supplied to the applicant, who may comment on it within such time as may be specified by the Board.
- (4) An application is incomplete if the Board—
  - (a) advises the applicant that the specified information required under subclause (1) has not been provided; or
  - (b) has not received any report commissioned or advice sought under subclause (2); or
  - (c) has supplied information to the applicant under subclause (3) and the time limit specified under that subclause has not expired.

## **13 Process to apply when application is complete**

- (1) The Board must consider every complete application for a concession received, other than an application that contravenes section 62(3).
- (2) Subclause (1) does not limit clause 34 (which provides for charges applying to applications).
- (3) The Board must decline an application if the Board is satisfied that the application is—
  - (a) contrary to the provisions of this Act; or
  - (b) inconsistent with the management plan.
- (4) If the Board declines an application under subclause (3), the Board must, within 20 working days after receiving the application, inform the applicant of its decision with reasons for declining the application.



- (5) Nothing in this Act or any other enactment requires the Board to grant a concession if the Board considers that the grant of a concession would be inappropriate in the circumstances of the particular application, having regard to the matters set out in clause 14.
- (6) Before granting a lease or a licence with a term (including all renewals) exceeding 10 years, the Board must, in whatever manner it considers appropriate, give public notice of the application.
- (7) Before granting a licence with a term (including all renewals) not exceeding 10 years, or a permit or an easement, the Board may, in whatever manner it considers appropriate, give public notice of the application if, having regard to the effects of the licence, permit, or easement, the Board considers it would be appropriate to give public notice.
- (8) Subclauses (6) and (7) do not apply to the grant of a lease or licence resulting from the exercise of a right of renewal, or a right to a new lease or licence, that is contained in a lease or licence.
- (9) Clause 35 applies to a public notice given under subclauses (6) or (7).

#### **14 Matters that Board must consider**

In considering an application for a concession, the Board must, in addition to the relevant matters specified in section 57(2), have regard to the following matters:

- (a) the nature of the activity and the type of structure or facility (if any) proposed to be constructed:
- (b) the effects of the activity, structure, or facility:
- (c) any measures that can reasonably and practicably be undertaken to avoid, remedy, or mitigate any adverse effects of the activity:
- (d) any information received under clause 10, 11, or 12:
- (e) any relevant environmental impact assessment, including any audit or review:
- (f) any relevant oral or written submissions received as a result of a public notice issued under clause 13:
- (g) any relevant information that may be withheld from any person in accordance with the Official Information Act 1982 or the Privacy Act 2020.

Schedule 3 clause 14(g): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

#### **15 Mandatory conditions**

- (1) Every concession document must include (and is to be treated as including) a condition that the person in whose favour the concession is granted (the **concessionaire**) must act in accordance with the management plan, whether the

plan or any amendment to it was approved before, on, or after the date on which the concession became effective.

- (2) A provision of a concession document that contravenes, or allows expressly or impliedly a contravention of, the management plan is of no effect.
- (3) A breach or contravention of the management plan is to be treated as a breach or contravention of the concession and the concession document.

## **16 Board may impose conditions**

In granting a concession, the Board may impose any conditions the Board considers appropriate for the activity, structure, or facility, including conditions relating to or providing for—

- (a) the activity itself, the carrying out of the activity, and the places where it may be carried out:
- (b) the name and full address of every person or body to whom the concession is granted and who may carry out the activity:
- (c) the payment of rent, fees, and royalties as provided in clause 17:
- (d) the payment of compensation for any adverse effects of the activity on the interests of Te Urewera or the public in the land concerned, unless such compensation has been provided for in the setting of rent:
- (e) the provision by the concessionaire of a bond—
  - (i) to cover any costs incurred by the Board in carrying out work that the concessionaire has failed to carry out and that was required by the concession document to be carried out; or
  - (ii) to mitigate any adverse effects arising from but not authorised by the concession or not reasonably foreseen at the time the concession was granted:
- (f) the waiver or reduction of any rent, compensation, or bond where—
  - (i) the concessionaire makes any contribution to the management of the lands or the public interest in those lands; or
  - (ii) there is any other non-commercial public benefit from the activity; or
  - (iii) any circumstances of the concession justify such waiver or reduction; or
  - (iv) the costs of setting and collecting the rent exceed any rent which may be collected:
- (g) the restoration of the site and the removal of any structure or facility at the expense of the concessionaire or the vesting in the Board of any structure or facility at the end of the term of the concession:
- (h) periodic reviews of the terms and conditions (including rents) of the concession:

- (i) a covenant that on any transfer, sublease, sublicense, or assignment of a concession, the concessionaire remains liable throughout the term (including renewals) of the lease or licence or easement and must procure from the transferee, sublessee, sublicensee, or assignee a covenant to be bound by the conditions of the lease, licence, or easement:
- (j) the payment of any fees (including legal fees) in respect of the preparation of the concession document and its registration (where necessary), being fees payable in addition to any fees or other money payable under clause 17.

### **17 Condition as to payment of rents, fees, and royalties**

- (1) Every concession granted under section 62(1) is subject to a condition that the concessionaire must pay to the Board—
  - (a) the rents, fees, and royalties specified in the concession document; and
  - (b) any other levy or charge made on an occupier of land under a lease, licence, or easement.
- (2) The rent, fee, or royalty specified in a concession document may be fixed at the market value, having regard to—
  - (a) any circumstances relating to the nature of the activity; and
  - (b) the effects of the activity on the purposes of the area affected; and
  - (c) any contractual conditions, covenants, or other encumbrances placed upon intrinsic resources, natural resources, or historic resources by the concession.
- (3) The rent, fee, or royalty for a concession must be reviewed at intervals not exceeding 3 years.
- (4) Revenue received from concessions is subject to section 39.

### **18 Conditions may be varied**

- (1) The Board and the concessionaire may at any time, by agreement in writing and without any public notification, vary any conditions in the concession document if—
  - (a) the variation is of a minor and technical nature and does not materially increase the adverse effects of the activity or the term of the activity or materially change the location of the activity; or
  - (b) the variation will result in a reduction of the adverse effects or the duration of the activity.
- (2) The concessionaire may at any time apply to the Board to vary or extend a concession.
- (3) An application under subclause (2) must be treated as if it were an application for a concession, and the provisions of clauses 11, 13 to 17, 19, and 20 apply.

- (4) The Board, on request or on its own motion, may vary the conditions of a concession if—
- (a) the variation is the result of a review provided for in the concession document; or
  - (b) the variation is necessary to deal with significant adverse effects of the activity that were not reasonably foreseeable at the time the concession was granted; or
  - (c) the variation is necessary because the information made available to the Board by the concessionaire for the purposes of the concessionaire's application contained inaccuracies that materially influenced the decision to grant a concession and the effects of the activity permitted by the concession require more appropriate conditions.
- (5) A concessionaire is bound by any variation made under subclause (4).
- (6) The Board and the concessionaire must execute a variation instrument.
- (7) If a variation relates to a registered lease or easement, the Board, or a person authorised by the Board, must promptly lodge the variation instrument for registration.
- (8) In this clause, **variation** includes an extension and a renewal.

### **19 Term of concession**

- (1) A lease or a licence may be granted for a term (which must include all possible renewals of the lease or licence) not exceeding 30 years or, if the Board is satisfied that there are exceptional circumstances, for a term not exceeding 60 years.
- (2) A permit may be granted for a term not exceeding 10 years but is not renewable.
- (3) An easement may be granted for a term not exceeding 30 years, but,—
- (a) in exceptional circumstances, the Board may grant a term not exceeding 60 years; or
  - (b) if the easement provides a right of way access to a property to which there is no other practical access, the term may be for a longer period, as the Board considers appropriate; or
  - (c) if the easement is for a public work (as defined in the Public Works Act 1981), the term may be for the reasonably foreseeable duration of that public work.

### **20 Continuation of term after new concession applied for**

- (1) This clause and clauses 21 and 22 apply if—
- (a) a concession is due to expire; and

- (b) the concessionaire applies for a new concession for the same activity; and
  - (c) the application complies with the requirements of clauses 11 to 13; and
  - (d) the application meets the timing requirement in subclause (2) or (3); and
  - (e) the concessionaire has complied with the terms and conditions of the existing concession.
- (2) The application meets the timing requirement if it is made at least 6 months before the existing concession expires.
- (3) The application also meets the timing requirement if—
- (a) it is made in the period starting 6 months before, and ending 3 months before, the existing concession expires; and
  - (b) the Board, in its discretion, allows the application to be made within that period.

## **21 Continuation of existing concession**

- (1) Subclause (2) applies if—
- (a) the Board grants the new concession; and
  - (b) the concessionaire does not apply for reconsideration under clause 26(b) before 1 of the following occurs:
    - (i) the new concession document is signed by the parties;
    - (ii) the specified deadline is reached.
- (2) The concessionaire may continue to operate under the existing concession until 1 of the events described in subclause (1)(b)(i) and (ii) occurs.
- (3) Subclause (4) applies if—
- (a) the Board grants the new concession; and
  - (b) the concessionaire applies for reconsideration under clause 26(b) before 1 of the following occurs:
    - (i) the new concession document is signed by the parties;
    - (ii) the specified deadline is reached.
- (4) The concessionaire may continue to operate under the existing concession until 1 of the following occurs:
- (a) the new concession document is signed by the parties;
  - (b) the Board completes or declines to carry out the reconsideration.
- (5) In this clause and clauses 22, 24, and 25, **specified deadline** means the earlier of the following times:
- (a) the end of the day that is 1 month after the day of the Board's decision to grant or to decline to grant the new concession;

- (b) the end of any time limit for the concessionaire to apply for reconsideration under clause 26 that is prescribed by bylaws made under section 70, including any extension of the time limit.

## **22 If Board declines to grant new concession**

- (1) Subclause (2) applies if—
  - (a) the Board declines to grant the new concession; and
  - (b) the concessionaire does not apply for reconsideration under clause 26 before the specified deadline.
- (2) The concessionaire may continue to operate under the existing concession until the specified deadline.
- (3) Subclause (4) applies if—
  - (a) the Board declines to grant the new concession; and
  - (b) the concessionaire applies for reconsideration under clause 26 before the specified deadline.
- (4) The concessionaire may continue to operate under the existing concession until the Board completes or declines to carry out the reconsideration.
- (5) This clause does not apply to an existing concession if clause 20 (which enables a person to apply to continue an existing concession) already applies to the concession.

## **23 Further circumstance when term may continue**

- (1) This clause applies if—
  - (a) a concession is due to expire; and
  - (b) the Board has exercised a power under clause 30 to initiate a process that relates to an application for a concession; and
  - (c) an application by the concessionaire for a new concession for the same activity would be inconsistent with the process if the application were made when written notice is given under paragraph (d); and
  - (d) the concessionaire gives written notice to the Board that the concessionaire wants to continue to operate under the existing concession under this clause; and
  - (e) the written notice meets the timing requirement in subclause (2) or (3); and
  - (f) the concessionaire has complied with the terms and conditions of the existing concession.
- (2) The written notice meets the timing requirement if it is given at least 6 months before the existing concession expires.
- (3) The written notice also meets the timing requirement if—

- (a) it is given in the period starting 6 months before, and ending 3 months before, the existing concession expires; and
  - (b) the Board, in its discretion, allows the written notice to be given within that period.
- (4) The concessionaire may continue to operate under the existing concession until—
- (a) the Board has decided to grant or to decline to grant a concession for each application made in accordance with the process initiated under clause 30; and
  - (b) each applicant's right to apply for reconsideration under clause 26 has been resolved as described in clause 25 or 26.
- (5) This clause and clauses 24 and 25 do not apply to an existing concession if this clause already applies to the concession.

#### **24 If Board grants concession**

- (1) Subclause (2) applies if—
- (a) the Board grants a concession in the circumstances provided for in clause 23; and
  - (b) the applicant does not apply for reconsideration under clause 26(b) before 1 of the following occurs:
    - (i) the concession document is signed by the parties:
    - (ii) the specified deadline is reached.
- (2) The applicant's right to apply for reconsideration terminates when either of the conditions described in subclause (1)(b) occurs.
- (3) Subclause (4) applies if—
- (a) the Board grants a new concession; and
  - (b) the applicant applies for reconsideration under clause 26(b) before 1 of the following occurs:
    - (i) the concession document is signed by the parties:
    - (ii) the Board completes the reconsideration or declines to reconsider its decision.
- (4) The applicant's right to apply for reconsideration terminates when 1 of the following occurs:
- (a) the concession document is signed by the parties:
  - (b) the Board completes the reconsideration or declines to reconsider its decision.
- (5) In this clause and clause 25, **specified deadline** means the earlier of the following times:

- (a) the end of the day that is 1 month after the day of the Board's decision to grant or to decline to grant the relevant applicant's concession:
- (b) the end of any time limit for the relevant applicant to apply for reconsideration under clause 26 that is prescribed in bylaws made under section 70, including any extension of the time limit.

## **25 Board declines to grant concession**

- (1) Subclause (2) applies if—
  - (a) the Board declines to grant the concession in the circumstances provided for in clause 22; and
  - (b) the applicant does not apply for reconsideration under clause 26(a) before the specified deadline.
- (2) The applicant's right to apply for reconsideration is resolved when the specified deadline is reached.
- (3) Subclause (4) applies if—
  - (a) the Board declines to grant the concession in the circumstances provided for in clause 23; and
  - (b) the applicant applies for reconsideration under clause 26(a) before the specified deadline.
- (4) The applicant's right to apply for reconsideration is resolved when the Board completes the reconsideration or declines to reconsider the decision.

## **26 Board may reconsider decision**

If an applicant for a concession applies to the Board for a reconsideration, the Board may,—

- (a) in a case where it has declined to grant a concession to the applicant, reconsider that decision:
- (b) in a case where it has granted a concession to the applicant, but before a concession document has been executed, reconsider any decision relating to the proposed concession.

## **27 Failure to execute concession document or exercise concession**

- (1) If a person to whom a concession is granted fails to sign the concession document within 1 month after being required by written notice to do so, the Board may cancel the grant of the concession to that person.
- (2) A concession lapses on the expiry of 2 years after the date of commencement of the concession, or after the expiry of such longer period as the Board allows, unless the concession is exercised before the end of that period.
- (3) Any money paid under the concession (including any fees paid under clause 34) is forfeit to the Board, unless the Board otherwise directs and is subject to section 39.



- (4) An activity carried on by the concessionaire under a concession that has been cancelled under subclause (1) or has lapsed under subclause (2) is to be treated as an activity carried on without the authority of the Board for the purposes of clause 34.

## 28 Charges

A concessionaire may, to the extent that the concession document provides, impose a reasonable charge for an activity carried on by the concessionaire in accordance with a concession granted by the Board.

## 29 Restrictions on aircraft landing in Te Urewera

- (1) Aircraft are not permitted to land on, or take off from, any site within Te Urewera unless that site is a certified aerodrome.
- (2) However, subclause (1) does not apply—
- (a) if there is an emergency arising from—
    - (i) mechanical or structural or operational defects in the aircraft or its equipment; or
    - (ii) weather conditions or other causes not under the control of the pilot in command; or
  - (b) the action is necessary to establish, construct, operate, maintain, repair, or replace a maritime navigational aid; or
  - (c) a concession has been obtained for the purpose from the Board.
- (3) A concession document granted for such a purpose by the Board must—
- (a) be in the possession of the operator; and
  - (b) have been sighted by the pilot in command of the aircraft prior to landing or taking off.
- (4) This clause does not—
- (a) apply to any aircraft operated by the New Zealand Defence Force or the Civil Aviation Authority of New Zealand; or
  - (b) imply any responsibility by the Board or liability for the safety of any aircraft or person aboard an aircraft while the aircraft is in the air or landing.
- (5) For the purposes of this section, **landing** includes the hovering of any aircraft and the setting down or taking on of goods or persons from an aircraft.
- (6) In this clause, **certified aerodrome** means an aerodrome licensed under the Civil Aviation Regulations 1953 or certificated under rules made under the Civil Aviation Act 1990.

## 30 Tendering and management

The Board may—

- (a) tender the right to make an application, invite applications, or carry out other actions that may encourage specific applications:
- (b) include in a concession provisions for the concessionaire to carry on activities relating to the management of any part of Te Urewera on behalf of the Board or at any time enter into any agreement providing for the concessionaire to carry out such activities.

### **31 Accounts relating to concessions**

- (1) The Board may, to assist in verifying any rent, fees, or royalties, or amount of any compensation or bond, require any body or person who has been granted a concession under this Act to provide a complete statement of audited financial accounts and any other relevant information for that part of the activity that is carried out under the concession on or in Te Urewera.
- (2) The accounts must be forwarded to the Board not later than 3 months after the end of the financial year in respect of which they are required.
- (3) The contravention of or failure to comply with subclause (2) is a breach of the concession.

### **32 Concession records**

The Board must make the following publicly available in whatever manner it considers appropriate:

- (a) records of each application for a concession received by the Board; and
- (b) details of any public notification of the application; and
- (c) the decision made on the application.

### **33 Contributions for services provided for benefit of concessionaires**

- (1) If a community service, benefit, or facility is provided by the Board, Minister, or Director-General for the benefit of concessionaires occupying any part of Te Urewera or undertaking an activity within it under a concession document, the Board—
  - (a) may assess the amount of the contribution to be paid by the concessionaires to the person providing and maintaining the service, benefit, or facility; and
  - (b) must make that assessment in accordance with this clause and the relevant concession document.
- (2) Subclause (1) applies whether the service, benefit, or facility is provided within or outside Te Urewera.
- (3) The contribution assessed under subclause (1) in relation to the capital cost of providing the service, benefit, or facility must be apportioned by the Board among the concessionaires as the Board thinks fit.

- (4) The Board may, in its discretion, determine whether payments must be made in 1 amount or over a period of years.
- (5) The Board may also apportion among the concessionaires an annual contribution to be paid to the Board to meet the cost of maintaining the service, benefit, or facility.
- (6) The amount assessed and apportioned for payment by each concessionaire is due and payable to, and recoverable by, the Board 3 months after the Board has served notice of the amount payable on the concessionaires.
- (7) If the amount due and payable is not paid by the due date, interest is payable by the concessionaire on and from the due date until payment is made in full, at a rate fixed by the Board from time to time.
- (8) The failure by a concessionaire to pay the full amount by the due date is deemed to be a breach of the terms of the concession.
- (9) The Board may exempt a concessionaire from payment of the whole or a part of the amount assessed and apportioned by the Board under this clause, or may grant such relief to a concessionaire that the Board considers appropriate in the circumstances.

*Power to charge for authorisations and certain uses*

**34 Charging for processing applications and use of facilities**

- (1) This clause applies to—
  - (a) fees applying to applications for authorisations to undertake activities within Te Urewera; and
  - (b) fees for the use of structures or facilities (other than a path or track) provided by the Board or the Minister; and
  - (c) royalties, rents, fees, and other charges payable to the Board or the Minister.
- (2) The Board and the Minister must make any schedule of fees applying to the matters referred to in subclause (1) publicly available in whatever manner they consider appropriate.
- (3) The Board or the Minister, as relevant, may, as a condition of receiving and determining an application for an authorisation, set and charge a fee to recover the direct and indirect costs of processing and determining the application.
- (4) The Board or the Minister, as relevant, may charge a fee for the use of facilities (other than a path or track) provided by the Board or the Minister to recover the cost of providing and maintaining the facility.
- (5) The Board or the Minister must, if requested, give an estimate of the application fee likely to apply to a particular application, and may charge a fee to recover the cost of preparing that estimate, but an estimate is not binding on the Board or the Minister.

- (6) Any fee set under this clause must be reasonable, having regard to the nature of the authorisation to which it relates or, in the case of a request for an estimate, the nature of the authorisation for which the estimate is required.
- (7) The Board or the Minister is not obliged to accept an application for an authorisation under section 57 or to prepare an estimate under subclause (5) unless the relevant fee is paid in full to the Board or the Minister at the same time as the application is lodged or the request for an estimate is made.
- (8) An applicant is also liable for other fees (including legal fees) for the preparation and registration of documentation, where that is necessary.
- (9) Fees applying under subclause (8) must be paid to the Board or the Minister, as appropriate, within 28 days of receiving a written demand from the Board or the Minister.
- (10) The Board or the Minister may, in their discretion, refund or waive payment of all or part of any fee paid or payable under this clause.

*Public notice requirements*

**35 Requirements for certain public notices**

- (1) If a public notice is required to be given in accordance with this clause, the notice must state—
  - (a) that any person or organisation may make a submission in writing on the proposal; and
  - (b) the place where submissions must be sent; and
  - (c) the closing date for submissions to be received, which must be not less than 40 working days after the date when the notice is published; and
  - (d) that any person or organisation wishing to be heard is to be given a reasonable opportunity to appear in support of the submission and reasonable notice of the date and time of the hearing; and
  - (e) the procedure that will be followed at any hearing.
- (2) If public notice is given by the Board, the chief executive or Director-General, as appropriate, must—
  - (a) prepare a summary of all submissions received within the specified time; and
  - (b) make a recommendation as to whether, and the extent to which, submissions should be accepted.
- (3) In making a decision on a matter notified in accordance with this clause, the Board must consider and take into account the summary and recommendation provided under subclause (2).
- (4) If public notice is required in any other circumstances, the notice may be published in whatever manner is thought appropriate.

## Schedule 4

### Further provisions relating to compliance and enforcement

ss 75, 76, 84, 85, 124

#### Contents

	Page
<b>Part 1</b>	
<b>Warranted officers</b>	
1	Register 102
2	Honorary warranted officers 102
3	Suspension and withdrawal of warrant 102
<i>Savings provisions relating to warrants</i>	
4	Existing warrants 103
5	Temporary warrants 103
<i>Powers</i>	
6	Powers of warranted officers 103
7	Exercise of powers 103
8	Power to require information 104
9	Power to stop animals, vehicles, aircraft, vessels, etc 104
10	Power to search vehicles, animals, boats, or aircraft 104
11	Seizure and forfeiture of property 104
12	Stopping and searching boats outside Te Urewera 105
<i>Powers relating to animals, boats, and vehicles</i>	
13	Trespassing animals 106
14	Removal and disposal of abandoned boats and vehicles, and vehicles parked in prohibited places 107
<b>Part 2</b>	
<b>Control of dogs</b>	
15	Requirements in relation to dog control permits 109
16	Power to amend or revoke dog control permit 109
17	Persons authorised to take dogs into Te Urewera without dog control permit 109
18	Seizure and destruction of dogs 110
19	Disposal of seized dogs 111
20	Recovery of costs relating to dogs 112
21	Power of warranted officer to request information 112
22	Evidence in proceedings 112
23	Strict liability 113

## Part 1

### Warranted officers

#### 1 Register

The chief executive and the Director-General must maintain and make publicly available, in the manner they consider appropriate, including on the Internet, a register of officers holding warrants issued under section 72, recording—

- (a) the name of a warranted officer; and
- (b) the date when the warrant is issued and when it expires; and
- (c) the powers conferred on the warranted officer.

#### 2 Honorary warranted officers

An honorary warranted officer must not be warranted to exercise powers other than the power—

- (a) to act to prevent or stop offending under clause 6:
- (b) to require personal details or the production of lawful authority under clause 8:
- (c) to stop animals, vehicles, aircraft, and other things under clause 9:
- (d) to seize trespassing animals under clause 13:
- (e) to request, from a person found in possession of a plant, stone, mineral, egg, nest, animal, taonga tūturu, or part of such or similar things in the vicinity of Te Urewera, how the thing came to be in that person's possession:
- (f) to remove and relocate abandoned boats and vehicles under clause 14:
- (g) to request information in respect of a dog under clause 21.

#### 3 Suspension and withdrawal of warrant

- (1) The chief executive or the Director-General may suspend a warrant issued under section 72 and require the warranted officer to surrender the warrant, with immediate effect, if there are reasonable grounds to believe that the person is unable to perform the functions of a warranted officer by reason of legal incapacity, neglect of duty, or misconduct.
- (2) If a warrant is suspended, the chief executive and the Director-General must jointly—
  - (a) determine as soon as practicable (and in any case not later than 20 working days after the suspension) whether the warrant is to be withdrawn; and
  - (b) withdraw the warrant in a case where legal incapacity, neglect of duty, or misconduct is established to the satisfaction of either or both the chief executive and the Director-General.

- (3) A warrant may be restored by agreement of the chief executive and the Director-General.

*Savings provisions relating to warrants*

**4 Existing warrants**

- (1) This clause applies to warrants—
- (a) issued to rangers under the Conservation Act 1987; and
  - (b) in force immediately before the commencement of this Act.
- (2) A warrant to which this clause applies is valid, for the purposes of compliance and enforcement duties under this Act for 1 of the following periods, whichever is the shorter:
- (a) 3 years from the date of commencement of this Act;
  - (b) the remainder of the current term of the warrant, if the warrant is for a specified period.

**5 Temporary warrants**

A warrant issued to a ranger under the Conservation Act 1987 for a purpose other than for compliance and enforcement duties under this Act is valid for the purposes of compliance and enforcement duties under this Act if the ranger is temporarily or occasionally assigned by the Director-General, with the agreement of the chief executive, to compliance and enforcement duties under this Act.

*Powers*

**6 Powers of warranted officers**

- (1) A warranted officer may—
- (a) prevent a person from committing an offence against this Act that the warranted officer believes on reasonable grounds is being, or is about to be, committed; and
  - (b) require a person to stop doing something that the warranted officer believes on reasonable grounds is an offence, or if continued would result in an offence being committed.
- (2) Actions taken under subclause (1) must be taken in a way that is reasonable in the circumstances.

**7 Exercise of powers**

Before a warranted officer exercises a power under this Act, unless it is impracticable to do so, the warranted officer must—

- (a) identify himself or herself; and

- (b) provide evidence of being authorised to exercise the powers of a warranted officer under this Act.

## **8 Power to require information**

- (1) If a warranted officer believes on reasonable grounds that a person has committed, or is committing, an offence against this Act, the warranted officer may require the person to give his or her full name, residential address, and date of birth and to produce evidence of that information.
- (2) A warranted officer may require a person doing something for which lawful authority is required under this Act, to produce evidence of the authority within a reasonable time.

## **9 Power to stop animals, vehicles, aircraft, vessels, etc**

- (1) A warranted officer may stop and detain, for a period that is reasonable in the circumstances, any animal, vehicle, aircraft, vessel, or other thing.
- (2) A warranted officer may require a person to stop, and remain stopped, for a period that is reasonable in the circumstances.

## **10 Power to search vehicles, animals, boats, or aircraft**

- (1) A warranted officer may, in the exercise of the warranted officer's functions, powers, and duties under this Act, at any time that is reasonable in the circumstances,—
  - (a) search, and for that purpose, stop and detain, any vehicle, riding or pack animal, boat, or aircraft while on the ground or on the water, any tent, caravan, hut, or bach if the warranted officer has reasonable cause to believe—
    - (i) that an offence against this Act or a bylaw made under section 70 has been committed by the owner or person in possession or occupation of the vehicle, animal, boat, or aircraft, or by any other person; and
    - (ii) that evidence relating to the offence will be found in the course of that search; and
  - (b) in the presence of the owner or other person in possession, open and search any parcel, package, case, bag, luggage, or other container in or on the vehicle, animal, boat, aircraft, tent, caravan, hut, or bach.
- (2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3 and sections 118 and 119) apply.

## **11 Seizure and forfeiture of property**

- (1) A warranted officer may seize an item found in the possession of any person if the warranted officer has reasonable cause to believe that the person, in obtaining possession of the item, committed an offence against this Act.



- (2) Despite subpart 6 of Part 4 of the Search and Surveillance Act 2012, subclauses (3) and (4) apply if proceedings are not taken in respect of an offence under subclause (1) within 6 months after that seizure, or if proceedings are taken within that period but the charge is dismissed.
- (3) The charge must be dealt with under the Wildlife Act 1953 if the item seized is, or is any part of, protected wildlife, the nest or egg of protected wildlife, or the body of protected wildlife.
- (4) If the item seized is a taonga tūturu, it must be delivered to the person who is entitled to its custody under section 11(4)(a)(i) of the Protected Objects Act 1975.
- (5) If proceedings against the person from whom an item was seized are taken within 6 months of the seizure and the defendant is convicted of the offence relating to the seized item,—
  - (a) the item is forfeited to the Crown and must be dealt with under the Wildlife Act 1953 if the item, or any part of it, is protected wildlife, the nest or egg of protected wildlife, the body of protected wildlife:
  - (b) if the item seized is a taonga tūturu, it must be delivered to the person who is entitled to its custody under section 11(4)(a)(i) of the Protected Objects Act 1975:
  - (c) in the case of any other item, it is forfeited to the Board.
- (6) If proceedings are not taken against the person from whom an item was seized within 6 months of the seizure, the item seized must be returned to that person at the end of that period.
- (7) Buildings, signs, hoardings, fences, or any apparatus erected in Te Urewera without the written consent of the Board are forfeited to the Board.
- (8) A chainsaw, firearm, trap, net, or similar item found in the unlawful possession of any person in Te Urewera, and any item found in the possession of any person and used in committing an offence against this Act, may be seized by a warranted officer.
- (9) Subject to subclause (2), the provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.
- (10) Items forfeited to the Board under this clause must be returned to Te Urewera, sold, or otherwise disposed of as the Board directs.
- (11) The proceeds of the sale or disposal of an item under subclause (8) are subject to section 39.

## **12 Stopping and searching boats outside Te Urewera**

- (1) An authorised officer who has reasonable cause to suspect that an offence has been committed against this Act or a bylaw made under section 70 on, from, or in respect of a boat or by a person on a boat may, while the boat is within the

- territorial sea of New Zealand, and if the authorised officer has reasonable cause to believe that evidence relating to the offence is on that boat,—
- (a) at any time that is reasonable in the circumstances, stop, board, and search the boat; and
  - (b) inspect, seize, and detain specimens of any plant, animal, rock, mineral, soil, or protected New Zealand object on board the boat that the authorised officer has good cause to believe has been taken from Te Urewera; and
  - (c) arrest without warrant any person that the authorised officer has reasonable cause to suspect has committed an offence.
- (2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.
- (3) Clause 11 applies to anything seized under subclause (1)(b) as if it had been seized under that clause.
- (4) In this clause, **authorised officer** means—
- (a) the officer in command of a vessel of the New Zealand Naval Forces, and includes any person under the command of the officer and authorised by the officer to act in any particular case:
  - (b) a warranted officer employed—
    - (i) by the Director-General under section 71(5)(a); or
    - (ii) by the chief executive under that section, but only if the person is specifically authorised in writing by the Minister of Conservation to act under this clause:
  - (c) a warranted officer appointed in accordance with section 59 of the Conservation Act 1987:
  - (d) a constable:
  - (e) the master of a New Zealand Government ship within the meaning of section 2(1) of the Ship Registration Act 1992.

*Powers relating to animals, boats, and vehicles*

**13 Trespassing animals**

- (1) Animals found trespassing on Te Urewera may be seized by a warranted officer or a person called upon by a warranted officer for assistance.
- (2) If an animal seized under subclause (1) is unbranded or unregistered and has no reputed owner, it is forfeited to the Board and the Board may authorise the chief executive or the Director-General to destroy, sell, or otherwise dispose of the animal as the relevant person thinks fit.
- (3) If the animal seized is branded or registered or has a reputed owner, the chief executive or the Director-General may—

- (a) give written notice that it has been seized to the reputed owner, agent, or person who ought to have charge of the animal; or
  - (b) publish, once a week for 2 consecutive weeks in a newspaper circulating in the locality, a notice requiring the owner or reputed owner to remove the animal from Te Urewera or other place to which it may have been transferred, with a warning that unless the animal is removed within 14 days after the date of the first notice, it may be destroyed, sold, or otherwise disposed of.
- (4) If an animal to which subclause (3) applies is not removed within the stipulated period, the Board may authorise the chief executive or Director-General to destroy, sell, or otherwise dispose of it.
- (5) In addition to the penalty for which the person is liable, a person convicted of an offence against section 76(1)(a) is liable to pay—
- (a) any costs incurred by the chief executive or the Director-General in giving notice under subclause (3); and
  - (b) the expenses of mustering, keeping, destroying, selling, or otherwise disposing of the animal in accordance with this clause; and
  - (c) the cost of repairing or restoring any damage done to Te Urewera by the animal.
- (6) The costs and expenses referred to in subclause (5) are to be assessed by a District Court Judge and are recoverable as if incurred as a fine.
- (7) All money received by the Board under this clause is subject to section 39.
- (8) Nothing in this clause applies to wild animals (as defined in section 2(1) of the Wild Animal Control Act 1977).

#### **14 Removal and disposal of abandoned boats and vehicles, and vehicles parked in prohibited places**

- (1) A warranted officer (or any other officer or employee of the chief executive or the Director-General) who has reasonable cause to believe that a boat or vehicle has been abandoned in Te Urewera may remove it, or cause it to be removed and stored in a place authorised by the chief executive or the Director-General for that purpose.
- (2) If the chief executive or the Director-General has set aside any part of Te Urewera for the parking of vehicles, a warranted officer, or an officer or employee of the chief executive or the Director-General, may remove to that place vehicles parked in a part of Te Urewera where the parking of vehicles is prohibited.
- (3) If a vehicle is removed, the owner or other person in charge of it is liable to the chief executive or the Director-General for the cost of removing it and for the charges that would be payable under a bylaw for the use of that parking space if the vehicle had been parked there by the owner or other person in charge.

- (4) Subclause (5) or (6) applies if the owner or another person fails—
- (a) to remove a vehicle from Te Urewera or other place where it is stored within 2 months after the date of its removal under subclause (1) or (2); or
  - (b) to pay to the chief executive or the Director-General—
    - (i) the cost of removing and storing it; and
    - (ii) the parking charges payable under subclause (3).
- (5) The chief executive or the Director-General must give not less than 14 days' notice in 2 issues of a newspaper circulating in the district in which Te Urewera is situated of the intention to sell or destroy a vehicle that—
- (a) is not a motor vehicle; or
  - (b) is a motor vehicle but to which no current licence to use the vehicle is affixed.
- (6) If the vehicle is a motor vehicle and a current licence to use the vehicle is affixed to it, the chief executive or the Director-General must give not less than 14 days' notice to the person last registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle of the intention to sell or destroy the vehicle.
- (7) A notice given under subclause (6) may be given by personal delivery to the person in question, or by posting it by registered letter addressed to the person's last known place of residence or business in New Zealand.
- (8) The chief executive or the Director-General may, at any time after the expiry of the notice, sell the vehicle to any person who becomes the lawful owner of the vehicle, or the Minister may cause the vehicle to be destroyed.
- (9) Subclause (8) applies unless, before the expiry of the notice given under subclause (5) or (6) (whichever is appropriate), the owner of the vehicle—
- (a) pays to the chief executive or the Director-General the cost of removing and storing the vehicle under subclause (1) or, as the case requires, the cost of removing it under subclause (2) and the parking charges payable under that subclause, and, in either case, the cost of any advertisements published under this clause; and
  - (b) removes the vehicle from the park or other place to which it was removed.
- (10) The proceeds of the sale of any vehicle sold under this clause are the property of the Board and are subject to section 39.
- (11) For the purposes of this clause, and without limiting the meaning of the term **abandoned**, a boat or vehicle is deemed to have been abandoned if it is left unused for a period of more than 1 month without the approval of the Board.
- (12) In this clause, terms defined in the Land Transport Act 1998 have, in relation to any motor vehicle, the meanings given in that Act.

## Part 2 Control of dogs

### 15 Requirements in relation to dog control permits

- (1) The Board, in exercising its powers under section 85(1) or (3)(b), must have regard to—
  - (a) any actual or potential risk to protected wildlife vulnerable to dogs that is on or in the vicinity of Te Urewera or any part of Te Urewera:
  - (b) the purpose of this Act:
  - (c) the Te Urewera management plan:
  - (d) the need to preserve the safety of members of the public who are likely to be in, or in the vicinity of, Te Urewera:
  - (e) any conflict that may or will occur in Te Urewera or in relation to its use between—
    - (i) dogs or people with dogs; and
    - (ii) other users of Te Urewera.
- (2) The Board must not issue a dog control permit under section 85(1) unless it is satisfied—
  - (a) that a dog is essential for the proposed activity; and
  - (b) that the proposed activity—
    - (i) is lawful; and
    - (ii) is not contrary to this Act or the purposes for which the land is held; and
    - (iii) is consistent with the management plan.

### 16 Power to amend or revoke dog control permit

The Board may amend or revoke a dog control permit issued under section 85(1).

### 17 Persons authorised to take dogs into Te Urewera without dog control permit

- (1) The following persons may take a dog into Te Urewera in the course of their official duties or while training for those duties, even if they do not hold a dog control permit:
  - (a) a Police employee within the meaning of section 4 of the Policing Act 2008:
  - (b) a warranted officer:
  - (c) an officer or employee of the chief executive or the Director-General:

- (d) a Customs officer within the meaning of section 5(1) of the Customs and Excise Act 2018:
- (e) a search and rescue person.
- (2) A blind or partly blind person who uses a guide dog may, without holding a dog control permit, take the guide dog into Te Urewera.
- (3) A person who uses a companion dog may, without holding a dog control permit, take the companion dog into Te Urewera.
- (4) In subclause (3), **companion dog** has the meaning given in section 2 of the National Parks Act 1980.

Schedule 4 clause 17(1)(d): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

### 18 Seizure and destruction of dogs

- (1) A warranted officer who finds a dog in Te Urewera may seize the dog, unless the dog is in Te Urewera in accordance with—
  - (a) a bylaw made under section 70; or
  - (b) a dog control permit issued under section 85; or
  - (c) clause 17.
- (2) If a dog is in Te Urewera by virtue of a permit issued under section 85(1), a warranted officer may seize the dog if—
  - (a) the dog is not in the immediate vicinity of the holder of the permit and the warranted officer has good cause to suspect that there is a significant risk—
    - (i) of injury to any person or any protected wildlife; or
    - (ii) of disturbance to any protected wildlife; or
  - (b) any condition of the permit or any provision of any bylaw made under section 70 is not being observed in relation to the dog; or
  - (c) the holder of the permit is in the immediate vicinity of the dog but the warranted officer has good cause to suspect that the holder of the permit is unwilling or unable to control the dog; or
  - (d) the dog has caused injury to any person or to protected wildlife or has killed protected wildlife.
- (3) A warranted officer or other person may seize a dog at large in Te Urewera if the warranted officer or any other person has good cause to suspect that—
  - (a) any condition of a dog control permit or a provision of a bylaw made under section 70 is not being observed in relation to that dog; or
  - (b) the dog is likely to cause annoyance or distress to a person or an animal;  
or
  - (c) the dog is likely to damage property in Te Urewera; or

- (d) the dog has caused annoyance or distress to a person or an animal; or
  - (e) the dog has damaged property in Te Urewera; or
  - (f) that dog has caused injury to a person or protected wildlife or has killed protected wildlife.
- (4) If a warranted officer has power to seize a dog under this clause, but is of the opinion that it is impracticable to do so, the warranted officer may, without further inquiry, destroy the dog.

### **19 Disposal of seized dogs**

- (1) If a warranted officer or other person seizes a dog under clause 18, the warranted officer or other person may—
- (a) cause the dog to be returned to its owner; or
  - (b) hold the dog in a kennel under the custody of the chief executive or the Director-General; or
  - (c) place the dog in the custody of a territorial authority to be impounded under section 69 of the Dog Control Act 1996.
- (2) If a dog is held by the chief executive or the Director-General under subclause (1)(b),—
- (a) the chief executive or the Director-General may, in his or her discretion, return the dog to its owner subject to payment by the owner of any charges incurred, unless the chief executive or the Director-General, in his or her discretion, decides to waive or reduce the charges:
  - (b) the chief executive or the Director-General, or an employee of the chief executive or the Director-General must, as soon as practicable after the dog has been seized,—
    - (i) give written notice to the nearest territorial authority that the dog has been seized and who is holding it, including a description of the dog and any other means of identifying it:
    - (ii) give written notice to the owner of the dog (if the owner of the dog is known or can reasonably be located) that the dog has been seized and that, unless the dog is claimed and any charges paid within 7 days of receiving the notice, the dog may be sold, destroyed, or otherwise disposed of as the chief executive or the Director-General thinks fit; and after the expiry of that period the chief executive or the Director-General may dispose of the dog:
  - (c) the chief executive or the Director-General may, if the owner of the dog is not known and cannot be identified, sell, destroy, or otherwise dispose of the dog after the expiry of 7 days after the date of the seizure of the dog as he or she thinks fit.

- (3) The sale, destruction, or other disposal of a dog under these provisions does not relieve a former owner of the dog of the liability to pay any fees incurred for the seizure, sustenance, and holding of the dog.
- (4) No offence is committed against section 42 of the Dog Control Act 1996 if the chief executive or the Director-General holds or disposes of a dog under subclause (1)(b) in the case of a dog that ought to be, but is not, registered under that Act.
- (5) Except as provided in subclause (1)(c), nothing in section 69 of the Dog Control Act 1996 affects or limits the provisions of this clause.

## **20 Recovery of costs relating to dogs**

- (1) The reasonable costs of seizing, holding, maintaining, or destroying a dog under this Act is a debt due by the owner of the dog to the chief executive or the Director-General, whoever incurred the costs, and may be recovered from the owner of the dog.
- (2) The chief executive or the Director-General may, in his or her absolute discretion, refund or waive payment of all or part of a sum paid or required to be paid under this clause.

## **21 Power of warranted officer to request information**

- (1) A warranted officer may, for the purposes of dog control in Te Urewera, request any person who is in Te Urewera and who appears to be in charge of a dog to give his or her name, address, and date of birth, and, if that person claims that he or she is not the owner of the dog, to state the name and address of the owner of the dog.
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,500 who, without reasonable excuse, fails or refuses to comply with a lawful request under subclause (1), or wilfully states a false name, address, or date of birth in response to a request.
- (3) A warranted officer who is a constable may arrest a person without a warrant if the warranted officer—
  - (a) has good cause to suspect that an offence against subclause (2) has been committed by a person; and
  - (b) has warned that person of the provisions of this subclause; and
  - (c) has good cause to suspect that a further offence against subclause (2) has been committed by that person subsequent to the warning.

## **22 Evidence in proceedings**

- (1) In proceedings for an offence against this Act, a certificate purporting to be signed by the chair of the Board to the effect that, on the date specified in the certificate, the defendant or other named person was not the holder of a dog



control permit is, in the absence of proof to the contrary, sufficient evidence of the matter stated in the certificate.

- (2) Subclause (1) is subject to subclauses (4) and (5).
- (3) A copy of a licence or document granted or issued under this Act, which is certified correct by the chief executive or the Director-General or an officer authorised by either, is, in the absence of proof of the contrary, sufficient to prove the validity of the licence or other document in proceedings for an offence against section 84.
- (4) For the purpose of this clause, the production of a certificate or copy of a document purporting to be signed by a person authorised under this clause to sign it is, in proceedings for an offence against section 84, prima facie evidence of the certificate or copy without proof of the signature of the person appearing to have signed it.
- (5) The production of a certificate or copy of a document that is signed by the chief executive or the Director-General and which certifies that the land upon which any offence is alleged to have taken place was within Te Urewera is, in proceedings for an offence against section 84, sufficient evidence that the land was within Te Urewera.

### **23 Strict liability**

- (1) In a prosecution for an offence against section 86, it is not necessary for the prosecution to prove that the defendant intended to commit an offence.
- (2) It is a defence in such a prosecution if the defendant proves—
  - (a) that the defendant did not intend to commit the offence; and
  - (b) that, in a case where it is alleged—
    - (i) that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or
    - (ii) that anything prohibited was done, the defendant took all reasonable steps to ensure that it was not done.

## Schedule 5

### Consequential amendments to other Acts

ss 15(4), 40(6), 129, 138

#### Biosecurity Act 1993 (1993 No 95)

In section 7(2)(b), after “Conservation Act 1987,”, insert “the Te Urewera Act 2014.”

#### Dog Control Act 1996 (1996 No 13)

In section 2, definition of **owner**, after “National Parks Act 1980” insert “or the Te Urewera Act 2014”.

In section 10(5)(a)(ii), replace “and” with “or”.

After section 10(5)(a)(ii), insert:

- (iii) Te Urewera, as defined in section 7 of the Te Urewera Act 2014;  
and

In section 20(3)(b), replace “1980.” with “1980; or”.

After section 20(3)(b), insert:

- (c) Te Urewera, as defined by section 7 of the Te Urewera Act 2014.

In section 21(1), after “1980”, insert “or section 85 of the Te Urewera Act 2014”.

#### Fencing Act 1978 (1978 No 50)

After section 3(1)(b), insert:

- (ba) land that is Te Urewera land, as defined by section 7 of the Te Urewera Act 2014:

#### Income Tax Act 2007 (2007 No 97)

After section CW 40, insert:

##### CW 40B Te Urewera Board

###### *Exempt income*

- (1) To the extent to which it is applied for the purposes set out in the Te Urewera Act 2014, income derived by Te Urewera Board is exempt income.

###### *Definition*

- (2) In this section, **Te Urewera Board** has the meaning given in section 7 of that Act.

#### Litter Act 1979 (1979 No 41)

After section 6(1)(h), insert:

- (i) every warranted officer and honorary warranted officer who is warranted for the purposes of the Te Urewera Act 2014, while acting in the exer-

**Litter Act 1979 (1979 No 41)**—*continued*

cise and performance of powers and duties conferred and imposed by the Te Urewera Act 2014.

**Local Government (Rating) Act 2002 (2002 No 6)**

In section 5, insert in its appropriate alphabetical order:

**Te Urewera Board** and **trustees** have the meanings given in section 7 of the Te Urewera Act 2014

In Schedule 1, clause 25(b), after “2011”, insert “; or”.

In Schedule 1, after clause 25(b), insert:

(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.

**Ngāti Manawa Claims Settlement Act 2012 (2012 No 27)**

In section 10, definition of **conservation document**, replace paragraph (c) with:

(c) Te Urewera management plan, as defined in section 7 of the Te Urewera Act 2014

Before section 20, insert:

**20AA Interpretation and transitional provision**

(1) In sections 20 to 33,—

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

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

**Te Urewera Board** has the meaning given in section 7 of the Te Urewera Act 2014

**Te Urewera management plan** has the meaning given in section 7 of the Te Urewera Act 2014.

(2) Until the date when the management plan required by section 44 of the Te Urewera Act 2014 is approved under that Act, Te Urewera National Park management plan approved in 2003 under section 48 of the National Parks Act 1980 applies to Te Urewera (including Tāwhiua Maunga), to the extent that it is not inconsistent with sections 4 and 5 of the Te Urewera Act 2014, as if the plan were approved for Te Urewera (including Tāwhiua Maunga).

In section 21(1)(a), after “Boards”, insert “, Te Urewera Board, and the Minister of Conservation”.

In section 21(1)(b), after “Authority”, insert “and Te Urewera Board”.

In section 22(1), after “directed at”, insert “Te Urewera Board and”.

**Ngāti Manawa Claims Settlement Act 2012 (2012 No 27)**—*continued*

In the heading to section 23, delete “**of Conservation Authority and Conservation Boards**”.

In section 23(1), after “Board”, insert “, Te Urewera Board, or the Minister of Conservation”.

In section 23(2), after “making”, insert “or considering”.

In section 23(2), after “Board”, insert “, Te Urewera Board, or the Minister of Conservation”.

In section 23(2)(b), replace “the conservation document or proposal or recommendation” with “Te Urewera management plan or the conservation document, proposal, or recommendation”.

Replace section 24(2)(b) with:

- (b) not an amendment to a conservation management plan or conservation management strategy for the purposes of section 17I of the Conservation Act 1987, or to Te Urewera management plan for the purposes of section 48 of the Te Urewera Act 2014.

In section 25(2), after “Director-General”, insert “or Te Urewera Board”.

Replace section 26(1) with:

- (1) The following persons must take action in relation to the protection principles:
  - (a) the Director-General; or
  - (b) Te Urewera Board; or
  - (c) if relevant management functions are undertaken by the chief executive of Tūhoe Te Uru Taumatua, the chief executive.
- (1A) The actions that must be taken include those set out in paragraph 5 in the Ahi-kāroa in Part 1 of the schedule of the deed of settlement, with the necessary modifications.

In section 26(2), replace “Director-General retains” with “persons referred to in subsection (1) retain”.

In section 26(3), replace “Director-General” with “persons referred to in subsection (1)”.

In section 26(4), replace “Director-General” with “persons referred to in subsection (1)”.

In section 27(1), after “Director-General”, insert “or Te Urewera Board”.

In section 27(3), replace “section 46(1) to (4) of the National Parks Act 1980” with “section 48 of the Te Urewera Act 2014”.

In section 28(1), replace “The Minister of Conservation” with “Te Urewera Board”.

Replace section 29 with:

**Ngāti Manawa Claims Settlement Act 2012 (2012 No 27)**—*continued*

**29 Purpose of Ahikāroa**

The purpose of the Te Urewera Act 2014 is not affected by the fact that part of Te Urewera is subject to Ahikāroa.

Replace section 30(2)(b) and (c) with:

(b) the area concerned is removed from Te Urewera by legislation.

In section 30(3), replace “(2)(b) or (c)” with “(2)(b)”.

In section 30(4)(a), replace “dispose” with “introduce legislation for the disposal”.

In section 30(4)(b), replace “responsibility for managing” with “Crown responsibility in relation to”.

In section 30(5), replace “(4)(a) or (b)” with “(4)”.

In section 30(5), after “management of”, insert “the relevant part of”.

**Ombudsmen Act 1975 (1975 No 9)**

In Schedule 1, Part 2, insert in its appropriate alphabetical order “Te Urewera Board as defined in section 7 of the Te Urewera Act 2014”.

**Property Law Act 2007 (2007 No 91)**

After section 328(2)(a), insert:

(aa) any part of Te Urewera land, as defined in section 7 of the Te Urewera Act 2014; or

**Public Audit Act 2001 (2001 No 10)**

In Schedule 2, insert in its appropriate alphabetical order “Te Urewera Board as defined in section 7 of the Te Urewera Act 2014”.

**Public Finance Act 1989 (1989 No 44)**

In section 2(1), definition of **Crown or the Sovereign**, paragraph (c)(vi), after “company”, insert “; or”.

In section 2(1), definition of **Crown or the Sovereign**, after paragraph (c)(vi), insert:

(vii) an entity named or described in Schedule 6

After section 3C, insert:

**3D Power to amend Schedule 6 to reflect name changes**

The Governor-General may, by Order in Council, on the recommendation of the Minister following consultation with the person with statutory responsibility for performing or exercising the rights, powers, and duties of the legal entity, amend Schedule 6 to replace the name of an entity in recognition of a change to its name.

## Notes

### **1** *General*

This is a consolidation of Te Urewera Act 2014 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

Privacy Act 2020 (2020 No 31): section 217

Customs and Excise Act 2018 (2018 No 4): section 443(3)