Te Arawa Lakes Settlement Act 2006

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Preamble

(1) Recitals (2) to (12) of this Preamble present, in summary form, the background to the Te Arawa lakes claims that is set out in Part 7 of the deed of settlement:

Background

(2) In 1840, lakes Ngāhewa, Ngāpouri, Ōkareka, Ōkaro, Ōkataina, Rerewhakaaitu, Rotoehu, Rotoiti, Rotomā, Rotomahana, Rotorua, Tarawera, Tikitapu, and Tutaeinanga provided food, shelter, economic resources, and primary transport routes for Te Arawa. To Te Arawa, the lakes were taonga, and their relationship with the lakes and environs was, and continues to be, the foundation of their identity, cultural integrity, wairua, tikanga, and kawa:

(3) Between 1840 and 1880, Te Arawa played a major role in the developing tourism industry in the area, retaining a significant degree of control over access and transport to the attractions of the area. Te Arawa considered that the Crown's initiatives such as the Fenton agreement of 1880 and the Thermal-Springs Districts Act 1881 protected and acknowledged their relationship with the lakes:

(4) Over time, however, a number of Crown actions and omissions in relation to the lakes have caused grievance to Te Arawa:

(5) Trout and other exotic fish were introduced into the lakes from the 1870s, seriously depleting the indigenous fisheries and forcing Te Arawa to rely increasingly on the introduced species. The introduction of a fishing licence regime in 1888

and the ongoing propagation of trout drew protests and petitions from Te Arawa in the late 19th and early 20th centuries:

(6) In 1908, the Government legislated to address issues Te Arawa had raised regarding the depletion of indigenous fish, the introduction of fishing licence fees, and the resulting hardship experienced by some Te Arawa. The Fisheries Amendment Act 1908 provided Te Arawa with 20 fishing licences at a nominal fee. At the second reading of that Bill, Premier Ward stated that there were Māori in the thermal-springs district whose condition required natural food to be provided to them:

(7) In 1909, following what Te Arawa regarded as a series of challenges to their customary rights to the lakes, Te Arawa decided to seek clarification from the courts as to the ownership of the lakes. The Crown disputed Te Arawa's claim to ownership of the lakes:

(8) In 1912, the Supreme Court upheld Te Arawa's rights to have their claims to ownership of the lakes investigated by the Native Land Court. Te Arawa filed an application for a title investigation in 1913. Delays, including those caused by the Crown's refusal to provide the necessary survey plan to the Court, meant that the Native Land Court did not begin hearing Te Arawa's application for title until 1918. The proceeding was adjourned after several weeks of hearing. In 1920, on the eve of the hearings being resumed, the Crown approached Te Arawa to negotiate a settlement of their respective claims to ownership of the lakes:

(9) In 1922, Te Arawa and the Crown reached an out-of-court agreement on the ownership question. Under the agreement, Te Arawa admitted that the fee simple of the lakes was vested in the Crown. In return, the Crown admitted the rights of Te Arawa to the burial reserves in all the lakes and their ancient fishing rights. The agreement also included provision by the Crown to Te Arawa of 40 licences to fish for trout at a nominal fee, together with an annuity of £6,000:

(10) There was no provision in the 1922 agreement for the annuity to be reviewed. The value of the annuity paid to the Arawa Māori Trust Board diminished over time, to the point where it did not make a significant contribution to the affairs of the Board:

(11) Both before and after the 1922 agreement, the Crown and local government, acting under legislation, increasingly assumed responsibility for regulating activities, including discharges, impacting on the lakes:

(12) From the late 19th century, native timber around the edges of Lakes Rotorua and Rotoiti was milled and vegetation cleared for farming. Later, septic tanks were installed. These developments resulted in an increased nutrient load flowing into the lakes. Excess nitrogen and phosphorus led to the growth of blue-green algae in the lakes. Te Arawa state that environmental degradation of the lakes has affected the mana and wairua of the lakes for Te Arawa:

Treaty of Waitangi claim and settlement negotiations

(13) The Arawa Māori Trust Board, on behalf of Te Arawa, registered a claim (Wai 240) in relation to the annuity issue and other lakes-related grievances with the Waitangi Tribunal in April 1987, after the legislation was amended to allow the hearing of claims dating back to 1840:

(14) In 1989, the Arawa Māori Trust Board entered into preliminary discussions about direct negotiations with the Crown to settle Te Arawa's claims. In September 1997 the Crown agreed to negotiate Te Arawa's lakes claims separately from their other historical claims:

(15) In December 1998, the Crown recognised the mandate of the Arawa Māori Trust Board to represent Te Arawa in negotiations for a settlement with the Crown. Terms of negotiation specifying the scope, objectives, and general procedures for negotiations were signed by the negotiators appointed to represent the Board in March 1999:

(16) In May 2001, the Crown made an offer to the Arawa Māori Trust Board in settlement of Te Arawa's historical Treaty grievances in relation to the Te Arawa lakes. The Crown's offer was rejected by the Board:

(17) New terms of negotiation were signed by the Crown and the Arawa Māori Trust Board in July 2001. At that time the parties agreed that the settlement would address both Te Arawa's historical Treaty grievances in relation to the lakes and any remaining annuity issues. In December 2003 the Crown made a second settlement offer to the Board. The Board accepted the offer in principle:

(18) The Crown and the Arawa Māori Trust Board initialled a draft deed of settlement on 15 October 2004. Te Arawa ratified the Crown's settlement offer and entered into a deed of settlement on 18 December 2004. The deed records the matters that give effect to the final settlement of all Te Arawa's historical lakes claims and remaining annuity issues:

Te Arawa Lakes Trust

(19) On 11 July 2005, Te Arawa ratified a proposal to set up a new governance arrangement to succeed to the Arawa Māori Trust Board. Te Arawa chose to establish a private trust administered by trustees as the replacement governance structure. The Te Arawa Lakes Trust was established by trust deed dated 22 August 2005 and signed by the following persons, who, as the members of the Arawa Māori Trust Board holding office at the date of the trust deed, are the initial trustees of the Te Arawa Lakes Trust:

Andrew Wharehuia Rangiheuea	Hare Wiremu
Poiti Arama Karaka Pirika	Penengaru Delaney-Moke
Donald Bennett	William Emery
Cathy Dewes	Ruka Hughes
Samuel Hahunga	Joseph Malcolm
Putu Mihaka	Niwa Nuri
Wiari Rauhina	George Rehu
James Schuster	Kaiawhiti Tahana
Tiakiawa Tahuriorangi	Petera Tapsell:

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Te Arawa Lakes Settlement Act 2006.

2 Commencement

(1) The following provisions do not come into force until 1 November 2006:

(a) the definitions in section 11 of **protected New Zealand objects protocol** and **protected New Zealand objects protocol area**; and

(b) section 57 and the heading above that section.

(2) Section 101 sets out—

(a) the definitions that apply until 31 October 2006, in place of those referred to in subsection (1)(a); and

(b) the form of section 57 and the heading above that section that apply until 31 October 2006, in place of those referred to in subsection (1)(b).

(3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Purpose of Act, acknowledgements and apology, interpretation provisions, settlement of claims, and miscellaneous matters

Subpart 1—Purpose of Act and acknowledgements and apology of the Crown to Te Arawa

3 Purpose

The purpose of this Act is—

(a) to record the acknowledgements and apology given by the Crown to Te Arawa in the deed of settlement dated 18 December 2004 and signed by—

(i) the Minister in charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, and the Minister of Māori Affairs, the Honourable Parekura Horomia, for the Crown; and

(ii) Andrew Wharehuia Rangiheuea, Poiti Arama Karaka Pirika, and Roku Adrian Mihinui, by affixing the common seal of the Arawa Māori Trust Board for the Board and for and on behalf of Te Arawa; and

(b) to give effect to certain provisions of the deed of settlement, which is a deed that settles the Te Arawa lakes historical claims and the Te Arawa lakes remaining annuity issues.

4 Act to bind the Crown

This Act binds the Crown.

5 Outline

(1) This section is a guide to the overall scheme and effect of this Act, but does not affect the interpretation or application of the other provisions of this Act or of the deed of settlement.

(2) The preamble summarises the historical account set out in Part 7 of the deed and provides background to the Act.

(3) This Part, which follows the Title and commencement sections,—

(a) sets out the purpose of the Act, records the acknowledgements and apology given by the Crown to Te Arawa in the deed, and specifies that the Act binds the Crown; and

(b) states the general principle of interpretation applying to the Act and sets out definitions of terms used in this Act, including key terms such as **settlement date, Te Arawa, Te Arawa lakebed, Te Arawa lakes, Te Arawa lakes historical claims, Te Arawa lakes remaining annuity issues, Te Arawa Lakes Trust**, and **Trustees of the Te Arawa Lakes Trust**; and

(c) provides that the settlement of the Te Arawa lakes historical claims and the Te Arawa lakes remaining annuity issues is final, and deals with related issues, including—

(i) a statement of the effect of the settlement on the jurisdiction of a court, tribunal, or other judicial body to consider the Te Arawa lakes historical claims and the Te Arawa lakes remaining annuity issues; and

(ii) provision for consequential amendments to the Treaty of Waitangi Act 1975; and

(iii) miscellaneous matters relating to the settlement, namely, the exclusion of the law against perpetuities and the timing of actions or matters provided for in this Act.

(4) Part 2 provides cultural redress for Te Arawa by vesting 13 Te Arawa lakebeds in the Trustees, and includes provisions relating to—

(a) the revocation of the statutory status of areas of the Te Arawa lakebeds and of a statutory appointment; and

(b) the vesting of the fee simple estate of each Te Arawa lakebed in trust in the Trustees; and

(c) the rights and obligations attaching to ownership of the Te Arawa lakebeds; and

(d) the status of existing and new activities and structures, including provisions as to—

(i) the common law right of navigation and the exercise of recreational activities; and

(ii) the ongoing rights relevant to existing structures, existing commercial activities, and public utilities; and

(iii) the basis on which new commercial activities may be undertaken or new structures erected; and

(e) the status of the Te Arawa lakebeds under the Local Government (Rating) Act 2002.

(5) Part 3 provides for—

(a) the establishment by the Rotorua District Council and the Bay of Plenty Regional Council of the Rotorua Lakes Strategy Group (of which 2 Trustees of the Te Arawa Lakes Trust are members) and for the status and purpose of the Group; and

(b) the issuing of protocols to the Trustees of the Te Arawa Lakes Trust by the Minister of Conservation, the Minister of Fisheries, the Minister for Arts, Culture and Heritage, and the Minister for the Environment; and

(c) an acknowledgement by the Crown of the statement made by Te Arawa of its cultural, spiritual, historical, and traditional association with the statutory area (the **Crown stratum**), together with provisions as to the effect of the statutory acknowledgement; and

(d) the amendment of certain existing place names associated with certain Rotorua lakes, the assignment of specified new place names, or the restoration of certain traditional names; and

(e) the making of regulations to provide for the Trustees of the Te Arawa Lakes Trust to manage the non-commercial taking of certain indigenous species (defined as **included species**) from the Te Arawa lakes.

(6) Part 4 has 4 subparts. Subpart 1 sets out provisions relevant to the incorporation of parts of the deed of settlement by reference into this Act. Subpart 2 provides for the dissolution of the Arawa Māori Trust Board and the transition to the Trustees of the Te Arawa Lakes Trust. Subpart 3 sets out transitional

matters relevant to employees and agents of the Arawa Māori Trust Board. Subpart 4 provides for consequential repeals, revocation, and amendments.

(7) The schedules to this Act set out—
- (a) the legal descriptions of the Te Arawa lakebeds vested in the Trustees of the Te Arawa Lakes Trust and the encumbrances to which each vesting is subject; and
- (b) a list of the iwi and hapū of Te Arawa; and
- (c) the reserve sites affected by the vesting of the Te Arawa lakebeds in the Trustees of the Te Arawa Lakes Trust; and
- (d) the place names associated with the Rotorua lakes that are to be changed, assigned, or restored by the Act.

6 Acknowledgements and apology

Sections 7 to 9 record the acknowledgements and the apology based on those acknowledgements given by the Crown to Te Arawa in the deed of settlement.

7 Text of acknowledgements

The text of the acknowledgements, as set out in the deed of settlement, is as follows:

(1) The Crown recognises that Te Arawa value the Te Arawa lakes and the lakes' resources as taonga. The Crown acknowledges the spiritual, cultural, economic, and traditional importance to Te Arawa of the lakes and the lakes' resources.

(2) The Crown acknowledges that—
- (a) the introduction of exotic fish species significantly depleted the indigenous species upon which Te Arawa depended for food, hospitality, trade, and koha; and
- (b) Te Arawa petitioned the Crown for several years concerning the depletion of the indigenous species and access to the new species; and
- (c) some Te Arawa were prosecuted for fishing without a licence in the lakes during this time; and
- (d) its failure to legislate for a sufficient number of licences for Te Arawa in 1908 (when it promoted legislation to address the problem of hardship) was in breach of te Tiriti o Waitangi (the Treaty of Waitangi) and its principles.

(3) The Crown acknowledges that its deliberate delays in providing survey plans and public maps to Te Arawa for the Native Land Court hearings caused a sense of grievance within Te Arawa that is still held today.

(4) The Crown further acknowledges that it failed to review the annuity paid to Te Arawa as part of the 1922 agreement regarding the lakes when it materially lost value as a result of inflation and this was a breach of te Tiriti o Waitangi (the Treaty of Waitangi) and its principles.

(5) The Crown acknowledges that—

(a) Te Arawa has honoured its obligations and responsibilities under te Tiriti o Waitangi (the Treaty of Waitangi), especially, but not exclusively, in its war service overseas and the gifting of portions of the annuity for the national good in the 1930s and 1940s; and

(b) Te Arawa has demonstrated a record of co-operation with the Crown in relation to the lakes, but the benefits that Te Arawa expected to flow from its relationship with the Crown were not always realised; and

(c) past Crown actions in relation to the Te Arawa lakes have had a negative impact on Te Arawa's tino rangatiratanga over the lakes and their usage of the resources of the lakes; and

(d) the pollution and degradation of several of the lakes have caused a sense of grievance within Te Arawa.

(6) The Crown acknowledges the significant contribution that the Te Arawa lakes have made to tourism and the wealth of New Zealand and of the Rotorua district in particular.

(7) The Crown also recognises the longstanding grievances of Te Arawa in relation to Crown acts and omissions concerning the Te Arawa lakes, expressed through petitions to the Government and the Stout-Ngata Commission. The Crown acknowledges that it has failed to deal with those grievances in an appropriate way and that recognition of Te Arawa's grievances is long overdue.

(8) The Crown accordingly makes the following apology to Te Arawa.

8 Text of apology in Māori: he kupu pouri

E tuku ana e te Karauna i tēnei kupu pouri ki a Te Arawa nui tonu, ki ō rātau tūpuna, ki ngā whakatupuranga, ki ngā iwi me ngā hapū hoki o Te Arawa:

E arohanuitia ana e te Karauna me te tuku kupu pouri kāore nei he aukati o te kōrero, ki a Te Arawa, mō ngā takahanga i te Tiriti o Waitangi tae atu ki ōna mātāpono kua mihia i runga ake nei.

E arohanuitia ana te Karauna mō āna mahi i runga i ngā moana i papā kino ai ki te rangatiratanga o Te Arawa, ki ō rātau moana me ngā taonga o roto, e mapu tonu nei a Te Arawa i roto i te hinengaro.

Nō reira, ka wawata te Karauna, mā tēnei kupu pouri ka mahea aua hē, ā, kia tīmatahia i konei te whakaora i ngā mamae. Ko te titiro whakamua te Karauna i tēnei wā ki te whakatū i tētehi tikanga tūmanako, whakahoahoa ki a Te Arawa mō ngā moana.

9 Text of apology in English

The Crown makes this apology to Te Arawa, to their ancestors, to their descendants and to the people and hapū of Te Arawa:

The Crown profoundly regrets and unreservedly apologises to Te Arawa for the breaches of te Tiriti o Waitangi (the Treaty of Waitangi) and its principles acknowledged above.

The Crown profoundly regrets that past Crown actions in relation to the lakes have had a negative impact on Te Arawa's rangatiratanga over the lakes and their use of lake resources, and have caused significant grievance within Te Arawa.

Accordingly, with this apology, the Crown seeks to atone for these wrongs and begin the process of healing. The Crown looks forward to building a relationship of mutual trust and co-operation with Te Arawa in respect of the lakes.

Subpart 2—Interpretation matters

10 Interpretation of Act generally

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

11 Interpretation

In this Act, unless the context otherwise requires,—

1922 agreement means the agreement entered into by Te Arawa and the Crown in 1922 in relation to the Te Arawa lakes and implemented in part by section 27 of the Native Land Amendment and Native Land Claims Adjustment Act 1922

1922 arrangements—

(a) means the 1922 agreement and its subsequent implementation; but

(b) does not include matters in that agreement relating to Lake Rotokakahi

annuity means the annuity originating under the 1922 arrangements and paid to the Arawa Māori Trust Board under section 4(2) of the Maori Trust Boards Act 1955

aquatic life, except as defined in section 72(2), has the same meaning as in section 2(1) of the Conservation Act 1987

Arawa Māori Trust Board and **Board** mean the Board referred to in section 4(1) of the Maori Trust Boards Act 1955

business day means the period of 9 am to 5 pm on any day of the week other than—

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Labour Day, and Waitangi Day; and

(b) a day in the period commencing on 25 December in any year and ending with the close of 15 January in the following year; and

(c) the days observed as the anniversaries of the provinces of Wellington and Auckland

cadastral survey dataset has the same meaning as in section 4 of the Cadastral Survey Act 2002

conservation document means a national park management plan, conservation management strategy, or conservation management plan

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

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

Crown stratum means the space occupied by water and the space occupied by air above each Te Arawa lakebed

Cultural Redress Schedule means Schedule 2 of the deed

customary food gathering has the meaning set out in section 72(1)

customary rights has the meaning set out in section 12(3)

deed of settlement and **deed**—

(a) mean the deed of settlement dated 18 December 2004 and signed by—

(i) the Minister in charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, and the Minister of Māori Affairs, the Honourable Parekura Horomia, for the Crown; and

(ii) Andrew Wharehuia Rangiheuea, Poiti Arama Karaka Pirika, and Roku Adrian Mihinui, by affixing the common seal of the Arawa Māori Trust Board for the Board and for and on behalf of Te Arawa; and

(b) include—

(i) the schedules, comprising the Relationship Schedule, Cultural Redress Schedule, Deed of Covenant, and Schedule of Attached Plans; and

(ii) any attachments; and

(iii) the deed to amend the deed of settlement dated 15 February 2006 and signed by—

(A) the Minister in charge of Treaty of Waitangi Negotiations, the Honourable Mark Burton, and the Minister of Māori Affairs, the Honourable Parekura Horomia, for the Crown; and

(B) Andrew Wharehuia Rangiheuea, William Emery, and Putu Mihaka, as Trustees of the Te Arawa Lakes Trust, for and on behalf of Te Arawa; and

(C) Andrew Wharehuia Rangiheuea, Poiti Arama Karaka Pirika, and Roku Adrian Mihinui, by affixing the common seal of the Arawa Māori Trust Board for the Board; and

(iv) subject to section 81, any other amendments to the deed, its schedules, or its attachments

DOC protocol means a protocol issued under section 52 by the Minister of Conservation that—

(a) sets out how the Department of Conservation and the Trustees of the Te Arawa Lakes Trust will interact on the matters specified in the protocol; and

(b) is in the form set out in Part 2 of the Relationship Schedule or as the protocol is amended under section 52

DOC protocol area means—

(a) the Te Arawa lakes, as identified in attachment A of the DOC protocol set out in Part 2 of the Relationship Schedule; and

(b) the streams and rivers flowing into the Te Arawa lakes, to the extent specifically provided for in clauses 9 and 10 of the DOC protocol; and

(c) the lands adjoining the lakes that are administered by the Department of Conservation, to the extent specifically provided for in clause 11 of the DOC protocol

effective date has the meaning set out in section 59

encumbrance means the rights or restrictions set out in the third column of Schedule 1

environment protocol means the protocol issued under section 52 by the Minister for the Environment that—

(a) sets out how the Ministry for the Environment and the Trustees of the Te Arawa Lakes Trust will interact on the matters specified in the protocol; and

(b) is in the form set out in Part 2 of the Relationship Schedule or as the protocol is amended under section 52

environment protocol area—

(a) means the Te Arawa lakes, as identified in attachment A of the environment protocol set out in Part 2 of the Relationship Schedule; and

(b) includes the catchments of those lakes and any lands in the vicinity of the lakes, to the extent specifically provided for in clauses 7 to 11 of the environment protocol

existing commercial activity has the meaning set out in section 36(1) and (2)

existing structure has the meaning set out in section 33(1)

fisheries legislation means—

(a) the Fisheries Act 1996:
(b) regulations made under that Act or under the Fisheries Act 1983

fisheries protocol means the protocol issued by the Minister of Fisheries under section 52 that—
(a) sets out how the Ministry of Fisheries and the Trustees of the Te Arawa Lakes Trust will interact on the matters specified in the protocol; and
(b) is in the form set out in Part 2 of the Relationship Schedule or as the protocol is amended under section 52

fisheries protocol area means—
(a) the Te Arawa lakes, as identified in attachment A of the fisheries protocol set out in Part 2 of the Relationship Schedule; and
(b) the streams and rivers flowing into the Te Arawa lakes, to the extent specifically provided for in clauses 6 to 8 of the fisheries protocol

Historic Places Trust means the New Zealand Historic Places Trust (Pouhere Taonga) continued by section 38 of the Historic Places Act 1993

included species has the meaning set out in section 72(1)

initial trustees means the members of the Arawa Māori Trust Board holding office at the date of the trust deed

local authority has the same meaning as in section 5(1) of the Local Government Act 2002

member of Te Arawa means an individual referred to in section 12(1)(b)

protected New Zealand objects protocol means a protocol issued under section 52 by the Minister for Arts, Culture and Heritage that—
(a) sets out how the chief executive of the Ministry for Culture and Heritage and the Trustees of the Te Arawa Lakes Trust will interact on the matters specified in that protocol; and
(b) is in the form set out in Part 2 of the Relationship Schedule or as the protocol is amended under section 52

protected New Zealand objects protocol area means the Te Arawa lakes, as identified in attachment A of the protected New Zealand objects protocol

protocol means a protocol entered into in accordance with the provisions of subpart 2 of Part 3

public utility and **public utility authority** have the meanings set out in section 37

recreational activity has the meaning set out in section 32(1)

Registrar-General means the Registrar-General of Land appointed in accordance with section 4 of the Land Transfer Act 1952

Relationship agreement means the agreement set out in Part 3 of the Relationship Schedule, or as amended in the manner provided for in the agreement

Relationship Schedule means Schedule 1 of the deed, comprising—

(a) the Rotorua Lakes Strategy Group agreement; and
(b) the protocols; and
(c) the Relationship agreement

representative entity means—

(a) the Trustees of the Te Arawa Lakes Trust:
(b) a person appointed as an agent for Te Arawa under clause 3.7 of the deed:
(c) a person (including a trustee) acting for, or on behalf of,—
    (i) the collective group referred to in section 12(1)(a):
    (ii) 1 or more of the iwi, hapū, groups, families, or whānau referred to in section 12(1)(b):
    (iii) 1 or more members of Te Arawa

reserve site has the meaning set out in section 20(1)

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

responsible Minister means, in subpart 2 of Part 3, 1 of the following Ministers:

(a) the Minister of Conservation:
(b) the Minister of Fisheries:
(c) the Minister for Arts, Culture and Heritage:
(d) the Minister for the Environment:
(e) any other Minister of the Crown who is authorised by the Prime Minister to exercise powers and perform functions and duties under subpart 2 of Part 3

responsible Ministry means, in subpart 2 of Part 3, 1 of the following departments of State:

(a) the Department of Conservation:
(b) the Ministry of Fisheries:
(c) the Ministry for Culture and Heritage:
(d) the Ministry for the Environment:
(e) any other department of State authorised by the Prime Minister to exercise powers and perform functions and duties under subpart 2 of Part 3

Rotorua lakes has the meaning set out in section 47

Rotorua Lakes Strategy Group and **Group** have the meaning set out in section 47

Rotorua Lakes Strategy Group agreement means the agreement dated 8 October 2004 and set out in Part 1 of the Relationship Schedule, or as amended in the manner provided for in the agreement

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

statement of association has the meaning set out in section 59

statutory acknowledgement has the meaning set out in section 59

statutory area has the meaning set out in section 59

statutory plan has the meaning set out in section 59

submerged land means land that, at the settlement date,—

(a) would be covered by the waters of the relevant lake—
  (i) at that lake's highest level without exceeding its margin, in the case of a lake not controlled by artificial means; or
  (ii) at that lake's maximum operating level, as prescribed from time to time by any resource consent or rule of a regional plan or proposed plan, in the case of a lake controlled by artificial means; and
(b) has not been reclaimed from the relevant lake (by any method of displacing lake water with soil, sand, or other material), whether or not that reclamation was lawful

sustainable utilisation has the meaning set out in section 72(1)

Te Arawa has the meaning set out in section 12(1)

Te Arawa ancestor and **ancestor** mean an individual who, at any time after 6 February 1840, exercised customary rights in relation to the Te Arawa lakes by reason of being descended from a recognised ancestor of an iwi or hapū of Te Arawa

Te Arawa fisheries area has the meaning set out in section 72(1)

Te Arawa lakebed means, in respect of each Te Arawa lake except Lake Ōkaro, the stratum comprising the land defined by the legal description for that lakebed, as set out in the second column of Schedule 1, including the subsoil beneath that land and plants attached to that land, but excluding—

(a) the Crown stratum; and
(b) any submerged land not owned by the Crown; and
(c) any land that is not submerged land, whether or not owned by the Crown, including any island in the relevant lake; and
(d) any aquatic life in the relevant lake, except plants attached to that lakebed; and
(e) any existing structure situated in or on that lakebed (or in the Crown stratum); and
(f) the Ohau Channel between Lakes Rotorua and Rotoiti

Te Arawa lakes—

(a) means Lakes Ngāhewa, Ngāpouri (also known as Ōpouri), Ōkareka, Ōkaro (also known as Ngākaro), Ōkataina, Rerewhakaaitu, Rotoehu, Rotoiti, Rotomā, Rotomahana, Rotorua, Tarawera, Tikitapu, and Tutaeinanga; and
(b) includes the water, fisheries, and aquatic life in those lakes; but
(c) does not include the islands in those lakes or the land abutting or surrounding those lakes

Te Arawa lakes historical claims has the meaning set out in section 13

Te Arawa lakes remaining annuity issues has the meaning set out in section 14

Te Arawa Lakes Trust and **Trust** mean the trust established by the trust deed

te Tiriti o Waitangi (the Treaty of Waitangi) has the same meaning as the term Treaty in section 2 of the Treaty of Waitangi Act 1975

trust deed means the trust deed establishing the Te Arawa Lakes Trust dated 22 August 2005 and signed by the initial trustees

Trustees of the Te Arawa Lakes Trust and **Trustees** mean the trustees appointed or replaced from time to time in accordance with the Second Schedule of the trust deed, and, until the appointment or replacement of trustees in accordance with the trust deed, include the initial trustees

water has the same meaning as in section 2(1) of the Resource Management Act 1991.

12 Meaning of Te Arawa

(1) In this Act, **Te Arawa**—

(a) means the collective group composed of individuals and groups referred to in paragraph (b); and

(b) means every individual who is—

(i) descended from a Te Arawa ancestor:

(ii) a member of an iwi, hapū, group, family, or whānau referred to in paragraph (c); and

(c) includes—

(i) the iwi and hapū of Te Arawa listed in Schedule 2; and

(ii) any iwi, hapū, group, family, or whānau composed of individuals referred to in paragraph (b).

(2) In this section and section 13, **Te Arawa ancestor** means an individual who, at any time after 6 February 1840, exercised customary rights in relation to the Te Arawa lakes by reason of being descended from a recognised ancestor of an iwi or hapū of Te Arawa.

(3) In this section, **customary rights** means rights according to Te Arawa tikanga (**customary values and practices of Te Arawa**), including—

(a) rights of occupation and use; and

(b) rights in relation to the use of natural or physical resources.

13 Meaning of Te Arawa lakes historical claims

(1) In this Act, to the extent that a claim arises from or relates to all or any of the Te Arawa lakes, the 1922 arrangements, or the annuity, **Te Arawa lakes historical claims** means—

(a) every claim (whether or not the claim has arisen or been considered, researched, registered, made, or notified on or before the settlement date) that Te Arawa (or a representative entity) had at, or at any time before the settlement date, or may have at any time after the settlement date, and that—

(i) is founded on a right arising—

(A) from te Tiriti o Waitangi (the Treaty of Waitangi) or its principles; or

(B) under legislation or at common law (including aboriginal title and customary law); or

(C) from fiduciary duty; or

(D) otherwise; and

(ii) arises from, or relates to, acts or omissions before 21 September 1992—

(A) by, or on behalf of, the Crown; or

(B) by or under legislation; and

(b) every claim to the Waitangi Tribunal, to the extent that—

(i) paragraph (a) applies to that claim; and

(ii) the claim relates exclusively to Te Arawa (or a representative entity), including Wai 240 (Te Arawa lakes claim); and

(c) every other claim to the Waitangi Tribunal, to the extent that—

(i) paragraph (a) applies to that claim; and

(ii) the claim relates to Te Arawa (or a representative entity), including—

(A) Wai 275 (Tahunaroa and Waitahanui Blocks claim); and

(B) Wai 363 (Tuhourangi Taonga Tukuiho claim); and

(C) Wai 675 (Lake Ōkataina and Surrounding Lands claim); and

(D) Wai 791 (Volcanic Interior Plateau claim); and

(E) Wai 837 (Ngāti Whaoa Rohe claim); and
(F) Wai 911 (Ngāti Tahu and Ngāti Whaoa Lands and Resources claim); and
(G) Wai 918 (Lake Rotorua and Rotorua Airport claim); and
(H) Wai 936 (Ngāti Rangiteaorere Lake Rotorua claim); and
(I) Wai 996 (Ngāti Rangitihi Inland and Coastal Land Blocks claim); and
(J) Wai 1103 (Ngāti Hinemihi Te Ariki and Punaromia Land claim).

(2) However, **Te Arawa lakes historical claims** does not include—
(a) a claim that a member of Te Arawa, or an iwi, hapū, group, family, or whānau referred to in section 12(1)(c) may have that is founded on a right arising as a result of being descended from an ancestor who is not a Te Arawa ancestor; or
(b) any claim that Te Arawa has or may have to the extent that the claim does not arise from or relate to all or any of the Te Arawa lakes, the 1922 arrangements, or the annuity, including (but not limited to) any claim relating to—
(i) the land abutting or surrounding the Te Arawa lakes; or
(ii) the islands in those lakes; or
(iii) resources not related to those lakes; or
(iv) Crown acts or omissions not arising from or relating to those lakes; or
(v) the Ohau Channel between Lakes Rotorua and Rotoiti; or
(c) a claim that a representative entity may have to the extent that the claim is, or is based on, a claim referred to in paragraph (a) or paragraph (b).

(3) Subsection (1)(a) is not limited by subsection (1)(b) or (c).

14 Meaning of Te Arawa lakes remaining annuity issues

In this Act, **Te Arawa lakes remaining annuity issues**—
(a) means every claim (whether or not the claim has arisen or been considered, researched, registered, made, or notified on or before the date of the deed of settlement)

that Te Arawa (or a representative entity) had at the date of the deed or at any time before that date, or may have at any time after that date, and that—

(i) is founded on a right arising—

(A) from te Tiriti o Waitangi (the Treaty of Waitangi) or its principles; or

(B) under legislation or at common law (including aboriginal title and customary law); or

(C) from fiduciary duty; or

(D) otherwise; and

(ii) arises from, or relates to, acts or omissions on or after 21 September 1992—

(A) by, or on behalf of, the Crown; or

(B) by or under legislation; and

(iii) arises from or relates to the annuity; and

(b) includes any right of the Arawa Māori Trust Board to receive the annuity for the period on and from the date of the deed.

Subpart 3—Settlement of claims

Jurisdiction of courts, etc, removed

15 Settlement of Te Arawa lakes claims final

(1) The settlement of the Te Arawa lakes historical claims effected under the deed of settlement and this Act is final, and on and from the settlement date the Crown is released and discharged from all obligations and liabilities in respect of those claims.

(2) The settlement of the Te Arawa lakes remaining annuity issues effected under the deed of settlement is final, and on and from the date of that deed the Crown is released and discharged from all obligations and liabilities in respect of those issues.

(3) Subsections (1) and (2) do not limit the provisions of the deed of settlement.

(4) Despite any other enactment or rule of law, for the purposes of subsections (1) and (2), no court, tribunal, or other judicial body has jurisdiction (including, but not limited to, jurisdiction to inquire or further inquire into, or to make a finding or recommendation) in respect of—

(a) any or all of the Te Arawa lakes historical claims; or
(b) any or all of the Te Arawa lakes remaining annuity issues; or
(c) the deed of settlement; or
(d) the redress provided under the deed of settlement or under this Act; or
(e) this Act.

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

Treaty of Waitangi Act 1975 amended

16 Jurisdiction of Tribunal to consider claims

Section 6 of the Treaty of Waitangi Act 1975 is amended by adding the following subsections:

"(29) Despite anything in this Act or in any other enactment or rule of law, on and from the settlement date (as defined in section 11 of the Te Arawa Lakes Settlement Act 2006), the Tribunal does not have jurisdiction (including, but not limited to, jurisdiction to inquire or further inquire into, or make a finding or recommendation) in respect of—

"(a) any or all of the Te Arawa lakes historical claims, as defined in section 13 of the Te Arawa Lakes Settlement Act 2006; or
"(b) any or all of the Te Arawa lakes remaining annuity issues, as defined in section 14 of the Te Arawa Lakes Settlement Act 2006; or
"(c) the deed of settlement, as defined in section 11 of the Te Arawa Lakes Settlement Act 2006; or
"(d) the redress provided under the deed of settlement or under the Te Arawa Lakes Settlement Act 2006; or
"(e) the Te Arawa Lakes Settlement Act 2006.

"(30) Subsection (29) does not exclude the jurisdiction of the Tribunal in respect of the interpretation or implementation of the deed of settlement or the Te Arawa Lakes Settlement Act 2006."

Subpart 4—Miscellaneous matters

Perpetuities

17 Rule against perpetuities does not apply

(1) Neither the rule against perpetuities nor any relevant provisions of the Perpetuities Act 1964—

(a) prescribes or restricts the period during which—

(i) the Te Arawa Lakes Trust may exist in law; or

(ii) the Trustees of the Te Arawa Lakes Trust, in their capacity as Trustees, may hold or deal with property (including income derived from property); or

(b) applies to a document entered into to give effect to particular provisions of the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document or a right conferred by the document invalid or ineffective.

(2) However, if the Trust becomes a charitable trust, the application (if any) of the rule against perpetuities or any relevant provisions of the Perpetuities Act 1964 must be determined under the general law.

Other Acts

18 Application of other Acts

(1) The Resource Management Act 1991 applies except to the extent that this Act expressly excludes its application.

(2) Nothing in this Act limits the application of the provisions of the Historic Places Act 1993 in relation to the Te Arawa lakebeds.

(3) Section 26ZO of the Conservation Act 1987 does not apply to a Te Arawa lakebed.

Date when actions or matters occur or take effect

19 Timing of actions or matters

(1) Subject to subsection (2), actions or matters occurring under this Act occur or take effect on and from the settlement date.

(2) If a provision of this Act requires an action or matter to occur or take effect on a date other than the settlement date, that action or matter occurs or takes effect on and from that other date.

Part 2
Cultural redress: vesting of Te Arawa lakebeds

Subpart 1—Revocation and vesting provisions, and definition of boundaries

Revocations

20 Appointment revoked

(1) In this section and sections 21 and 28, **reserve site** means each site declared to be a reserve by notice in the *Gazette*, as specified in Schedule 3.

(2) The appointment of Eastern Region Fish and Game New Zealand under section 29 of the Reserves Act 1977 to manage the Lake Ngapouri Wildlife Management Reserve and the Lake Tutaeinanga Wildlife Management Reserve described as reserve sites in Schedule 3 is revoked to the extent that each reserve site is Te Arawa lakebed or Crown stratum.

21 Reserve status revoked

(1) The reservation of each reserve site as a reserve, subject to section 17, 19, or 22 of the Reserves Act 1977, as the case may be, is revoked to the extent that those reserve sites comprise the Te Arawa lakebeds or Crown stratum.

(2) Before a part of a reserve site referred to in subsection (1) vests in the Trustees of the Te Arawa Lakes Trust,—

(a) that part vests in the Crown as Crown land under the Land Act 1948, subject to section 82(1) of the Reserves Act 1977; and

(b) the Minister of Conservation may direct that the payment for that part be paid and applied in the manner provided for in section 82(1) of the Reserves Act 1977 as if the direction had been given under section 82(1)(a) of that Act.

22 Status of conservation areas

Any part of a Te Arawa lakebed or the Crown stratum that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.

Vesting of Te Arawa lakebeds

23 Te Arawa lakebeds vest in Te Arawa

(1) The fee simple estate in each Te Arawa lakebed is vested in trust in the Trustees of the Te Arawa Lakes Trust.

(2) The Crown retains the ownership of the Crown stratum as Crown land under the Land Act 1948.

(3) The vesting of each Te Arawa lakebed is subject to—
- (a) the encumbrances described for the relevant lakebed in the third column of Schedule 1; and
- (b) sections 24 to 46.

Rights and obligations of ownership

24 Freehold estate in lakebeds inalienable

(1) The Trustees of the Te Arawa Lakes Trust must not—
- (a) dispose of or alienate the freehold estate of all or part of a Te Arawa lakebed; or
- (b) grant or create a mortgage or other charge in or over all or part of a Te Arawa lakebed.

(2) To avoid doubt, subsection (1) does not prevent a transfer or transmission, as appropriate, to a Trustee, so long as the instrument of transfer or transmission is accompanied by a certificate given by the Trustees or their solicitor verifying that the transfer or transmission does not contravene subsection (1).

(3) The Trustees of the Te Arawa Lakes Trust may grant—
- (a) a leasehold estate in all or part of a Te Arawa lakebed for a term of not more than 35 years, including renewals (or any longer term that the Trustees and the Crown may agree):
- (b) a licence, easement, or *profit à prendre* over all or part of a Te Arawa lakebed for any term.

(4) The terms and conditions on which any interests are granted are subject to this Part and any other relevant enactment or rule of law.

Limitations on rights and obligations

25 No rights to water or aquatic life

To avoid doubt, the vesting in the Trustees of the Te Arawa Lakes Trust of the fee simple estate in the Te Arawa lakebeds

by section 23 does not confer on the Trustees any rights or obligations in relation to—

(a) the water in the Te Arawa lakes; or

(b) the aquatic life in the Te Arawa lakes, except in relation to the plants attached to the lakebeds.

26 Limits to obligations for weeds attached to lakebeds

Despite the inclusion of plants in the definition of Te Arawa lakebed, Te Arawa is not, in relation to weeds attached to a Te Arawa lakebed,—

(a) liable for those weeds:

(b) responsible for their control or removal.

27 Limits of liability for contamination

The Trustees of the Te Arawa Lakes Trust are not liable under any enactment or rule of law for the contamination of a Te Arawa lakebed, except to the extent that the contamination is caused by an intentional or reckless act or omission, or negligent act, of the Trustees.

Other Acts

28 Application of other Acts under this Part

(1) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation by section 21 of the reserve status of any part of a reserve site.

(2) Part 4A of the Conservation Act 1987 does not apply to the vesting of a Te Arawa lakebed by section 23.

(3) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to—

(a) the vesting of the fee simple estate in a Te Arawa lakebed by section 23; or

(b) a matter incidental to, or required for the purpose of, those vestings.

(4) The vesting of the fee simple estate in a Te Arawa lakebed by section 23 does not—

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

(b) affect other rights to subsurface minerals; or

(c) limit the rights and obligations of the Crown or a local authority in respect of geothermal resources under the

Resource Management Act 1991 or any other relevant enactment or rule of law.

Registration

29 Registration of ownership

(1) This section applies to the fee simple estate in a Te Arawa lakebed vested by section 23.

(2) On receiving the written application of a person authorised by the chief executive of Land Information New Zealand, the Registrar-General must, in accordance with the application, create 1 or more computer freehold registers for the fee simple estate in land that forms all or part of a Te Arawa lakebed in the names of the Trustees of the Te Arawa Lakes Trust as at the settlement date, subject to, and, where applicable, with the benefit of, the encumbrances that are registrable or notifiable and that are described in the written application.

(3) Subsection (2) applies subject to completing any survey necessary to create a computer freehold register.

(4) When issuing a computer freehold register under this section, the Registrar-General must record on the register that the land is subject to the provisions of sections 24 to 46.

(5) Written application must be made for a computer freehold register as soon as is reasonably practicable after the settlement date, but no later than—

(a) 24 months after the Te Arawa lakebeds vest in the Trustees of the Te Arawa Lakes Trust by section 23; or

(b) a later date that is agreed in writing between the Trustees and the Crown.

Boundaries

30 Boundaries relating to Te Arawa lakebeds

(1) There is a moveable natural boundary between a Te Arawa lakebed and any adjoining land, unless the cadastral survey dataset for that adjoining land indicates otherwise.

(2) To the extent that a Te Arawa lakebed has a moveable natural boundary, the boundary is governed by the applicable common law rules of accretion, erosion, and avulsion.

(3) To avoid doubt, **adjoining land** includes the Crown stratum.

Subpart 2—Existing and new activities and structures

Navigation

31 Common law right of navigation

The common law right of navigation applies in, on, or over each Te Arawa lakebed and through or within the Crown stratum above each lakebed—

(a) without the consent of the Trustees of the Te Arawa Lakes Trust as the owners of the lakebeds; and

(b) without charge by the Trustees; and

(c) subject to any relevant enactment or local authority bylaw that relates to the common law right of navigation.

Recreational activities

32 Recreational activities

(1) In this section and section 40, **recreational activity** includes, but is not limited to,—

(a) swimming, boating, water-skiing, and fishing, to the extent that those activities are recreational; and

(b) a recreational activity that may only be conducted lawfully by—

(i) obtaining and complying with any licence, permit, resource consent, or other authorisation required by or under legislation; or

(ii) complying with any applicable district plan, regional plan, or proposed plan; and

(c) the right to attach a temporary structure to a Te Arawa lakebed for recreational purposes.

(2) A recreational activity may take place in or on, or otherwise affect, a Te Arawa lakebed or the Crown stratum above that lakebed—

(a) without the consent of the Trustees of the Te Arawa Lakes Trust as the owners of the lakebeds; and

(b) without charge by the Trustees.

(3) Subsection (2) applies whether or not—

(a) any relevant licence, permit, resource consent, or other authorisation has been obtained; or

(b) the activity is conducted in compliance with any relevant licence, permit, resource consent, other authorisation, or relevant plan.

Existing structures

33 Existing structures on Te Arawa lakebeds

(1) In this section, in the definition of Te Arawa lakebed in section 11, and in sections 34, 35, 40, and 45, **existing structure** means a structure in or on a Te Arawa lakebed, to the extent that it is in or on a Te Arawa lakebed and exists on the settlement date, regardless of whether the structure, at any time before the settlement date,—

(a) complied with—

(i) the Resource Management Act 1991 or any equivalent prior legislation; or

(ii) a relevant district plan, regional plan, or proposed plan; or

(b) required a resource consent (or any equivalent requirement under prior legislation), which was not obtained or complied with; or

(c) required a concession under the Reserves Act 1977, but that concession was not obtained; or

(d) required the consent of the Crown as the owner of that lakebed and of the Crown stratum, but that consent was not obtained; or

(e) was in any other way unlawful or unauthorised.

(2) An existing structure may remain in or on a Te Arawa lakebed or in the Crown stratum, and may be used, occupied, accessed, repaired, maintained, removed, or demolished at any time—

(a) without the consent of the Trustees of the Te Arawa Lakes Trust as the owners of the lakebeds; and

(b) without charge by the Trustees.

34 Matters relevant to existing structures

(1) A local authority must determine a matter of a kind referred to in subsection (2) as if the relevant Te Arawa lakebed were owned by the Crown.

(2) Subsection (1) applies if a person—

(a) makes an application for a resource consent or building consent under the Resource Management Act 1991 or the Building Act 2004, as the case may be, in order to use, occupy, access, repair, maintain, remove, or demolish an existing structure; or

(b) seeks to rectify the non-compliance of an existing structure with or under the Resource Management Act 1991 or the Building Act 2004.

35 Liability

The Trustees of the Te Arawa Lakes Trust are not liable for an existing structure for which they would, apart from this section, be liable by reason of their ownership of the Te Arawa lakebed in, on, or over which the existing structure is situated.

Existing commercial activities

36 Existing commercial activities

(1) In this section and sections 40 and 45, **existing commercial activity** means a commercial activity that, immediately before the settlement date, is or may have been capable of being conducted lawfully in or on, or so as otherwise to affect, the relevant Te Arawa lakebed (whether or not it was in fact conducted at any time before the settlement date)—

(a) including, but not limited to, an activity of a kind described in subpart C of Part 1 of the Cultural Redress Schedule; but

(b) not including the modification or erection of a structure in or on a Te Arawa lakebed, or the attachment of a structure to a lakebed.

(2) The definition of existing commercial activity applies to an activity whether or not, at any time, that activity may require or have required—

(a) the acquisition of, and compliance with, any licence, permit, resource consent, or other authorisation required by or under legislation to authorise that activity, despite that authorisation not being acquired or complied with; or

(b) compliance with an applicable district plan, regional plan, or proposed plan, despite that plan not being complied with; or

(c) the consent of the owner of the lakebed or of the Crown stratum, despite that consent not being obtained; or

(d) the acquisition of, and compliance with, a concession under the Reserves Act 1977, despite that concession not being acquired or complied with.

(3) An existing commercial activity may take place in or on, or may otherwise affect, a Te Arawa lakebed or the Crown stratum above the lakebed—
  (a) without the consent of the Trustees of the Te Arawa Lakes Trust as the owners of the lakebeds; and
  (b) without charge by the Trustees.

(4) To avoid doubt, an activity of a kind described in item 7 or item 8 in subpart C of Part 1 of the Cultural Redress Schedule must be treated as an existing commercial activity, whether or not—
  (a) the activity has, in whole or in part, a commercial purpose; or
  (b) any pecuniary gain results from carrying out the activity.

Public utilities

37 Meaning of public utility

(1) In sections 38 to 40 and 45, **public utility** means a structure or thing made, or an activity carried on, for the purposes of public utility, and includes—
  (a) a network utility operation as defined in section 166 of the Resource Management Act 1991; and
  (b) any project or works relating to electricity generation; and
  (c) harbourmaster functions carried out, and harbour works made, under the Local Government Act 1974; and
  (d) navigation aids and any activity of or on behalf of the Crown, a local authority, or a statutory body that is necessary for the purpose of assisting or improving the navigation of vessels over the Te Arawa lakebeds; and
  (e) public works, including reclamations, carried out by or on behalf of the Crown or a local authority; and
  (f) structures made, or activities or works carried on, by or on behalf of a local authority for the control of water levels and the avoidance and control of flooding; and
  (g) structures and activities of the Department of Conservation, the Institute of Geological and Nuclear Sciences Limited, and the National Institute of Water and Atmospheric Research Limited.

(2) In sections 38, 39, and 46, **public utility authority** means a person that places, installs, or performs a public utility in or on a Te Arawa lakebed.

38 Rights for public utilities without authorisation

(1) This section applies to a public utility authority that, at any time, does not have a right or authorisation by or under an enactment to undertake the activities referred to in subsection (2) in relation to a Te Arawa lakebed.

(2) The public utility authority may, with the consent of the Trustees of the Te Arawa Lakes Trust as the owners of the Te Arawa lakebeds,—

(a) place or install, permanently or temporarily, a structure or thing comprising a public utility in or on the Te Arawa lakebed:

(b) enter and remain on the Te Arawa lakebed to perform any activity comprising a public utility, including to gain access to, or perform an activity on, a structure or thing placed or installed in or on the lakebed, as provided for in paragraph (a).

(3) The Trustees of the Te Arawa Lakes Trust must not—

(a) unreasonably withhold their consent requested under subsection (2), despite an enactment or rule of law; or

(b) impose a charge, whether as a condition of the grant of consent or otherwise, unless that is expressly permitted by or under an enactment.

39 Public utilities with authorisation

If a public utility authority has a right or authorisation by or under an enactment to undertake the activities referred to in section 38(2), and the enactment requires the consent of the owners of the lakebed to the exercise of the right or authorisation, the Trustees must not—

(a) unreasonably withhold their consent requested in accordance with that requirement, despite an enactment or rule of law; or

(b) impose a charge, whether as a condition of the grant of consent or otherwise, unless that is expressly permitted by or under an enactment.

40 Limits to rights applying to certain public utilities

(1) Sections 38 and 39 do not apply to a public utility that is also—

(a) an existing structure (to the extent that a structure is an existing structure):

(b) an existing commercial activity of a kind described in item 7 of subpart C of Part 1 of the Cultural Redress Schedule (other than an activity of the Department of Conservation, the Institute of Geological and Nuclear Sciences Limited, or the National Institute of Water and Atmospheric Research Limited).

(2) The common law right of navigation provided for by section 31 and the right to undertake a recreational activity provided for by section 32 do not apply in the case of a public utility.

(3) Section 36(3) does not apply in the case of an existing commercial activity that is also a public utility, unless that existing commercial activity is of a kind described in item 7 of subpart C of Part 1 of the Cultural Redress Schedule (other than an activity of the Department of Conservation, the Institute of Geological and Nuclear Sciences Limited, or the National Institute of Water and Atmospheric Research Limited).

New commercial activities and new structures

41 New commercial activities and new structures require written consent of Trustees

(1) Unless the Trustees of the Te Arawa Lakes Trust first give their written consent as the owners of the Te Arawa lakebeds, no person may, on or after the settlement date,—

(a) perform a commercial activity that, under an enactment or rule of law, requires the consent of the owners of a Te Arawa lakebed; or

(b) erect or modify a structure in or on, or attach a structure to, a Te Arawa lakebed.

(2) However, subsection (1) does not apply if—

(a) the activity or structure is permitted or otherwise authorised under sections 31, 32, 33, 36, or 38; or

(b) section 39 or section 42 applies to that activity or structure.

(3) The Trustees of the Te Arawa Lakes Trust may impose conditions on the grant of their consent, including the imposition of a charge.

Limits as to effect of this Part

42 Authorisations not affected

(1) This Part does not limit or otherwise affect a right or authorisation provided by or under an enactment that does not require the consent of the owners of a Te Arawa lakebed—

(a) to undertake an activity in, on, or in relation to, that Te Arawa lakebed; or

(b) to exercise a power or perform a function or duty in, on, or in relation to that Te Arawa lakebed.

(2) The rights and authorisations preserved by subsection (1) include, but are not limited to, a right or authorisation to—

(a) place or install, permanently or temporarily, a structure of any kind in or on a Te Arawa lakebed:

(b) enter and remain on a Te Arawa lakebed to carry out any activity, including to gain access to, or undertake an activity on, any structure placed or installed in or on the lakebed.

43 Limits as to consent required

(1) Despite an enactment or rule of law to the contrary,—

(a) the consent of the Trustees of the Te Arawa Lakes Trust as owners of the Te Arawa lakebeds is not required for a structure, activity, or other matter in, on, or otherwise affecting, a Te Arawa lakebed, except as set out in sections 38, 39, and 41; and

(b) the consent of an occupier is not required for a structure, activity, or other matter in, on, or otherwise affecting, a Te Arawa lakebed or the Crown stratum.

(2) In subsection (1), **occupier** means a person lawfully occupying or exercising rights over all or part of a Te Arawa lakebed under a lease, licence, easement, or *profit à prendre* granted by the Trustees.

Status of lakebeds under Local Government (Rating) Act 2002

44 Non-rateable status

(1) Land forming part of a Te Arawa lakebed is non-rateable for the purposes of the Local Government (Rating) Act 2002.

(2) However, subsection (1) does not apply to land that is used exclusively or primarily—

(a) by the Trustees of the Te Arawa Lakes Trust for commercial purposes; or

(b) by any person other than the Trustees under a lease, licence, or other agreement for private or commercial purposes.

(3) Land that is non-rateable under this section is rateable for the purpose of setting a targeted rate under the Local Government (Rating) Act 2002 if—

(a) the rate is set solely for water supply, sewage disposal, or refuse collection; and

(b) the service referred to in paragraph (a) is provided in relation to that land.

45 Liability for rates

(1) Subsection (2) applies to—

(a) existing structures:

(b) existing commercial activities:

(c) public utilities that exist in or on a Te Arawa lakebed on the settlement date.

(2) The Crown is liable for rates payable under the Local Government (Rating) Act 2002 in respect of the interests listed in subsection (1) and for which the Trustees of the Te Arawa Lakes Trust would otherwise be liable as the owners of the Te Arawa lakebeds.

46 Liability of public utility authority for rates assessed

A public utility authority must reimburse the Trustees of the Te Arawa Lakes Trust for rates assessed under the Local Government (Rating) Act 2002 in respect of a public utility that did not exist in or on a Te Arawa lakebed on the settlement date if the Trustees are—

(a) liable for the rates assessed as the owners of the relevant Te Arawa lakebed; and

(b) not otherwise able to require reimbursement of those rates by charging under an enactment, as provided for by section 38(3)(b) or section 39(b).

Part 3
Other cultural redress

Subpart 1—Rotorua Lakes Strategy Group

47 Interpretation

In this subpart,—

organisations means the Rotorua District Council, the Bay of Plenty Regional Council, and the Trustees of the Te Arawa Lakes Trust

Rotorua lakes means Lakes Ōkareka, Ōkaro, Ōkataina, Rerewhakaaitu, Rotoehu, Rotoiti, Rotokakahi, Rotomā, Rotomahana, Rotorua, Tarawera, and Tikitapu

Rotorua Lakes Strategy Group and **Group** mean the group established in accordance with this subpart.

Establishment

48 Establishment of Group

(1) No later than the settlement date, the Rotorua District Council and the Bay of Plenty Regional Council must establish the Rotorua Lakes Strategy Group, whose members are appointed by the organisations.

(2) Despite the fact that the Group includes persons appointed by the Trustees of the Te Arawa Lakes Trust, the Group is a joint committee within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

(3) Despite Schedule 7 of the Local Government Act 2002, the Group—

(a) is a permanent committee; and

(b) must not be discharged unless each organisation agrees to the Group being discharged.

Purpose

49 Purpose of Group

The purpose of the Group is to contribute to the promotion of the sustainable management of the Rotorua lakes and their

catchments, for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes.

Procedures

50 Procedures of Group

Each of the organisations, and the Group jointly, must comply with the terms of the Rotorua Lakes Strategy Group agreement.

Other Acts

51 Application of other Acts under this subpart

(1) To avoid doubt, except as otherwise provided in this subpart, the provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 apply to the Group.

(2) Clauses 23(3), 27, 30(5), (7), and (9)(b), and 31(3) and (4) of Schedule 7 of the Local Government Act 2002 do not apply to the Group.

(3) Clauses 6(1)(b), 12, 30(3), and 31(1) and (2) of Schedule 7 of the Local Government Act 2002 apply only to the members of the Group appointed by the Bay of Plenty Regional Council or the Rotorua District Council, as the case may be.

(4) References in clause 19(2) of Schedule 7 of the Local Government Act 2002 to a member of a local authority and a member of a committee of a local authority are also references to the persons appointed by the Trustees of the Te Arawa Lakes Trust to be members of the Group.

(5) To avoid doubt, the members of the Group appointed by the Trustees of the Te Arawa Lakes Trust—

(a) have the right to attend any meeting of the Group; but

(b) do not have the right to attend meetings of the Bay of Plenty Regional Council or the Rotorua District Council merely by reason of their status as members of the Group.

(6) References in section 48 of the Local Government Official Information and Meetings Act 1987 to a local authority are also references to the Group.

Subpart 2—Protocols

General provisions

52 Authority to issue, amend, or cancel protocols

(1) Each responsible Minister may—

(a) issue a protocol to the Trustees of the Te Arawa Lakes Trust in the form set out in Part 2 of the Relationship Schedule; and

(b) amend or cancel that protocol, but only after consulting with, and having particular regard to the views of, the Trustees of the Te Arawa Lakes Trust.

(2) A protocol may be amended or cancelled under subsection (1) at the initiative of either—

(a) the Trustees of the Te Arawa Lakes Trust; or

(b) the Minister who issued the protocol.

53 Protocols subject to rights, functions, and obligations

Protocols do not restrict—

(a) the legal rights of Te Arawa or a representative entity; or

(b) the ability of the Crown to perform its functions and duties and exercise its powers in accordance with the law and government policy, including the ability to introduce legislation into the House of Representatives and change government policy; or

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

(d) the responsibilities of the responsible Minister and the responsible Ministry.

54 Enforceability of protocols

(1) The Crown must comply with a protocol while it is in force.

(2) If the Crown fails, without good cause, to comply with its obligations under a protocol, the Trustees of the Te Arawa Lakes Trust may, subject to the Crown Proceedings Act 1950, enforce the protocol.

(3) Despite subsection (2), damages or any form of monetary compensation from the Crown are not available as a remedy for failure to comply with a protocol.

(4) To avoid doubt,—
(a) subsections (1) and (2) do not apply to guidelines developed by the Crown in relation to a protocol; and
(b) subsection (3) does not affect the ability of a court to award costs in relation to proceedings referred to in subsection (2).

DOC protocol

55 Noting and effect of DOC protocol

(1) A summary of the terms of the DOC protocol must be noted in the conservation documents affecting the DOC protocol area.

(2) The noting of the DOC protocol is—
(a) for the purpose of public notice only; and
(b) not an amendment to a conservation document for the purposes of section 17I of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

(3) The DOC protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, land held, managed, or administered, or flora or fauna managed or administered, under the conservation legislation.

Fisheries protocol

56 Noting and effect of fisheries protocol

(1) A summary of the terms of the fisheries protocol must be noted in the fisheries plans affecting the fisheries protocol area.

(2) The noting of the fisheries protocol is—
(a) for the purpose of public notice only; and
(b) not an amendment to a fisheries plan for the purposes of section 11A of the Fisheries Act 1996.

(3) The fisheries protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, property rights or assets (including fish, aquatic life, and seaweed) held, managed, or administered under the fisheries legislation, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, or the Maori Fisheries Act 2004.

(4) In this section, **fisheries plans** means plans approved under Part 3 of the Fisheries Act 1996.

Protected New Zealand objects protocol

57 Effect of protected New Zealand objects protocol

(1) The protected New Zealand objects protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, protected New Zealand objects or ngā taonga tūturu.

(2) In this section, **protected New Zealand object** and **ngā taonga tūturu** have the same meanings as in section 2 of the Protected Objects Act 1975.

Environment protocol

58 Effect of environment protocol

The environment protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, resources managed or administered under the Resource Management Act 1991.

Subpart 3—Statutory acknowledgement

59 Interpretation

In this subpart,—

consent authority has the same meaning as in section 2(1) of the Resource Management Act 1991, except that it does not include the Minister of Conservation

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

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

statement of association means the statement by Te Arawa of the particular cultural, spiritual, historical, and traditional association of Te Arawa with the statutory area

statutory acknowledgement means the acknowledgement made by the Crown under section 60 in relation to the statutory area, on the terms set out in this subpart

statutory area means the Crown stratum above each Te Arawa lakebed

statutory plan—

(a) means a **district plan**, **proposed plan**, **regional coastal plan**, **regional plan**, or **regional policy statement** as

defined in section 2(1) of the Resource Management Act 1991; and

(b) includes a proposed policy statement provided for by Schedule 1 of the Resource Management Act 1991.

60 Statutory acknowledgement by the Crown

(1) The Crown acknowledges the statement of association of Te Arawa.

(2) The text of the statement of association is set out in Part 3 of the Cultural Redress Schedule.

61 Purposes of statutory acknowledgement

(1) The only purposes of the statutory acknowledgement are—

(a) to require the relevant consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgement, as provided for in sections 62 to 64; and

(b) to require the relevant consent authorities to forward summaries of all applications for resource consents to the Trustees of the Te Arawa Lakes Trust, as provided for in section 66; and

(c) to enable the Trustees and members of Te Arawa to cite the statutory acknowledgement as evidence of the association of Te Arawa with the statutory area, as provided for in section 67.

(2) This section does not limit the operation of sections 68 and 69.

62 Relevant consent authorities must have regard to statutory acknowledgement

(1) From the effective date, a relevant consent authority must have regard to the statutory acknowledgement in forming an opinion in accordance with sections 93 to 94C of the Resource Management Act 1991 as to whether the Trustees of the Te Arawa Lakes Trust are persons who may be adversely affected by the grant of a resource consent for activities within, adjacent to, or impacting directly on the statutory area.

(2) Subsection (1) does not limit the obligations of a relevant consent authority under Part 2 of the Resource Management Act 1991.

63 Environment Court must have regard to statutory acknowledgement

(1) From the effective date, the Environment Court must have regard to the statutory acknowledgement in determining under section 274 of the Resource Management Act 1991 whether the Trustees of the Te Arawa Lakes Trust are persons having an interest in the proceedings greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or impacting directly on the statutory area.

(2) Subsection (1) does not limit the obligations of the Environment Court under Part 2 of the Resource Management Act 1991.

64 Historic Places Trust and Environment Court to have regard to statutory acknowledgement

(1) From the effective date, the Historic Places Trust and the Environment Court must have regard to the statutory acknowledgement in forming an opinion under section 14(6)(a) or section 20(1) of the Historic Places Act 1993, as the case may be, as to whether the Trustees of the Te Arawa Lakes Trust are (or, for the purposes of section 14(6)(a), may be) persons directly affected in relation to an archaeological site within the statutory area.

(2) In this section, **archaeological site** has the same meaning as in section 2 of the Historic Places Act 1993.

65 Recording of statutory acknowledgement on statutory plans

(1) From the effective date, each local authority with jurisdiction in a region or district that includes any part of the statutory area must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area.

(2) The attachment of information under subsection (1) to a statutory plan—

(a) may be by reference to this subpart or by setting out the statutory acknowledgement in full; and

(b) is for the purpose of public information only, and the information is not—

(i) part of the statutory plan (unless adopted by the local authority); or

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

66 Distribution of resource consent applications to Trustees

(1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the Trustees of the Te Arawa Lakes Trust a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on the statutory area.

(2) The information provided under subsection (1) must be—

(a) the same as would be given under section 93 of the Resource Management Act 1991 to persons who may be adversely affected, or as may be agreed between the Trustees of the Te Arawa Lakes Trust and the relevant consent authority; and

(b) forwarded as soon as is reasonably practicable after the application is received, and before a determination is made in accordance with sections 93 to 94C of the Resource Management Act 1991.

(3) The Trustees of the Te Arawa Lakes Trust may, by notice in writing to a relevant consent authority,—

(a) waive their rights to be notified under this section; and

(b) state the scope of that waiver and the period for which it applies.

(4) This section does not affect the obligation of a relevant consent authority—

(a) to notify an application in accordance with sections 93 to 94C of the Resource Management Act 1991:

(b) to form an opinion as to whether the Trustees of the Te Arawa Lakes Trust are persons who are or may be adversely affected under those sections.

67 Use of statutory acknowledgement

(1) The Trustees of the Te Arawa Lakes Trust or a member of Te Arawa may, as evidence of the association of Te Arawa with the statutory area, cite the statutory acknowledgement in submissions to, and in proceedings before, a relevant consent authority, the Environment Court, or the Historic Places Trust

concerning activities within, adjacent to, or impacting directly on the statutory area.

(2) The content of the statement of association is not, by reason of the statutory acknowledgement, binding as deemed fact on—
- (a) relevant consent authorities:
- (b) the Environment Court:
- (c) the Historic Places Trust:
- (d) parties to proceedings before those bodies:
- (e) any other person able to participate in those proceedings.

(3) Despite subsection (2), the content of the statement of association may be taken into account by the bodies and persons specified in that subsection.

(4) Neither the Trustees of the Te Arawa Lakes Trust nor members of Te Arawa are precluded from stating that Te Arawa has an association with the statutory area that is not described in the statutory acknowledgement.

(5) The content and existence of the statutory acknowledgement do not limit a statement made under subsection (4).

General provisions relating to statutory acknowledgement

68 Exercise of powers, duties, and functions not affected

(1) The statutory acknowledgement does not, except as expressly provided in this subpart,—
- (a) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or local authority bylaw:
- (b) affect the lawful rights or interests of any person:
- (c) grant, create, or provide evidence of an estate or interest in, or rights relating to, the statutory area.

(2) No person, in considering a matter or making a decision or recommendation under an enactment or local authority bylaw, may give greater or lesser weight to the association of Te Arawa with the statutory area than that person would give if the statutory acknowledgement were not contained in this Act.

(3) Subsection (2) does not affect the operation of subsection (1).

69 Statutory acknowledgement not exclusive

The statutory acknowledgement does not prevent the Crown from providing a statutory acknowledgement of the association of persons other than Te Arawa in relation to the statutory area.

Amendment to Resource Management Act 1991

70 Amendment to Resource Management Act 1991

Schedule 11 of the Resource Management Act 1991 is amended by inserting, in its appropriate alphabetical order, the item "Te Arawa Lakes Settlement Act 2006".

Subpart 4—Place names

71 Change of existing place names (if any)

(1) The existing place names (if any) recorded in the first column of Schedule 4 are changed, in each case, to the corresponding name recorded in the second column of that schedule, which applies to the place described by the topographic map reference and grid reference in the relevant columns of that schedule.

(2) If there is no existing place name recorded in the first column of Schedule 4, the place name recorded in the second column of that schedule is either a new name for the relevant place or it restores a traditional name.

(3) The changes recorded under subsection (1) and the new names recorded under subsection (2) are to be treated as having been recorded—

(a) with the approval of the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa; and

(b) in accordance with the New Zealand Geographic Board Act 1946.

Subpart 5—Fisheries redress

72 Interpretation

(1) In this subpart,—

commercial fishing has the same meaning as in section 2(1) of the Fisheries Act 1996

customary food gathering means the taking of included species from, or their management within, the Te Arawa fisheries area—

(a) for a purpose authorised by the Trustees of the Te Arawa Lakes Trust or persons appointed in accordance with regulations made under section 74(1)(a) to (c); and

(b) to the extent that the taking or management—

(i) is consistent with the purpose of the Fisheries Act 1996 and any relevant regulations made under that Act or under the Fisheries Act 1983; and

(ii) is consistent with Te Arawa tikanga; and

(iii) is not commercial in any way; and

(iv) does not involve pecuniary gain or trade

included species, in relation to the Te Arawa fisheries area,—

(a) means fish and aquatic life as managed and administered under the fisheries legislation; and

(b) excludes whitebait, sports fish, or unwanted aquatic life; but

(c) includes whitebait, any specific whitebait species, or any other species if, at any time, they are managed and administered under the Fisheries Act 1996

sustainable utilisation means the utilisation of fisheries resources while ensuring sustainability, as the terms utilisation and ensuring sustainability are defined in section 8(2) of the Fisheries Act 1996

Te Arawa fisheries area—

(a) means the Te Arawa lakes; but

(b) does not include the streams and rivers flowing into the Te Arawa lakes.

(2) In subsection (1), **aquatic life**, **fish**, **sports fish**, **unwanted aquatic life**, and **whitebait** have the same meanings as in section 2(1) of the Fisheries Act 1996.

73 Commercial fishing not permitted

No person may engage in commercial fishing in the Te Arawa fisheries area.

Regulations

74 Regulations in respect of included species

(1) The Minister of Fisheries must, not later than 20 business days after the settlement date, recommend to the Governor-General that regulations relating to included species be made by Order in Council to—

(a) empower the Trustees of the Te Arawa Lakes Trust to nominate persons to issue authorisations to take or possess included species for the purpose of customary food gathering; and

(b) empower the Trustees to nominate, for all or part of the Te Arawa fisheries area, the members of 1 or more management committees to manage customary food gathering by—

(i) issuing authorisations to undertake customary food gathering in the whole or part of the Te Arawa fisheries area, including for the purpose of sustaining the functions of a Te Arawa marae:

(ii) preparing a management plan or strategy for included species; and

(c) require the Minister to appoint by notice in the *Gazette* the persons nominated under regulations made under paragraphs (a) and (b); and

(d) require each management committee appointed in accordance with regulations made under paragraphs (b) and (c) to—

(i) keep, and submit to the Minister of Fisheries, accurate records of the quantities of included species taken by persons authorised to take and possess included species for customary food gathering; and

(ii) report in writing to the Trustees on—

(A) its management of customary food gathering; and

(B) the number of authorisations it granted in the preceding year; and

(C) the quantity of included species taken under authorisations issued in the previous year; and

(e) require the Trustees to hold a meeting with Te Arawa to advise members on—

(i) the management of customary food gathering; and

(ii) any restrictions or prohibitions in force for that year under bylaws made under this subpart; and

(iii) if information is available, the quantity of included species taken under the bylaws in the previous year; and

(f) empower the Trustees,—

(i) despite section 10(d) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, to make bylaws in accordance with sections 77 to 79 that restrict or prohibit the taking of included species from the whole or part of the Te Arawa fisheries area for any purpose that the Trustees consider necessary for the sustainable utilisation of included species; and

(ii) despite section 73, to recommend to the Minister of Fisheries that commercial fishing be permitted for some or all of the included species in the whole or part of the Te Arawa fisheries area, subject to that fisheries area being administered by the Ministry of Fisheries in accordance with the Fisheries Act 1996; and

(iii) if the Minister of Fisheries permits commercial fishing of any included species, to provide advice to the Minister on the conditions that should be imposed, including conditions as to the season and areas in which commercial fishing may be undertaken and the methods that may be used; and

(g) prescribe offences for breaches of the regulations, together with any defence available to the defendant, such as a defence relating to an included species taken as an inevitable consequence of—

(i) the lawful taking of sports fish, whitebait, or unwanted aquatic life; or

(ii) a taking for scientific study under the Conservation Act 1987 or the Fisheries Act 1996; and

(h) prescribe penalties in respect of those offences; and

(i) provide for other matters necessary or desirable to achieve compliance with, and the proper administration of, the regulations.

(2) Subsection (1) applies despite section 17B of the Fisheries Act 1996.

(3) The Governor-General may, by Order in Council, make regulations recommended under subsection (1).

Commercial fishing

75 Process for permitting commercial fishing of included species

(1) If a recommendation is made to the Minister of Fisheries under a regulation made under section 74(1)(f)(ii), the Minister must—

(a) act consistently with the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; and

(b) consult the Minister of Conservation on—

(i) the information required to set a total allowable catch and total allowable commercial catch for the relevant included species; and

(ii) the sustainable utilisation of the relevant included species; and

(iii) the impact of commercial fishing for the relevant included species on the conservation of species managed under the Conservation Act 1987; and

(iv) the impact of commercial fishing for the relevant included species on the ecosystem of the Te Arawa fisheries area.

(2) To avoid doubt, the Minister of Fisheries must take into account the views of the Minister of Conservation on the matters set out in subsection (1)(b).

Relationship with other regulations

76 Relationship between regulations made under section 74 and other regulations

(1) Regulations made under section 74(1) prevail in relation to all or part of the Te Arawa fisheries area over—

(a) regulation 70 of the Freshwater Fisheries Regulations 1983, to the extent that that regulation applies to included species; and

(b) regulation 71 of the Freshwater Fisheries Regulations 1983, to the extent that that regulation applies to—

(i) the taking of an included species for human consumption; or

(ii) the sale or trade of koura or its possession for the purposes of sale or trade; and

(c) the Fisheries (Amateur Fishing) Regulations 1986, to the extent that they apply to included species; and

(d) the Fisheries (Kaimoana Customary Fishing) Regulations 1998, to the extent that they apply to the included species.

(2) However, regulations made under section 74(1) prevail in relation to all or part of the Te Arawa fisheries area only if a management committee is appointed in accordance with section 74(1)(b) and (c) to manage customary food gathering in relation to all or part of the Te Arawa fisheries area.

Bylaws

77 Bylaws

(1) Bylaws made under regulations made under section 74(1)(f) may restrict or prohibit—

(a) the included species that may be taken or possessed:

(b) the quantity of each included species that may be taken or possessed:

(c) the taking or possession of included species that are smaller or larger than a specified size:

(d) the method by which an included species may be taken:

(e) the area or areas from which an included species may or may not be taken:

(f) any other matter that the Trustees of the Te Arawa Lakes Trust consider necessary for the sustainable utilisation of included species.

(2) A restriction or prohibition imposed on individuals by bylaws made under this subpart applies generally to all persons fishing in the Te Arawa fisheries area.

(3) Bylaws made under this subpart do not come into force and are of no effect until the date specified in the bylaws approved by the Minister and published in the *Gazette* in accordance with section 79.

(4) The publication in the *Gazette* of bylaws purporting to have been approved under section 79 is conclusive evidence that

the bylaws have been duly made and approved under this subpart.

78 Procedure for making bylaws

(1) Bylaws made by the Trustees of the Te Arawa Lakes Trust under this subpart must be deposited—
  (a) in the office of the Ministry of Fisheries nearest to the Te Arawa fisheries area; and
  (b) at a place designated by the chief executive of the Ministry of Fisheries.

(2) The places where the bylaws are deposited must be open, during office hours, for not less than 15 business days before the bylaws are notified to the Minister of Fisheries under section 79(1), in order to enable—
  (a) inspection of the bylaws by members of the public; and
  (b) the Trustees of the Te Arawa Lakes Trust to receive submissions on the bylaws from members of the public.

(3) The chief executive of the Ministry of Fisheries must notify in a newspaper circulating in the locality of the Te Arawa fisheries area—
  (a) the fact that bylaws have been deposited under subsection (1); and
  (b) the places where they may be inspected.

(4) Bylaws deposited under subsection (1) must include advice that submissions—
  (a) may be made on the bylaws by any person; and
  (b) must be forwarded to—
    (i) the place where the bylaws are deposited; and
    (ii) the Trustees of the Te Arawa Lakes Trust, at the address specified.

(5) The Trustees of the Te Arawa Lakes Trust may amend bylaws in the light of submissions received under subsection (2), but do not need to deposit the amended bylaws.

79 Ministerial approval of bylaws

(1) If the Trustees of the Te Arawa Lakes Trust make bylaws under section 77(1), they must, after making any amendments, notify the Minister of Fisheries by sending to the Minister—
  (a) a copy of the bylaws; and
  (b) a statement—

(i) of the reasons why the Trustees consider restrictions or prohibitions imposed by the bylaws are necessary or desirable for the sustainable utilisation of an included species in the Te Arawa fisheries area; and

(ii) that the bylaws have been—

(A) deposited with the Ministry of Fisheries in accordance with section 78(1):

(B) if relevant, amended under section 78(5).

(2) The Minister of Fisheries, when notified of bylaws under subsection (1), must, as soon as is reasonably practicable, but not later than 40 business days after receiving that notification, determine whether to approve or to reject the bylaws.

(3) In making a determination under subsection (2), the Minister of Fisheries must take into account the statement provided by the Trustees of the Te Arawa Lakes Trust under subsection (1)(b)(i).

(4) When the Minister of Fisheries approves bylaws under subsection (2), the Minister must, as soon as practicable, publish the approved bylaws in the *Gazette*.

(5) If the Minister of Fisheries rejects a bylaw under subsection (2), the Minister must notify the Trustees of the Te Arawa Lakes Trust in writing of that decision.

(6) The Minister of Fisheries may approve a bylaw even if there has been a breach of a time period—

(a) provided for in subsection (2) or section 78(2); or

(b) specified in any regulations made under section 74(1).

Part 4
Miscellaneous provisions

Subpart 1—Material incorporated by reference

80 Access to deed of settlement

The chief executive of the Ministry of Justice must make copies of the deed of settlement available—

(a) for inspection free of charge and for purchase at a reasonable price, at the Head Office of the Ministry of Justice in Wellington during working hours; and

(b) free of charge on an internet site maintained by or on behalf of the Ministry of Justice.

81 Effect of amendments to material

(1) In this section, **material** means—

(a) subpart C of Part 1 of the Cultural Redress Schedule (which relates to existing commercial activities); and

(b) the statement of association set out in Part 3 of the Cultural Redress Schedule; and

(c) the Rotorua Lakes Strategy Group agreement.

(2) Amendments to any material have legal effect as part of this Act only if the amendments—

(a) are of the same general effect as the material amended; and

(b) have been made,—

(i) in the case of material referred to in subsection (1)(a) and (b), in the manner provided in the deed of settlement; and

(ii) in the case of material referred to in subsection (1)(c), in the manner provided in that material.

(3) The Trustees of the Te Arawa Lakes Trust must provide to the chief executive of the Ministry of Justice copies of any amendments to the Rotorua Lakes Strategy Group agreement as soon as is reasonably practicable after the amendments have been made.

Subpart 2—Transitional provisions relating to Arawa Māori Trust Board

Dissolution and transfer provisions

82 Dissolution of Arawa Māori Trust Board

(1) On and from the commencement of this Act,—

(a) the Arawa Māori Trust Board continued by section 4 of the Maori Trust Boards Act 1955 is dissolved; and

(b) the term of office of members of the Arawa Māori Trust Board expires; and

(c) proceedings by or against the Arawa Māori Trust Board may be continued, completed, and enforced by or against the Trustees of the Te Arawa Lakes Trust; and

(d) a reference to the Arawa Māori Trust Board (express or implied) in any enactment (other than this Act), or in any instrument, register, agreement, deed (other than the deed of settlement), lease, application, notice, or

other document in force immediately before the commencement of this Act must, unless the context otherwise requires, be read as a reference to the Trustees of the Te Arawa Lakes Trust.

(2) A person holding office as a member of the Arawa Māori Trust Board at any time before the commencement of this Act is not entitled to compensation as a result of the expiry under this section of his or her term of office.

83 Transfer of assets and liabilities

(1) On and from the commencement of this Act, the assets and liabilities of the Arawa Māori Trust Board vest in the Trustees of the Te Arawa Lakes Trust and become the assets and liabilities of the Trustees, subject to any trusts, covenants, or conditions affecting an asset or liability.

(2) In this subpart, **assets and liabilities**—

(a) means assets and liabilities owned, controlled, or held, wholly or in part, immediately before the commencement of this Act, by the Arawa Māori Trust Board; and

(b) includes—

(i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and

(ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere).

Transitional taxation provision

84 Taxes and duties

(1) On and from the commencement of this Act, for the purposes of the Inland Revenue Acts and any other enactment that imposes or provides for the collection of a tax, duty, levy, or other charge,—

(a) the Arawa Māori Trust Board and the Trustees of the Te Arawa Lakes Trust are the same person; and

(b) a transaction entered into, or an act performed, by the Arawa Māori Trust Board before the commencement of this Act is to be treated as having been entered into or

performed by the Trustees at the time it was entered into or performed by the Arawa Māori Trust Board; and

(c) the Trustees must be treated as having held, at all times since the interests were acquired by the Arawa Māori Trust Board, the voting interests and market value interests, as the case may be, that they receive from the Arawa Māori Trust Board under section 83.

(2) In this section,—

Inland Revenue Acts has the same meaning as in section 3(1) of the Tax Administration Act 1994

market value interest and **voting interest** have the same meanings as in section OB 1 of the Income Tax Act 2004.

Reporting requirements

85 Final report of Arawa Māori Trust Board

(1) In this section, **final report** means—

(a) a statement of the financial position of the Arawa Māori Trust Board and other information required by subsections (2) and (3); and

(b) an audit report prepared by the Auditor-General on the statement and information referred to in paragraph (a).

(2) As soon as is reasonably practicable after the commencement of this Act, the Trustees of the Te Arawa Lakes Trust must prepare a final report (as if the report were an annual report) to show fully the financial results of the operations of the Arawa Māori Trust Board for the period beginning on the date of the previous annual report and ending with the close of the day immediately before the commencement of this Act.

(3) The final report must consist of a statement of the financial position of the Arawa Māori Trust Board and other statements of accounts necessary to provide the information required by subsection (2).

(4) As soon as is reasonably practicable after the completion of the final report required by subsection (2), the Trustees of the Te Arawa Lakes Trust must provide the final report to the Minister of Māori Affairs, who must present the final report to the House of Representatives as soon as is reasonably practicable after receiving it from the Trustees.

Other transitional matters

86 Matters not affected by transfer

Nothing effected or authorised by this subpart—

(a) places the Arawa Māori Trust Board or the Trustees of the Te Arawa Lakes Trust, the Crown, or any other person or body in breach of a contract or confidence, or makes them guilty of a civil wrong; or

(b) gives rise to a right for any person to terminate or cancel any contract or arrangement, to accelerate the performance of an obligation, to impose a penalty, or to increase a charge; or

(c) places the Arawa Māori Trust Board, the Trustees of the Te Arawa Lakes Trust, the Crown, or any other person or body in breach of an enactment, rule of law, or contract that prohibits, restricts, or regulates the assignment or transfer of an asset or liability or the disclosure of information; or

(d) releases a surety wholly or in part from an obligation; or

(e) invalidates or discharges a contract.

87 Status of contracts and other instruments

(1) In subsection (2), **contracts and other instruments** means contracts, agreements, conveyances, deeds, leases, licences, other instruments, undertakings, notices entered into by, made with, given to or by, or addressed to, the Arawa Māori Trust Board (whether alone or with another person) before the commencement of this Act and having effect immediately before that date.

(2) Contracts and other instruments are binding on, and enforceable by, against, or in favour of, the Trustees of the Te Arawa Lakes Trust as if the contracts or other instruments had been entered into by, made with, given to or by, or addressed to or by, the Trustees and not the Arawa Māori Trust Board.

88 Status of existing securities

(1) A security held by the Arawa Māori Trust Board as security for a debt or other liability to that Board incurred before the commencement of this Act—

(a) is available to the Trustees of the Te Arawa Lakes Trust as security for the discharge of that debt or liability; and

(b) if the security extends to future or prospective debts or liabilities, is available as security for the discharge of debts or liabilities to the Trustees incurred on or after the commencement of this Act.

(2) The Trustees of the Te Arawa Lakes Trust are entitled to the same rights and priorities, and are subject to the same liabilities, in relation to the security as the Arawa Māori Trust Board would be if this Act had not been passed.

89 Books and documents to remain evidence

(1) A document, matter, or thing that would have been admissible in evidence for or against the Arawa Māori Trust Board is, on and after the commencement of this Act, admissible in evidence for or against the Trustees of the Te Arawa Lakes Trust.

(2) For the purpose of this section, **document** has the same meaning as in section 48G of the Evidence Act 1908.

90 Registers

(1) The Registrar-General or any other person charged with keeping books or registers is not required to change the name of the Arawa Māori Trust Board to the names of the Trustees of the Te Arawa Lakes Trust in the books or registers or in a document, solely because of the provisions of this subpart.

(2) If the Trustees of the Te Arawa Lakes Trust present an instrument referred to in subsection (3) to a registrar or other person, the presentation of that instrument is, in the absence of evidence to the contrary, sufficient proof that the property is vested in the Trustees, as specified in the instrument.

(3) For the purposes of this section, the instrument need not be an instrument of transfer, but must—

(a) be executed or purport to be executed by the Trustees of the Te Arawa Lakes Trust; and

(b) relate to assets or liabilities held, managed, or controlled by the Arawa Māori Trust Board or any entity wholly or partly owned or controlled by the Board immediately before the commencement of this Act; and

(c) be accompanied by a certificate given by the Trustees or their solicitor that the property was vested in the Trustees by or under this Act.

Subpart 3—Transitional provisions relating to employees and agents

91 Liability of employees and agents

(1) In this subpart,—

transferred employee means a person employed by the Arawa Māori Trust Board immediately before the commencement of this Act who becomes an employee of the Trustees of the Te Arawa Lakes Trust on the commencement of this Act

Arawa Māori Trust Board includes any entity wholly or partly owned or controlled by the Arawa Māori Trust Board before the commencement of this Act.

(2) A person who, at any time before the commencement of this Act, held office as a member of the Arawa Māori Trust Board or who was an officer, employee, agent, or representative of that Board, is not personally liable in respect of an act or thing done or omitted to be done by him or her before the commencement of this Act in the exercise or bona fide purported exercise of an authority conferred by or under the Maori Trust Boards Act 1955 or any other enactment.

(3) This section applies only—

(a) in the absence of actual fraud; and

(b) if the act or omission does not amount to an offence under any enactment or rule of law.

92 Transfer of employees

On and from the commencement of this Act, each employee of the Arawa Māori Trust Board ceases to be an employee of the Board and becomes an employee of the Trustees of the Te Arawa Lakes Trust.

93 Protection of terms and conditions of employment

(1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to the employee immediately before the commencement of this Act.

(2) Subsection (1)—

(a) continues to apply to the terms and conditions of employment of a transferred employee until they are varied by agreement between the transferred employee and the Trustees of the Te Arawa Lakes Trust; and

(b) does not apply to a transferred employee who receives any subsequent appointment with the Trustees of the Te Arawa Lakes Trust.

94 Continuity of employment

For the purposes of an enactment, rule of law, determination, contract, or agreement relating to the employment of a transferred employee, the transfer of the employee from the Arawa Māori Trust Board to the Trustees of the Te Arawa Lakes Trust does not, of itself, break the employment of that person, and the period of his or her employment by the Board is to be regarded as having been a period of service with the Trustees.

95 No compensation for technical redundancy

A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that—

(a) the position held by the employee with the Arawa Māori Trust Board has ceased to exist; or

(b) the employee has ceased, as a result of his or her transfer to the Trustees of the Te Arawa Lakes Trust, to be an employee of the Board.

Subpart 4—Repealed provisions, revocation, and other consequential amendments

Repeals

96 Acts repealed

(1) Section 88(2) of the Maori Purposes Act 1931 is repealed.

(2) Section 4 of the Maori Trust Boards Act 1955 is repealed.

Revocation

97 Revocation

The Te Arawa Maori Trust Board Order 1988 (SR 1988/96) is revoked.

Other consequential provisions

98 Provision not to apply to Te Arawa lakebeds

Section 88(1) of the Maori Purposes Act 1931 does not apply to any Te Arawa lakebed.

99 Amendments to Acts

(1) Section 8(4)(b) of the Maori Purposes Act 1934 is amended by omitting the words "Arawa Maori Trust Board", and substituting the words "Trustees of the Te Arawa Lakes Trust".

(2) Schedule 7 of the Radiocommunications Act 1989 is amended by omitting from the second column of the item relating to the Arawa Māori Trust Board, the words "Te Arawa Māori Trust Board", and substituting the words "Trustees of the Te Arawa Lakes Trust".

100 Amendments to regulations

(1) Schedules 1 and 2 of the Maori Trust Boards Regulations 1985 are amended by omitting the item relating to the Arawa Maori Trust Board.

(2) Regulation 2(1) of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 is amended by inserting, in their appropriate alphabetical order, the following definitions:

"**included species** has the same meaning as in section 72(1) of the Te Arawa Lakes Settlement Act 2006

"**Te Arawa fisheries area** has the same meaning as in section 72(1) of the Te Arawa Lakes Settlement Act 2006".

(3) Regulation 4 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (SR 1998/434) is amended by inserting, after subclause (1), the following subclause:

"(1A) However, these regulations do not limit any regulations made under section 74 of the Te Arawa Lakes Settlement Act 2006, to the extent that the later regulations relate to included species in the Te Arawa fisheries area."

Transitional provision

101 Transitional provision relating to Antiquities Act 1975

(1) The purpose of this section is to apply certain provisions of the Antiquities Act 1975 until the provisions of the Protected Objects Amendment Act 2006 come into force on 1 November 2006.

(2) Until 31 October 2006, the following definitions apply in place of those referred to in section 2(1)(a):

antiquities protocol means a protocol issued under section 52 by the Minister for Arts, Culture and Heritage that—

(a) sets out how the chief executive of the Ministry for Culture and Heritage and the Trustees of the Te Arawa

Lakes Trust will interact on the matters specified in that protocol; and

(b) is in the form set out in Part 2 of the Relationship Schedule or as the protocol is amended under section 52

antiquities protocol area means the Te Arawa lakes, as identified in attachment A of the antiquities protocol.

(3) Until 31 October 2006, the following heading and provision apply in place of the section 57 and heading above that section referred to in section 2(1)(b):

"*Antiquities protocol*

"**57 Effect of antiquities protocol**

"(1) The antiquities protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, antiquities or artifacts.

"(2) In this section, **antiquity** and **artifact** have the same meanings as in section 2 of the Antiquities Act 1975."

Schedule 1

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Te Arawa lakebeds

Lakebed site	Legal description (all in South Auckland Land District–Rotorua District)	Encumbrances
Bed of Lake Rotorua	8088.0000 hectares, more or less, being Section 1 SO 338985. Part *Gazette* 1955 page 1377	Hamurana Wildlife Refuge. *Gazette* 1958 page 466. Lake Rotorua (Motutara) Wildlife Refuge. (SR 1993/135). The right of the Rotorua District Council to disturb the lakebed and remove sediment at Ruapeka Bay, Ohinemutu (Bay of Plenty Regional Council resource consent No 51136).
Bed of Lake Rotoiti	3418.5000 hectares, more or less, being Section 1 SO 338986	
Bed of Lake Rotoehu	798.5100 hectares, more or less, being Section 1 SO 338988	
Bed of Lake Rotomā	1105.2700 hectares, more or less, being Section 1 SO 338987	
Bed of Lake Ōkataina	1067.8400 hectares, more or less, being Section 1 SO 338989. Part Proclamation 8001.	
Bed of Lake Tikitapu	145.9500 hectares, more or less, being Section 1 SO 338994	
Bed of Lake Ōkareka	340.4600 hectares, more or less, being Section 1 SO 338992. Part *Gazette* notice H. 515184	
Bed of Lake Tarawera	4148.4000 hectares, more or less, being Section 1 SO 338996. Part *Gazette* notice S. 643146	
Bed of Lake Rotomahana	755.3350 hectares, more or less, being Sections 1 and 2 SO 338995. Part *Gazette* 1908 page 612 and Part *Gazette* notice H. 306305	Lake Rotomahana Wildlife Refuge being the entire lakebed. Lake Rotomahana Wildlife Refuge Order 1967 (SR 1967/198).

Lakebed site	**Legal description (all in South Auckland Land District–Rotorua District)**	**Encumbrances**
Bed of Lake Rerewhakaaitu	589.7900 hectares, more or less, being Section 1 SO 338990. Part *Gazette* notice H. 581685	The right of the Rotorua District Council to dam the inlet to Awaatua Bay, to control water levels (Bay of Plenty Regional Council resource consent No 21600/2).
Bed of Lake Ngāhewa	8.8300 hectares, more or less, being Section 1 SO 338991	
Bed of Lake Ngāpouri	23.8700 hectares, more or less, being Section 2 SO 338993. Part *Gazette* 1988 page 2728	
Bed of Lake Tutaeinanga	3.9400 hectares, more or less, being Section 1 SO 338993. Part *Gazette* notice H. 641893	

Schedule 2

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Iwi and hapū of Te Arawa

Ngāti Hinekura
Ngāti Hinemihi
Ngāti Hinerangi
Ngāti Hurunga Te Rangi
Ngāti Kahuupoko
Ngāti Kārenga
Ngāti Kawiti
Ngāti Kearoa
Ngāti Kereru
Ngāti Kuri
Ngāti Mākino
Ngāti Marukukere
Ngāti Moemiti
Ngāti Moko
Ngāti Ngāraranui
Ngāti Ngata
Ngāti Pāruaharanui
Ngāti Pikiao
Ngāti Pūkāki
Ngāti Rangiiwaho
Ngāti Rangiteaorere
Ngāti Rangitihi
Ngāti Rangiwewehi
Ngāti Rehu
Ngāti Rereāmanu
Ngāti Ririu
Ngāti Rongomai
Ngāti Taeōtu
Ngāti Tahu
Ngāti Tamakari
Ngāti Tamateatutahi
Ngāti Tāōi
Ngāti Tarāwhai
Ngāti Tāwhaki
Ngāti Te Ngākau
Ngāti Te Purei
Ngāti Te Rangiunuora
Ngāti Te Tākinga
Ngāti Tu
Ngāti Tuara
Ngāti Tūheke
Ngāti Tūmatawera
Ngāti Tūnohopu
Ngāti Tūohonoa
Ngāti Tura
Ngāti Tūtaki-a-Hani
Ngāti Tūtaki-a-Koti
Ngāti Tūteniu
Ngāti Uenukukōpako
Ngāti Wahanui
Ngāti Wāhiao
Ngāti Waoku
Ngāti Whakahemo
Ngāti Whakakeu
Ngāti Whakaokorau
Ngāti Whakaue
Ngāti Whaoa
Tapuika
Te Roro o Te Rangi
Tuhourangi
Waitaha

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Schedule 3
Reserve sites

Lake	Reserve site	*Gazette* notice declaring site to be reserve
Lake Ngāpouri	Lake Ngapouri Wildlife Management Reserve	*Gazette* 1988 page 2728
Lake Ōkareka	Lake Okareka Scenic Reserve	*Gazette* 1930 page 3616 (noted on *Gazette* Notice H. 515184)
Lake Ōkataina (parts)	Lake Okataina Scenic Reserve	*Gazette* 1931 page 1685 (registered as Proclamation 8001)
Lake Rerewhakaaitu (part)	Lake Rerewhakaaitu Recreation Reserve	*Gazette* 1985 page 1237 (Part *Gazette* Notice H. 581685)
Lake Rotomahana (parts)	Waimangu Scenic Reserve	*Gazette* 1910 page 3825 (Part *Gazette* Notice H. 306305)
	Unnamed scenic reserve	*Gazette* 1908 page 612
Lake Tarawera (eastern part)	Lake Tarawera Scenic Reserve	*Gazette* 1974 page 13 (registered as *Gazette* Notice S. 643146)
Lake Tutaeinanga	Lake Tutaeinanga Wildlife Management Reserve	*Gazette* 1986 page 458 (registered as *Gazette* Notice H. 641893)

Schedule 4
Place names

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Existing place name (if any)	Amended, new, or restored place name*	Topographic map reference	Grid reference (NZMG)	Feature type
Lake Rotorua				
Lake Rotorua	Lake Rotorua/Te Rotorua nui ā Kahumatamomoe†	260-U15 and 260-U16	GR 970 433 and GR 970 383	lake
	Kaikaitāhuna Bay	260-U15	GR 962 469	bay
	Mātaikōtare	260-U15	GR 017 416	locality
	Moanarua	260-U15	GR 019 440	locality
	Ōwhatiura Bay	260-U16	GR 980 365	bay
	Parawai Bay	260-U15	GR 925 418	bay
	Pourākau Bay	260-U16	GR 943 383	bay
	Puhirua Bay	260-U15	GR 935 457	bay
Awahou Point	Te Awahou Point	260-U15	GR 931 452	point
	Te Kāramuramu Bay	260-U16	GR 006 390	bay
	Te Matawera Bay	260-U16	GR 012 397	bay
Pohue Bay	Te Pōhue Bay	260-U15	GR 017 426	bay
	Te Raupōroa Beach	260-U15 and 260-U16	From GR 924 415 to GR 942 393	beach
	Te Ruapeka Bay	260-U16	GR 947 367	bay
	Tuarāhiwiroa Point	260-U15	GR 017 422	point
Mission Bay	Waerenga/Mission Bay	260-U15	GR 005 461	bay
Hannahs Bay	Waikawau/Hannahs Bay	260-U16	GR 995 379	bay
	Waikuta	260-U15	GR 930 402	locality
	Waimihia Bay	260-U15	GR 926 440	bay
Holdens Bay	Waingaehe/Holdens Bay	260-U16	GR 990 374	bay
	Waiōhewa Beach	260-U15	From GR 015 414 to GR 016 403	beach
	Waitetī Bay	260-U15	GR 925 426	bay
Lake Rotoiti				
Lake Rotoiti	Lake Rotoiti/Te Roto kite ā Ihenga i ariki ai Kahu†	260-U15 and 260-V15	GR 080 476 and GR 130 458	lake
Hauparu Bay	Hauparu Bay	260-U15	GR 099 449	bay
Korokitewao Bay	Korokitewao Bay	260-V15	GR 160 463	bay
Kuharua Point	Kūhārua Point	260-U15	GR 049 464	point
	Manupīrua Bay	260-U15	GR 072 461	bay
	Ngāpuka Bay	260-V15	GR 105 481	bay

Existing place name (if any)	Amended, new, or restored place name*	Topo-graphic map reference	Grid reference (NZMG)	Feature type
Ngongoahi Bay	Ngongoahi Bay	260-V15	GR 122 469	bay
	Ōkahutoroa Bay	260-U15	GR 086 462	bay
Okawa Bay	Ōkawa Bay	260-U15	GR 028 450	bay
Okere Inlet	Ōkere Inlet	260-U15	GR 040 473	bay
	Onepoto Bay	260-U15	GR 065 483	bay
	Ōtairoa Beach	260-V15	GR 113 473	beach
	Ōtaramarae Bay	260-U15	GR 062 485	bay
	Paripari te tai Bay	260-U15	GR 094 484	bay
	Pounamunui Bay	260-U15	GR 061 487	bay
	Puketapu Bay	260-V15	GR 120 468	bay
Puketapu Point	Puketapu Point	260-V15	GR 118 468	point
Punawhakareia Bay	Punawhakareia Bay	260-V15	GR 122 442	bay
	Tapuaeharuru Bay	260-V15	GR 159 452	bay
	Tapuaekura Bay	260-U15	GR 095 456	bay
	Tauarau Bay	260-U15	GR 089 468	bay
	Tāwhakarere Bay	260-V15	GR 155 445	bay
Te Arero Bay	Te Ārero Bay	260-U15	GR 077 487	bay
Te Karaka Bay	Te Karaka Bay	260-U15	GR 062 486	bay
	Te Kōpiha Bay	260-V15	GR 140 470	bay
	Te Koutū Wetland	260-U15	GR 028 458	swamp
Te Ruato Bay	Te Ruato Bay	260-V15	GR 113 440	bay
Te Ti Bay	Te Tī Bay	260-U15	GR 064 478	bay
	Te Waiiti Point	260-V15	GR 148 441	point
Te Weta Bay	Te Weta Bay	260-U15	GR 043 465	bay
	Tūmoana Bay	260-U15	GR 050 456	bay
Tumoana Point	Tūmoana Point	260-U15	GR 049 460	point
	Waipuna Bay	260-U15	GR 031 465	bay
Wairau Bay	Wairau Bay	260-U15	GR 038 448	bay
	Whangamarino Bay	260-U15	GR 038 474	bay
Wharetata Bay	Wharetata Bay	260-U15	GR 062 456	bay
Lake Rotoehu				
Lake Rotoehu	Lake Rotoehu	260-V15	GR 203 475	lake
	Haupapa Bay	260-V15	GR 200 500	bay
Matawhaura Bay	Matawhaura Bay	260-V15	GR 187 471	bay
Kennedy Bay	Ngāmimiro Bay	260-V15	GR 212 472	bay
Omarupoto Bay	Ōmarupoto Bay	260-V15	GR 192 490	bay
Otautu Bay	Ōtautū Bay	260-V15	GR 210 487	bay
Te Pohue Bay	Te Pōhue Bay	260-V15	GR 185 460	bay
Te Wairoa Bay	Te Wairoa Bay	260-V15	GR 212 460	bay
Wainikau Bay	Wainīkau Bay	260-V15	GR 195 495	bay
Wharenareke Bay	Wharenareke Bay	260-V15	GR 190 480	bay

Existing place name (if any)	Amended, new, or restored place name*	Topo-graphic map reference	Grid reference (NZMG)	Feature type
Lake Rotomā				
Lake Rotoma	Lake Rotomā	260-V15	GR 250 445	lake
	Ōtūmarokura Bay	260-V15	GR 249 467	bay
Otumarokura Point	Ōtūmarokura Point	260-V15	GR 242 461	point
Pangopangoa Bay	Pangopangoa Bay	260-V15	GR 239 444	bay
	Tāhunaroa Beach	260-V15	GR 247 473	beach
Matahi Lagoon	Te Matahī Lagoon	260-V15	GR 265 426	lake
	Te Oneroa Bay	260-V15	GR 252 422	bay
Onewhero Lagoon	Te Onewhero Lagoon	260-V15	GR 261 451	lake
	Te Rotoiti Bay	260-V15	GR 235 460	bay
Whakarewa-rewa Lagoon	Whakarewa Lagoon	260-V15	GR 258 456	lake
Whangaroa Bay	Whangaroa Inlet	260-V15	GR 230 442	bay
Lake Ōkataina				
Lake Okataina	Lake Ōkataina/Te Moana i kataina ā Te Rangitakaroro†	260-U16 and 260-V16	GR 090 353 and GR 105 378	lake
Haumingi Bay	Haumingi Bay	260-U16	GR 082 339	bay
Kaikakahi Bay	Kaikākahi Bay	260-U16	GR 077 360	bay
	Ngāhauā Bay	260-V16	GR 108 382	bay
	Ōruaroa Bay	260-V16	GR 104 341	bay
Oruaroa Point	Ōruaroa Point	260-V16	GR 103 341	point
Otangimoana Bay	Ōtangimoana Bay	260-V16	GR 107 333	bay
Parimata Bay	Paremata Bay	260-U16	GR 082 365	bay
Tahunapo Bay	Tahunapō Bay	260-U16	GR 095 385	bay
	Tauranganui Bay	260-V16	GR 106 386	bay
Waikereru Bay	Waikererū Bay	260-U16	GR 099 366	bay
Lake Tarawera				
Lake Tarawera	Lake Tarawera	260-U16 and 260-V16	GR 090 285 and GR 115 285	lake
Hawaiki Bay	Hawaiki Bay	260-U16	GR 078 263	bay
	Kanaehapa Bay	260-V16	GR 128 269	bay
Kotukutuku Bay	Kōtukutuku Bay	260-U16	GR 062 275	bay
	Mourā Bay	260-V16	GR 105 257	bay
Moura Point	Mourā Point	260-V16	GR 112 261	point
	Ngāheretā Bay	260-V16	GR 125 304	bay
	Punaromia Beach	260-U16	GR 057 274	beach
Rahuiroa Bay	Rāhuiroa Bay	260-U16	GR 072 298	bay

Existing place name (if any)	Amended, new, or restored place name*	Topo-graphic map reference	Grid reference (NZMG)	Feature type
Rangiuru Bay	Rangiuru Bay	260-U16	GR 076 287	bay
Rapatu Bay	Rāpatu Bay	260-V16	GR 121 230	bay
	Ruakōpū Bay	260-V16	GR 146 296	bay
Te Hirau Bay	Te Hīnau Bay	260-U16	GR 084 255	bay
Te Karamea Bay	Te Karamea Bay	260-U16	GR 072 309	bay
	Te Puna Bay	260-V16	GR 121 253	bay
	Te Rātā Bay	260-V16	GR 110 232	bay
Te Tapahoro Bay	Te Tapahoro Bay	260-V16	GR 163 293	bay
Waitangi Bay	Waitangi Bay	260-U16	GR 071 304	bay
Tikitapu/Blue Lake				
Lake Tikitapu (Blue Lake)	Tikitapu/Blue Lake	260-U16	GR 019 288	lake
Lake Ōkareka				
Lake Okareka	Lake Ōkareka	260-U16	GR 045 315	lake
	Taumaihi Point	260-U16	GR 040 313	point

*This list includes some place names that have not changed, some that are new names, and others that are traditional names that have been restored. These are all included to acknowledge their significance to Te Arawa and to ensure they are recognised as "official" place names under this Act.

†The long form of the dual names for this lake is acknowledged as the "official" place name, but the short form of this place name is accepted as remaining in common usage and can be used in publications and databases.

Legislative history

6 April 2006	Introduction (Bill 25–1)
4 May 2006	First reading and referral to Māori Affairs Committee
4 August 2006	Reported from Māori Affairs Committee
30 August 2006	Second reading
7, 12 September 2006	Committee of the whole House (Bill 25–2)
14 September 2006	Third reading
25 September 2006	Royal assent

This Act is administered by the Ministry of Justice.