Reprint
as at 1 July 2003

Waitutu Block Settlement Act 1997

Public Act	1997 No 84
Date of assent	14 November 1997
Commencement	see section 1(2)

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Note
Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of Conservation.

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An Act—

(a) to give effect to certain provisions of a Deed of Settlement dated 8 March 1996 and entered into by The Proprietors of Waitutu Incorporated as owner of the Waitutu Block and the Crown and to a Deed of Covenant dated 29 March 1996 and entered into by The Proprietors of Waitutu Incorporated and the Crown; and

(b) by so doing, to provide for the Waitutu Block to be administered as a national park under the National Parks Act 1980 so as to preserve the natural flora and fauna for its intrinsic worth and for the benefit, use, and enjoyment of the owners of the land and the public of New Zealand; and

(c) to provide for related matters

Preamble

Whereas:

A The Proprietors of Waitutu Incorporated (**the Incorporation**) is a Maori Incorporation duly constituted under Part 4 of the Maori Affairs Amendment Act 1967 and continued by section 357 of Te Ture Whenua Maori Act 1993:

B the Incorporation is, under the name Proprietors of Waitutu, the registered proprietor of the land described in Schedule 1 (**the Waitutu Block**):

C the Waitutu Block is close to the Fiordland National Park which is administered by the Minister of Conservation under the National Parks Act 1980 and is next to conservation areas managed under the Conservation Act 1987 by that Minister:

D the Crown and the Incorporation have agreed that the Waitutu Block contains virgin indigenous timber and other indigenous vegetation and wildlife which it is in the interest of both the Incorporation and the wider public of New Zealand to preserve and protect in perpetuity:

E the Incorporation had entered into a contract for valuable consideration for the cutting, removal, and sale of indigenous timber on the Waitutu Block:

F the Crown has negotiated with the Incorporation for the preservation and protection of the Waitutu Block in perpetuity and to recompense the Incorporation for the financial loss arising from forgoing the right to cut, remove, and sell the timber on the Waitutu Block:

G by a deed of settlement dated 8 March 1996, the Crown and the Incorporation have agreed, among other things,—

(a) that the Incorporation will continue to be the registered proprietor of the Waitutu Block; and

(b) that the Waitutu Block shall be managed by the Crown as if it were a national park subject to the exceptions set out in the deed of covenant referred to in paragraph (f) of this recital; and

(c) that, except as provided in the deed of covenant, neither the Crown nor the Incorporation shall cut or permit to be cut, or remove, indigenous trees or indigenous vegetation on the Waitutu Block; and

(d) for the provision of recompense by the Crown to the Incorporation as set out in the deed of settlement; and

(e) to the granting by the Crown to the Incorporation of rights to cut and remove indigenous trees on other land belonging to the Crown:

(f) to enter into a deed of covenant relating to the management of the Waitutu Block and an agreement granting to the Incorporation cutting rights over other lands belonging to the Crown, both the deed of covenant and the agreement being in the form annexed to the deed of settlement:

H the Crown and the Incorporation entered into a deed of covenant dated 29 March 1996 (a copy of which is set out in Schedule 2) whereby the Crown and the Incorporation mutually agreed and covenanted that the Crown would manage the Waitutu Block in perpetuity in accordance with the terms of the deed of covenant to preserve its flora and fauna in perpetuity for its intrinsic worth and for the benefit, use, and enjoyment of the owners of the land and the wider public of New Zealand as if it were a national park held and administered under the National Parks Act 1980, and that the provisions of that Act would apply to the Waitutu Block.

1 Short Title and commencement

(1) This Act may be cited as the Waitutu Block Settlement Act 1997.

(2) This Act comes into force on 21 December 1997.

2 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 and the deed of covenant.

Compare: 1995 No 58 s 2

3 Interpretation

In this Act, unless context otherwise requires,—

conservation management plan means a conservation management plan approved under section 17G of the Conservation Act 1987

conservation management strategy means a conservation management strategy approved under section 17F of the Conservation Act 1987

deed of covenant means the deed of covenant dated 29 March 1996 and entered into by the Incorporation and the Crown, a copy of which is set out in Schedule 2; and includes that deed as amended from time to time

deed of settlement means the deed of settlement dated 8 March 1996 and entered into by the Crown and the Incorporation; and includes that deed as amended from time to time

department means the Department of Conservation

Director-General means the Director-General of Conservation

District Land Registrar means the District Land Registrar of the Southland Land Registration District

Incorporation means the Proprietors of Waitutu Incorporated, a Maori Incorporation duly constituted under Part 4 of the Maori Affairs Amendment Act 1967 and continued under section 357 of Te Ture Whenua Maori Act 1993

management plan means a management plan approved under section 48 of the National Parks Act 1980

Minister means the Minister of Conservation

national park means a national park constituted under the National Parks Act 1980

owners means the shareholders in the Incorporation

Waitutu Block means the land owned by the Incorporation and described in Schedule 1.

4 Act to bind the Crown

This Act binds the Crown.

5 Application of National Parks Act 1980 to Waitutu Block

(1) The National Parks Act 1980 applies to the Waitutu Block as if the Waitutu Block were a national park.

(2) The application of the National Parks Act 1980 to the Waitutu Block is subject to the provisions of the deed of covenant and to the following particular provisions:

(a) nothing in that Act limits or affects the rights conferred on the Incorporation and the owners by clause 3 of the deed of covenant:

(b) nothing in that Act limits or affects the rights of Susan Judith Clyma referred to in clause 9 of the deed of covenant:

(c) sections 8 and 51 of that Act do not apply.

(3) The powers conferred by the National Parks Act 1980 on the Minister, the Director-General, or the department, as the case may be, must not be exercised in a manner that is contrary to or inconsistent with the deed of covenant.

6 Sale, lease, or other disposition of Waitutu Block

(1) The Incorporation may sell, lease, otherwise dispose of, or grant rights in respect of, the Waitutu Block or any part of the Block.

(2) Before the Incorporation does any of the things specified in subsection (1), the Incorporation must give the Crown—

(a) notice of its intention to do so; and

(b) reasonable time to make an offer to the Incorporation for the Waitutu Block under clause 20 of the deed of covenant.

(3) If the Crown does not make an offer for the Waitutu Block or the Crown makes an offer that is not accepted by the Incorporation, the Incorporation may do the thing of which it gave notice.

(4) Before the Incorporation does the thing of which it gave notice, the Incorporation must obtain the binding agreement of the other party to the transaction that the other party will comply with the deed of covenant.

(5) The doing of any of the things specified in subsection (1) does not limit or affect the power of the Minister to grant a concession in respect of the Waitutu Block under section 49 of the National Parks Act 1980.

(6) Any concession granted by the Minister in respect of the Waitutu Block under section 49 of the National Parks Act 1980 prevails over any of the things specified in subsection (1) done before or after the granting of the concession.

(7) Subject to section 7, the National Parks Act 1980 continues to apply to the Waitutu Block even if the Incorporation does any of the things specified in subsection (1).

(8) In this section, the term **Incorporation** includes any other person deriving (directly or indirectly) from the Incorporation the right to do any of the things specified in subsection (1).

7 Purchase or lease of Waitutu Block by the Crown

(1) If the Crown becomes the owner or lessee of the Waitutu Block or any part of the Block, the National Parks Act 1980 applies to the Block or to that part of the Block as if it were a national park.

(2) If the Waitutu Block or any part of the Block becomes a national park subject to the National Parks Act 1980, this Act ceases to apply to the Block or to such part of it, as the case may be.

8 Incorporation to be consulted about management of Waitutu Block

The Minister, the Director-General, and the department, as the case may require, must consult with and have regard to the views of the Incorporation and any subsequent owner of the Waitutu Block in exercising powers under the National Parks Act 1980 and, in particular,—

(a) in exercising the powers conferred by section 43 of that Act (which relates to the administration of national parks); and

(b) in preparing, under sections 45 and 47 of that Act, any management plan that relates to or affects the Waitutu Block; and

(c) in amending or reviewing, under sections 46 and 47 of that Act, any management plan that relates to or affects the Waitutu Block; and

(d) in respect of any development or management (including public access) that may interfere with wahi tapu areas in the Waitutu Block,—

and the provisions of that Act apply subject to this section.

9 Incorporation to be consulted about conservation management strategies and conservation management plans under Conservation Act 1987

The Director-General must consult with and have regard to the views of the Incorporation and any subsequent owner of the Waitutu Block in—

(a) preparing, under sections 17D and 17F of the Conservation Act 1987, any conservation management strategy that affects or relates to the Waitutu Block; and

(b) preparing, under sections 17E and 17G of that Act, any conservation management plan that relates to or affects the Waitutu Block; and

(c) reviewing, under section 17H of that Act, any conservation management strategy or conservation management plan that relates to or affects the Waitutu Block; and

(d) initiating, under section 17I of that Act, any amendment of a conservation management strategy or conservation management plan that relates to or affects the Waitutu Block or any part of any such strategy or plan,—

and the provisions of that Act apply subject to this section.

10 How consultation with Incorporation to be effected

Any obligation imposed by this Act or by the deed of covenant on the Minister or the Director-General or the department, as the case may be, to consult with the Incorporation is discharged if the Minister or the Director-General or the department consults with the persons who comprise the management committee of the Incorporation.

11 Registration of deed of covenant

(1) The District Land Registrar must, without fee, on the application of any person authorised in writing by the Minister, register against each certificate of title referred to in Schedule 1, the deed of covenant and any amendment to that deed.

(2) Every covenant contained in the deed of covenant runs with and binds the land that is subject to that covenant and is deemed to be an interest in the land for the purposes of the Land Transfer Act 1952.

12 References to Incorporation in documents and registers under Land Transfer Act 1952

For the purposes of the Land Transfer Act 1952, a reference to the Proprietors of Waitutu in a document registered under that Act or in a register kept under that Act must be read as a reference to the Incorporation.

13 No further inquiries into claim by Incorporation to Waitangi Tribunal

(1) Despite any other enactment or rule of law, no court or tribunal has jurisdiction to inquire or further inquire into or to make any finding or recommendation in respect of those parts of the following claims made to the Waitangi Tribunal that are attributable to the Incorporation:

(a) the Wai 27 claim made by Tariana Nilsen on behalf of the Incorporation concerning Wairaurahiri land:

(b) the Wai 158 claim made by Robert Kenneth McAnergney as a member of the Murihiku negotiating team and others.

(2) Despite any other enactment or rule of law, no court or tribunal has jurisdiction to inquire or further inquire into or to make any finding or recommendation in respect of any claim made to the Waitangi Tribunal by the Incorporation or by any owner, whether before or after the coming into force of this Act, if the claim is the same as, or similar in substance to, any of those parts of the claims made to that Tribunal referred to in paragraph (a) or paragraph (b) of subsection (1) that are attributable to the Incorporation.

14 Waitutu Block not rateable

The Waitutu Block is not rateable under the Local Government (Rating) Act 2002.

Section 14: substituted, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

15 Validity of deed of settlement and deed of covenant

Despite any other enactment or rule of law, the deed of settlement and the deed of covenant are deemed to be and to have always been valid and effective according to their terms.

16 Deed of settlement varied

The deed of settlement is varied, with effect on and from the date of the deed of settlement, by omitting clause 6, and substituting the following clause:

"6. In consideration for the Incorporation forbearing any right to cut, remove, and sell timber from the Waitutu Block, and as compensation for costs, the Crown shall pay or transfer to the Incorporation the monies and other rights set out in the Fourth Schedule."

17 Validity of certain actions of the Crown and Incorporation prior to commencement of this Act

Despite any other enactment or rule of law, anything done by the Crown or the Incorporation before the coming into force of this Act that would, if this Act had then been in force, have been lawful, is deemed to be and to have always been lawful.

18 Amendment to Conservation Act 1987

Amendment(s) incorporated in the Act(s).

Schedule 1

Preamble recital B, s 3

Waitutu Block land

The following pieces of land situated in the Southland Land District

Description of land	Certificate of Title reference
Waitutu Survey District Block XII Section 6	88/221
Waitutu Survey District Block XII Section 8A	88/216
Waitutu Survey District Block XII Section 8B	88/216
Waitutu Survey District Block XII Section 9	88/280
Waitutu Survey District Block XIII Section 1	6C/850
Waitutu Survey District Block XIII Section 2	88/218
Waitutu Survey District Block XIII Section 3	88/222
Waitutu Survey District Block XIII Section 5	88/159
Waitutu Survey District Block XIII Section 7	6C/852
Waitutu Survey District Block XIII Sections 8 & 9	88/281
Waitutu Survey District Block XIII Section 10	88/224
Waitutu Survey District Block XIII Section 11	88/225
Waitutu Survey District Block XIII Section 12	88/217
Waitutu Survey District Block XIII Section 13	88/215
Waitutu Survey District Block XIII Section 14	6C/849
Waitutu Survey District Block XIV Section 4	88/219
Waitutu Survey District Block XIV Section 5	6C/851
Waitutu Survey District Block XIV Section 7	88/286
Waitutu Survey District Block XIV Section 8	88/285
Waitutu Survey District Block XIV Section 9	88/223
Waitutu Survey District Block XIV Section 10	88/282
Waitutu Survey District Block XIV Section 12	88/220
Waitutu Survey District Block XIV Section 13	88/284

Schedule 2

Preamble recital H, s 3

Deed of Covenant

THIS DEED OF COVENANT is made this 29th day of March 1996 BETWEEN THE PROPRIETORS OF WAITUTU INCORPORATED hereinafter called the Incorporation of the one part AND HER MAJESTY THE QUEEN acting by and through her MINISTER OF CONSERVATION (hereinafter called the Crown) of the other party.

WHEREAS:

A. The Incorporation is a Maori Incorporation duly constituted under Part IV of the Maori Affairs Amendment Act 1967 and continued by the Te Ture Whenua Maori Act 1993.

B. The Incorporation is the registered proprietor of the land more particularly described in the First Schedule hereto (the Waitutu Block).

C. The parties are agreed that the Waitutu Block contains virgin indigenous timber and other indigenous vegetation and wildlife, scenery of such distinctive quality, ecological systems, natural features so beautiful, unique or scientifically important that its preservation in perpetuity is in the interest of both the owners and the nation.

D. The parties acknowledge that the Waitutu Block has significant cultural and historic value and is taonga to the owners.

NOW IT IS HEREBY AGREED BETWEEN THE PARTIES

1. In this Deed of Covenant the term "owners" means the beneficial owners of the Incorporation.

2. Subject to clause 3 the Incorporation and the Crown hereby mutually covenant and agree that henceforth and in perpetuity the Waitutu Block shall be managed in accordance with the following terms and conditions:

    i) The Minister of Conservation (the Minister) on behalf of the Crown shall in accordance with the terms of this Deed of Covenant manage the Waitutu Block on behalf of the Incorporation to preserve its flora and fauna in perpetuity for its intrinsic worth and for the benefit use and enjoyment of the owners and as a consequence the public of New Zealand as if it were a national park held and administered under the National Parks Act 1980 or any enactment in substitution therefor.

ii) As far as is permissible in law the provisions of the National Parks Act shall apply to the Waitutu Block.

3. Notwithstanding clause 2 the following provisions shall apply to the management of the Waitutu Block:

i) The Incorporation may erect an accommodation hut for the use of the owners and their guests on the true right hand bank of the Wairaurahiri River near the mouth of the river as marked on the plan attached hereto as the Second Schedule.

ii) The Incorporation may remove such vegetation as may be necessary for the purpose of building the hut and providing for its surround.

iii) If the Incorporation at any time desires to build any additional huts for its owners' use the Incorporation shall obtain the consent of the Crown who shall not unreasonably withhold such consent provided that the erection of any hut is not inconsistent with any relevant Conservation Management Strategy or Conservation Management Plan or Management Plan for the Waitutu Block.

iv) The Incorporation may construct a helicopter landing site on open land on the true right bank close to the mouth of the Wairaurahiri River as shown on the said plan.

v) The Incorporation may place boat mooring poles in the Wairaurahiri River in the vicinity of the hut referred to in paragraph (i) above.

vi) In exercising its rights under paragraphs (i), (ii), (iii), (iv) and (v) the Incorporation shall obtain all necessary resource consents, building consents and comply with all other obligations statutory or otherwise which may apply at the time.

vii) Subject to the Wild Animal Control Act 1977 owners of the Incorporation may undertake deer hunting.

viii) Subject to the Wildlife Act 1953, owners of the Incorporation may take traditional foods from the Waitutu Block.

ix) The owners of the Incorporation may take vegetative material for customary medicinal use from the Waitutu Block.

x) The owners of the Incorporation may erect smoking racks for eels but shall not erect any other buildings or structures apart from those authorised in paragraphs (i), (iii), (iv) and (v) above.

xi) Before exercising any right under paragraphs (vii), (viii), (ix), and (x) the owners shall notify the Minister.

xii) The owners of the Incorporation may enter onto the Waitutu Block at any time.

4. The Crown shall consult with and have regard to the views of the Incorporation in respect of any proposed changes to the National Parks Act 1980 which may affect the Waitutu Block.

5. The Crown shall consult with and have regard to the views of the Incorporation in respect of the preparation of any Conservation Management Strategy or Conservation Management Plan or Management Plan which affects or relates to the Waitutu Block.

6. The Crown shall consult with and have regard to the views of the Incorporation on all matters involving management or changes to management of the Waitutu Block.

7. No development or management (including any public access) which will interfere with wahi tapu areas shall be undertaken by the Crown without consultation with and regard for the views of the Incorporation.

8. Any obligation by the Crown to consult with the Incorporation or any of the matters referred to in clauses 4, 5, 6 and 7 hereof shall be sufficiently discharged by the Crown if the consultation takes place with those persons comprising the Management Committee of the Incorporation.

9. Subject to the rights of Susan Judith Clyma under a sphagnum moss recovery licence which expires on or before June 2003 and subject to this Deed of Covenant, neither the Crown nor the Incorporation shall permit any damage or destruction or removal or cutting of any indigenous vegetation for commercial reward or gain.

10. Nothing herein contains limits or affects the right of the Crown as far as practical:

i) to keep the Waitutu Block free from plant pests and in particular to comply with the provisions of any notices

given under the Noxious Plants Act 1978 or any provisions of any pest management strategy

ii) to keep the Waitutu Block free from any exotic tree species

iii) to keep the Waitutu Block free from animal pests and wild animals and in particular comply with the provisions of and any notices given under the Agriculture Pests Destruction Act 1967 or any provisions of any pest management strategy or

iv) to keep the Waitutu Block free from rubbish or other unsightly or offensive material

v) to manage, protect and maintain any scenic, historic, archaeological, biological, geological and scientific features present on the Waitutu Block its soil, water and forests provided that the Crown shall not act in a manner inconsistent with the principles of the Treaty of Waitangi.

11. Neither party shall permit any stock to graze upon the Waitutu Block.

12. Unless required to do so by statute or permitted by this Deed of Covenant or any relevant Conservation Management Strategy, Conservation Management Plan or Management Plan neither party shall carry out or allow to be carried out

i) Any removal of indigenous plants, shrubs, trees or animals

ii) Any burning, topdressing or sowing of seed on the Waitutu Block

iii) Any cultivation, earthworks or other soil disturbance on the Waitutu Block

iv) Any erection of utility transmission lines across the Waitutu Block

v) Any replanting programme on the Waitutu Block except for planting indigenous species

vi) The erection of any fence, building, structure or other improvements on the Waitutu Block for the purposes of either the Crown or the Incorporation or for other private or public purposes

13. Except as otherwise provided in this Deed of Covenant members of the public may have access to and entry onto the Wai-

tutu Block for purposes consistent with the National Parks Act 1980. The Crown may specify conditions of entry and may decline entry in order to achieve the principles and purposes of the National Parks Act 1980. Nothing herein contained shall interfere with any right of the Incorporation's owners as set out in clause 3 hereof.

14. The Incorporation grants the Crown and any officer or duly authorised agent of the Crown in perpetuity access without notice to the Waitutu Block for purposes of managing and administering the Waitutu Block or for carrying out protection or maintenance work in or on the Waitutu Block consistent with the principles of the National Parks Act 1980.

15. Subject to the Crown complying with its obligations under this Covenant the Incorporation shall not impede or otherwise interfere with any action of the Crown in managing the Waitutu Block.

16. If the Incorporation becomes aware of a fire or in the event of wildfire threatening the Waitutu Block it shall notify the proper fire authority or the Minister.

17. If the Minister is not the fire authority for any part of the Waitutu Block under threat from fire the Minister may render assistance to the fire authority in suppressing the fire if requested to do so in terms of a formalised agreement under section 14 of the Forests and Rural Fires Act 1977 in place between the Minister and the Fire Authority.

18. Unless the Incorporation is responsible for the wildfire through wilful action or negligence (which includes the case where the wildfire is caused by the escape of a permitted fire through non observance of the permit) the Crown shall be responsible for the costs relating to fire suppression.

19. The Incorporation shall not sell, lease or otherwise part with possession of the Waitutu Block without first informing the Crown of such intention and inviting the Crown to make an offer to purchase the Waitutu Block.

20. On being informed of the Incorporation's desire to sell, lease or otherwise dispose of the Waitutu Block the Crown may make an offer for the Waitutu Block.

21. If either the Crown does not within a reasonable time make an offer pursuant to clause 20 for the Waitutu Block or if any offer by the Crown is not accepted by the Incorporation, the Incorporation shall ensure that the agreement of the purchaser, lessee or assignee to comply with the terms of this covenant is obtained including an agreement by the purchaser or assignee to ensure on any subsequent sale or assignment (whether by sale, lease or otherwise) that any subsequent purchaser, lessee or assignee shall also comply with the terms of this Deed of Covenant.

22. If for any reason this Deed of Covenant is unregistered and the Incorporation fails to obtain the agreement of any purchaser, lessee or assignee to comply with the terms of this Deed of Covenant as set out in clause 21 hereof the Incorporation shall continue to be liable in damages for any breach of covenant committed after it has parted with all interest in the Waitutu Block in respect of which such breach has occurred.

23. The Crown shall at its cost carry out any survey work necessary for this Deed of Covenant to be registered against the Certificates of Title for the Waitutu Block.

24. This Deed of Covenant shall be signed by both parties and the Incorporation shall undertake all reasonable endeavours to make available to the Minister the Certificates of Title to the Waitutu Block. If the Incorporation cannot produce any Certificate of Title it shall at its expense obtain a duplicate of such Certificate of Title. The Crown shall then at its expense register this Deed of Covenant on the Certificates of Title to the Waitutu Block.

25. The parties acknowledge that legislation is necessary to enable the provisions of this Deed of Covenant to be registered and to enable the Waitutu Block to become subject to the National Parks Act 1980.

26. The Crown in consultation with the Incorporation shall promote legislation to give effect to the terms of this Deed of Covenant.

27. i) Notwithstanding any other provision of this Deed of Covenant the Crown or the Minister may institute proceedings against the Incorporation to enforce compliance with this Deed of Covenant by the Incorporation.

ii) Notwithstanding any other provision of this Deed of Covenant the Incorporation may institute proceedings against the Crown or the Minister to enforce compliance by the Crown with this Deed of Covenant.

28. The Crown shall at all times indemnify and save harmless the Incorporation from and against:

i) Any and all actions claims demands awards and proceedings of every nature and kind made, brought or prosecuted against the Incorporation; and

ii) Any and all loss damage cost or expense suffered or incurred by the Incorporation which are based upon, or arise out of or are connected with any act, commission, neglect, breach or default on the part of the Crown and any visitors or licensees of the Crown.

29. The Crown shall, during the term of this Deed of Covenant, duly and punctually pay all general, water, special and other rates and all taxes (including land tax if any) and assessments levied upon or payable in respect of the Waitutu Block irrespective of the ownership thereof but excluding income tax or any tax or rents or licence fees or other tax assessed in respect of Waitutu Block.

30. The reference to any Act in this Deed of Covenant extends and includes any amendment to or re-enactment of that Act.

31. Any notice required to be given to the Incorporation in terms of the Deed of Covenant shall be sufficiently given if made in writing and served as provided in section 152 of the Property Law Act 1952.

32. Any notice required to be given by the Crown or Minister shall be sufficiently given if it is signed by the Regional Conservator of the Department of Conservation Southland Conservancy. Any notice required to be served upon the Crown shall be sufficiently served and delivered to the office for the time being of

the Regional Conservator Department of Conservation, Southland Conservancy, Invercargill P O Box 743 Invercargill.

33. Any dispute which may arise between the Incorporation and the Crown or Minister in any way relating to this Deed of Covenant may be resolved by referring the dispute to an agreed party for a decision or by arbitration under the provisions of the Arbitration Act 1908.

34. Until this Deed of Covenant is registered in accordance with clause 24, and until the legislation referred to in clauses 25 and 26 is enacted the parties agree to be bound by the provisions of this Deed of Covenant.

IN WITNESS whereof the parties have hereto set their hands on the day and year aforementioned.

SIGNED on behalf of)
Her Majesty the Queen)
by Denis William Anson) Denis Marshall
Marshall Minister of)
Conservation in the presence of)

Witness T K Mansfield

Address Wellington

Occupation Office Solicitor

Signed by the proprietors of Waitutu Incorporated by

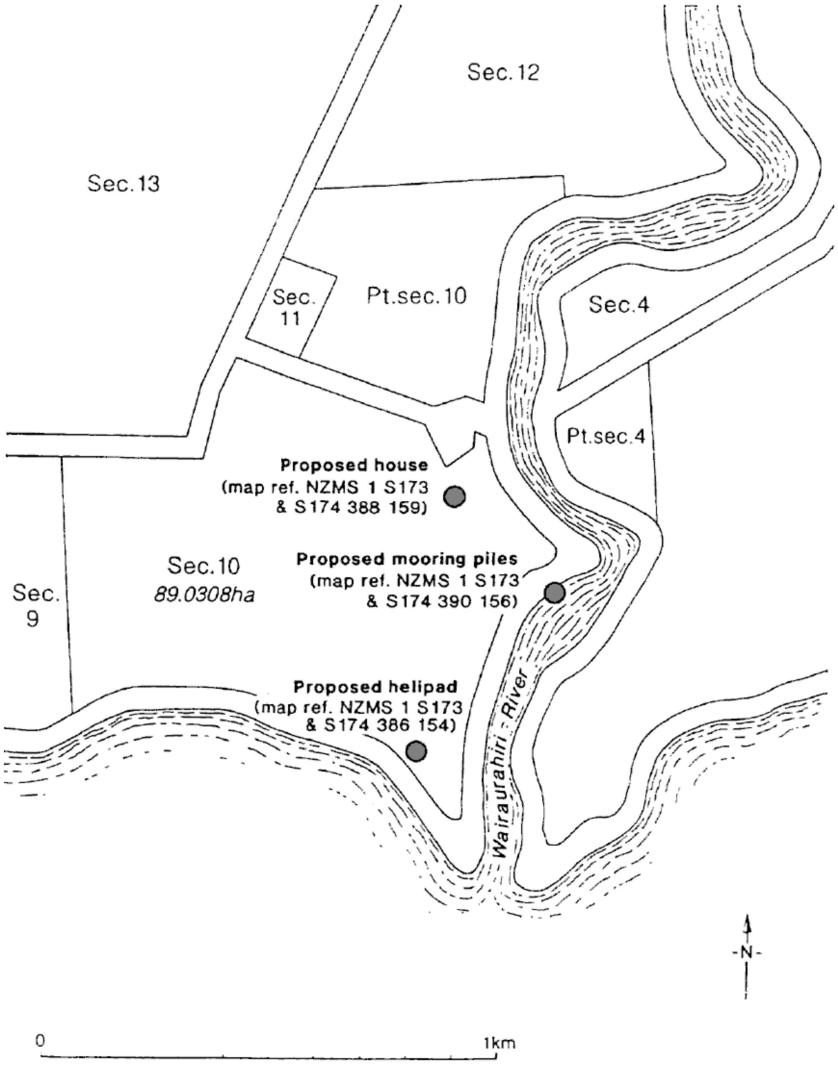
J E E Southerwood
Chairman [Seal]

L Gale

First Schedule—Waitutu Block

[*The First Schedule to the Deed of Covenant has been omitted. That schedule contains a description of the land comprising the Waitutu Block. A description of that land is set out in Schedule 1 of this Act.*]

Second Schedule



Local Government (Rating) Act 2002

Public Act	2002 No 6
Date of assent	30 March 2002
Commencement	see section 2

1 Title

This Act is the Local Government (Rating) Act 2002.

Part 1
Preliminary and key provisions

Subpart 1—Preliminary provisions

2 Commencement

(1) Section 137(1), so far as it relates to the item relating to section 122ZAA of the Local Government Act 1974 in Schedule 5, comes into force on the day after the date on which this Act receives the Royal assent.

(2) The following provisions come into force on the day after the date on which this Act receives the Royal assent, but only for the purpose of rating in a financial year that begins on or after 1 July 2003:

- (a) section 11, so far as it relates to district valuation rolls; and
- (b) section 137(1), so far as it relates to—
  - (i) Schedule 4; and
  - (ii) items relating to the Rating Valuations Regulations 1998 in Schedule 5.

(3) The following provisions come into force on 30 April 2003:

- (a) section 11, so far as it relates to rating information databases; and
- (b) sections 27 to 36.

(4) The rest of this Act comes into force on 1 July 2003.

Part 5
Replacement of rates and miscellaneous matters

Subpart 2—Miscellaneous matters

Amendments, savings, repeals of other enactments, and transitional provisions

137 Amendments to other enactments

(1) The Acts and regulations specified in Schedules 4 and 5 are amended in the manner indicated in those schedules.

(2) However, those Acts and regulations continue in force as if they had not been amended to the extent necessary for the levying and collection of rates made or levied for the financial year ending on 30 June 2003 or a previous financial year.

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2 Status of reprints
3 How reprints are prepared
4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
5 List of amendments incorporated in this reprint (most recent first)

Notes

1 General

This is a reprint of the Waitutu Block Settlement Act 1997. The reprint incorporates all the amendments to the Act as at 1 July 2003, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* http://www.pco.parliament.govt.nz/reprints/.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* http://www.pco.parliament.govt.nz/editorial-conventions/ or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as "of this section" and "of this Act")
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)

Local Government (Rating) Act 2002 (2002 No 6): section 137(1)

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