

- (ii) on terms that were the same as, or more favourable to the trustees than, the terms of the disposal to the person; and
- (iii) not withdrawn under section 96; and
- (iv) not accepted under section 97.

Trustees' right of first refusal

94 Requirements for offer

An offer by an RFR landowner to dispose of RFR land to the trustees must be by notice to the trustees, incorporating—

- (a) the terms of the offer, including its expiry date; and
- (b) a legal description of the land, including any encumbrances affecting it; and
- (c) a street address for the land (if applicable); and
- (d) a street address, postal address, and fax number for the trustees to give notices to the RFR landowner in relation to the offer.

95 Expiry date of offer

- (1) The expiry date of an offer must be at least 1 month after the trustees receive notice of the offer.
- (2) However, the expiry date of an offer may be at least 10 business days after the trustees receive notice of the offer if—
 - (a) the trustees received an earlier offer to dispose of the land; and
 - (b) the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer; and
 - (c) the earlier offer was not withdrawn.

96 Withdrawal of offer

The RFR landowner may, by notice to the trustees, withdraw an offer at any time before it is accepted.

97 Acceptance of offer

- (1) The trustees may, by notice to the RFR landowner who made an offer, accept the offer if—
 - (a) it has not been withdrawn; and
 - (b) its expiry date has not passed.

- (2) The trustees must accept all the RFR land offered, unless the offer permits them to accept less.

98 Formation of contract

- (1) If the trustees accept an offer by an RFR landowner to dispose of RFR land, a contract for the disposal of the land is formed between the landowner and the trustees on the terms in the offer.
- (2) The terms of the contract may be varied by written agreement between the landowner and the trustees.

Disposals to others

99 Disposals to the Crown or Crown bodies

An RFR landowner may dispose of RFR land to—

- (a) the Crown; or
- (b) a Crown body.

100 Disposals in accordance with enactment or rule of law

An RFR landowner may dispose of RFR land in accordance with an obligation under any enactment or rule of law.

101 Disposals in accordance with legal or equitable obligation

An RFR landowner may dispose of RFR land in accordance with—

- (a) a legal or equitable obligation that—
 - (i) was unconditional before the settlement date; or
 - (ii) was conditional before the settlement date but became unconditional on or after the settlement date; or
 - (iii) arose after the exercise (whether before, on, or after the settlement date) of an option existing before the settlement date; or
- (b) the requirements, existing before the settlement date, of a gift, endowment, or trust relating to the land.

102 Disposals by the Crown under certain legislation

The Crown may dispose of RFR land in accordance with—

- (a) section 54(1)(d) of the Land Act 1948; or

- (b) section 206 of the Education Act 1989; or
- (c) section 355(3), 355AA, or 355AB of the Resource Management Act 1991.

103 Disposals of land held for public works

- (1) An RFR landowner may dispose of RFR land in accordance with—
 - (a) section 40(2) or (4) or 41 of the Public Works Act 1981 (including as applied by another enactment); or
 - (b) section 52, 105(1), 106, 114(3), 117(7), or 119 of the Public Works Act 1981; or
 - (c) section 117(3)(a) of the Public Works Act 1981; or
 - (d) section 117(3)(b) of the Public Works Act 1981 if the land is disposed of to the owner of adjoining land; or
 - (e) section 23(1) or (4), 24(4), or 26 of the New Zealand Railways Corporation Restructuring Act 1990.
- (2) To avoid doubt, RFR land may be disposed of by an order of the Maori Land Court under section 134 of Te Ture Whenua Maori Act 1993, after an application by an RFR landowner under section 41(e) of the Public Works Act 1981.

104 Disposals of existing public works

- (1) An RFR landowner may dispose of RFR land that is a public work, or part of a public work, in accordance with section 50 of the Public Works Act 1981 to a local authority (as defined in section 2 of the Public Works Act 1981).
- (2) To avoid doubt, if RFR land is disposed of to a local authority under subsection (1), the local authority becomes—
 - (a) the RFR landowner of the land; and
 - (b) subject to the obligations of an RFR landowner under this subpart.

105 Disposals for reserve or conservation purposes

- An RFR landowner may dispose of RFR land in accordance with—
- (a) section 15 of the Reserves Act 1977; or
 - (b) section 26 or 26A of the Reserves Act 1977; or
 - (c) section 16A or 24E of the Conservation Act 1987.

106 Disposals for charitable purposes

An RFR landowner may dispose of RFR land as a gift for charitable purposes.

107 Disposals to tenants

The Crown may dispose of RFR land—

- (a) that was held on the settlement date for education purposes to a person who, immediately before the disposal, is a tenant of the land or all or part of a building on the land; or
- (b) under section 67 of the Land Act 1948, if the disposal is to a lessee under a lease of the land granted—
 - (i) before the settlement date; or
 - (ii) on or after the settlement date as a renewal of a lease granted before the settlement date; or
- (c) under section 93(4) of the Land Act 1948.

108 Disposals by Housing New Zealand Corporation

Housing New Zealand Corporation, or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Housing has given notice to the trustees that, in the Minister's opinion, the disposal is to achieve, or assist in achieving, the Crown's social objectives in relation to housing or services related to housing.

109 Disposals by Capital and Coast District Health Board

The Capital and Coast District Health Board (established by section 19(1) of the New Zealand Public Health and Disability Act 2000), or any of its subsidiaries, may dispose of RFR land to any person if the Minister of Health has given notice to the trustees that, in the Minister's opinion, the disposal is to achieve, or assist in achieving, the district health board's objectives.

110 RFR landowner's obligations under this subpart

- (1) An RFR landowner's obligations under this subpart in relation to RFR land are subject to—

- (a) any other enactment or rule of law but, in the case of a Crown body, the obligations apply despite the purpose, functions, or objectives of the Crown body; and
 - (b) any encumbrance, or legal or equitable obligation,—
 - (i) that prevents or limits an RFR landowner's disposal of RFR land to the trustees; and
 - (ii) that the RFR landowner cannot satisfy by taking reasonable steps; and
 - (c) the terms of a mortgage over, or security interest in, RFR land.
- (2) Reasonable steps, for the purposes of subsection (1)(b)(ii), do not include steps to promote the passing of an enactment.
 - (3) This subpart does not limit any of the things referred to in subsection (1).

Notices

111 Notice of RFR land with computer register after settlement date

- (1) If a computer register is first created for RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the register has been created.
- (2) If land for which there is a computer register becomes RFR land after the settlement date, the RFR landowner must give the chief executive of LINZ notice that the land has become RFR land.
- (3) The notice must be given as soon as is reasonably practicable after a computer register is first created for the RFR land or after the land becomes RFR land.
- (4) The notice must include the reference for the computer register and a legal description of the land.

112 Notice to trustees of disposals of RFR land to others

- (1) An RFR landowner must give the trustees notice of the disposal of RFR land by the landowner to a person other than the trustees.
- (2) The notice must be given at least 20 business days before the disposal.
- (3) The notice must—

- (a) include a legal description of the land, including any encumbrances affecting it; and
- (b) include a street address for the land (if applicable); and
- (c) identify the person to whom the land is being disposed of; and
- (d) explain how the disposal complies with section 93; and
- (e) include a copy of any written contract for the disposal.

113 Notice of land ceasing to be RFR land

- (1) This section applies if land is to cease being RFR land because—
 - (a) the RFR landowner is to transfer the fee simple estate in the land to—
 - (i) the trustees (for example, under section 97); or
 - (ii) any other person (including the Crown or a Crown body) under section 93(b); or
 - (b) the RFR landowner is to transfer or vest the fee simple estate in the land to or in a person other than the Crown or a Crown body under any of sections 100 to 103 or 105 to 109 or any of the things referred to in section 110(1).
- (2) The RFR landowner must, as early as practicable before the transfer or vesting, give the chief executive of LINZ notice that the land is to cease being RFR land.
- (3) The notice must—
 - (a) include a legal description of the land; and
 - (b) specify the details of the transfer or vesting of the land.

114 Notice requirements

- Schedule 4 applies to notices given under this subpart by or to—
- (a) an RFR landowner; or
 - (b) the trustees.

Memorials for RFR land

115 Recording memorials on computer registers for RFR land

- (1) The chief executive of LINZ must issue to the Registrar-General certificates that identify—

- (a) the RFR land for which there is a computer register on the settlement date; and
 - (b) the RFR land for which a computer register is first created after the settlement date; and
 - (c) land for which there is a computer register that becomes RFR land after the settlement date.
- (2) The chief executive must issue a certificate as soon as is reasonably practicable after—
 - (a) the settlement date, in the case of RFR land for which there is a computer register on the settlement date; or
 - (b) receiving a notice under section 111 that a computer register has been created for the RFR land or that the land has become RFR land, in any other case.
- (3) Each certificate must state that it is issued under this section.
- (4) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (5) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, record on the computer register for the RFR land identified in the certificate that the land is—
 - (a) RFR land as defined in section 92 of this Act; and
 - (b) subject to this subpart of this Act (which restricts disposal, including leasing, of the land).

116 Removal of memorials when land to be transferred or vested

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after receiving a notice under section 113 that land is to cease being RFR land, issue to the Registrar-General a certificate that—
 - (a) identifies each allotment of that land that is contained in a computer register that has a memorial recorded on it under section 115; and
 - (b) specifies the details of the transfer or vesting of the land; and
 - (c) states that it is issued under this section.

- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) If the Registrar-General receives a certificate issued under this section before registering the transfer or vesting of RFR land described in the certificate, the Registrar-General must, immediately before registering the transfer or vesting, remove a memorial recorded under section 115 from any computer register for the land.
- (4) If the Registrar-General receives a certificate issued under this section after registering the transfer or vesting of RFR land described in the certificate, the Registrar-General must, as soon as is reasonably practicable, remove a memorial recorded under section 115 from any computer register for the land.

117 Removal of memorials when RFR period ends

- (1) The chief executive of LINZ must, as soon as is reasonably practicable after the RFR period ends, issue to the Registrar-General a certificate that—
 - (a) identifies each allotment of land that is contained in a computer register that still has a memorial recorded on it under section 115; and
 - (b) states that it is issued under this section.
- (2) The chief executive must provide a copy of each certificate to the trustees as soon as is reasonably practicable after issuing the certificate.
- (3) The Registrar-General must, as soon as is reasonably practicable after receiving a certificate issued under this section, remove a memorial recorded under section 115 from any computer register for the land identified in the certificate.

General provisions

118 Time limits must be strictly complied with

The time limits specified in sections 93 and 97 must be strictly complied with.

119 Waiver and variation

- (1) The trustees may, by notice to an RFR landowner, waive any or all of the rights the trustees have in relation to the landowner under this subpart.
- (2) The trustees and an RFR landowner may agree in writing to vary or waive any of the rights each has in relation to the other under this subpart.
- (3) A waiver or agreement under this section is on the terms, and applies for the period, specified in it.

120 Disposal of Crown bodies not affected

This subpart does not limit the ability of the Crown, or a Crown body, to sell or dispose of a Crown body.

Schedule 1

Statutory areas

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Statutory area	Location
Kaiwharawhara Stream	As shown on SO 408069
Coastal marine area	As shown on SO 408070
Hutt River	As shown on SO 408071
Waiwhetu Stream	As shown on SO 408072
Wellington Harbour	As shown on SO 408073
Riverside Drive marginal strip	As shown on SO 408074
Seaview marginal strip	As shown on SO 408075
Government Buildings Historic Reserve	As shown on SO 408076
Turnbull House Historic Reserve	As shown on SO 408077
Rimutaka Forest Park	As shown on SO 408079
Wainuiomata Scenic Reserve	As shown on SO 408080
Turakirae Head Scientific Reserve	As shown on SO 408081
Kelburn Local Purposes (Community and Administrative Buildings) Reserve	As shown on SO 408078

Schedule 2

Cultural redress properties

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All cultural redress properties are in the Wellington Land District.

Part 1

Sites vest in fee simple

Name of site	Description	Encumbrances
1 Thorndon Quay	0.0564 hectares, more or less, being Section 1 SO 35738. All computer freehold register WN36D/521.	<p>Subject to an unregistered lease dated 2 August 2006 to Counselling & Psychotherapy Associates Limited.</p> <p>Subject to an unregistered lease dated 23 August 2007 to Babystar Holdings Limited.</p> <p>Subject to an unregistered renewal of lease dated 15 December 2006 to Rail and Maritime Transport Union Incorporated, renewing a lease dated 21 December 2000.</p> <p>Subject to an unregistered renewal of lease dated 19 June 2006 to Jumbani Investments Limited (now assigned to 175 Degrees East Limited), renewing a lease dated 17 June 2003.</p> <p>Subject to an outdoor billboard agreement dated 30 September 2004 to (now) Isite Limited.</p> <p>Subject to section 3 of the Petroleum Act 1937, section 8 of the Atomic Energy Act 1945, sections 6 and 8 of the Mining Act 1971, and sections 5 and 261 of the Coal Mines Act 1979.</p>

Part 1—continued

Name of site	Description	Encumbrances
81–87 Thorndon Quay	0.0871 hectares, more or less, being Part Lots 7 and 8 Plan A/1064 and Part Subdivision 9 Pipitea Pa. All computer freehold register WN42C/243.	Subject to an unregistered lease dated 3 November 2006 to Venture Realty Limited.
Waiwhetu Road site	0.1311 hectares, more or less, being Section 1 SO 406939. All GN B601539.1.	Subject to an easement in gross in favour of (now) Vector Limited for a right to erect and maintain an electric substation and a right to convey electricity, created by transfer 890090.2.
Former Wainuiomata College site	7.6897 hectares, more or less, being Part Lot 1 DP 20910. All computer freehold register 45698.	Subject to an unregistered lease to Te Runanganui o Taranaki Whanui ki Te Upoko o Te Ika a Maui Association Incorporated.
Former Wainuiomata Intermediate School site	4.0288 hectares, more or less, being Lots 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 DP 21094. All computer freehold register 45705.	Subject to an unregistered lease to Te Runanganui o Taranaki Whanui ki Te Upoko o Te Ika a Maui Association Incorporated. Together with water rights created by transfers 271704 and 329019.
Former Waiwhetu School site	1.6221 hectares, more or less, being Lot 2 DP 319038. All computer freehold register 74499.	Subject to a right to drain sewage in gross in favour of Hutt City Council, created by easement instrument 5853747.4. Subject to a water drainage right, created by easement instrument 5853747.3, which is subject to section 243(a) of the Resource Management Act 1991. Subject to certificates K43519, K43518, and 495447, under section

Part 1—*continued*

Name of site	Description	Encumbrances
Pipitea Marae site	0.3564 hectares, more or less, being Section 1 SO 406983. All computer freehold register WN16A/350, part document K25892, and balance computer freehold register WN401/66.	26 of the Housing Act 1955, that pipelines for the passage of sewage or sanitary sewage pass through the land.
		Subject to the unregistered first renewal of the lease previously registered as lease 146830.3, which is to be treated as requiring the consent of the Minister of Māori Affairs to any change in the annual rent on rent review.

Part 2
Sites vest in fee simple to be administered
as Maori reservations

Name of site	Description	Encumbrances
Dendroglyph site	0.0507 hectares, more or less, being Sections 1 and 2 SO 406982. Part computer freehold register WN41A/384.	Together with the right of way easement referred to in section 47(6).
Urupā site	3.9377 hectares, more or less, being Section 1 SO 407043. Part computer freehold register WN37A/957.	Subject to the right of way easement referred to in section 48(4) and to the fencing covenant included with that easement.
		Subject to the memorandum of encumbrance referred to in section 48(4). Subject to section 11 of the Crown Minerals Act 1991.

Part 3
Sites vest in fee simple subject to
conservation covenant

Name of site	Description	Encumbrances
Bed of Lake Kohangatera and the Lake Kohangatera esplanade land	<i>Bed of Lake Kohangatera</i> 33.0622 hectares, more or less, being Section 2 SO 409042, but excluding the Crown stratum (as defined in section 38(2)). Part GN 911916.1. <i>Lake Kohangatera esplanade land</i> 7.8000 hectares, more or less, being Lot 11 DP 53891.	Subject to the conservation covenant referred to in section 49(6).
Bed of Lake Kohangapiripiri and the Lake Kohangapiripiri esplanade land	<i>Bed of Lake Kohangapiripiri</i> 8.7900 hectares, more or less, being Lot 9 DP 53891, but excluding the Crown stratum (as defined in section 38(2)). Part GN 911916.1. 3.5141 hectares, more or less, being Section 1 SO 406979, but excluding the Crown stratum (as defined in section 38(2)). Part computer freehold register WND1/1106. <i>Lake Kohangapiripiri esplanade land</i> 3.2500 hectares, more or less, being Lot 10 DP 53891.	Subject to the conservation covenant referred to in section 49(6).

Part 4

Sites vest in fee simple to be administered as scenic, recreation, or local purpose reserves

Name of site	Description	Encumbrances
Wi Tako Scenic Reserve	59.2230 hectares, more or less, being Section 1 SO 34638. All GN B152032.2.	Subject to an easement in gross, in favour of (now) UnitedNetworks Limited, for a right to lay and maintain an electric power supply cable, created by transfer B300767.1.
Point Dorset Recreation Reserve	8.4490 hectares, more or less, being Sections 1, 2, 3, and 4 SO 38155. All GN B801376.1.	
Korokoro Gateway site	5.1300 hectares, more or less, being Section 1 SO 407772.	Subject to an unregistered licence to occupy dated 9 October 1959 in favour of the Wellington Water Ski Club Incorporated. Subject to an informal right to convey water in favour of Wellington Regional Council.

Part 5

Harbour Islands reserves vest in fee simple to be administered as scientific or historic reserves

Name of site	Description	Encumbrances
Makaro Scientific Reserve	1.7000 hectares, more or less, being Section 1 SO 36220. All <i>Gazette</i> 1997 page 3872.	
Mokopuna Scientific Reserve	0.7992 hectares, more or less, being Section 1 SO 20946. All <i>Gazette</i> 1997 page 3872.	

Part 5—*continued*

Name of site	Description	Encumbrances
Matiu Scientific Reserve	22.5459 hectares, more or less, being Section 2 SO 406882. Part <i>Gazette</i> 1998 page 3416. 0.3465 hectares, more or less, being Section 3 SO 20946. Part GN B731787.2.	Subject to the lease referred to in section 63(7).
Matiu Historic Reserve	2.3423 hectares, more or less, being Section 1 SO 406882. All <i>Gazette</i> 1998 page 3416.	

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Schedule 3
Provisions applying to Harbour Islands
Kaitiaki Board

Sections 31 to 34 of Reserves Act 1977

- 1 Sections 31 to 34 of Reserves Act 1977 apply**
- (1) Sections 31 to 34 of the Reserves Act 1977 apply to the Harbour Islands Kaitiaki Board as if it were a Board appointed under section 30(1) of that Act, except as provided in this schedule.
- (2) However,—
- (a) the Minister of Conservation may not, under section 31(c) of the Reserves Act 1977, remove from office a member of the Board appointed by the trustees; and
- (b) section 32(1), (2), (5), (7), and (10) of the Reserves Act 1977 do not apply to meetings of the Board.

Membership of Board

- 2 Appointment of members of Board**
- (1) The Minister and the trustees must appoint the members of the Harbour Islands Kaitiaki Board in accordance with clause 3.
- (2) Each member appointed by the Minister must be appointed by notice in the *Gazette*.
- (3) Each member appointed by the Harbour Islands Kaitiaki Board must be appointed by notice in a daily or other newspaper circulating in Wellington.
- 3 Number of members of Board**
- (1) The Harbour Islands Kaitiaki Board must consist of—
- (a) 3 members appointed by the Minister, on the nomination of the Director-General;
- (b) 3 members appointed by the trustees.
- (2) The trustees must appoint, as the chairperson of the Board, 1 of the members it appointed to the Board.

Procedure of Board

4 Meetings of Board

- (1) The Harbour Islands Kaitiaki Board may regulate its own procedure, except as provided in this schedule.
- (2) The first meeting of the Harbour Islands Kaitiaki Board must be held not later than 2 months after the date that its final member is appointed by notice under clause 2(2) or (3).
- (3) Unless the members of the Harbour Islands Kaitiaki Board agree otherwise—
 - (a) the Board must meet at least twice a year; and
 - (b) members each have 1 ordinary vote; and
 - (c) the chairperson does not have a casting vote.

5 Vacancy in membership of Board

An act or proceeding of the Harbour Islands Kaitiaki Board is not invalid only because fewer than 6 members have been appointed to the Board.

Dispute resolution procedure for Board

6 Disputes to be referred to Minister and chairperson of Port Nicholson Block Settlement Trust

- (1) Any dispute between members of the Harbour Islands Kaitiaki Board relating to the exercise of powers or the performance of functions by the Board must be referred to the Minister and the chairperson of the Port Nicholson Block Settlement Trust for resolution.
- (2) A decision of the Minister and the chairperson of the Port Nicholson Block Settlement Trust in resolution of a dispute referred to them is final.

Public Audit Act 2001 applies to Board

7 Public Audit Act 2001 applies

The Harbour Islands Kaitiaki Board is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Schedule 4

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Notices in relation to RFR land**1 Requirements for giving notice**

A notice by or to an RFR landowner, or the trustees, under subpart 2 of Part 3 must be—

- (a) in writing and signed by—
 - (i) the person giving it; or
 - (ii) at least 2 of the trustees, in the case of a notice given by the trustees; and
- (b) addressed to the recipient at the street address, postal address, or fax number—
 - (i) specified for the trustees in accordance with the deed of settlement, in the case of a notice to the trustees; or
 - (ii) specified by the RFR landowner in an offer made under section 94, or specified in a later notice given to the trustees, in the case of a notice by the trustees to an RFR landowner; and
 - (iii) of the national office of LINZ, in the case of a notice given to the chief executive of LINZ under section 111 or 113; and
- (c) given by—
 - (i) delivering it by hand to the recipient's street address; or
 - (ii) posting it to the recipient's postal address; or
 - (iii) faxing it to the recipient's fax number.

2 Time when notice received

- (1) A notice is to be treated as having been received—
 - (a) at the time of delivery, if delivered by hand; or
 - (b) on the second day after posting, if posted; or
 - (c) at the time of transmission, if faxed.
- (2) However, a notice is to be treated as having been received on the next business day if, under subclause (1), it would be treated as having been received—
 - (a) after 5 pm on a business day; or
 - (b) on a day that is not a business day.

**Port Nicholson Block (Taranaki
Whānui ki Te Upoko o Te Ika) Claims
Settlement Act 2009**

2009 No 26

Legislative history

9 September 2008	Introduction (Bill 274–1)
23 September 2008	First reading and referral to Māori Affairs Committee
10 June 2009	Reported from Māori Affairs Committee (Bill 274–2)
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4 August 2009	Royal assent

This Act is administered by the Ministry of Justice.
