

Rongowhakaata claims settlement right of first refusal

Summary

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The following has been developed in collaboration with Te Arawhiti.

Te Arawhiti website: <https://www.tearawhiti.govt.nz/>

The Rongowhakaata area of interest

Rongowhakaata is an iwi based in the Gisborne Region (Tūranga). The map below provides an indication of the area of interest for Rongowhakaata, but is **not** a depiction of any RFR area.



Map showing the area of interest referred to in the Deed of Settlement between Rongowhakaata and the Crown.

Settlement Summary

Rongowhakaata received redress through its Treaty settlement with the Crown.

Iwi	Rongowhakaata
Deed of Settlement signed	30 September 2011 Rongowhakaata Deed of Settlement: https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/rongowhakaata/rongowhakaata-deed-of-settlement-documents/
Settlement date	29 August 2012
Legislation	Rongowhakaata Claims Settlement Act 2012 ("the Act")
RFR provisions	The RFR provisions are covered by sections 68-95 and Schedule 3 of the Act. Section 68-95 of the Act: https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321894.html Schedule 3 of the Act: https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321965.html
Offer made to	The RFR offer is in favour of the trustees of the Rongowhakaata Settlement Trust ("the trustees ")
Categories of RFR land	General RFR land and RFR deferred selection property
RFR period	Tūranga conservation land: 100 years from the settlement date (expires in 2112) All other RFR land: 169 years from the settlement date (expires in 2181)
RFR memorials	Yes

Definition of RFR land

Sections 68–69 of the Act define RFR land included in the settlement.

Section 68 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321894.html>

This includes:

General RFR land being the land listed in Part 3 of the Attachments to the Deed (including the Tūranga conservation land) that, on settlement date, was vested in or held in fee simple by the Crown or KiwiRail.

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Rongowhakaata/Rongowhakaata-Deed-of-Settlement-Attachments-30-Sep-2011.pdf>

RFR deferred selection RFR property being the Manutuke School site described in part 4 of the Property Redress Schedule.

Deed of Settlement Schedule: Property Redress:

<https://www.govt.nz/assets/Documents/OTS/Rongowhakaata/Rongowhakaata-Deed-of-Settlement-Schedules-Property-redress-30-Sep-2011.pdf>

RFR land also includes land obtained in exchange for a disposal of RFR land under specified sections. This is set out in section 69(1)(c) of the Act.

Section 69(1)(c) of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321919.html>

Disposals

The RFR obligation arises for any disposal that:

- transfers or vests the fee simple estate in the land, or
- grants a lease of the land for a term that is, or will be (if any rights of renewal or extension are exercised under the lease), 50 years or longer.

Preliminary notice

There is no requirement to give preliminary notice of a disposal in this settlement.

Offering the land

The RFR offer to the trustees needs to include:

- the terms of the offer, including the expiry date
- the legal description and street address of the land
- any encumbrances affecting the land
- contact details for the trustees to respond to.

Section 71 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321924.html>

Expiry date of offer

The RFR offer expires on or after 40 business days after the day the trustees receive the offer. However, a shorter expiry date of on or after 10 business days after the day on which an offer is received applies for any subsequent offers where the expiry date of the earlier offer was not more than 6 months before the expiry date of the later offer.

Section 72 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321925.html>

Subsequent disposal process

If the trustees do not accept an offer, or the offer period expires, the RFR landowner can dispose of the land provided that:

- the subsequent disposal is not on more favourable terms than those offered to the trustees,
- the land is being disposed of within 2 years after expiry of the RFR offer and
- the trustees are notified of the proposed disposal at least 20 business days before the disposal occurs.

This notification must provide details of the disposal, including the name of the person to whom the land is being disposed of and an explanation of how the disposal complies with section 70 of the Act, and a copy of the written contract to demonstrate that the subsequent disposal is not on more favourable terms than the RFR offer.

Section 75 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321922.html>

Section 88 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321946.html>

Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in sections 76-86 of the Act.

Sections 76-86 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321931.html>

The trustees must be notified of the proposed exempted disposal at least 20 business days before the disposal occurs, including an explanation of why the disposal is exempted under the settlement.

Section 88 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321946.html>

RFR Memorials

All records of title for RFR land must be noted with a memorial protecting the Trust's interest.

If an RFR landowner creates a new record of title for an RFR property, the landowner must advise Toitū Te Whenua Land Information New Zealand (LINZ) as soon as possible so LINZ can place a memorial noting the RFR on the title.

Section 87 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321945.html>

In certain cases, the RFR landowner must seek a certificate from LINZ requesting the removal of the RFR memorial, before a transfer can occur.

Section 92 of the Act:

<https://legislation.govt.nz/act/public/2012/0054/latest/DLM4321951.html>

Contact details

For more information about the Rongowhakaata claims settlement contact:

Rongowhakaata Settlement Trust

78 Whakato Road,

Manutūkē,

GISBORNE 4053

Rongowhakaata Trust website: <https://rongowhakaata.iwi.nz/>

Toitū Te Whenua Land Information New Zealand

PO Box 5501

WELLINGTON 6145

Toitū Te Whenua Land Information New Zealand website: <https://www.linz.govt.nz/>

Te Arawhiti – The Office for Māori Crown Relations

SX10111

WELLINGTON 6011

Te Arawhiti website: <http://tearawhiti.govt.nz/>

Email: postsettlement@tearawhiti.govt.nz