

# Ngāti Hauā claims settlement right of first refusal

Learn about the key aspects of the Ngāti Hauā claims settlement right of first refusal (RFR). Note: this is a guide only and agencies must comply with the requirements of the Deed of Settlement, legislation and any relevant LINZ standards.

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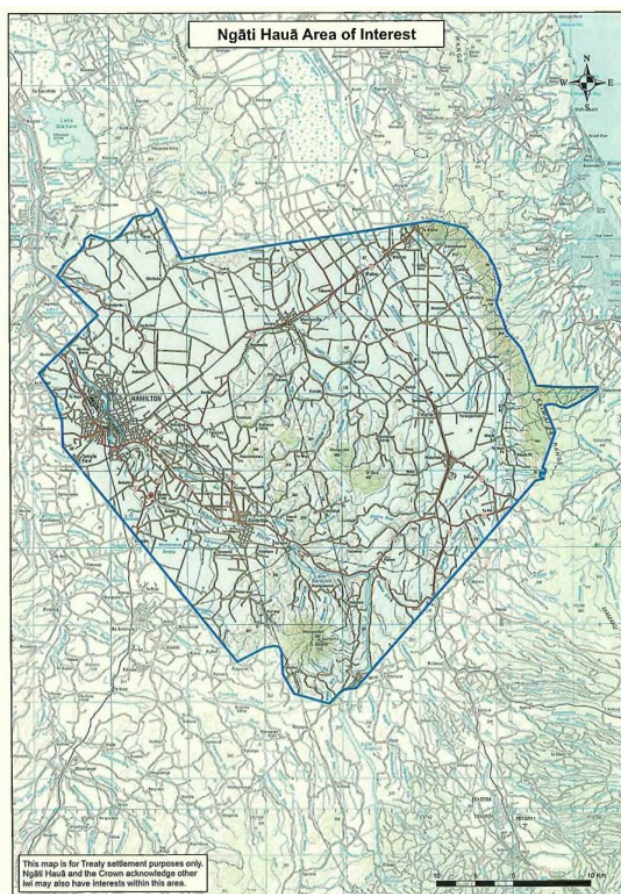
The following has been developed in collaboration with Te Arawhiti.

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

## The Ngāti Hauā area of interest

Ngāti Hauā descend from the eponymous ancestor Hauā, a direct descendant of Hoturoa, the captain of the Tainui waka. The hapū of Ngāti Hauā are Ngāti Te Oro, Ngāti Werewere, Ngāti Waenganui, Ngāti Te Rangitaupi and Ngāti Rangi Tawhaki. The Ngāti Hauā rohe spans from Te Aroha, south along the Kaimai Range to Te Weraiti, from Te Weraiti west to Maungatautari then northwest to Te Rapa, from Te Rapa eastward to Magateparu and then to Te Aroha.

The map below provides an indication of the area of interest for Ngāti Hauā, but is not a depiction of any RFR area.



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

## Settlement Summary

Ngāti Hāua received redress through its Treaty settlement with the Crown.

<b>Iwi</b>	Ngāti Hauā
<b>Deed of Settlement signed</b>	<p>18 July 2013</p> <p>The Deed was amended during the settlement process.</p> <p>Ngāti Hauā Deed of Settlement:  <a href="https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-haua/ngati-haua-deed-of-settlement-documents/">https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-haua/ngati-haua-deed-of-settlement-documents/</a></p>
<b>Settlement date</b>	9 February 2015
<b>Legislation</b>	Ngāti Hauā Claims Settlement Act 2014 ("the Act")
<b>RFR provisions</b>	<p>The RFR provisions are covered by sections 108-137 and Schedule 5 of the Act.</p> <p>Sections 108-137 of the Act:  <a href="https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658231.html">https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658231.html</a></p> <p>Schedule 5 of the Act:  <a href="https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658350.html">https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658350.html</a></p>
<b>Offer made to</b>	The RFR offer is in favour of the trustees of the Ngāti Hauā Iwi Trust ("the <b>trustees</b> ")
<b>RFR period</b>	173 years on and from the settlement date (expires in 2188)
<b>RFR memorials</b>	Yes

## Definition of RFR land

Section 109 of the Act defines RFR land included in the settlement. It includes all the land listed in Part 6 of the Attachments to the Deed of Settlement that, on settlement date, was vested in or held in fee simple by the Crown or Health New Zealand.

Section 109 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658254.html>

Deed of Settlement – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Haua/Ngati-Haua-Deed-of-Settlement-Attachments-18-Jul-2013.pdf>

Paragraph (b) of the definition of ‘commercial redress property’ in section 103 of the Act excludes property to which clause 7.15.2(a) of the Deed of Settlement applies. If land was excluded from being a commercial redress property by this section and, on settlement date, was vested in or held in fee simple by the Crown it is also RFR land. Refer to clause 7.15.2(a) of the Deed of Settlement.

Section 103 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658214.html>

Deed of Settlement:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Haua/Ngati-Haua-Deed-of-Settlement-18-July-2013.pdf>

The land described in Subpart B of Part 4 of the Property Redress Schedule (Morrinsville College School House site) if clause 7.11 of the Deed of Settlement did not apply and, on settlement date, was vested in or held in fee simple by the Crown is also RFR land.

Deed of Settlement Schedule – Property Redress:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Haua/Ngati-Haua-Deed-of-Settlement-Schedule-Property-redress-18-July-2013.pdf>

RFR land also includes land obtained in exchange for a disposal of RFR land under specified sections. This is set out in section 109(1)(d) of the Act.

Section 109(1)(d) of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658254.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 interests affecting the land
- contact details for the trustees to respond to.

Section 111 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658259.html>

## Expiry date of offer

The RFR offer expires on or after 20 working days after the day the trustees receive the offer. However, a shorter expiry date of on or after 10 working 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 112 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658260.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 working 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 110 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 110 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658257.html#DLM5658257>

Section 129 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658282.html>

## Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in sections 116-127 of the Act.

Sections 116-127 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658266.html>

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

Section 129 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658282.html>

Specific exemptions apply to disposals of RFR land by Health New Zealand or any of its subsidiaries. This is set out in section 126 of the Act.

[https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658277.html?search=ts\\_act%40bill%40regulation%40deemedreg\\_pae+ora\\_resel\\_25\\_a&p=1](https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658277.html?search=ts_act%40bill%40regulation%40deemedreg_pae+ora_resel_25_a&p=1)

## 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 as soon as possible so Toitū Te Whenua can place a memorial noting the RFR on the title.

Section 132 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658286.html>

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

Section 133 of the Act:

<https://legislation.govt.nz/act/public/2014/0075/latest/DLM5658287.html>

## Contact details

For more information about the Ngāti Hauā claims settlement contact:

### Ngāti Hauā Iwi Trust

PO Box 270

MORRINSVILLE 3340

Ngāti Hauā Iwi Trust website: <https://ngatihauaiwitrust.co.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](mailto:postsettlement@tearawhiti.govt.nz)