

Te Rohe o Rongokako Joint Redress Act 2022

Registration Guideline 2023

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Office of the Registrar-General of Land



Authority and regulatory attributes

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Introduction

This is a guideline for effecting registration under Te Rohe o Rongokako Joint Redress Act 2022 (the Act) which came into force on 13 December 2022.

Purpose, scope and use

The Registrar-General of Land has issued this guideline to ensure that applications received by Toitū Te Whenua Land Information New Zealand under the Act are dealt with correctly.

This guideline is for our people of Toitū Te Whenua with delegated authority to exercise registration functions under s233 of the Land Transfer Act 2017.

The Treaty Claims Settlement Acts General Guideline 2018 sets out further information applicable to all Treaty settlements.

[Treaty Claims Settlement Acts General Guideline 2018 - LINZG 20786](#)

References

The following documents are relevant to this guideline:

- [Te Rohe o Rongokako Joint Redress Act 2022](#)
- [Rangitāne Tū Mai Rā \(Wairarapa Tamaki nui-ā-Rua\) Claims Settlement Act 2017](#)
- [Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022](#)
- Customer Services Technical Circular 2013.T06 – Registration of Treaty Claims Settlement Dealings

Terms and definitions

Terms used in this guideline that are defined in Te Rohe o Rongokako Joint Redress Act 2022 have the meaning given to them in that Act unless otherwise stated. See the interpretation sections set out in ss 8 and 25.

Terms	Definitions
Act	Te Rohe o Rongokako Joint Redress Act 2022
Crown stratum	Means the space occupied by — a) the waters of any body of water that is above the Wairarapa Moana property, and b) the air above the Wairarapa Moana property, as defined in section 25 of Te Rohe o Rongokako Joint Redress Act 2022.
RT	Record of Title
Settlement date	The settlement date as defined in s8, being 7 March 2023.
Trustees	Means the trustees, of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust or the Trustees of the Rangitāne Tū Mai Rā Trust, as the case may require.
Wairarapa Moana Statutory Board, or Statutory Board	Means the board established by s44 of the Act.

1 Cultural redress properties

- 1 Cultural redress properties are listed in Subpart 3 of Part 2 and Schedule 3 of the Act:
 - a) s25 – Interpretation relating to cultural redress properties
 - b) s26 – Property vested in fee simple in shares - Mataikona property
 - c) s27 – Property vested in fee simple in shares to be administered as Wairarapa Moana reserve – Wairarapa Moana property
 - d) s28 – Property vested in fee simple in tipuna to be jointly administered as reserve - Mākirikiri property.

1.1 Initial vesting

- 1 The following provisions of the Act apply:
 - a) ss 26-28 list the properties vested in fee-simple, including properties to be administered as reserves
 - b) s31 describes the requirements for registration of ownership
 - c) s32 provides for the application of Part 4A of the Conservation Act 1987
 - d) s33 sets out the matters to be recorded on the RTs, and
 - e) s34 provides for the application of other enactments.
- 2 The creation of the RT is subject to survey and must be created no later than 24 months after the settlement date, unless a later date is agreed, in accordance with s31(5).

1.1.1 Mataikona Property

- 1 Upon receipt of an application by a person authorised by the Director-General of Conservation under s31(1), for the Mataikona property:
 - a) record the revocation of the recreation reserve (s26(1))
 - b) create a new record of title for an undivided one-half share in the fee simple estate in the names of the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
 - c) create a new record of title for an undivided one-half share in the names of the trustees of the Rangitāne Tū Mai Rā Trust record on each record of title any interests that are to be registered or noted as described in the application, and
 - d) record on each record of title the memorials set out in Appendix A.

1.1.2 Wairarapa Moana property

- 1 Upon receipt of an application by a person authorised by the Director-General of Conservation under s31(2), for the Wairarapa Moana property:
 - a) record that the parts referred to in s27(1) cease to be a conservation area on the underlying title instruments
 - b) record the revocation of the reservation as to the parts referred to in s27(2) on the underlying title instruments
 - c) create a new record of title for an undivided 90% share of the fee simple estate in the names of the trustees of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust
 - d) create a new record of title for an undivided 10% share of the fee simple estate in the names of the trustees of the Rangitāne Tū Mai Rā Trust
 - e) record in the 'purpose' field on each record of title the new Local Purpose Reserve classification
 - f) record on each record of title that the property excludes the Crown stratum as defined in s25
 - g) record on each record of title any interests that are to be registered or noted as described in the application, and
 - h) record on each record of title the memorials set out in Appendix A.
- 2 The stopping of the areas of road referred to in s27(3) and the vesting of that stopped road in the Crown under the Land Act 1948 should be recorded on the underlying title instruments and/or in the cadastre as appropriate.

1.1.3 Mākirikiri property

- 1 Upon receipt of an application by a person authorised by the Director-General of Conservation under s31(3), for the Mākirikiri property:
 - a) record the revocation of the reservations referred to in s28(1) & (2) on the underlying records of title
 - b) create a new record of title for the fee simple estate in the name of the tipuna Te Rangiwhakaewa
 - c) record in the 'purpose' field on the record of title the new Recreation Reserve classification
 - d) record on the record of title any interests that are to be registered or noted as described in the application, and
 - e) record on the record of title the memorials set out in Appendix A.

1.2 Ongoing restrictions

- 1 The Act prohibits or restricts the following dealings with cultural redress reserve properties:
 - a) The fee simple estate in the Mākirikiri property cannot be transferred – s28(11).
 - b) The fee simple estate in the reserve land in the Wairarapa Moana property may be transferred only in accordance with s41.
 - c) The Wairarapa Moana and Mākirikiri reserve properties cannot be mortgaged or made subject to a security interest – s42.
- 2 To ensure subsequent dealings comply with the above restrictions, set the Landonline “prevents registration” flag against the relevant memorials, as specified in Appendix A.

1.3 Subsequent dealings

1.3.1 Revoking or changing the reserve status of a reserve property

- 1 The reservation of the Mākirikiri property as a reserve subject to the Reserves Act 1977 cannot be revoked, but the classification of the reserve may be changed under that Act – s28(12).
- 2 Upon receipt of an application by the Director-General of Conservation under s33(3), revoking the reservation of the Wairarapa Moana property:
 - a) if as to all of the property:
 - i remove the notations that the property is subject to ss 40, 42 and 108(2) of the Act, and
 - ii record the revocation of the reservation that relate to the reserve status,
 - b) if as to part of the property:
 - i remove the notations, as to the relevant part of the property referring to ss 40, 42 and 108(2) of the Act, and
 - ii record the revocation of the reservation as to the affected part of the property.

1.3.2 Transfer of Wairarapa Moana property to new trustees or custodian trustee – s41

- 1 The Wairarapa Moana property that remains a reserve may only be transferred in accordance with s41, and the transfer must be accompanied by a certificate given by the transferees or the transferees’ lawyer as provided in s41(1)(b).

1.3.3 Registration of other interests affecting the Wairarapa Moana reserve

- 1 Any interest in land that affects a Wairarapa Moana reserve must be dealt with for the purposes of registration as if the Statutory Board established under s44 of the Act were the registered owner of the reserve, as provided in s108(2).

Appendix A: Cultural redress properties

The following are triggered by the lodgement of an application by an authorised person under s31 of the Act.

Each cultural redress property vests subject to, or has the benefit of, any interests that affect the property immediately before the settlement date.

Property	Trigger	Memorials to be recorded on the RT
Mataikona property	Application by person authorised by the Director-General of Conservation	Memorials to be added: <ul style="list-style-type: none">• Subject to Part 4A of the Conservation Act 1987• Subject to sections 10 and 11 of the Crown Minerals Act 1991
Wairarapa Moana property	Application by person authorised by the Director-General of Conservation	Memorials to be added: <ul style="list-style-type: none">• The within land excludes the Crown Stratum as defined in section 25 of Te Rohe o Rongokako Joint Redress Act 2022• Subject to the Reserve Act 1977• Part 4A of the Conservation Act 1987 does not apply• Subject to sections 10 and 11 of the Crown Minerals Act 1991 Memorials to be added, that require the <u>Landonline 'prevents registration' flag to be set against the memorial</u> : <ul style="list-style-type: none">• Subject to sections 40 and 108(2) of Te Rohe o Rongokako Joint Redress Act 2022• Subject to section 42 of Te Rohe o Rongokako Joint Redress Act 2022 (which prohibits reserve land from being mortgaged or charged for security)

Property	Trigger	Memorials to be recorded on the RT
Mākirikiri property	Application by person authorised by the Director-General of Conservation	<p>Memorials to be added:</p> <ul style="list-style-type: none"> • Subject to the Reserve Act 1977 • Subject to Part 4A of the Conservation Act 1987, but section 24 of that Act does not apply • Subject to sections 10 and 11 of the Crown Minerals Act 1991 <p>Memorials to be added, that require the <u>Landonline 'prevents registration' flag to be set against the memorial</u>:</p> <ul style="list-style-type: none"> • Subject to section 28(8) and (11) of Te Rohe o Rongokako Joint Redress Act 2022 • Subject to section 42 of Te Rohe o Rongokako Joint Redress Act 2022 (which prohibits reserve land from being mortgaged or charged for security)