

# Ngāti Hinerangi claims settlement right of first refusal

Learn about the key aspects of the Ngāti Hinerangi claims settlement right of first refusal (RFR).

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Note: this is a guide only and agencies must comply with the requirements of the Deed of Settlement, legislation and any relevant LINZ standards

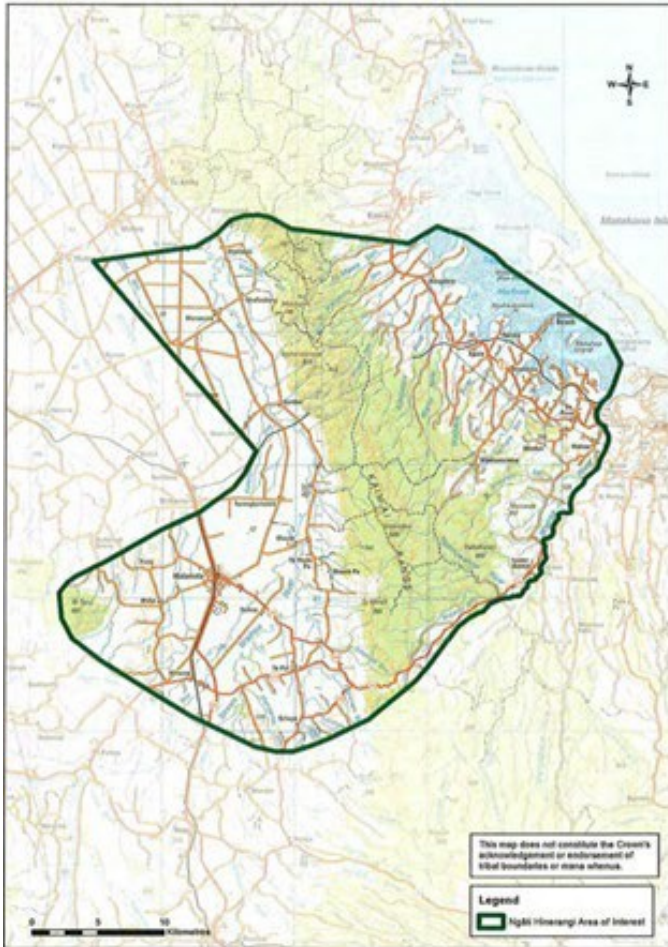
The following has been developed in collaboration with Te Arawhiti.

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

## The Ngāti Hinerangi area of interest

Ngāti Hinerangi are an iwi based in Matamata with an area of interest extending from the eastern Waikato to Tauranga including part of the Kaimai Range.

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



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

## Settlement summary

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

<b>Iwi</b>	Ngāti Hinerangi
<b>Deed of Settlement signed</b>	<p>4 May 2019</p> <p>The Deed was amended during the settlement process.</p> <p>Ngāti Hinerangi Deed of Settlement:  <a href="https://www.govt.nz/assets/Documents/OTS/Ngati-Hinerangi/Ngati-Hinerangi-Deed-of-Settlement-signed.pdf">https://www.govt.nz/assets/Documents/OTS/Ngati-Hinerangi/Ngati-Hinerangi-Deed-of-Settlement-signed.pdf</a></p>
<b>Settlement Date</b>	10 June 2021
<b>Legislation</b>	<p>Ngāti Hinerangi Claims Settlement Act 2021 (“the Act”)</p> <p>Ngāti Hinerangi Claims Settlement Act 2021:  <a href="https://legislation.govt.nz/act/public/2021/0011/latest/LMS252113.html#LMS252208">https://legislation.govt.nz/act/public/2021/0011/latest/LMS252113.html#LMS252208</a></p>
<b>RFR provisions</b>	<p>The RFR provisions are covered by sections 112-140 and Schedule 4 of the Act.</p> <p>Sections 112-140 of the Act:  <a href="https://legislation.govt.nz/act/public/2021/0011/latest/LMS252460.html">https://legislation.govt.nz/act/public/2021/0011/latest/LMS252460.html</a></p> <p>Schedule 4 of the Act:  <a href="https://legislation.govt.nz/act/public/2021/0011/latest/LMS252524.html">https://legislation.govt.nz/act/public/2021/0011/latest/LMS252524.html</a></p>
<b>Offer made to</b>	The RFR offer is in favour of the trustees of Te Puāwaitanga o Ngāti Hinerangi Iwi Trust (“the <b>trustees</b> ”)
<b>RFR period</b>	178 years from the settlement date (expires in 2199)
<b>RFR memorials</b>	Yes

## Definition of RFR land

Section 113 of the Act defines RFR land included in the settlement. It includes all the land listed in Part 4 of the Attachments to the Deed that, on settlement date, was vested in or held in fee simple by the Crown or Kāinga Ora-Homes and Communities.

Section 113 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252462.html>

Deed of Settlements – Attachments:

<https://www.govt.nz/assets/Documents/OTS/Ngati-Hinerangi/Ngati-Hinerangi-Deed-of-Settlement-Schedule-Attachments.pdf>

Paragraph (b) of the definition of 'commercial redress property' in section 97 of the Act excludes property to which clause 6.9 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 6.9 of the Deed of Settlement.

Section 97 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252413.html>

RFR land also includes land obtained in exchange for a disposal of RFR land under specified sections. This is set out in section 113(1)(c) of the Act.

Section 113(1)(c) of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252462.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 trustee to respond to.

Section 115 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252466.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 116 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252467.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 114 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 114 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252464.html>

Section 132 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252489.html>

## Exempted disposals

Certain disposals can occur without making an RFR offer to the trustees. These exempted disposals are set out in sections 120-129 of the Act.

Section 120 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252473.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 132 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252489.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 LINZ as soon as possible so LINZ can place a memorial noting the RFR on the title.

Section 131 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252488.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 133 of the Act:

<https://legislation.govt.nz/act/public/2021/0011/latest/LMS252490.html>

## Contact details

For more information about the Ngāti Hinerangi claims settlement contact:

**Te Puāwaitanga o Ngāti Hinerangi Iwi Trust**

PO Box 20

MATAMATA 3440

Ngāti Hinerangi Trust website: <https://www.ngatihinerangiwi.co.nz/>

**Land Information New Zealand**

PO Box 5501

WELLINGTON 6145

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/>