



## ANALYSIS

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1993, No. 8

**An Act to amend the Reserves Act 1977**

[24 March 1993]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Reserves Amendment Act 1993, and shall be read together with and deemed part of the Reserves Act 1977 (hereinafter referred to as the principal Act).

**2. Interpretation**—Section 2 (1) of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Manawhenua’ means customary authority exercised by an iwi or hapu or individual in an identified area:

“‘Nga Whenua Rahui kawenata’ means an agreement entered into under section 77A of this Act.”.

**3. Nga Whenua Rahui kawenata**—The principal Act is hereby amended by inserting, after section 77, the following section:

“77A. (1) Notwithstanding any enactment or rule of law,—

“(a) If satisfied that any Maori land or Crown land held under a Crown lease by Maori should be managed so as to preserve and protect—

“(i) The natural environment, landscape amenity, wildlife or freshwater-life or marine-life habitat, or historical value of the land; or

“(ii) The spiritual and cultural values which Maori associate with the land,—

the Minister may, subject to subsection (2) of this

section, treat and agree with the owner or the lessee for a Nga Whenua Rahui kawenata to provide for the management of the land in a manner that will achieve those purposes:

- “(b) A Nga Whenua Rahui kawenata under this section may be in perpetuity or for any specific term or may be in perpetuity subject to a condition that at agreed intervals of not less than 25 years the parties to the Nga Whenua Rahui kawenata shall review the objectives, conditions, and continuance of the Nga Whenua Rahui kawenata; and on such review the parties may mutually agree that the Nga Whenua Rahui kawenata shall be terminated, or the owner or lessee may terminate the Nga Whenua Rahui kawenata on giving such notice (being not less than 6 months) as may be agreed. The Crown shall have regard to the manawhenua of the owner or lessee in any such review:
- “(c) While any Nga Whenua Rahui kawenata under this section remains in force, sections 93 to 105 of this Act, as far as they are applicable and with the necessary modifications, but subject to the terms of the Nga Whenua Rahui kawenata, shall apply to the land affected thereby in all respects as if it were a reserve, notwithstanding that the land or the interest of the lessee may be sold or otherwise disposed of:
- “(d) Every such Nga Whenua Rahui kawenata shall run with and bind the land that is subject to the burden of the Nga Whenua Rahui kawenata, and shall be deemed to be an interest in land for the purposes of the Land Transfer Act 1952:
- “(e) Where a Nga Whenua Rahui kawenata is entered into under this section, the District Land Registrar of the land registration district affected, on the application of the Commissioner, shall, without fee, enter in the appropriate folio of the register relating to the land that is subject to the burden of the Nga Whenua Rahui kawenata a notification thereof:
- “(f) Subject to sections 78, 82, 83, 84, 89, 90, 95, 105, and 110 of this Act, any money payable as consideration for a Nga Whenua Rahui kawenata shall be paid out of money appropriated by Parliament; and references in those provisions to a conservation

covenant shall be read as references to a Nga Whenua Rahui kawenata.

“(2) In the case of a Crown lease other than a lease administered by the Department of Conservation, the consent of the Minister of Lands shall be required before a Nga Whenua Rahui kawenata is entered into, and that Minister may give consent subject to the inclusion of any condition in the Nga Whenua Rahui kawenata or conditions, and may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so.

“(3) In the case of a Crown lease administered by the Department of Conservation, the Minister may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so.

“(4) Where the burden of a Nga Whenua Rahui kawenata under this section applies to land comprising part of the land in a certificate or instrument of title, the District Land Registrar may require the deposit of a plan in accordance with section 167 of the Land Transfer Act 1952.”

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This Act is administered in the Department of Conservation.

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