



## Historic Places Act 1993

- Citation:** No 38  
**Date of Assent:** 17 May, 1993  
**Commencement:** 1 July, 1993
- Repeal:** Still in Force  
**Amendments:** 1993, No 81.  
**Type of Legislation:** Public  
**Subject:** Wahi Tapu & Non Tangible Resources  
 Govt Admin Specific to Maori/Maori Land
- Relevant Sections:**
- s2: Wahi Tapu defined as a place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense.
  - s4: Purpose of the Act to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. In achieving this purpose all involved persons to recognise... the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.
  - s5: Heritage orders may be required to protect... any wahi tapu or wahi tapu area.
  - s6: Heritage covenants may be negotiated with the owner or lessee or licensee of any... wahi tapu or wahi tapu area for the protection, conservation and maintenance of that wahi tapu.
  - s7: Effect of heritage covenant in respect of... wahi tapu or wahi tapu area shall not prevent the Trust from exercising any powers in the Resource Management Act 1991.
  - ss9 - 20: Provisions concerning archaeological sites relating to the historical and cultural heritage of New Zealand.
  - s22: Historic Places trust shall establish and maintain a register of historic places, historic areas, wahi tapu and wahi tapu areas.
  - s23: Criteria for registration of historic places and historic areas includes... (d) the importance of the place to the Tangata whenua.
  - s24: Application for registration of historic place. Where application affects Maori land, the Trust shall give notice to the Registrar of the appropriate MLCt who shall record the effect of the notice in the Court records.
  - s25: Any person may apply to the Maori Heritage Council to have any wahi tapu registered. Notification of the proposal to be given to the owner of the wahi tapu, the relevant territorial authority, every person having a registered interest in the wahi tapu and the appropriate iwi.

*Relevant Sections continued next page*



s26: Interim registration of wahi tapu may be granted by the Maori Heritage Council if satisfied that the proposal is supported by sufficient evidence.

ss27 - 30: Procedures for interim, then final, registration of wahi tapu.

s32: Provisions relating to proposal for wahi tapu area to be entered on the Register.

s33: Proposals affecting registered wahi tapu areas.

s38: New Zealand Historic Places Trust (Pouhere Taonga).

s39: General functions of the Trust.

s42: Membership of Board includes at least 3 Maori appointed after consultation with such national Maori organisations as the Minister thinks fit.

s54: Powers of the Trust.

s69: Personnel policy of the Trust to reflect recognition of the aims and aspirations of Maori, their employment conditions and the need for greater involvement of Maori as employees of the Trust.

s84: Establishment and membership of the Maori Heritage Council, at least 5 of the 8 members being Maori.

s85: Council functions include... a) to ensure that in protection of wahi tapu, wahi tapu areas, historic places etc. the Trust meets the needs of Maori in a culturally sensitive manner, b) to develop Maori programmes for the identification and protection of wahi tapu and historic areas of Maori interest, c) to assist the Trust to develop a bicultural view, d) to develop iwi consultative and reporting processes, e) to make recommendations on archaeological sites of Maori interest, k) to advocate the interests of the Trust and the Council as they relate to matters of Maori heritage at any public or Maori forum.

s86: Powers of the Council.

**Commentary:** This Act has the aim, among other things, of promoting the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand and establishing the Maori Heritage Council. It consolidates earlier Historic Places legislation with revisions to bring it into line with the Resource Management Act 1991. A new feature is the establishment of a separate procedure for registering wahi tapu so that the location and nature of sites do not have to be made public.

*Cross Reference continued over page*



**Cross Reference:** NZPD vol 535 (1993) 15067 - 15066, 15214 - 15219, 15225 - 15226  
Waitangi Tribunal *The Te Roroa Report* Wai 38  
(Brooker & Friend, Wellington, 1992) 250 - 256.