Reprint
as at 20 May 2014

Historic Places Act 1993

Public Act	1993 No 38
Date of assent	17 May 1993
Commencement	see section 1(2)

Historic Places Act 1993: repealed, on 20 May 2014, by section 105 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

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Note
Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry for Culture and Heritage.

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An Act—

(a) to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand; and

(b) to continue the New Zealand Historic Places Trust and the New Zealand Historic Places Board of Trustees with the functions and powers necessary for the full and proper attainment of the objectives of this Act; and

(c) to establish the Maori Heritage Council; and

(d) to amend and consolidate the Historic Places Act 1980

1 Short Title and commencement

(1) This Act may be cited as the Historic Places Act 1993.

(2) This Act shall come into force on 1 July 1993.

2 Interpretation

In this Act, unless the context otherwise requires,—

archaeological site means any place in New Zealand that—

(a) either—

(i) was associated with human activity that occurred before 1900; or

(ii) is the site of the wreck of any vessel where that wreck occurred before 1900; and

(b) is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand

Board means the New Zealand Historic Places Board of Trustees continued by section 40

chief executive means the chief executive of the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

conservation includes the processes of preserving, maintaining, and restoring historic places and historic areas so as to safeguard their historical and cultural values

Council means the Maori Heritage Council established by section 84(1)

customary marine title area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

Environment Court means the Environment Court continued by section 247 of the Resource Management Act 1991

financial year means the 12 months ending on the close of 30 June or any other date determined for the Trust by the Minister of Finance

heritage order has the same meaning as in the Resource Management Act 1991

historic area means an area of land that—

(a) contains an interrelated group of historic places; and

(b) forms part of the historical and cultural heritage of New Zealand; and

(c) lies within the territorial limits of New Zealand

historic place—

(a) means—

(i) any land (including an archaeological site); or

(ii) any building or structure (including part of a building or structure); or

(iii) any combination of land and a building or structure; or

(iv) any combination of land, buildings or structures, and associated buildings or structures (including any part of those buildings or structures, or associated buildings or structures)—

that forms a place that is part of the historical and cultural heritage of New Zealand and lies within the territorial limits of New Zealand; and

(b) includes anything that is in or fixed to such land

holder of an authority means the person to whom an authority is granted under section 14; and **holder** has a corresponding meaning

land includes land covered by water and the air space above land

local authority means a regional council or territorial authority

Maori Heritage Council means the Maori Heritage Council established by section 84

Minister means the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

occupier means the inhabitant occupier of any property

planning document has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

public notice means a notice published in—

(a) 1 or more daily newspapers circulating in the region or district in which the historic place, historic area, wahi tapu, or wahi tapu area concerned is situated; or

(b) 1 or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district,—

together with such other public notice (if any) as the Trust thinks desirable in the circumstances; and **publicly notify** and **public notification** have corresponding meanings

regional council—

(a) means a regional council within the meaning of the Local Government Act 2002; and

(b) *[Repealed]*

register means the register established under section 22

registered interest means any registered estate or interest in land under the Land Transfer Act 1952; and includes any mortgage or charge registered under that Act

registered place means a place registered under Part 2

statutory acknowledgement means a statutory acknowledgement within the meaning of an Act specified in Schedule 11 of the Resource Management Act 1991

territorial authority means a territorial authority within the meaning of the Local Government Act 2002

Trust means the New Zealand Historic Places Trust continued by section 38

wahi tapu means a place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense

wahi tapu area means an area of land that contains 1 or more wahi tapu

working day means any day except—

(a) a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) a day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Section 2 **chief executive**: inserted, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 2 **customary marine title area**: inserted, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 2 **Director-General**: repealed, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 2 **Environment Court**: inserted, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 2 **financial year**: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 2 **historic place** paragraph (a): amended, on 1 August 2006, by section 4(2) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 2 **historic place** paragraph (a)(iii): amended, on 1 August 2006, by section 4(1) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 2 **historic place** paragraph (a)(iv): inserted, on 1 August 2006, by section 4(1) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 2 **Minister**: substituted, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 2 **occupier**: substituted, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 2 **planning document**: inserted, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 2 **Planning Tribunal**: repealed, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 2 **regional council**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **regional council** paragraph (b): repealed, on 1 August 2006, by section 4(3) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 2 **statutory acknowledgement**: inserted, on 1 October 1998, by section 227 of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 2 **territorial authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 2 **working day** paragraph (b): amended, on 1 August 2006, by section 4(4) of the Historic Places Amendment Act 2006 (2006 No 33).

3 Act to bind the Crown

This Act shall bind the Crown.

Compare: 1980 No 16 s 3

4 Purpose and principles

(1) The purpose of this Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.

(2) In achieving the purpose of this Act, all persons exercising functions and powers under it shall recognise—

- (a) the principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society; and
- (b) the principle that the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should—
  - (i) take account of all relevant cultural values, knowledge, and disciplines; and
  - (ii) take account of material of cultural heritage value and involve the least possible alteration or loss of it; and

(iii) safeguard the options of present and future generations; and

(iv) be fully researched, documented, and recorded, where culturally appropriate; and

(c) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.

Part 1
Protection of historic places

Heritage orders

5 Heritage orders

Without limiting any of the provisions of the Resource Management Act 1991, the Trust or the Minister may give notice to the relevant territorial authority of a requirement for a heritage order in accordance with that Act to protect—

(a) the whole or part of any historic place, historic area, wahi tapu, or wahi tapu area; and

(b) such area of land (if any) surrounding that historic place, historic area, wahi tapu, or wahi tapu area as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of it.

Heritage covenants

6 Heritage covenants

(1) Subject to subsection (5), the Trust may negotiate and agree with the owner or lessee or licensee of any historic place, historic area, wahi tapu, or wahi tapu area for the execution of a heritage covenant to provide for the protection, conservation, and maintenance of that place, area, or wahi tapu.

(2) Subject to subsection (5), a heritage covenant may include such terms and conditions as the parties think fit, including provision for public access.

(3) Without limiting subsection (2), a heritage covenant may be expressed to have effect in perpetuity or for any specified term, or may be expressed to terminate upon the happening of a specific event or events.

(4) Subject to subsection (5), any heritage covenant may be varied or cancelled by agreement between the owner, lessee, or licensee (as the case may be) of the land for the time being and the Trust.

(5) The consent of the owner of the land shall be required where—

(a) any lessee or licensee of any land proposes to enter into a heritage covenant with the Trust; or

(b) any lessee or licensee of any land and the Trust propose to vary or cancel a heritage covenant under subsection (4).

(6) In the case of the proposed execution of a heritage covenant or a variation of such a covenant, any consent given under subsection (5) may be given subject to the inclusion in the heritage covenant or variation of the heritage covenant of any additional provisions or modified provisions, or to the deletion of such provisions, as the owner giving the consent considers necessary.

(7) For the purposes of this section and section 8,—

(a) the term **owner** includes the owner of the fee simple and any lessee or licensee from whom a lessee or licensee derives title; and

(b) the term **land** means the land to which the heritage covenant relates; and includes, in the case of a building or structure that is the subject or intended subject of a heritage covenant, the land on which that building or structure is located.

(8) Nothing in this Act shall require the Trust to negotiate or agree with any person to enter into or execute any heritage covenant.

(9) Nothing in sections 316 to 318 of the Property Law Act 2007 applies to any heritage covenant entered into in accordance with this Act.

Section 6(9): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

7 Effect of heritage covenants

(1) Every heritage covenant shall have effect according to its tenor but subject to the provisions of this Act.

(2) For the avoidance of doubt, it is hereby declared that—

(a) the execution of a heritage covenant in respect of a historic place, historic area, wahi tapu, or wahi tapu area shall not prevent the Trust from exercising any powers in the Resource Management Act 1991 or in this Act, in relation to that place, area, or wahi tapu; and

(b) nothing in any heritage covenant shall permit or allow any person to carry out any act contrary to the provisions of this Act.

8 District Land Registrar to register heritage covenants

(1) Every heritage covenant—

(a) shall be deemed to be an instrument creating an interest in the land within the meaning of section 62 of the Land Transfer Act 1952 and may be registered accordingly; and

(b) shall be deemed to be a covenant running with the land when registered under the Land Transfer Act 1952 and shall bind all subsequent owners of the land.

(2) Where a heritage covenant has been registered under the Land Transfer Act 1952 and any provision in that covenant has been varied or cancelled by any agreement under section 6(4) or has expired, the District Land Registrar shall, if he or she is satisfied that any provision in that covenant has been so varied or cancelled or has expired, make an entry in the register and on any relevant instrument of title noting that the heritage covenant has been varied or cancelled or has expired, and the provisions of the heritage covenant shall take effect as so varied or cease to have any effect, as the case may be.

(3) Where the burden of a heritage covenant applies to land comprising part of the land in a certificate of title, the District Land Registrar may require the deposit of a plan in accordance with section 167 of the Land Transfer Act 1952.

Archaeological sites

9 Application of sections 10 to 20

(1) Sections 10 to 20 shall apply to every archaeological site, whether or not the site is entered on the register.

(2) Sections 10 to 20 shall also apply to any site that is not referred to in paragraph (a) of the definition of the term archaeological site in section 2 but is declared by the Trust on reasonable grounds, by notice in the *Gazette* and by public notice, to be a site that is or may be able, through investigation by archaeological methods, to provide significant evidence relating to the historical and cultural heritage of New Zealand.

(3) As soon as practicable after a declaration is notified in the *Gazette* under subsection (2), the Trust shall serve on the owner or occupier affected a notice in writing setting out the terms of the declaration.

10 Archaeological sites not to be destroyed, damaged, or modified

(1) Except pursuant to an authority granted under section 14, it shall not be lawful for any person to destroy, damage, or modify, or cause to be destroyed, damaged, or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site.

(2) Except as provided in section 15 or in section 18, it shall not be lawful for any person to carry out any archaeological investigation that may destroy, damage, or modify any archaeological site.

11 Application to destroy, damage, or modify archaeological site

(1) Any person wanting to destroy, damage, or modify the whole or any part of any archaeological site shall first apply to the Trust for an authority to do so.

(2) An application for an authority to destroy, damage, or modify an archaeological site shall include the following information:

(a) a description of the activity for which the authority is sought and its location:

(b) a description of the archaeological site over which authority is sought to modify:

(c) an assessment of any archaeological, Maori, or other relevant values and the effect of the proposal on those values:

(d) a statement as to whether consultation with tangata whenua and any other person likely to be affected—

(i) has taken place, in which case details of such consultation shall be provided, including the identity of the parties involved and the nature of the views expressed; or

(ii) has not taken place, in which case reasons as to why such consultation has not taken place shall be provided:

(e) the consent of the owner if the owner is not the applicant.

(3) The Trust may, by written notice to the applicant, require the applicant to provide further information relating to the application.

12 Application for general authority to destroy, damage, or modify archaeological site

(1) Any person wanting to destroy, damage, or modify the whole or any part of—

(a) all archaeological sites within a specified area of land; or

(b) any class of archaeological site within a specified area of land,—

may, instead of making an application under section 11, make an application under this section for the grant of a general authority under section 14.

(2) Subsection (1) applies notwithstanding that some or all of the sites or possible sites within the specified area of land have not been recorded or otherwise previously identified.

(3) Sections 11(2), 11(3), and 14 shall apply with the necessary modifications to an application for a general authority made under subsection (1).

13 Investigation where no authority application lodged

Where the Trust has reasonable cause to believe that work that will destroy, damage, or modify any archaeological site will proceed and where no application for an authority has been made under section 11 or section 12, the Trust may—

(a) carry out an investigation for the purpose of obtaining information on whether or not an archaeological site exists and whether an authority is necessary; and

(b) recover an amount not exceeding the cost of such investigation from the owner or occupier of the land on which there is believed to be an archaeological site or from any person carrying out the work.

14 Powers of Trust in relation to authority application

(1) On receipt of an application for an authority to destroy, damage, or modify any archaeological site or sites under section 11 or section 12, the Trust may, subject to subsection (3), exercise 1 or more of the following powers:

(a) grant an authority in whole or in part, subject to such conditions as it sees fit:

(b) decline to grant an authority in whole or in part:

(c) exercise all or any of the powers specified in any of sections 5, 16, 17, 18, and 21.

(2) Where an application is made for a general authority, under section 12, the Trust shall grant that application only if it is satisfied on reasonable grounds that there is no particular benefit to justify the likely cost of locating and identifying—

(a) every individual site present within the specified area of land; or

(b) every individual site of the class to which the application relates that is present within that area.

(3) Where an application made under subsection (2) relates to a site or sites that the Trust considers to be a site of Maori interest, the Trust shall refer that application to the Maori Heritage Council to make such recommendations as the Council may consider appropriate, following such consultation as the Council considers appropriate.

(3A) In exercising a power under any of subsections (1) to (3), the Trust must have regard (in accordance with the provisions of the relevant Act) to a statutory acknowledgement that relates to the site or sites concerned.

(3B) The Trust must comply with section 89 of the Marine and Coastal Area (Takutai Moana) Act 2011.

(4) The Trust shall make its decision within 3 months after an application in respect of a site is lodged with the Trust under section 11 or section 12, unless the Trust, by written notice to the applicant, requires the applicant to provide further information relating to the application.

(5) Subject to subsections (6) and (7) or where the Trust requires further information under subsection (4), the Trust may extend the time period specified in subsection (4).

(6) When exercising its power under subsection (5), the Trust shall have regard to—

(a) the interests of any person who, in its opinion, may be directly affected by the extension; and

(b) the necessity to achieve adequate assessment of the application.

(7) The extension of a time period under subsection (5) shall not have the effect of more than doubling the maximum time period specified in subsection (4).

(8) If the Trust extends the time period specified under subsection (4), it shall without delay notify every person who, in its opinion, is directly affected by the extension of the time period of—

(a) the reasons for the decision; and

(b) the new time limit within which any action must be completed.

(9) The Trust shall advise the appropriate local authority of any decision made under subsection (1).

(10) An authority granted under subsection (1) lapses on the date specified in the authority, or if no date is specified, 5 years after the date of the granting of the authority.

Section 14(3A): inserted, on 1 October 1998, by section 228 of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 14(3B): inserted, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 14(10): substituted, on 1 August 2003, by section 102(1) of the Resource Management Amendment Act 2003 (2003 No 23).

15 Conditions of authority

(1) Without limiting the powers of the Trust to impose conditions when granting an authority under section 14(1), the Trust, if

satisfied on reasonable grounds that an archaeological investigation in that case is likely to provide significant information as to the historical and cultural heritage of New Zealand, may grant an authority to destroy, damage, or modify a site or sites subject to a condition requiring that an archaeological investigation of the site be carried out by or on behalf of the Trust.

(2) Where the Trust has imposed a condition of a kind referred to in subsection (1), then, unless the Trust determines otherwise in any particular case, the authority shall not be exercised by the holder until the Trust has been advised in writing by that holder of the completion of the on-site archaeological investigation, and either—

(a) 20 working days have elapsed after receipt of that advice; or

(b) a decision made by the Trust under section 16 in respect of a review of the conditions of an authority is notified to the holder of that authority within 20 working days of the receipt of that advice,—

whichever is the later.

(3) Notwithstanding subsection (2), where the Trust imposes a condition of a kind referred to in subsection (1), no person shall exercise any authority to destroy, damage, or modify the site unless the person has paid to the Trust an amount equal to the cost of carrying out the investigation, although in the case of hardship or other special circumstances, the Trust may, at its discretion, require this amount to be paid in instalments, reduce the amount payable, or waive payment.

(4) Nothing in subsection (3) applies where the Trust has given its consent under section 17 to enable the holder of an authority to engage an approved person to carry out the work required for the purposes of the investigation.

16 Review of conditions of authority

(1) At any time while an authority granted under section 14 is in force,—

(a) the holder of an authority may apply to the Trust for the change or cancellation of any condition of the authority; or

(b) the Trust may initiate a review of all or any of the conditions of the authority and, following that review, may change or cancel any of those conditions.

(2) An application made under subsection (1)(a) shall specify—
(a) details of the authority; and
(b) the area of land involved; and
(c) the condition or conditions in respect of which a variation is sought; and
(d) the reasons for the application.

(3) The Trust may decline to consider an application under subsection (1)(a) if the application does not comply with subsection (2), in which event it shall advise the applicant.

(4) On receipt of an application for review under subsection (1)(a), the Trust shall consider the application in the same manner as if it were an application for an authority and shall make a decision on the application; and the provisions of subsection (1) and subsections (6) to (10) of section 14 shall apply with the necessary modifications.

(5) Where the Trust initiates a review of the conditions of an authority under subsection (1)(b), the following provisions shall apply:
(a) the Trust shall serve a notice on the holder of the authority of its intention to review all or specified conditions of the authority:
(b) the holder of the authority may, within 20 working days after the date of service of a notice under paragraph (a) or within such further time as may be allowed by the Trust, make written submissions concerning the review of the conditions specified in the notice:
(c) the Trust shall consider any written submissions before making a decision upon the review:
(d) the Trust shall make a decision on the review within 20 working days after the last date for receiving submissions.

17 Rights and duties under authority applications

(1) With the prior consent in writing of the Trust, the holder of an authority granted under section 14 may engage any person approved by the Trust to carry out any work required as

a condition of the authority and nothing in section 15(3) shall thereafter apply.

(2) The Trust may refuse consent under subsection (1) if not satisfied that the person proposed by the holder of the authority to carry out the work—

(a) has sufficient access to appropriate institutional and professional resources; or

(b) is sufficiently skilled and competent and is in every other way capable of ensuring the proposed work is carried out satisfactorily.

(3) In every case, the Trust or a person approved by the Trust for the purpose shall, to the satisfaction of the Trust, compile a report on the work done and furnish a copy of it as soon as practicable to—

(a) the holder of the authority and to the owner, if that person is not the holder; and

(b) the Trust, if it has not carried out the work.

18 Investigation of archaeological sites

(1) For any purpose consistent with this Act, but subject to subsections (2) and (4), the Trust may—

(a) carry out an archaeological investigation of any archaeological site:

(b) authorise in writing any person to carry out an archaeological investigation of any such site subject to such conditions as it thinks fit to impose.

(2) Any person may apply to the Trust for an authority under subsection (1)(b) and the Trust, in considering the application, shall take into account the purposes of the investigation, the competency of the person, and the adequacy of the institutional and professional resources available to that person to enable the investigation to be satisfactorily carried out.

(3) No archaeological investigation shall be carried out under this section except with the consent of the owner and occupier of the land on which the site is situated and, where the Maori Heritage Council considers it appropriate, with the consent of such iwi authority or other body as the Maori Heritage Council considers appropriate.

(4) All archaeological work done under subsection (1) shall conform to accepted archaeological practice and the land shall be returned to its former state as near as possible, unless otherwise agreed with the owner.

(5) Nothing in this section applies to an investigation required as a condition of an authority imposed under section 15.

19 Advice to chief executive

The Trust shall, within 20 working days after granting an authority under section 14 or section 18, give notice in writing of the authority either to the chief executive or to the nearest public museum (within the meaning of the Protected Objects Act 1975).

Section 19 heading: amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 19: amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 19: amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Rights of appeal

20 Rights of appeal

(1) Any person who is directly affected by any declaration, decision, condition, or review of any decision made or imposed by the Trust under—

(a) section 9 (which relates to the Trust's power to declare that a site is or may be able to provide significant evidence relating to the history of New Zealand); or

(b) section 13 (which relates to the Trust's power to carry out an investigation where no authority application has been lodged); or

(c) section 14(1)(a), or (b), or (10) (which relates to the Trust's powers in respect of an authority application); or

(d) section 15 (which relates to the Trust's power to grant an authority subject to the condition that an archaeological investigation be carried out); or

(e) section 16 (which relates to the Trust's power to review the conditions of an authority); or

(f) section 17 (which relates to the Trust's power to consent to the holder of an authority engaging a person to carry out work under the authority); or

(g) section 18 (which relates to the Trust's powers to investigate archaeological sites)—

may appeal against that declaration, decision, condition, or review to the Environment Court.

(2) Notice of appeal under this section shall—

(a) state the reasons for the appeal and the relief sought; and

(b) state any matters that regulations made under the Resource Management Act 1991 require to be stated in the case of an appeal under section 120 of that Act; and

(c) be lodged with the Environment Court and served on the Trust within 15 working days of receiving any decision of the Trust to which subsection (1) relates.

(3) The appellant shall ensure that a copy of the notice of appeal is served on the applicant or owner concerned (where that person is not the appellant) within 5 working days of the notice being lodged with the Environment Court.

(4) Without limiting the powers of the court under the Resource Management Act 1991, but subject to subsection (6), in considering an appeal under this section the court may confirm or reverse a decision appealed against or modify the decision in such manner as the court thinks fit.

(5) Subject to subsections (2), (3), and (6), every appeal shall be made, heard, and determined by the Environment Court in the manner prescribed by the Resource Management Act 1991 and the regulations made under that Act.

(6) In determining an appeal under this section in respect of a decision made under paragraph (a) or paragraph (b) of section 14(1), the court shall have regard to any matter it considers appropriate, including (but not limited to)—

(a) the historical and cultural heritage value of the site and any other factors justifying the protection of the site:

(b) the purpose and principles of this Act:

(c) the extent to which protection of the site prevents or restricts the existing or reasonable future use of the site for any lawful purpose:

(d) the interests of any person directly affected by the decision of the Trust:

(e) a statutory acknowledgement that relates to the site or sites concerned:

(f) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.

(6A) For the purposes of subsection (6)(e), if the court has regard to a statutory acknowledgement, the court must have regard to the statutory acknowledgement in accordance with the provisions of the relevant Act.

(6B) In determining an appeal in respect of a decision made under section 14(1)(a) or (b) that relates to a customary marine title area, the court must have particular regard to any planning documents lodged with the New Zealand Historic Places Trust under section 89 of the Marine and Coastal Area (Takutai Moana) Act 2011 that are relevant to an archaeological site within the customary marine title area.

(7) Nothing in this section limits or affects the powers of the Trust to issue a requirement for a heritage order.

Section 20(1): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 20(1)(c): amended, on 1 August 2003, by section 102(2) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 20(2)(c): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 20(3): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 20(4): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 20(5): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 20(6): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 20(6)(e): added, on 1 October 1998, by section 229(1) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 20(6)(f): added, on 1 August 2006, by section 5 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 20(6A): inserted, on 1 October 1998, by section 229(2) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 20(6B): inserted, on 1 April 2011, by section 128 of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

20A Commencement of authority

(1) An authority granted under this Act by the Trust commences when—

(a) the time for lodging appeals under section 20(1)(c), (d), (e), (f), or (g) expires and no appeals have been lodged; or

(b) the Environment Court determines any appeals lodged under section 20(1)(c), (d), (e), (f), or (g); or

(c) all appellants withdraw their appeals lodged under section 20(1)(c), (d), (e), (f), or (g).

(2) Subsection (1) applies subject to the authority or a determination of the Environment Court specifying a later commencement date.

Compare: 1991 No 69 s 116(1)

Section 20A: inserted, on 1 August 2006, by section 6 of the Historic Places Amendment Act 2006 (2006 No 33).

Rights of entry

21 Rights of entry

(1) Any employee of the Trust or any person authorised by the Trust, with such assistants as that employee or person thinks fit, may enter upon any land for the purposes of—

(a) carrying out an investigation under section 13 to determine whether or not there is an archaeological site upon the land and whether or not an authority is necessary:

(b) obtaining information as to the significance of an archaeological site in order to decide whether or not to impose a condition on an authority under section 15(1):

(c) locating, recording, or inspecting any historic place;—

and the owner or applicant or occupier shall not obstruct the carrying out of any investigation, locating, recording, or inspection.

(2) When an application is granted under section 14(1) subject to conditions of the kind referred to in section 15(1), any employee of the Trust or any person authorised by the Trust, with such assistants as that employee or person thinks fit, may en-

ter upon any land for the purposes of carrying out an archaeological investigation of the site, and the owner or applicant shall not obstruct the carrying out of that archaeological investigation.

(3) The power conferred by subsections (1) and (2) shall include a power to locate, record, or inspect any historic place and to do all things as may be reasonably necessary for such locating, recording, or inspecting, including affixing any pegs, marks, or poles.

(4) The power to enter upon land conferred by subsections (1) and (2) shall be subject to the following conditions:

(a) entry to the land shall be made only by an employee of the Trust or person authorised by it in writing:

(b) reasonable notice of the intention to enter shall be given:

(c) entry shall be made at reasonable times:

(d) the person entering shall carry with him or her, and shall produce on initial entry and subsequently if required to do so, evidence of his or her authority and identity:

(e) if the owner or occupier is not present at the time of entry, the person exercising the power of entry shall leave a notice of the entry in a place where it can easily be seen by the occupier.

(5) Nothing in this section shall authorise any employee of the Trust or person authorised by it to enter any dwellinghouse unless a District Court Judge who is satisfied on oath that it is reasonably necessary for an employee of the Trust, or a person authorised by it, to enter a dwellinghouse empowers by warrant any employee of the Trust, or any person authorised by it, to enter that place, but no such warrant shall continue in force for more than 14 days from the date thereof.

Part 2
Registration of historic places, historic areas, wahi tapu, and wahi tapu areas

22 Register of historic places, historic areas, wahi tapu, and wahi tapu areas

(1) The Trust shall establish and maintain a register of historic places, historic areas, wahi tapu, and wahi tapu areas.

(2) The purposes of the register shall be as follows:
- (a) to inform members of the public about historic places, historic areas, wahi tapu, and wahi tapu areas:
- (b) to notify owners of historic places, historic areas, wahi tapu, and wahi tapu areas where necessary for the purposes of this Act:
- (c) to assist historic places, historic areas, wahi tapu, and wahi tapu areas to be protected under the Resource Management Act 1991.

(3) The register shall consist of the following:
- (a) a part relating to historic places, comprising the following categories:
  - (i) Category 1: places of special or outstanding historical or cultural heritage significance or value:
  - (ii) Category 2: places of historical or cultural heritage significance or value:
- (b) a part relating to historic areas:
- (c) a part relating to wahi tapu:
- (d) a part relating to wahi tapu areas.

(4) The entry in and removal from the register of details of historic places, historic areas, wahi tapu, and wahi tapu areas shall be in accordance with this Part.

(5) An entry in the register in respect of any historic place may include any chattel or object or class of chattels or objects—
- (a) situated in or on that place; and
- (b) considered by the Trust to contribute to the significance of that place; and
- (c) nominated by the Trust.

23 Criteria for registration of historic places and historic areas

(1) The Trust may enter any historic place or historic area in the register if the place or area possesses aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological, or traditional significance or value.

(2) The Trust may assign Category 1 status or Category 2 status to any historic place, having regard to any of the following criteria:

(a) the extent to which the place reflects important or representative aspects of New Zealand history:
(b) the association of the place with events, persons, or ideas of importance in New Zealand history:
(c) the potential of the place to provide knowledge of New Zealand history:
(d) the importance of the place to the tangata whenua:
(e) the community association with, or public esteem for, the place:
(f) the potential of the place for public education:
(g) the technical accomplishment or value, or design of the place:
(h) the symbolic or commemorative value of the place:
(i) the importance of identifying historic places known to date from early periods of New Zealand settlement:
(j) the importance of identifying rare types of historic places:
(k) the extent to which the place forms part of a wider historical and cultural complex or historical and cultural landscape:
(l) such additional criteria for registration of wahi tapu, wahi tapu areas, historic places, and historic areas of Maori interest as may be prescribed in regulations made under this Act:
(m) such additional criteria not inconsistent with those in paragraphs (a) to (k) for the purpose of assigning Category 1 or Category 2 status to any historic place, and for the purpose of registration of any historic area, as may be prescribed in regulations made under this Act.

24 Provisions relating to historic places

(1) The registration of any historic place may be proposed by the Trust or by any other person.

(2) Every proposal for registration—
(a) shall describe the historic place to which it relates in such a way as to sufficiently identify it; and
(b) may state the proposed category of registration.

(3) If satisfied that the proposal is supported by sufficient evidence, the Trust shall—

(a) publicly notify the proposal for registration in such manner and in such category as the Trust considers appropriate; and

(b) give notice in writing of the proposal to—

(i) the owner of the historic place concerned; and

(ii) every person having a registered interest in the place; and

(iii) the relevant territorial authority and regional council.

(4) Every owner of an historic place who receives a notice under subsection (3)(b) shall give notice in writing of the proposal to the occupiers of the place.

(5) In the case of an application affecting Maori land, the Trust shall give notice of the application to the Registrar of the appropriate Maori Land Court, who shall record the effect of the notice in the court records.

(6) No failure of an owner to notify an occupier pursuant to subsection (4) shall invalidate the registration process.

Section 24(3)(b)(iii): amended, on 1 August 2006, by section 7 of the Historic Places Amendment Act 2006 (2006 No 33).

25 Provisions relating to wahi tapu

(1) Any person may apply to the Maori Heritage Council to have any wahi tapu entered on the register.

(2) An application under this section shall contain a legal description of the land affected and specify the general location and nature of the wahi tapu.

(3) If satisfied that the proposal is supported by sufficient evidence, the Council shall—

(a) publicly notify the proposal for registration in such manner as the Council considers appropriate; and

(b) give notice in writing of the proposal to—

(i) the owner of the wahi tapu concerned; and

(ii) the relevant territorial authority and regional council; and

(iii) every person having a registered interest in the wahi tapu; and

(iv) the appropriate iwi.

(4) Every owner of a wahi tapu who receives a notice under subsection (3)(b) shall give notice in writing of the proposal to the occupiers of the place.

(5) In the case of an application affecting Maori land, the Trust shall give notice of the application to the Registrar of the appropriate Maori Land Court, who shall record the effect of the notice in the court records.

(6) No failure of an owner to notify an occupier pursuant to subsection (4) shall invalidate the registration process in that case.

Section 25(3)(b)(ii): amended, on 1 August 2006, by section 8 of the Historic Places Amendment Act 2006 (2006 No 33).

26 Interim registration

(1) The Trust may grant interim registration in respect of any historic place if satisfied that the proposal is supported by sufficient evidence.

(2) The Maori Heritage Council may grant interim registration of any wahi tapu, if satisfied that the proposal is supported by sufficient evidence.

(3) Interim registration of any historic place or wahi tapu shall be effective on and from the day on which the notice given under section 24(3)(b) or section 25(3)(b) is received by the owner of that place or wahi tapu, and shall lapse—

(a) when registration is confirmed under section 32B or section 32C; or

(b) 6 months after the date of such interim registration, if registration is not confirmed or interim registration is not cancelled within that period.

(4) Notwithstanding subsection (3)(b), the Trust or the Council, as the case may be, may extend the period of 6 months referred to in that subsection by a further period not exceeding 2 months, and the interim registration of the historic place or wahi tapu concerned shall continue in force for that further period and shall then lapse in accordance with subsection (3).

(5) Where the Trust or the Council proposes to extend the interim registration of any historic place or wahi tapu under subsection (4), it shall, at least 1 month before that interim registration expires, notify the owner concerned of the proposal.

(6) The owner may, within 5 working days after receiving notice under subsection (5), object in writing to the proposed extension of interim registration and the Trust or the Council, as the case may be, shall determine the objection within 5 working days after receiving the objection.

(7) The Trust or the Council, as the case may be, shall, as soon as practicable after the date of its decision to grant an extension under subsection (4), notify the owner concerned of its decision.

Section 26(3)(a): amended, on 1 August 2006, by section 9(1) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 26(3)(a): amended, on 1 August 2006, by section 9(2) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 26(3)(b): amended, on 1 August 2006, by section 9(2) of the Historic Places Amendment Act 2006 (2006 No 33).

27 Interim protection of places proposed for registration

While any historic place or wahi tapu has interim registration under section 26 of this Act, sections 194 and 195 of the Resource Management Act 1991 shall apply to that place or wahi tapu as if interim registration were notice of a requirement for a heritage order.

28 Procedure if registration of historic place or wahi tapu proposed

(1) The following persons may make written submissions on a proposal under section 24 to register an historic place or on an application under section 25 to enter a wahi tapu on the register:

(a) the owner of the historic place or wahi tapu:

(b) any occupier of the historic place or wahi tapu:

(c) any person having a registered interest in the historic place or wahi tapu:

(d) any incorporated society or body corporate engaged in or having as one of its objects the protection of historical and cultural heritage:

(e) the territorial authority and regional council having jurisdiction in the area:

(f) the appropriate iwi.

(2) Submissions may be made on a proposal or application whether or not interim registration of the historic place that the proposal relates to or of the wahi tapu that the application relates to has been granted.

(3) In the case of an interim registration, submissions must be made to the Trust or Council, as the case may require, within 20 working days after the date of the public notification of the grant of interim registration.

(4) In all other cases, submissions must be made to the Trust or Council, as the case may require, within—

(a) 20 working days after the public notification of the proposal or application; or

(b) any longer period specified by the Trust or Council in a particular case, but not longer than 40 working days after the public notification of the proposal or application.

(5) The Council may make any inquiries that it sees fit before deciding whether to register a wahi tapu.

(6) If the Trust considers that an historic place proposed for registration is of Maori interest, the Trust must refer the proposal to the Council for its recommendation as to whether the historic place should be registered.

(7) When deciding whether to register an historic place, the Trust may reconsider the category of registration proposed of the place concerned and alter the category if it considers this action appropriate.

Section 28: substituted, on 1 August 2006, by section 10 of the Historic Places Amendment Act 2006 (2006 No 33).

29 Final registration may be confirmed by agreement

[Repealed]

Section 29: repealed, on 1 August 2006, by section 11 of the Historic Places Amendment Act 2006 (2006 No 33).

30 Final registration

[Repealed]

Section 30: repealed, on 1 August 2006, by section 11 of the Historic Places Amendment Act 2006 (2006 No 33).

31 Provisions relating to historic areas

(1) The Trust or any other person may propose registration of any historic area.

(2) Every proposal for registration shall describe the historic area to which it relates in such a way as to sufficiently identify it.

(3) If satisfied that the proposal is supported by sufficient evidence, the Trust must—

- (a) publicly notify the proposal for registration in the manner that the Trust considers appropriate; and
- (b) give notice in writing of the proposal to—
  - (i) any person that—
    - (A) is an owner of the historic area or part of the historic area; or
    - (B) has a registered interest in the historic area or part of the historic area; and
  - (ii) the relevant territorial authority and regional council.

(4) Despite subsection (3)(b), the Trust is not required to give notice under subsection (3)(b)(i) if—

- (a) the person is both—
  - (i) unknown to the Trust; and
  - (ii) unidentifiable by the Trust from publicly available records; or
- (b) the person's address is both—
  - (i) unknown to the Trust; and
  - (ii) unidentifiable by the Trust from publicly available records.

(5) An owner of an historic area or part of an historic area who receives a notice under subsection (3)(b)(i)(A) must give notice in writing of the proposal to any occupiers of the historic area or part of the historic area owned by the owner.

(6) Failure to give notice under subsection (5) does not invalidate the registration process.

(7) In the case of an application affecting Maori land, the Trust must give notice of the application to the appropriate Registrar of the Maori Land Court, who must record the notice in the court records.

(8) For the purposes of this section, **address** means usual or last known place of—

(a) residence; or

(b) business.

Section 31(3): substituted, on 1 August 2006, by section 12 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 31(4): substituted, on 1 August 2006, by section 12 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 31(5): substituted, on 1 August 2006, by section 12 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 31(6): substituted, on 1 August 2006, by section 12 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 31(7): added, on 1 August 2006, by section 12 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 31(8): added, on 1 August 2006, by section 12 of the Historic Places Amendment Act 2006 (2006 No 33).

32 Provisions relating to wahi tapu areas

(1) Any person may propose to the Maori Heritage Council that any wahi tapu area be entered on the register.

(2) Every proposal for registration shall contain a legal description of the general area of land affected and specify the general nature of the wahi tapu included in the area.

(3) If satisfied that the proposal is supported by sufficient evidence, the Council must—

(a) publicly notify the proposal for registration in the manner that the Council considers appropriate; and

(b) give notice in writing of the proposal to—

(i) any person that—

(A) is an owner of the wahi tapu area or part of the wahi tapu area; or

(B) has a registered interest in the wahi tapu area or part of the wahi tapu area; and

(ii) the relevant territorial authority and regional council; and

(iii) the appropriate iwi.

(4) Despite subsection (3)(b), the Council is not required to give notice under subsection (3)(b)(i) if—

(a) the person is both—

(i) unknown to the Council; and

(ii) unidentifiable by the Council from publicly available records; or

(b) the person's address is both—

(i) unknown to the Council; and

(ii) unidentifiable by the Council from publicly available records.

(5) An owner of a wahi tapu area or part of a wahi tapu area who receives a notice under subsection (3)(b)(i)(A) must give notice in writing of the proposal to any occupiers of the wahi tapu area or part of the wahi tapu area owned by the owner.

(6) Failure to give notice under subsection (5) does not invalidate the registration process.

(7) In the case of an application affecting Maori land, the Trust must give notice of the application to the appropriate Registrar of the Maori Land Court, who must record the notice in the court records.

(8) For the purposes of this section, **address** means usual or last known place of—

(a) residence; or

(b) business.

Section 32(3): substituted, on 1 August 2006, by section 13 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 32(4): substituted, on 1 August 2006, by section 13 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 32(5): substituted, on 1 August 2006, by section 13 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 32(6): substituted, on 1 August 2006, by section 13 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 32(7): added, on 1 August 2006, by section 13 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 32(8): added, on 1 August 2006, by section 13 of the Historic Places Amendment Act 2006 (2006 No 33).

32A Procedure if registration of historic area or wahi tapu area proposed

(1) The following persons may make written submissions on a proposal under section 31 to register an historic area or on a proposal under section 32 to enter a wahi tapu area on the register:

(a) every owner of the historic area or wahi tapu area, or part of the historic area or wahi tapu area:
(b) any occupier of the historic area or wahi tapu area, or part of the historic area or wahi tapu area:
(c) every person having a registered interest in the historic area or wahi tapu area, or part of the historic area or wahi tapu area:
(d) any incorporated society or body corporate engaged in or having as one of its objects the protection of historical and cultural heritage:
(e) the relevant territorial authority and regional council:
(f) the appropriate iwi.

(2) The submissions must be made to the Trust or Council, as the case may require, within—
(a) 20 working days after the public notification of the proposal or application; or
(b) any longer period specified by the Trust or Council in a particular case, but not longer than 40 working days after the public notification of the proposal or application.

(3) The Council may make any inquiries that it sees fit before deciding whether to register a wahi tapu area.

(4) If the Trust considers that an historic area proposed for registration is of Maori interest, the Trust must refer the proposal to the Council for its recommendation as to whether the historic area should be registered.

Section 32A: inserted, on 1 August 2006, by section 14 of the Historic Places Amendment Act 2006 (2006 No 33).

32B Registration may be confirmed by agreement

The Trust or the Council (as the case may be) may confirm the registration of the historic place, wahi tapu, historic area, or wahi tapu area at any time—
(a) after notice of a proposal has been given under section 24(3)(b), section 25(3)(b), section 31(3)(b), or section 32(3)(b); and
(b) with the agreement of all owners and all persons holding a registered interest.

Section 32B: inserted, on 1 August 2006, by section 14 of the Historic Places Amendment Act 2006 (2006 No 33).

32C When registration occurs

(1) An historic place, a wahi tapu, an historic area, or a wahi tapu area is registered when—

(a) either—

(i) the Trust (in the case of an historic place or historic area) or the Council (in the case of a wahi tapu or wahi tapu area) has confirmed its registration; or

(ii) its registration has been confirmed by agreement under section 32B; and

(b) every owner of the historic place, wahi tapu, historic area, or wahi tapu area has received a notice under subsection (2)(b).

(2) The Trust or the Council (as the case may require) must—

(a) publicly notify the registration; and

(b) give written notice of the registration to any person that has been given notice under section 24(3)(b), section 25(3)(b), section 31(3)(b), or section 32(3)(b).

Section 32C: inserted, on 1 August 2006, by section 14 of the Historic Places Amendment Act 2006 (2006 No 33).

32D Territorial authorities and regional councils must have particular regard to recommendations

(1) In respect of any registered historic area, the Trust may make recommendations to the territorial authority and regional council where the historic area is located as to the appropriate measures that the authority or council should take to assist in the conservation and protection of the historic area.

(2) In respect of any registered wahi tapu area, the Council may make recommendations to the territorial authority and regional council where the wahi tapu area is located as to the appropriate measures that the authority or council should take to assist in the conservation and protection of the wahi tapu area.

(3) A territorial authority or regional council receiving recommendations under subsection (1) or subsection (2) must have

particular regard to the Trust's or the Council's recommendations.

Section 32D: inserted, on 1 August 2006, by section 14 of the Historic Places Amendment Act 2006 (2006 No 33).

33 Proposals affecting registered wahi tapu areas

(1) Where the Trust—

(a) is advised by a local authority that the authority has received an application for a resource consent in respect of any wahi tapu area; or

(b) is considering an application or proposal under section 14 or section 18(2) that affects any wahi tapu area; or

(c) proposes to take any action in respect of any wahi tapu area,—

the Trust shall refer the application or proposal to the Maori Heritage Council before taking any action in respect of the application or proposal.

(2) The Council shall consult the local territorial authority, the relevant regional council, the applicant for the resource consent, the relevant iwi or other Maori groups, and the proposers of the wahi tapu area, as the case may require, before taking any action in respect of the application or proposal.

(3) The Council shall, within 3 months of the date of receipt of that application or proposal by the Council, advise the Trust of any comment or recommendation it wishes to make on any application or proposal referred to it under subsection (1).

Section 33(2): amended, on 1 August 2006, by section 15 of the Historic Places Amendment Act 2006 (2006 No 33).

34 Records to be supplied to territorial authorities

(1) The Trust shall maintain and supply to every territorial authority a record of registered historic places, historic areas, wahi tapu, and wahi tapu areas that are located within that territorial authority's district and heritage covenants that have effect in that area, and the territorial authority shall keep the record available for public inspection during its usual business hours.

(2) Notification to a territorial authority—

(a) pursuant to section 24(3)(b) of a proposal for interim registration or removal from the register; and

(b) pursuant to section 32C(2)(b) or section 37(7) or section 37A(b) of registration or removal from the register—

of any historic place, historic area, wahi tapu, or wahi tapu area (but no other notification) shall, for the purposes of section 35(1)(b) of the Building Act 2004 and section 44A(2)(g) of the Local Government Official Information and Meetings Act 1987, constitute information which has in terms of this Act been notified to the territorial authority by a statutory organisation having the power to classify land or buildings for any purpose.

Section 34(2): amended, on 13 March 2012, by section 93(5) of the Building Amendment Act 2012 (2012 No 23).

Section 34(2): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 34(2)(b): amended, on 1 August 2006, by section 16 of the Historic Places Amendment Act 2006 (2006 No 33).

35 Notification to territorial authorities for land information memorandum and project information memorandum purposes

The Trust may, in its discretion, notify any territorial authority of the particulars of any registered historic place, historic area, wahi tapu, or wahi tapu area in that territorial authority's district with sufficient detail to enable those particulars to be included in—

(a) any land information memorandum issued by the territorial authority under section 44A of the Local Government Official Information and Meetings Act 1987; and

(b) any project information memorandum issued by the territorial authority under section 34 of the Building Act 2004.

Section 35(b): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

36 Availability of register

The register shall be open for public inspection during usual business hours at the principal office of the Trust in Wellington and at regional offices of the Trust.

37 Review, variation, or removal of registration

(1) The Trust (in the case of an historic place or historic area) or the Council (in the case of a wahi tapu or wahi tapu area) may, at any time, review the registration of the historic place, historic area, wahi tapu, or wahi tapu area.

(2) Any person may—

(a) apply to the Trust for a review of the registration of any historic place or historic area:

(b) apply to the Council for a review of the registration of any wahi tapu or wahi tapu area.

(3) However, no person may apply for a review of a registration within 3 years after the date of—

(a) the registration; or

(b) the last review of the registration.

(4) An application for the review of a registration must be made in the prescribed form (if any) and state the grounds for review.

(5) An application for the review of registration must be considered by the Trust or the Council (as the case may be) not later than 1 year after the date of its receipt by the Trust or the Council.

(6) However, the Trust or the Council (as the case may be)—

(a) may decline to consider any application that does not state any grounds for review or if it considers that the grounds stated are insufficient to justify a review; and

(b) must notify the applicant of its decision in writing.

(7) If the Trust or the Council decides to review a registration (whether on its own initiative or as a result of an application), the Trust or the Council (as the case may be) must conduct the review in the same manner as if it were a proposal for registration or an application to enter on the register (as appropriate) under this Act.

(8) When its review is completed, the Trust or the Council (as the case may be) may—

(a) vary the registration; or

(b) remove the registration; or

(c) confirm the registration; or

(d) in the case of an historic place, change or confirm the category of registration.

(9) If the Trust has, as part of its review, publicly notified a proposal to change the category of a registered historic place to Category 1,—

(a) the Trust may apply section 194 of the Resource Management Act 1991 until the Trust has finally dealt with the application, as if the application were a notice of a requirement for a heritage order; and

(b) if the Trust applies section 194 of the Resource Management Act 1991, section 195 of that Act applies.

Section 37: substituted, on 1 August 2006, by section 17 of the Historic Places Amendment Act 2006 (2006 No 33).

37A Removal of registration in cases of destruction or demolition

If an historic place, a wahi tapu, an historic area, or a wahi tapu area is destroyed or demolished, the Trust or the Council (as the case may be)—

(a) may, after making any inquiries that it sees fit, remove the registration of that historic place, wahi tapu, historic area, or wahi tapu area; and

(b) must, as soon as practicable after removing a registration, notify in writing the relevant territorial authority and regional council.

Section 37A: inserted, on 1 August 2006, by section 17 of the Historic Places Amendment Act 2006 (2006 No 33).

Part 3
New Zealand Historic Places Trust (Pouhere Taonga) and Board of Trustees

Constitution of Trust and Board

38 New Zealand Historic Places Trust (Pouhere Taonga)

(1) There shall continue to be a trust called the New Zealand Historic Places Trust (Pouhere Taonga).

(2) The Trust is the same body corporate as the New Zealand Historic Places Trust continued under section 4 of the Historic Places Act 1980.

(3) The Trust is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

(4) The Crown Entities Act 2004 applies to the Trust except to the extent that this Act expressly provides otherwise.

Compare: 1980 No 16 s 4

Section 38(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 38(3): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 38(4): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

39 Functions of Trust

(1) The general functions of the Trust shall be as follows:

(a) to identify, record, investigate, assess, register, protect, and conserve wahi tapu, wahi tapu areas, historic places, and historic areas or to assist in doing any of those things, and to keep permanent records of such work:

(b) to advocate the conservation and protection of wahi tapu, wahi tapu areas, historic places, and historic areas:

(c) to foster public interest and involvement in historic places and historic areas and in the identification, recording, investigation, assessment, registration, protection, and conservation of them:

(d) to furnish information, advice, and assistance in relation to the identification, recording, investigation, assessment, registration, protection, and conservation of wahi tapu, wahi tapu areas, historic places, and historic areas:

(e) to manage, administer, and control all historic places, buildings, and other property owned or controlled by the Trust or vested in it, to ensure the protection, preservation, and conservation of such historic places, buildings, and other property.

(2) The Minister may not give a direction to the Trust in relation to heritage matters.

Compare: 1980 No 16 s 5

Section 39(1)(a): amended, on 1 August 2006, by section 18(1) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 39(1)(b): amended, on 1 August 2006, by section 18(2) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 39(1)(d): amended, on 1 August 2006, by section 18(3) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 39(2): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

40 New Zealand Historic Places Board of Trustees

There shall continue to be a board of trustees called the New Zealand Historic Places Board of Trustees.

Compare: 1980 No 16 s 6(1)

41 Board has functions and powers of Trust

[Repealed]

Section 41: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

42 Membership of Board

(1) The membership of the Board consists of 9 persons, of whom—

(a) 3 are elected by the members of the Trust in accordance with regulations made under section 113(a); and

(b) 6 are appointed by the Minister.

(2) The persons appointed under subsection (1)(b) must have the skills, knowledge, or cultural background appropriate to the functions and powers of the Trust.

(3) At least 3 of the persons appointed under subsection (1)(b) must, in the opinion of the Minister after consultation with the Minister of Maori Affairs, be qualified for appointment, having regard to their knowledge of te ao Maori (Maori worldview) and tikanga Maori (Maori protocol and culture).

(4) One of the persons appointed under subsection (1)(b) must be appointed as Chairperson.

(5) The appointments made under subsections (1)(b) and (4) must be made in accordance with the Crown Entities Act 2004.

Section 42: substituted, on 1 August 2006, by section 19 of the Historic Places Amendment Act 2006 (2006 No 33).

43 Term of office of elected members of Board

(1) *[Repealed]*

(2) Every member of the Board elected under section 42(1)(a) holds office for 3 years from the date of the certificate declaring the result of the election given in accordance with regulations made under section 113 and may be re-elected.

(3) Unless an elected member vacates or is removed from office under the Crown Entities Act 2004, he or she continues in office until his or her successor comes into office.

Compare: 1980 No 16 s 8

Section 43 heading: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 43(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 43(2): substituted, on 3 June 1998, by section 3 of the Historic Places Amendment Act 1998 (1998 No 49).

Section 43(2): amended, on 1 August 2006, by section 20 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 43(3): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

43A Extraordinary vacancies

(1) An extraordinary vacancy occurs if an elected member of the Board—

(a) dies while in office; or

(b) resigns his or her office; or

(c) is removed from office.

(2) If an extraordinary vacancy occurs, it must be filled in the same manner as that of the person whose office has become vacant.

(3) A person who is elected to fill an extraordinary vacancy may hold office for the remainder of the term for which the vacating member of the Board was to hold office.

(4) This section does not apply if the extraordinary vacancy occurs within 12 months of the expiry of the term of office for the vacating member of the Board.

Section 43A: inserted, on 27 March 2008, by section 4 of the Historic Places Amendment Act 2008 (2008 No 12).

44 Deputy Chairperson of Board

[Repealed]

Section 44: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

45 Resignation or removal from office

[Repealed]

Section 45: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

46 Leave of absence

[Repealed]

Section 46: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

47 Co-opted members

[Repealed]

Section 47: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

48 Extraordinary vacancies

[Repealed]

Section 48: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

49 Powers of Board not affected by vacancies

[Repealed]

Section 49: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Conduct of business

50 Meetings of Board

Clauses 6 to 13 of Schedule 5 of the Crown Entities Act 2004 apply except that, despite clause 13 of that schedule, a resolution signed or assented to in writing, by members who together form a quorum, is as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

Section 50: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

51 Chief executive entitled to attend meetings of Board

[Repealed]

Section 51: repealed, on 1 August 2006, by section 21 of the Historic Places Amendment Act 2006 (2006 No 33).

52 Proceedings not affected by certain irregularities

[Repealed]

Section 52: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

53 Members of Board not personally liable

[Repealed]

Section 53: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Powers of Trust

54 Powers of Trust

(1) *[Repealed]*

(2) The Trust may do all or any of the following:

(a) advocate its interests at any public forum or in any statutory planning process:

(b) identify, record, investigate, assess, register, protect, and conserve wahi tapu, wahi tapu areas, historic places, and historic areas, or assist any person or organisation to do any of those things:

(c) acquire, restore, conserve, and manage historic places and historic areas, or assist any person or organisation to acquire, restore, conserve, and manage any such area or place:

(d) assist any person or organisation to acquire, restore, conserve, or manage any wahi tapu or wahi tapu area:

(e) *[Repealed]*

(f) erect suitable signs and notices on historic places and historic areas, subject, in the case of any historic place or historic area not owned by or under the control of the Trust, to the consent of the owner first being obtained:

(g) enter into agreements with local authorities, corporations, societies, individuals, or other controlling

bodies for the management, maintenance, and preservation of any historic place or historic area:

(h) *[Repealed]*

(i) *[Repealed]*

(j) make accessible to the public, charge fees for admission, lease or let, or use for any suitable purpose, any lands or buildings vested in the Trust or under its control:

(k) promote or supervise the investigation of any historic place or historic area:

(l) appoint and remove Board committees and their members, and establish and disestablish branch committees:

(m) *[Repealed]*

(n) *[Repealed]*

(o) *[Repealed]*

(p) *[Repealed]*

(q) *[Repealed]*

(r) *[Repealed]*

(s) provide information relating to historic places and historic areas and, where appropriate, wahi tapu and wahi tapu areas:

(t) charge for the provision of services by the Trust under this Act, including (but not limited to)—

(i) the processing of applications received by the Trust:

(ii) the carrying out of investigations:

(iii) the production, acquisition, and marketing of products:

(iv) the provision of information.

(3) Nothing in this Act shall require the Trust to negotiate or agree with any person to acquire any land or interest in land.

(4) No interest in land shall be regarded as having been taken or injuriously affected and no compensation shall be payable, by reason only of any provision of this Act.

Compare: 1980 No 16 ss 14, 57

Section 54(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(e): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(h): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(i): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(l): substituted, on 1 August 2006, by section 22 of the Historic Places Amendment Act 2006 (2006 No 33).

Section 54(2)(m): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(n): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(o): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(p): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(q): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 54(2)(r): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

55 General rules as to delegation of functions or powers by Board

(1) The rules about delegation in the Crown Entities Act 2004 apply to delegations by the Board.

(2) However, the Board must not delegate the power to—

- (a) execute a heritage covenant under section 6:
- (b) declare an archaeological site under section 9(2):
- (c) consent to an authority under section 14 where the costs of investigation exceed $100,000:
- (d) confirm registration under section 30:
- (e) change or remove a registration under section 37:
- (f) acquire real property:
- (g) dispose of real property:
- (h) borrow money:
- (i) adopt any statement of general policy under section 57:
- (j) adopt any conservation plan under section 58.

(3) Also, the Board must not delegate the power to give notice of requirement for a heritage order, or to grant interim registration under section 26, unless the delegation is one that must be jointly exercised by any 2 of the following persons, namely,

the Chairperson, one of the members appointed by the Minister, or the chief executive officer.

Section 55: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

55A Additional powers of delegation in respect of Maori Heritage Council and branch committees

(1) The Board may, by writing, delegate any of its functions or powers (except those referred to in section 55(2) or (3)) to—
- (a) the Maori Heritage Council; or
- (b) any branch committee of the Trust.

(2) Clause 14(1)(b) of Schedule 5 of the Crown Entities Act 2004 does not limit subsection (1).

(3) Subject to any general or special directions given by the Board, the Council or branch committee may exercise those powers in the same manner and with the same effect as if they had been conferred on the body directly by this Act and not by delegation.

(4) A body to which a power has been delegated under this section may delegate the power only—
- (a) with the prior written consent of the Board; and
- (b) subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.

(5) A body purporting to act in accordance with a delegation under this section—
- (a) is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation; and
- (b) must, if reasonably requested to do so, produce evidence of its authority to act in accordance with the delegation.

(6) A delegation under this section is revocable at will, and does not prevent the exercise of any power by the Trust or the Board.

Section 55A: inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

56 Delegation of functions or powers by chief executive officer

[Repealed]

Section 56: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

57 General policy for historic places, etc

(1) The Trust—

(a) shall, within 5 years after the commencement of this Act, adopt in accordance with this section 1 or more statements of general policy for the management, administration, control, and use of all historic places owned or controlled by the Trust or vested in it; and

(b) may amend such statements so that they are adapted to changing circumstances or in accordance with increased knowledge; and

(c) shall review any such statement within 10 years after its adoption by the Trust.

(2) Every statement of general policy shall be prepared in draft form by the Trust and shall—

(a) identify the historic place or historic places to which the policy applies; and

(b) state policies and objectives for the management and use of such historic places.

(3) In the case of every statement of general policy and every review of such a statement, the Trust shall—

(a) give notice by advertisement published in daily newspapers circulating in Auckland, Hamilton, Wellington, Christchurch, and Dunedin of the availability of the draft statement of general policy for public inspection; and

(b) invite persons and organisations to lodge with the Trust written comments on the draft statement of general policy before a date specified in the notice, being not less than 40 working days after the date of publication of the notice; and

(c) make the draft statement available for public inspection free of charge during usual business hours at the prin-

cipal office of the Trust in Wellington and at regional offices of the Trust; and

(d) submit the draft statement to the Minister.

(4) The Trust shall consider any comments received and shall review the draft statement of general policy before adopting the policy.

(5) The provisions of subsections (3) and (4) shall apply to every amendment of any statement of general policy, except where the Trust resolves on reasonable grounds that those provisions need not be followed.

(6) The Trust shall not act in any manner inconsistent with any statement of general policy.

(7) Every current statement of general policy adopted in accordance with this section shall be available for public inspection free of charge during usual business hours at the principal office of the Trust in Wellington and at regional offices of the Trust.

(8) For the purposes of this section and section 58, **historic place** includes any chattel or object or class of chattel or objects entered in the register in respect of that place.

Compare: 1980 No 66 s 44

58 Conservation plans

(1) The Trust may, where it considers it appropriate to do so, adopt a conservation plan for any historic place owned or controlled by the Trust or vested in it.

(2) The Trust shall prepare each conservation plan in draft form and shall—

(a) publicly notify the availability of the draft conservation plan for public inspection; and

(b) invite persons or organisations to lodge with the Trust written comments on the draft conservation plan before a date specified in the public notice, being not less than 40 working days after the date of publication of the notice; and

(c) make the draft conservation plan available for public inspection free of charge during usual business hours

at the principal office of the Trust in Wellington and at regional offices of the Trust.

(3) The Trust shall consider any comments received and shall review the draft conservation plan before adopting that plan.

(4) The Trust may from time to time amend or review any conservation plan adopted by it, and the provisions of subsections (2) and (3) shall apply to every such amendment or review of a conservation plan, except (in the case of an amendment) where the Trust resolves on reasonable grounds that those provisions need not be followed.

(5) The Trust shall not act in any manner inconsistent with any conservation plan.

(6) Every conservation plan adopted in accordance with this section shall be available for public inspection free of charge during usual business hours at the principal office of the Trust in Wellington and at regional offices of the Trust.

59 Contracts of Trust

[Repealed]

Section 59: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

60 Rules of Trust

(1) The Board may, by resolution, make rules that are not inconsistent with this Act or the Crown Entities Act 2004 for all or any of the following purposes:

(a) regulating the proceedings of the Board and the conduct of its meetings:

(b) providing for the custody of the property of the Trust and the custody and use of the common seal of the Trust:

(c) providing for members, prescribing different classes of members and the subscriptions (if any) payable by members of different classes, and prescribing the manner of keeping a register of members:

(d) providing for the establishment, disestablishment, functions, and powers of local branches for the furthering of the work of the Trust; and prescribing such other matters as may be necessary for the efficient functioning of the local branches:

(e) providing for the appointment and removal of members of Board committees:

(ea) providing for the election and removal of members of branch committees:

(f) such other purposes as may be deemed necessary or expedient for duly carrying out the work of the Trust.

(2) *[Repealed]*

Compare: 1980 No 16 s 17

Section 60(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 60(1)(d): amended, on 1 August 2006, by section 23(1) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 60(1)(e): amended, on 1 August 2006, by section 23(2) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 60(1)(ea): inserted, on 1 August 2006, by section 23(3) of the Historic Places Amendment Act 2006 (2006 No 33).

Section 60(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Bylaws

61 Power to make bylaws

The Trust may, in respect of any land or historic place vested in the Trust or under its control, make bylaws that are not inconsistent with this Act or any regulations made under this Act for all or any of the following purposes:

(a) prescribing rules to be observed by any person entering upon such land or place:

(b) prohibiting or controlling the lighting of fires on such land or in such place:

(c) prohibiting or controlling the taking of any animal or vehicle upon such land, and prescribing rules to be observed by any person taking any animal or vehicle upon such land:

(d) providing generally for control of the use, management, and better preservation of such land or historic place, and of any erection or thing thereon or therein.

Compare: 1980 No 16 s 20

62 Procedure for making bylaws

(1) Bylaws shall be made only by resolution of the Board and shall have the seal of the Trust duly affixed thereto, and shall be signed by 2 members of the Board.

(2) A notice stating the object or purport of the proposed bylaws shall be published in some newspaper circulating in the district in which the land or historic place is situated once in each of the 2 weeks immediately preceding the day on which the bylaws are made.

(3) No bylaw made by the Board shall have any force or effect until it has been approved by the Minister by notice published in the *Gazette*, or until the date specified for that purpose in that notice.

(4) Any bylaw may be in like manner altered or revoked.

(5) The Trust shall advise relevant local authorities of every bylaw and every amendment to any bylaw made by the Board.

Compare: 1980 No 16 s 21

63 Proof of bylaws

The production of any document purporting to contain a printed copy of any bylaw made under the authority of this Act and authenticated by the common seal of the Trust shall, until the contrary is proved, be sufficient evidence of the existence and provisions of the bylaw.

Compare: 1980 No 16 s 22

64 Trust to provide printed copies of bylaws

The Trust shall cause printed copies of all bylaws to be kept at an office of the Trust, and to be available for sale to members of the public at a reasonable price.

Compare: 1980 No 16 s 23

65 Penalty for breach of bylaws

Every person commits an offence and is liable on conviction to a fine not exceeding $500 who acts in contravention of or fails to comply with any bylaw under this Act.

Compare: 1980 No 16 s 24

Section 65: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Employees

66 Appointment of chief executive officer

[Repealed]

Section 66: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

67 Appointment of other employees

[Repealed]

Section 67: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

68 Personal liability

[Repealed]

Section 68: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

69 Personnel policy

[Repealed]

Section 69: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

70 Equal employment opportunities programme

[Repealed]

Section 70: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

71 Transitional provisions relating to employees

(1) Notwithstanding any other provision of this Act or any provision of the State Sector Act 1988,—

(a) every employee of the Department of Conservation who was, immediately before the commencement of this Act, employed wholly on servicing the functions of the Trust, is hereby deemed to be an employee of the Trust (in this section referred to as a **transferred employee**); and

(b) the terms and conditions of employment of every transferred employee shall, until varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immedi-

ately before the commencement of this Act in respect of that person's employment with the Department of Conservation.

(2) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a transferred employee,—

(a) the contract of employment that applied immediately before the commencement of this Act in respect of that person's employment with the Department of Conservation shall be deemed not to have been broken by that person having so become a person employed by the Trust; and

(b) any period recognised by the Department as continuous service with the Department shall be deemed to have been a period of continuous service with the Trust.

(3) No transferred employee of the Trust shall be entitled to any payment, benefit, or compensation by reason only of that person having ceased to be a person employed with the Department.

(4) Nothing in subsection (1)(b) applies to any transferred employee who receives a subsequent appointment within the Trust.

72 Contributors to Government Superannuation Fund

(1) Any person who, immediately before becoming an officer or employee of the Trust, is an appointee under the State Sector Act 1988 and a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 shall, on becoming an officer or employee of the Trust, be deemed for the purposes of the Government Superannuation Fund Act 1956 to be employed in the Government service so long as that person continues in the service of the Trust; and the Government Superannuation Fund Act 1956 shall apply to that person in all respects as if the service with the Trust were Government service.

(2) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (1) shall entitle any such transferred employee to become a contributor to the Government Superannu-

ation Fund after that person has once ceased to become a contributor.

(3) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (1), to a person who is in the service of the Trust and who is a contributor to the Government Superannuation Fund, the term **controlling authority**, in relation to that person, means the Trust.

(4) The Trust may, for the purpose of providing superannuation or retirement allowances for its officers and employees, subsidise out of its funds any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or any other employer-subsidised scheme approved by the Minister of Finance.

Financial provisions

73 Funds of Trust

[Repealed]

Section 73: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

74 Payment to and withdrawal from bank accounts

[Repealed]

Section 74: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

75 Unauthorised expenditure

[Repealed]

Section 75: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

76 Borrowing powers

[Repealed]

Section 76: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

77 Liability for debts of Trust

[Repealed]

Section 77: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

78 Investment of funds

[Repealed]

Section 78: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

79 Accounts

[Repealed]

Section 79: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

80 Exemption from income tax

The Trust shall be exempt from the payment of income tax.

Compare: 1980 No 16 s 31

Section 80 heading: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 80: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

81 Annual report

[Repealed]

Section 81: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

82 Contributions by territorial authorities, etc

For the purpose of providing funds for the exercise of the functions of the Trust—

(a) any territorial authority or public body of any kind may from time to time out of its general fund or account make such contributions to the Trust as it thinks fit:

(b) any university may from time to time, with the consent of the Minister of Education, make such contributions to the Trust as it thinks fit.

Compare: 1980 No 16 s 33

83 Fees and travelling allowances

[Repealed]

Section 83: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Part 4
Maori Heritage Council

84 Maori Heritage Council

(1) There is hereby established a council to be called the Maori Heritage Council.

(2) The membership of the Council consists of—

- (a) 3 members of the Board who have been appointed in accordance with section 42(3); and
- (b) 1 member of the Board who has been either appointed or elected under section 42(1); and
- (c) 4 persons who—
  - (i) are Maori; and
  - (ii) have the skills, knowledge, or cultural background appropriate to the functions and powers of the Council; and
  - (iii) are appointed by the Minister after consultation with the Minister of Maori Affairs and the Board.

(3) The Chairperson of the Council shall be a member of the Board and shall be appointed by all members of the Council from among their number.

(4) Members of the Council shall hold office for a term of not more than 3 years and may from time to time be reappointed.

(5) Unless a member of the Council vacates or is removed from his or her office under section 88, or (in the case of a member appointed under subsection (2)(a)) who ceases to be a member of the Board, he or she shall continue in office until his or her successor comes into office.

Section 84(2): substituted, on 1 August 2006, by section 24 of the Historic Places Amendment Act 2006 (2006 No 33).

85 Functions of Council

The Maori Heritage Council shall have the following functions:

- (a) to ensure that, in the protection of wahi tapu, wahi tapu areas, and historic places and historic areas of Maori interest, the Trust meets the needs of Maori in a culturally sensitive manner:

(b) to develop Maori programmes for the identification and conservation of wahi tapu, wahi tapu areas, and historic places and historic areas of Maori interest, and to inform the Board of all activities, needs and developments relating to Maori interests in such areas and places:

(c) to assist the Trust to develop and reflect a bicultural view in the exercise of its powers and functions:

(d) to develop its own iwi and other consultative and reporting processes and to recommend such processes for adoption by the Board, branches, and staff of the Trust when dealing with matters of Maori interest:

(e) to make recommendations to the Trust on applications referred by the Trust under section 14(3) that relate to archaeological sites of Maori interest:

(f) to consider and determine proposals for the registration of wahi tapu and wahi tapu areas:

(g) to propose the registration of historic places and historic areas of Maori interest:

(h) to make recommendations to the Trust on applications for resource consents referred by the Trust under section 33:

(i) to perform such functions as are delegated to the Council by the Board:

(j) to perform such other functions as are imposed on the Council by this Act or any other Act:

(k) to advocate the interests of the Trust and the Council so far as they relate to matters of Maori heritage at any public or Maori forum.

86 Powers of Council

(1) The Maori Heritage Council shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

(2) Without limiting the generality of subsection (1), the Council may—

(a) appoint committees consisting of such persons, whether or not members of the Council, as the Council considers appropriate:

(b) subject to subsection (3), delegate any functions of the Council under this Act to the Chairperson, Deputy Chairperson, any committee of the Council, or the chief executive officer of the Trust.

(3) In the case of the Council's power to grant interim registration under section 26(2), the Council may delegate the power to 2 of the following, namely, the Chairperson, Deputy Chairperson, or chief executive officer of the Trust, but shall not delegate such power to any other person.

87 Deputy Chairperson of Council

(1) At the first meeting of the Council after the commencement of this Act, and thereafter at the first meeting of the Council held after 30 June in each year and at the first meeting of the Council held after the occurrence of a vacancy in the office of the Deputy Chairperson, the Council shall elect one of its members to be the Deputy Chairperson.

(2) The Deputy Chairperson shall hold office while he or she continues to be a member of the Council until the appointment of his or her successor in accordance with subsection (1), and may be reappointed.

(3) The Deputy Chairperson shall perform all the functions and duties and exercise all the powers of the Chairperson,—

(a) with the consent of the Chairperson, at any time during the temporary absence of the Chairperson:

(b) without that consent, at any time while the Chairperson is temporarily incapacitated or prevented by illness or other cause from performing the functions and duties of his or her office:

(c) while there is any vacancy in the office of Chairperson.

88 Resignation or removal from office

(1) Any member of the Council may resign from office at any time by written notice given to the Minister.

(2) Any member may be removed from office at any time by the Minister for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct, if proved to the

satisfaction of the Minister, or a conviction for an offence relating to historic places.

Section 88(2): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

89 Leave of absence

(1) The Council may give leave of absence to any member.

(2) A member shall be deemed to have vacated his or her office if he or she is absent from 3 consecutive meetings of the Council without its leave.

90 Co-opted members

(1) Subject to subsection (2), where leave of absence has been given to any member, the Council may co-opt a person to be a co-opted member of the Council.

(2) In the case of a Council member appointed pursuant to section 84(2)(a), any co-opted Board member filling such leave of absence shall also become a co-opted member of the Council for the period of such absence.

(3) The term of office of a member co-opted under subsections (1) and (2) shall cease on the expiry of the leave of absence of the original member or the earlier vacation of or removal from office of that original member.

91 Extraordinary vacancies

(1) If any member dies or resigns his or her office, or is removed from office by the Minister, the vacancy thereby occurring shall be deemed to be an extraordinary vacancy.

(2) Every extraordinary vacancy shall be filled in the same manner as that of the person whose office has become vacant.

(3) Every person who fills an extraordinary vacancy shall hold office for the remainder of the term for which his or her predecessor was to hold office.

92 Powers of Council not affected by vacancies

The powers of the Council shall not be affected by any vacancy in the membership of the Council.

93 Meetings of Council

(1) The Chairperson of the Council shall preside at all meetings of the Council at which he or she is present.

(2) In the absence of both the Chairperson and the Deputy Chairperson from any meeting, the members present shall appoint one of their number to be the Chairperson of that meeting.

(3) Meetings of the Council shall be held at such times and places as the Council or its Chairperson from time to time appoints.

(4) Subject to subsection (5), the Chairperson may at any time call a special meeting of the Council and the Chairperson shall call a special meeting of the Council whenever requested to do so in writing by 2 members of the Council.

(5) Not less than 5 working days' notice of every special meeting and of the business to be transacted at that meeting shall be given to each member for the time being in New Zealand, and no business other than that specified in the notice shall be transacted at that meeting.

(6) At all meetings of the Council, 4 members, of whom 2 shall be members of the Board, shall constitute a quorum.

(7) The decision of the Council on any matter shall be determined by a majority of the valid votes recorded on it.

(8) Notwithstanding subsection (7), a resolution signed or assented to in writing by 4 or more of the members of the Council for the time being in New Zealand, 2 of whom are members of the Board, shall have the same effect as a decision under that subsection.

(9) At any meeting of the Council the person for the time being acting as the Chairperson shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(10) Subject to this Act and the rules of the Trust made under section 60, the Council may regulate its own procedure.

94 Chairperson of Board entitled to attend meetings of Council

Notice in writing of every meeting of the Council and of the business proposed to be transacted at that meeting shall be given to the Chairperson of the Board, and the Chairperson or,

in his or her absence, the Deputy Chairperson of the Board (if any) shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

Section 94: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

95 Proceedings not affected by certain irregularities

No act or proceeding of the Council, or of any person acting as a member of the Council, shall be invalidated—

(a) by reason of a vacancy in the membership of the Council at the time of the act or proceeding; or

(b) because of the subsequent discovery that there was some defect in the appointment of any person so acting or that he or she was incapable of being a member or had ceased to be a member.

96 Members of Council not personally liable

No member of the Council or of any committee of the Council shall be personally liable for any default made by the Council or any committee of the Council, or by any member of it, in good faith in the course of its operations.

96A Fees and travelling allowances in respect of Council

The members of the Council are entitled to be paid, out of money appropriated by Parliament for the purpose, remuneration by way of fees or salary, and allowances and expenses, in accordance with the fees framework for members of statutory and other bodies.

Section 96A: inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Part 5
Offences

97 Offence of intentional destruction, damage, or modification

(1) Every person commits an offence who intentionally—

(a) destroys, damages, or modifies any historic place, historic area, property, or thing vested in or under the control of the Trust; or

(b) causes any such area, place, property, thing, or land to be destroyed, damaged, or modified,—

without the authority of the Trust or any person or body authorised by the Trust in that behalf.

(2) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of destruction, to a fine not exceeding $100,000:

(b) in the case of damage or modification, to a fine not exceeding $40,000.

Section 97(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

98 Offence of destruction, damage, or modification of land subject to heritage covenant

(1) Every person commits an offence in respect of an historic place, historic area, wahi tapu, or wahi tapu area protected by a heritage covenant who, knowing or having reasonable cause to suspect that the historic place, historic area, wahi tapu, or wahi tapu area is protected by a heritage covenant, intentionally—

(a) destroys, damages, or modifies that historic place, historic area, wahi tapu, or wahi tapu area, or any feature or part of that historic place, historic area, wahi tapu, or wahi tapu area; or

(b) causes that historic place, historic area, wahi tapu, or wahi tapu area, or any feature or part of that historic place, historic area, wahi tapu, or wahi tapu area to be destroyed, damaged, or modified,—

otherwise than in accordance with the provisions of that heritage covenant.

(2) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of destruction, to a fine not exceeding $100,000:

(b) in the case of damage or modification, to a fine not exceeding $40,000.

Section 98(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

99 Offence of destruction, damage, or modification of archaeological site

(1) Every person commits an offence who, knowing or having reasonable cause to suspect that a site is an archaeological site,—

(a) destroys, damages, or modifies that archaeological site; or

(b) causes that archaeological site to be destroyed, damaged, or modified,—

without the authority of the Trust or any person or body authorised by the Trust in that behalf.

(2) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of destruction, to a fine not exceeding $100,000:

(b) in the case of damage or modification, to a fine not exceeding $40,000.

Section 99(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

100 Offence of breaching conditions of authority

Every person commits an offence and is liable on conviction to a fine not exceeding $40,000 who contravenes or fails to comply with any condition imposed under section 14(1) or section 15.

Section 100: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

101 Offence of refusing access, etc

Every person commits an offence and is liable on conviction to a fine not exceeding $2,500 who—

(a) refuses to let a person authorised by or under section 21 to have access to an archaeological site or historic place for a purpose referred to in that section; or

(b) obstructs any person—

(i) in the carrying out of any investigation under section 13; or

(ii) in the carrying out of any investigation pursuant to a condition imposed under section 15(1); or

(iii) in the exercise of any power referred to in section 21(3).

Section 101: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

102 Offence of carrying out archaeological investigation in breach of conditions or without written permission

(1) Every person who carries out an archaeological investigation that is subject to any conditions imposed by the Trust under section 18(1) commits an offence and is liable on conviction to a fine not exceeding $40,000 who contravenes, or fails to comply with, any of those conditions.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $40,000 who carries out an archaeological investigation without the written permission of the Trust under section 18(1).

Section 102(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 102(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

103 Offence of destruction, damage, or modification while historic place or wahi tapu has interim registration

(1) Every person commits an offence who—

(a) demolishes, damages, modifies, or extends any historic place that has interim registration under section 26, or causes any such place to be demolished, damaged, modified, or extended; or

(b) destroys, damages, or modifies any wahi tapu that has interim registration under section 26, or causes any such wahi tapu to be destroyed, damaged, or modified,—

without (in the case of an historic place) the authority of the Trust or any person or body authorised by the Trust for the purpose or (in the case of a wahi tapu) the authority of the Maori Heritage Council or any person or body authorised by the Council for the purpose.

(2) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of demolition or destruction, to a fine not exceeding $100,000:

(b) in the case of alteration, extension, damage, or modification, to a fine not exceeding $40,000.

Section 103(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

104 Other offences

Every person commits an offence and is liable on conviction to a fine not exceeding $2,500 who, without the authority of the Trust or any person or body authorised by the Trust in that behalf,—

(a) intentionally enters upon any land or historic place vested in or under the control of the Trust otherwise than in accordance with any bylaw made by the Trust in respect of such land; or

(b) intentionally takes any animal or vehicle upon any land vested in or under the control of the Trust otherwise than in accordance with any bylaw made by the Trust in respect of such land; or

(c) intentionally lights any fire on any land vested in or under the control of the Trust otherwise than in accordance with any bylaw made by the Trust in respect of such land; or

(d) intentionally lights or causes or permits to be lit on any land, other than land vested in or under the control of the Trust, a fire which he or she knows or ought to have known to be likely to spread into, and which spreads into and damages or destroys, any property or thing vested in or under the control of the Trust; or

(e) unlawfully alters, obliterates, defaces, pulls up, removes, or destroys any boundary mark, plaque, sign, or poster on any land vested in or under the control of the Trust; or

(f) alters, obliterates, defaces, pulls up, removes, or destroys any plaque or sign supplied and erected by the Trust on any land or building, other than any land or

building vested in or under the control of the Trust, and where the consent of the owner of the land or building has not first been obtained; or

(g) intentionally takes or removes, or causes to be taken or removed, from any land or building vested in or under the control of the Trust, any property or thing vested in or under the control of the Trust; or

(h) receives any property or thing vested in or under the control of the Trust knowing the same to have been removed unlawfully from any land or building vested in or under the control of the Trust; or

(i) fails to comply with an order made under section 105; or

(j) fails to carry out pest and weed control, to maintain land in a clean and safe condition, or to take any necessary protective measures, as required by section 105(2)(c).

Section 104: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 104(d): amended, on 27 March 2008, by section 5 of the Historic Places Amendment Act 2008 (2008 No 12).

105 Court may stay exercise of rights under resource consent

(1) Where the owner or occupier of any land or place subject to—

(a) a requirement for a heritage order made by the Trust; or

(b) a heritage order issued by the Trust; or

(c) interim registration under this Act—

is convicted of an offence against section 338(1)(a) of the Resource Management Act 1991 (being an offence in respect of section 9(2) of that Act) or against section 103, being an offence in respect of that land or place, then, in addition to any penalty it may impose under those sections, a court may make an order suspending for such period not exceeding 5 years as the court thinks fit—

(d) the exercise of any rights under a resource consent granted to that person in respect of that land; or

(e) the carrying out of any activity the person is permitted to carry out under a district plan; or

(f) all such rights and activities.

(2) While a suspension remains in force under this section in respect of a resource consent, the following provisions apply to that consent and the land to which it applies:

(a) no rights shall be exercisable under the suspended consent:

(b) all activities for which other resource consents could be sought in respect of the land shall be deemed to be prohibited activities:

(c) the holder shall—

(i) carry out pest and weed control measures on the land in accordance with the heritage order (if any) applying to the land; and

(ii) take such other measures as may be necessary to maintain the land in a clean and safe condition; and

(iii) take such other measures as may be necessary to protect either—

(A) the place and surrounding area specified in the requirement for a heritage order or specified in the heritage order; or

(B) the place or wahi tapu for which interim registration is proposed.

(3) Nothing in this section prevents an owner or occupier of any land subject to a court order under this section agreeing with the local territorial authority to develop a public amenity on that land in accordance with the heritage order (if any) applying to the land.

(4) Before a local territorial authority enters into an agreement under subsection (3), it shall consult the Trust.

(5) For the purposes of this section, a right exercisable under a resource consent includes (but is not limited to) the right to carry out all or any of the following:

(a) any work authorised on the land concerned, including—

(i) the construction of any new building, structure, or other fixture; and

(ii) any alteration or extension to any existing building, structure, or other fixture on that land:

(b) any subdivision of the land:

(c) any use of the land that is permissible under section 9 of the Resource Management Act 1991.

106 Strict liability and defences

(1) In any prosecution for an offence against section 99 or section 100 or section 103, it is not necessary to prove that the defendant intended to commit the offence.

(2) Subject to subsection (3), it is a defence to a prosecution of the kind referred to in subsection (1) if the defendant proves—

(a) that—

(i) the action or event was necessary for the purposes of saving or protecting life or preventing serious damage to property or any historic place or wahi tapu; and

(ii) the conduct of the defendant was reasonable in the circumstances; and

(iii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred; or

(b) that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural disaster, mechanical failure, or sabotage, and in each case—

(i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and

(ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.

(3) Except with the leave of the court, subsection (2) does not apply unless, within 7 days after the service of the summons or within such further time as the court may allow, the defendant delivers to the prosecutor a written notice—

(a) stating that he or she intends to rely on subsection (2); and

(b) specifying the facts that support his or her reliance on that subsection.

Section 106(2)(b): amended, on 1 August 2006, by section 25 of the Historic Places Amendment Act 2006 (2006 No 33).

107 Offender to give name and address

(1) Where any person is found offending against this Act, it shall be lawful for any officer or employee of the Trust or any person authorised in writing in that behalf by the Trust or any employee of the department for the time being responsible for the administration of this Act authorised in writing in that behalf by the chief executive or any constable to require the offender forthwith to desist from the offence and also to give his or her name and address.

(2) If the offender, after being so required, fails to give his or her name or address, or gives a false name or address, or wilfully continues the offence, he or she commits a further offence against this Act.

(3) Every person who commits an offence against this section is liable on conviction to a fine not exceeding $2,000.

(4) The Trust may apply to the court for a writ of injunction to restrain any person from breach of any duty or obligation imposed upon him or her by this Act, if he or she has threatened or already commenced to commit the breach or the Trust has reasonable cause to believe that such a breach is likely to occur.

Compare: 1980 No 16 s 55

Section 107(1): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 107(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

108 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 12 months after the date on which the offence was committed.

Section 108: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 6
Miscellaneous provisions

109 Members and employees not in service of the Crown
[Repealed]

Section 109: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

110 Local authorities may transfer land to Trust
Notwithstanding anything in any enactment, any local authority (within the meaning of the Local Government Act 2002) may, without further authority than this section, convey or transfer any land (not being a public reserve within the meaning of the Reserves Act 1977) to the Trust and the Trust may accept such land to be held for the purposes of this Act.

Compare: 1980 No 16 s 59

Section 110: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

111 Notification to territorial authorities for land information memorandum and project information memorandum purposes
[Repealed]

Section 111: repealed, on 3 June 1998, by section 4 of the Historic Places Amendment Act 1998 (1998 No 49).

112 Service of documents
(1) Where a notice or other document is to be served on a person for the purposes of this Act, it may be served—

(a) by delivering it personally to the person; or

(b) by delivering it at the usual or last known place of residence or business of the person, including by facsimile; or

(c) by sending it by pre-paid post addressed to the person at the usual or last known place of residence or business of the person.

(2) Where a notice or other document is to be served on a body (whether incorporated or not) for the purposes of this Act, service on an officer of the body in accordance with subsection (1) shall be deemed to be service on the body.

(3) Where a notice or other document is to be served on a partnership for the purposes of this Act, service on any one of the partners in accordance with subsections (1) and (2) shall be deemed to be service on the partnership.

(4) Where a notice or other document is sent by post to a person in accordance with subsection (1)(c), it shall be deemed to be received by the person at the time at which the letter would have been delivered in the ordinary course of the post.

113 Regulations

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing the procedure for the nomination and subsequent election of 3 members of the Trust Board from the members of the Trust:

(b) prescribing offences in respect of the contravention of, or non-compliance with, any regulations made under this Act; and prescribing fines not exceeding $5,000 in respect of any such offence:

(c) prescribing the form or content of applications, notices, or any other documentation or information as may be required under this Act and the manner in which such documentation is to be provided:

(d) providing for such other matters as may be contemplated by or necessary for giving full effect to this Act and its due administration.

Compare: 1980 No 16 s 60

Transitional provisions and consequential amendments

114 Registration or classification under former Act

(1) All buildings classified under paragraph (a) or paragraph (b) of section 35(1) of the Historic Places Act 1980, and all places recorded under section 51 of that Act, shall, notwithstanding subsection (8), be deemed to have final registration in Category 1 of the register.

(2) Where a proposal for classification made under section 35 or section 49 of the Historic Places Act 1980, or an application made under section 50(1) of that Act, has not been finally dealt with before the commencement of this Act, those proposals or applications shall be dealt with and completed after that date in accordance with the provisions of that Act as if this Act had not been enacted.

(3) The following shall be deemed to have final registration in Category 2 of the register:

(a) all buildings classified under paragraph (c) or paragraph (d) of section 35(1) of the Historic Places Act 1980:

(b) all archaeological sites registered under section 43(1) of that Act.

(4) All historic areas classified under section 49 of the Historic Places Act 1980 shall be deemed to have final registration under this Act as historic areas.

(5) In respect of traditional sites declared under section 50(1) of the Historic Places Act 1980, the following provisions shall apply:

(a) notwithstanding paragraph (b), traditional sites will be deemed to have final registration as wahi tapu:

(b) within 12 months of the date of enactment of this Act, the Maori Heritage Council shall reassess every such site on an individual basis, and shall enter it in the part of the register relating to—

(i) historic places; or

(ii) historic areas; or

(iii) wahi tapu; or

(iv) wahi tapu areas.

(6) Within 12 months after the commencement of this Act, the Trust shall notify each owner concerned of—

(a) the provisions of this section that affect the owner; and

(b) the relevant provisions of Part 2.

(7) Where the Trust fails to notify an owner in accordance with subsection (4), the registration conferred by this section shall be deemed to have been removed under section 31(6) or section 32(6).

(8) Every notification to a District Land Registrar made under section 51 of the Historic Places Act 1980 shall be deemed to lapse at the date of commencement of this Act; and the Trust shall, within 3 months after that date, notify the owner of the land or building concerned and the District Land Registrar of the district concerned accordingly; and the District Land Registrar shall thereupon cancel the notification on every relevant certificate of title.

115 Savings

(1) Notwithstanding the repeal of the Historic Places Act 1980 by section 118(1), all rules made by the Board under section 17 of that Act (other than rules relating to the election of members of the Board) shall continue to have effect as if that section had not been repealed, and may be amended or revoked under section 60 of this Act.

(2) This Act must continue to be interpreted and administered to give effect to the principles of the Treaty of Waitangi, unless the context otherwise requires, even though this Act is no longer—

(a) administered by the Department of Conservation; or

(b) included in Schedule 1 of the Conservation Act 1987.

Section 115(2): added, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

116 Transitional provisions for applications relating to archaeological sites

(1) Every application lodged with the Trust under section 44(2) or section 46(2) of the Historic Places Act 1980 before the date of commencement of this Act, but not determined by the Trust before that date, shall be determined as if this Act had not been passed.

(2) Every right of appeal under section 48(1) of the Historic Places Act 1980 that was exercisable immediately before the date of commencement of this Act, but was not exercised before that date, shall be exercisable as if this Act had not been passed; and every such appeal shall be determined as if this Act had not been passed.

(3) Where an application to which subsection (1) applies is determined in accordance with that subsection, every person who would have had a right of appeal against that determination under section 48 of the Historic Places Act 1980, if the determination had been made immediately before the commencement of this Act, may exercise that right of appeal as if this Act had not been passed; and every such appeal shall be determined as if this Act had not been passed.

(4) Every appeal lodged under section 48(1) of the Historic Places Act 1980 before the date of commencement of this Act, but not determined before that date, shall be determined as if this Act had not been passed.

117 Transitional Board of Trustees

[Repealed]

Section 117: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

118 Repeals and amendments

[Repealed]

Section 118: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 1
s 118(1)

Enactments repealed

Historic Places Act 1980 (1980 No 16)

Historic Places Amendment Act 1982 (1982 No 75)

Historic Places Amendment Act 1985 (1985 No 22)

Historic Places Amendment Act (No 2) 1988 (1988 No 189)

Trade and Industry Act Repeal Act 1988 (1988 No 156)
Amendment(s) incorporated in the Act(s).

Trustee Amendment Act 1988 (1988 No 119)
Amendment(s) incorporated in the Act(s).

Schedule 2
s 118(2)

Enactments amended

Building Act 1991 (1991 No 150)
Amendment(s) incorporated in the Act(s).

Conservation Act 1987 (1987 No 65)
Amendment(s) incorporated in the Act(s).

Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)
Amendment(s) incorporated in the Act(s).

Public Finance Amendment Act 1992 (1992 No 142)
Amendment(s) incorporated in the Act(s).

Resource Management Act 1991 (1991 No 69)
Amendment(s) incorporated in the Act(s).

Valuation of Land Act 1951 (1951 No 19) (RS Vol 21, p 851)
Amendment(s) incorporated in the Act(s).

Reprints notes

1 General

This is a reprint of the Historic Places Act 1993 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 105

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Building Amendment Act 2012 (2012 No 23): section 93(5)

Criminal Procedure Act 2011 (2011 No 81): section 413

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3): section 128

Historic Places Amendment Act 2008 (2008 No 12)

Property Law Act 2007 (2007 No 91): section 364(1)

Protected Objects Amendment Act 2006 (2006 No 37): section 35

Historic Places Amendment Act 2006 (2006 No 33)

Crown Entities Act 2004 (2004 No 115): section 200

Building Act 2004 (2004 No 72): section 414

Resource Management Amendment Act 2003 (2003 No 23): section 102

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