

Departmental Disclosure Statement

Rangitāne o Manawatu Claims Settlement Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Ministry of Justice (Office of Treaty Settlements).

The Ministry of Justice (Office of Treaty Settlements) certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

26 November 2015.

Contents

Contents..... 2

Part One: General Policy Statement 3

Part Two: Background Material and Policy Information 4

Part Three: Testing of Legislative Content..... 5

Part Four: Significant Legislative Features 7

Part One: General Policy Statement

This Bill gives effect to the deed of settlement signed on 14 November 2015 in which the Crown and Rangitāne o Manawatu agreed to the final settlement of the historical Treaty of Waitangi claims of Rangitāne o Manawatu. Legislation is necessary to give effect to certain aspects of the settlement. Other aspects of the settlement are provided for only in the deed of settlement.

Scope of settlement

Rangitāne o Manawatu trace their origins back to Whātonga, one of three rangatira who commanded the Kurahaupō waka as it sailed from Hawaiki to New Zealand. The Rangitāne o Manawatu rohe is centered on Palmerston North in the Manawatu region. Rangitāne o Manawatu has a claim area of 359,295 hectares which follows the Manawatu River, extending north to the Rangitikei River, from the Tararua and Ruahine Ranges to the west coast, and south to the Manawatu River mouth.

The historical Treaty of Waitangi claims of Rangitāne o Manawatu primarily relate to non-raupatu land loss. Most Rangitāne o Manawatu land was alienated through Crown purchases in the mid-nineteenth century and minimal reserves were provided. The operation and impact of the native land laws contributed to the alienation of Rangitāne o Manawatu's remaining land and the Crown failed to ensure Rangitāne o Manawatu were left with sufficient land for their present and future needs.

History of claim

Rangitāne o Manawatu opted to pursue direct negotiations with the Crown in 1998 rather than having their claims heard by the Waitangi Tribunal. In 1998 Tānenuiarangi Manawatu Incorporated received a mandate from the Rangitāne o Manawatu claimant community to negotiate a deed of settlement with the Crown, and on 14 May 1998 the Crown recognised the mandate. On 25 November 1999, heads of agreement were signed by Rangitāne o Manawatu and the Crown. Subsequently, negotiations were stalled. The mandated negotiators and the Crown recommenced intensive negotiations in 2010 and a deed of settlement was initialled on 1 May 2015. The deed of settlement was signed on 14 November 2015 to settle all of the historical Treaty of Waitangi claims of Rangitāne o Manawatu.

Summary of settlement

The Rangitāne o Manawatu Deed of Settlement will be the final settlement of all historical claims of Rangitāne o Manawatu resulting from acts or omissions by the Crown before 21 September 1992 and is made up of a package that includes:

- an agreed historical account and acknowledgements and apology by the Crown to Rangitāne o Manawatu; and
- cultural redress, and
- financial and commercial redress.

Rangitāne o Manawatu and the Crown have agreed to the removal of the jurisdiction of the courts and the Waitangi Tribunal in respect of the historical claims of Rangitāne o Manawatu, the deed of settlement, the settlement redress, and the Bill (but not in respect of the interpretation of implementation of the deed of settlement or the Bill). The Bill provides for this in *Part 1* and deals with related issues, including the removal of certain resumptive memorials.

The benefits of the settlement will be available to all members of Rangitāne o Manawātū, wherever they live.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
The Manawatu River Leaders' Accord (accessible at http://www.manawaturiver.co.nz/)	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
--	-----------

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
--	-----------

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

No steps have been undertaken

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

During the settlement negotiations, the Office of Treaty Settlements and Rangitāne o Manawatu negotiators engaged with iwi and hapū whose interests are directly affected by the settlement. The redress given effect by this Bill is consistent with Treaty principles and Treaty of Waitangi settlement policy.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

YES

Advice provided to the Attorney-General by the Crown Law Office, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at <http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights/bill-of-rights/>

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

NO

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

YES

The Bill settles historic Treaty claims and removes the jurisdiction of courts, tribunals and other judicial bodies into the claims, deed of settlement and redress provided. (clauses 15, 16, 17 and 18).

3.4.1. Was the Ministry of Justice consulted about these provisions?

YES

The provisions were developed by the Office of Treaty Settlements which is part of the Ministry of Justice.

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?

NO

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p><i>Stakeholder groups (e.g. overlapping iwi, councils, affected individuals, recreation groups) were informed of the key relevant provisions contained in the Bill as the settlement was negotiated and agreed, and were invited to comment on relevant parts of the Bill affecting them.</i></p> <p><i>Overlapping groups: Ngāti Apa, Ngāti Hauiti, Ngāti Kahungunu ki Wairarapa, Ngāti Kahungunu Tamaki Nui a Rua, Ngāti Kauwhata, Muaupoko, Rangitāne ki Wairarapa, Rangitāne Tamaki Nui a Rua, Ngāti Raukawa ki te Tonga, and Ngāti Toa Rangatira</i></p> <p><i>Councils: Horizons Regional Council. Palmerston North City Council, Manawatu District Council, Horowhenua District Council, Wellington City Council</i></p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
<p><i>The proposed provisions are tested throughout the negotiations process through consultation with key stakeholders and engagement with third parties. The deed of settlement provisions were ratified by Rangitāne o Manawatu before the deed of settlement was signed on 14 November 2015.</i></p>	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
---	----

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
---	----

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
--	----

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
--	----

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
---	----

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
--	----

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
---	----

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
---	----