

Departmental Disclosure Statement

Maniapoto 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 The Office for Māori Crown Relations – Te Arawhiti.

The Office for Māori Crown Relations – Te Arawhiti certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

November 2021.

Contents

Contents.....	2
Part One: General Policy Statement.....	3
Part Two: Background Material and Policy Information	4
Part Three: Testing of Legislative Content.....	6
Part Four: Significant Legislative Features	8

Part One: General Policy Statement

The Bill gives effect to certain matters contained in the Deed of Settlement (the Deed), signed on 11 November 2021 between the Crown and Maniapoto. The Deed will settle all the historical Treaty of Waitangi claims of Maniapoto resulting from acts or omissions by the Crown before 21 September 1992. This Bill contains provisions related to settlement redress that require legislation for their implementation. Other aspects of the settlement are provided for only in the Deed because they do not require legislative authority.

This Bill comprises 7 parts:

- Part 1 sets out the purpose of the Bill, provides the provisions of the Bill take effect on the settlement date unless a provision states otherwise, specifies the Bill binds the Crown and defines terms used in the Bill, including Maniapoto and historical claims;*
- Part 2 sets out in 5 subparts the cultural redress for Maniapoto and includes the placing of a pou whenua, protocols, statutory acknowledgements, a deed of recognition, an overlay classification, conferring official geographic names, vesting of cultural redress properties, vesting and gifting back 1 property, relating to the Waikato Conservation Management Strategy, provisions relating to interests in the exclusive economic zone and enabling access to certain cultural materials;*
- Part 3 sets out in 3 subparts the scope of the natural resources redress, Raumairoa, including the Crown's acknowledgement of the statement of significance of Ngā Wai o Maniapoto to Maniapoto, the requirements for a joint management agreement and the requirements relevant to relationship agreements;*
- Part 4 sets out in 4 subparts the commercial redress for Maniapoto and includes the transfer of commercial redress properties and deferred selection properties, the licensed land, access to protected sites and a right of first refusal over RFR land;*
- Part 5 makes statutory provision for an arrangement between Maniapoto and the Ōtorohanga District Council in respect of the Huiputea property;*
- Part 6 provides for governance changes and taxation matters designed to implement and support the settlement of the historical claims of Maniapoto; and*
- Part 7 sets out consequential repeal, amending, and revocation provisions.*

There are 6 schedules to the Bill:

- Schedule 1 sets out details for certain definitions;*
- Schedule 2 sets out the claim numbers of the relevant Treaty of Waitangi claims;*
- Schedule 3 describes the statutory areas to which the statutory acknowledgement relates and the areas for which a deed of recognition is issued;*
- Schedule 4 the overlay areas to which the overlay classification applies;*
- Schedule 5 describes the cultural redress properties; and*
- Schedule 6 sets out provisions that apply to notices given in relation to RFR land.*

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?	YES
Te Mana Whatu Ahuru of Te Rohe Potae Parts I – II (10 September 2018) Te Mana Whatu Ahuru of Te Rohe Potae Part III (4 June 2019) Te Mana Whatu Ahuru of Te Rohe Potae Part IV & V (18 December 2019) The Maniapoto Mandate Inquiry Report (25 September 2020) Te Mana Whatu Ahuru of Te Rohe Potae Part VI (22 December 2020)	
All Waitangi Tribunal reports are accessible at: https://forms.justice.govt.nz/search/WT/reports.html	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
No Regulatory Impact Assessment is required for this proposal, since it implements a deed of settlement for Treaty of Waitangi claims, provides for the commencement of existing legislation and is expected to have only minor impacts on businesses, individuals or not-for-profit entities.	
2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	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 for Māori Crown Relations – Te Arawhiti and the Maniapoto Maori Trust Board negotiators engaged with hapū and iwi whose interests are directly affected by the settlement. The redress given effect by this Bill is consistent with the Treaty of Waitangi and its principles and the 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 the historical Treaty claims of Maniapoto and removes the jurisdiction of courts, tribunals and other judicial bodies into the claims, Deed and redress provided (clause 15).

The Bill dis-applies sections 236(1)(b) and 236(1)(c) of Te Ture Whenua Maori Act 1993. This removes the Māori Land Court's jurisdiction on land transferred to Te Nehenehenui through the settlement.

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

NO

The provisions were developed by the former Office of Treaty Settlements which was 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
---	-----------

3.5.1. Was the Privacy Commissioner consulted about these provisions?	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
---	------------

Stakeholder groups (e.g. overlapping iwi, local authorities, affected individuals) were informed of the key relevant provisions contained in the Deed as the settlement was negotiated and agreed. The relevant parts of the Deed that are being given effect to in the Bill have been consulted with affected parties.

Overlapping iwi representative organisations: Maraeroa A & B Blocks, Ngāti Hāua, Ngāti Hikairo (a hapū/iwi of Waikato-Tainui and Maniapoto), Ngāti Mahuta (a hapū of Waikato-Tainui), Ngāti Maru ki Taranaki, Ngāti Mutunga, Ngāti Tama, Ngāti Tūwharetoa, Pouakani, Raukawa, Ruapuha Uekaha Hapū Trust (which represents beneficiaries of the Wai 51 settlement), Te Awa Tupua (Whanganui River waterways), Te Korowai o Wainuiārua, and Waikato-Tainui.

Councils: Taranaki Regional Council, Waikato Regional Council, Ōtorohanga District Council, New Plymouth District Council, Ruapehu District Council, Waipā District Council and Waitomo District Council.

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
---	------------

The proposed provisions are tested throughout the negotiation process by consultation with relevant agencies, key stakeholders and engagement with third parties. The Deed was ratified by Maniapoto during a six-week voting period from 5 July to 16 August 2021.

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
--	-----------

The Bill sets out the statement of significance by Maniapoto of Ngā Wai o Maniapoto, the vision, principles and aspirations of Maniapoto and the requirements of joint management agreements with Waikato Regional Council, Waitomo District Council and Ōtorohanga District Council. The statement is not operative as law, but could be used as an aid to interpretation of the operative provisions of that Part of the Bill.

The Bill provides for governance reorganisation and the dissolution of the Maniapoto Maori Trust Board and the Maniapoto Fisheries Trust and the vesting of their assets and liabilities, without charitable status, in the post-settlement governance entity Te Nehenehenui and sets out the taxation requirements in respect of transfer of assets and liabilities. The Bill provides for the transfer of mandated iwi organisation and the iwi aquaculture organisation status to the trustees of Te Nehenehenui.

