

Departmental Disclosure Statement

Pare Hauraki Collective Redress 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.

17 October 2022

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Part One: General Policy Statement

Legislation is required to give effect to some elements of the Pare Hauraki Collective Redress Deed, which was signed by the Pare Hauraki Collective and the Crown on 2 August 2018. This Bill gives effect to redress in the deed that requires legislation.

Pare Hauraki Collective

In 2009, the 12 Iwi of Hauraki with a combined population of over 16,000 formed the Pare Hauraki Collective for the purpose of negotiating a Treaty settlement. The 12 Iwi are Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Paoa, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri.

The areas of interest of the Iwi of Hauraki extend from the Mahurangi coast in the north to western Bay of Plenty and include the Hauraki Gulf / Tīkapa Moana islands.

Negotiations

On 1 October 2010, the Crown and the Pare Hauraki Collective signed the Pare Hauraki Collective Framework Agreement which outlined the process for further negotiations towards settlement of shared claims and included the potential elements of a collective settlement. On 22 July 2011, the Iwi of Hauraki all signed Iwi-specific Agreement in Principle Equivalents, which expanded upon the Framework Agreement and included Iwi-specific offers to negotiate further redress. On 22 December 2016, the Crown and the Pare Hauraki Collective initialled the Pare Hauraki Collective Redress Deed (the collective deed). It was ratified in April 2017 and on 2 August 2018, the Crown and members of the Pare Hauraki Collective signed the collective deed.

Key elements of Pare Hauraki Collective redress package

The collective deed includes both cultural redress and commercial redress. It does not include financial redress, which each of the 12 Iwi of Hauraki will receive through their Iwi-specific settlements. The collective deed and legislation will not settle any claims. The full and final settlement of historical Treaty of Waitangi claims of the Iwi of Hauraki will be made through Iwi-specific settlements.

The cultural redress in the collective deed provides for two 1,000 hectare vestings at Moehau and Te Aroha maunga, participation in a number of co-governance and co-management arrangements over natural resources, te reo revitalisation, and changes to place names.

The commercial redress in the collective deed includes the purchase of Crown Forest Land and the transfer of 41 properties held in the Treaty Settlements Landbank that will on-transfer to specified Iwi of Hauraki. The Iwi of Hauraki will have a right of first refusal to purchase certain Crown properties if those properties become surplus to requirements. The Iwi of Hauraki will take ownership of any Crown owned minerals found in land transferred to them as part of their Treaty settlements (not including petroleum, gold, silver, and uranium). The Iwi of Hauraki will have the right to elect to purchase specified Crown-owned properties within 5 years after the settlement date.

The collective deed does not provide for cultural redress in relation to harbours. Harbours redress will be developed in separate negotiations as soon as practicable. The deed acknowledges the Iwi of Hauraki and the Tauranga Moana Iwi Collective have agreed to discuss through a tikanga-based process how Tauranga Moana is to be

protected and enhanced. The Tauranga Moana Framework will be provided for in separate legislation if agreement is reached between the Tauranga Moana Iwi Collective, the Hauraki Collective, and the Crown on certain items.

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
<p><i>Te Raupatu o Tauranga Moana: Report on the Tauranga Confiscation Claims, Wai 215, 2004</i> https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68361657/Te%20Raupatu%20%20Tauranga%20Moana.pdf</p> <p><i>The Hauraki Report, Wai 686, 2006</i> https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68330839/Hauraki%20Vol%201.pdf https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68331679/Hauraki%20Vol%202.pdf https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68331905/Hauraki%20Vol%203.pdf</p> <p><i>Tauranga Moana, 1886–2006: Report on the Post-Raupatu Claims, Wai 215, 2010</i> https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68361885/Wai215vol1.pdf https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68362008/Wai215vol2.pdf</p> <p><i>The Hauraki Settlement Overlapping Claims Inquiry Report, Wai 2840, 2019</i> https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_163295264/Hauraki%20Settlement%20W.pdf</p>	

Relevant international treaties

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

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

None.

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 Pare Hauraki Collective negotiators engaged with iwi and hapū whose interests are directly affected by the settlement. The redress given effect to 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)?

NO

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

YES

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

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) 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.</i></p> <p>Overlapping groups: <i>Tauranga Moana iwi, Ngātiwai, Ngāti Maru, Ngāti Whātua Ōrākei, Te Rūnanga o Ngāti Whātua, Waikato-Tainui and the Mahurangi Wai Claims Collective.</i></p> <p>Councils: <i>Auckland Council, Hauraki District Council, Thames Coromandel District Council, Western Bay of Plenty District Council, Matamata Piako District Council, Waikato Regional 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 negotiation process by consultation with relevant agencies, key stakeholders and engagement with third parties. The Deed of Settlement was ratified by the Hauraki Collective before the Deed of Settlement was signed on 2 August 2018.</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
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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
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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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
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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
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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
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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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
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