

# Departmental Disclosure Statement

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Ngāti Hāua Claims Settlement Bill
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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 of Treaty Settlements and Takutai Moana: Te Tari Whakatau.

The Office of Treaty Settlements and Takutai Moana: Te Tari Whakatau certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

26 March 2025

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## Part One: General Policy Statement

The Ngāti Hāua Claims Settlement Bill (the Bill) gives effect to certain matters contained in Te Pua o Te Riri Kore, the Ngāti Hāua deed of settlement of historical claims.

Te Pua o Te Riri Kore was signed on 29 March 2025 between the Crown, the Ngāti Hāua Iwi Trust (the mandated entity for Ngāti Hāua), and Te Whiringa Kākaho O Ngāti Hāua (the post settlement governance entity for Ngāti Hāua). The Bill contains provisions related to redress that require legislation for their implementation. Other aspects of the settlement are provided for only in Te Pua o Te Riri Kore as they do not require legislative authority.

This Bill comprises the following 5 Parts:

### *Part 1—*

- sets out the purpose of the Bill; and
- provides that the provisions of the Bill take effect on the settlement date unless a provision states otherwise; and
- specifies that the Bill binds the Crown; and
- sets out a summary of the historical account, and records the text of the acknowledgements and apology given by the Crown to Ngāti Hāua, as recorded in Te Pua o Te Riri Kore; and
- sets out the Crown's acknowledgement of the importance of Te Pou Tikanga to Ngāti Hāua; and
- defines terms used in the Bill, including key terms such as Ngāti Hāua and historical claims.

*Part 2* pardons Te Rangiātea and Mātene Ruta Te Whareaitu for their convictions relating to events in the Wellington Region in 1846, and recognises the character, mana, and reputation of Te Rangiātea and Mātene Ruta Te Whareaitu, together with that of their uri.

### *Part 3* provides for cultural redress in 12 subparts—

- protocols for Crown minerals and taonga tūturu; and
- a statutory acknowledgement and deed of recognition; and
- Te Tuanui (an overlay classification); and
- changes to official geographic names; and
- vesting of cultural redress properties; and
- provisions that enable Ngāti Hāua to collect and possess certain cultural materials; and
- an acknowledgement by the Crown of the association of Ngāti Hāua with certain Crown-owned minerals and mineral fossicking rights; and
- an area of interest statement of particular cultural, historical, spiritual, and traditional associations of Ngāti Hāua with their area of interest; and
- establishment of Te Pou Taiao, a joint management committee; and
- provisions for interim membership of the Conservation Board whose jurisdiction includes the part of the upper Whanganui and Ruapehu districts; and
- Nohoanga entitlements; and
- placement of pou whenua.

*Part 4* provides for commercial redress in 3 subparts, including transfer of commercial redress properties and deferred selection properties, rights of first refusal, and rights of second refusal.

*Part 5* provides for matters relating to the reorganisation of the governance structures of Ngāti Hāua, including taxation matters.

There are 7 schedules as follows:

- *Schedule 1* describes the statutory areas to which the statutory acknowledgement relates and, in some cases, for which deeds of recognition are issued; and
- *Schedule 2* describes the Te Tuanui area to which Te Tuanui applies; and
- *Schedule 3* describes the cultural redress properties; and
- *Schedule 4* describes the Te Pou Taiao area and contains provisions relating to the membership, procedures, and funding of Te Pou Taiao; and
- *Schedule 5* describes the Nohoanga sites; and
- *Schedule 6* sets out provisions about notices in relation to right of first refusal land; and
- *Schedule 7* sets out provisions about notices in relation to right of second refusal land.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>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?</b>	<b>YES</b>
<p>Waitangi Tribunal (1996) <i>The Taranaki Report Kaupapa Tuatahi</i> and its evidentiary casebook</p> <p>Waitangi Tribunal (1999) <i>The Whanganui River Report</i> and its evidentiary casebook</p> <p>Waitangi Tribunal report (2003) <i>Te Whanganui A Tara Me Ona Takiwa</i> and its evidentiary casebook</p> <p>Waitangi Tribunal (2013) <i>Te Kāhui Maunga: The National Park District Inquiry Report</i> and its evidentiary casebook</p> <p>Waitangi Tribunal (2015) <i>He Whiritaunoka: The Whanganui Land Report</i> and its evidentiary casebook</p> <p>Waitangi Tribunal (2018 and 2019) <i>Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims</i> and its evidentiary casebook</p> <p><i>All Waitangi Tribunal reports are accessible at:</i> <a href="https://forms.justice.govt.nz/search/WT/reports.html">https://forms.justice.govt.nz/search/WT/reports.html</a>.</p>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
<b>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?</b>	<b>NO</b>

### Regulatory impact analysis

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

### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>NO</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>

## 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 negotiations, the Office of Treaty Settlements and Takutai Moana: Te Tari Whakatau, and formerly the Office for Māori Crown Relations – Te Arawhiti, and Ngāti Hāua Iwi 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 Ngāti Hāua and removes the jurisdiction of courts, tribunals and other judicial bodies in respect of the claims, deed, Act and redress provided (clause 16).*

*The bill disapplies the Māori Land Court's supervisory jurisdiction under Te Ture Whenua Māori Act 1993 in relation to Te Whiringa Kākaho o Ngāti Hāua – Ngāti Hāua post-settlement governance entity (clause 23).*

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

**YES**

*The provisions were developed by the Office of Treaty Settlements and Takutai Moana: Te Tari Whakatau, a departmental agency of The Ministry of Justice.*

*Clause 16 is a standard provision in Treaty Settlement legislation.*

*Clause 23 has been considered by Crown Law Office who indicated comfort with the proposed governance arrangement.*

## Privacy issues

<b>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?</b>	<b>NO</b>
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<b>3.5.1. Was the Privacy Commissioner consulted about these provisions?</b>	<b>NO</b>
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## External consultation

<b>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?</b>	<b>YES</b>
<p><i>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.</i></p> <p><i>Overlapping iwi representative organisations: Te Korowai o Wainuiārua Trust (Te Korowai o Wainuiārua), Te Kotahitanga o Ngāti Tūwharetoa (Ngāti Tūwharetoa), Te Nehenehenui (Ngāti Maniapoto), Ngāti Mutunga (Te Rūnanga o Ngāti Mutunga), Te Tōtarahoe o Paerangi (Ngāti Rangī), Te Kāhui Maru Trust (Ngāti Maru), Ngāti Ruanui (Te Runanga o Ngaati Ruanui Trust), Ngāti Tama (Te Runanga o Ngati Tama Trust), Te Kaahui o Rauru (Ngaa Rauru Kaitahi), Mōkai Pātea (Mōkai Pātea Waitangi Claims Trust) and Whanganui Lands (Whanganui Land Settlement Negotiation Trust).</i></p> <p><i>In relation to the statutory pardons consultation included: descendants of Te Whareaitu and Te Rangiatea, the Ngāti Hāua claimant community, Whanganui large natural groups with whakapapa connections to Te Whareaitu and Te Rangiatea and/or the other Whanganui tipuna arrested following the conflict in relation to which pardons are being sought, Ngāti Toa Rangatira, Te Āti Awa and Taranaki Whānui.</i></p> <p><i>Councils: Ruapehu District Council, Manawatū-Whanganui Regional Council (Horizons Regional Council).</i></p>	

## Other testing of proposals

<b>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?</b>	<b>YES</b>
<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 was ratified by Ngāti Hāua during a 7-week voting period from 21 December 2024 to 7 February 2025.</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

<b>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?</b>	<b>NO</b>
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<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>NO</b>
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## Any other unusual provisions or features

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>YES</b>
<p><i>The settlement bill includes statutory pardons for Te Rangiātea and Mātene Ruta Te Whareaitu. The bill sets out the historical background to the pardons, and pardons Te Rangiātea and Mātene Ruta Te Whareaitu for their convictions, and recognises their character, mana, and reputation, as well as that of their uri.</i></p> <p><i>There are two forms of pardon. A ‘free’ pardon can be granted through the exercise of the Royal Prerogative of Mercy (RPM) by the Governor-General on the advice of the Minister of Justice. Persons pardoned under the RPM are deemed never to have committed the offence in question. Modern day use of the RPM is confined to miscarriages of justice. A ‘free’ pardon is usually based on compelling evidence of a wrongful conviction and is rarely granted. Requests for pardons under the RPM for historical convictions are unlikely to succeed, in large part because the age of the evidence and loss of evidence over time means that the high legal standard of “compelling evidence” is unlikely to be met. Furthermore, as the RPM is a constitutional mechanism governed by established conventions, negotiating a pardon under the RPM outside of these conventions would be inappropriate.</i></p> <p><i>Statutory pardon is the other form of pardon and is granted by Parliament rather than the Crown. In the Treaty settlement context, they may be granted in the interests of reconciliation and forgiveness rather than on the basis of innocence or wrongful conviction. In 2012 Cabinet authorised Minister for Treaty of Waitangi Negotiations to determine whether to facilitate statutory pardons in Treaty settlements and approved a framework for considering requests for statutory pardons in Treaty settlements. Pardons for Te Rangiātea and Mātene Ruta Te Whareaitu have been assessed against the framework, and it was considered appropriate for the Crown to facilitate these statutory pardons.</i></p> <p><i>Statutory pardons have been provided for in standalone legislation and through Treaty settlement legislation. Ngāti Hāua support inclusion of pardons for Te Rangiātea and Mātene Ruta Te Whareaitu in their settlement legislation.</i></p>	