

# Short-Form Supplementary Departmental Disclosure Statement

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<b>Te Ture Whenua Māori Bill</b>
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A short form supplementary disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

It provides a limited supplement to the original disclosure statement for Te Ture Whenua Māori Bill, dated 8 April 2016, which can be found at this link <http://disclosure.legislation.govt.nz/bill/government/2016/126/>

This supplementary disclosure statement was prepared by Te Puni Kōkiri.

Te Puni Kōkiri certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

9 March 2017

## Significant Legislative Features

### Offences, penalties and court jurisdictions

<b>1. Do the proposed amendments create, amend, or remove:</b>	
<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?</b>	<b>NO</b>
<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>YES</b>
<p>The Supplementary Order Paper inserts new provisions in the Bill that:</p> <ul style="list-style-type: none"><li>• extend the jurisdiction of the Māori Land Court to grant relief in relation to Māori freehold land under certain provisions of the Property Law Act 2007 to include enforcement, modification or extinguishment of easements and covenants;</li><li>• confer jurisdiction on the Māori Land Court to determine whether any land is a roadway and the rights and obligations that relate to any roadway;</li><li>• confer jurisdiction on the Māori Land Court (concurrent with the existing jurisdiction of a Family Court and the High Court) under the Family Protection Act 1955 and the Law Reform (Testamentary Promises) Act 1949 when an application under either of those Acts relates to the estate of a deceased owner of Māori freehold land;</li><li>• confer jurisdiction on the Māori Land Court to determine whether land subject to a kawenata tiaki whenua is non-rateable land under the Local Government (Rating) Act 2002;</li><li>• enable the Māori Land Court to refer questions of price to the Land Valuation Tribunal on the offer back of former Māori land no longer required for a public work.</li></ul>	

<b>1.1. Was the Ministry of Justice consulted about these provisions?</b>	<b>YES</b>
<p>The Ministry of Justice was consulted on the policy implications and drafting of these amendments and the Ministry's comments were incorporated into the drafting of the Supplementary Order Paper.</p>	

### Privacy issues

<b>2. Do the proposed amendments 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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### Compulsory acquisition of private property

<b>3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?</b>	<b>YES</b>
<p>The Supplementary Order Paper does not contain any new provisions that could result in the compulsory acquisition of private property but it does include additional criteria to be considered before Māori freehold land can be acquired under the Public Works Act 1981. The criteria will ensure Māori freehold land is not acquired unless consideration has been given to alternative sites, routes, or methods to achieve the objectives of the public work, the principles of Te Ture Whenua Māori Act have been considered, and the acquiring authority is satisfied it is reasonably necessary to acquire the land.</p>	

### Charges in the nature of a tax

<b>4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	<b>NO</b>
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### Retrospective effect

<b>5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>NO</b>
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### Strict liability or reversal of the burden of proof for offences

<b>6. Do the proposed amendments:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?</b>	<b>NO</b>

### Civil or criminal immunity

<b>7. Do the proposed amendments create or amend a civil or criminal immunity for any person?</b>	<b>NO</b>
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### Significant decision-making powers

<b>8. Do the proposed amendments 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?</b>	<b>NO</b>
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### Powers to make delegated legislation

<b>9. Do the proposed amendments 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>10. Do the proposed amendments create or amend any other powers to make delegated legislation?</b>	<b>YES</b>
The Supplementary Order Paper makes minor and technical changes to regulation making powers contained in the Bill to ensure transactions relating to the new Māori land register the Land Transfer register and the register of Māori land governance bodies operate effectively.	

### Any other unusual provisions or features

<b>11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>YES</b>
The Bill deals with Māori land tenure which, in itself, is unique and different. The Supplementary Order Paper needs to be viewed in that context. It contains amendments to the Public Works Act 1981 to provide more equitable and transparent processes for owners and former owners of Māori freehold land and amendments to rating provisions for Māori freehold land relating to papakāinga housing, the rates rebate scheme, rating land as a single unit and rating of land subject to kawenata tiaki whenua and certain whenua tāpui. Complexities of the Māori land system, including excessive fragmentation (Māori land has nearly one million more ownership interests for 5% of New Zealand's land mass than for the other 95%), require special provisions simply to achieve the same or similar outcomes as for other land.	

