

Short-Form Supplementary Departmental Disclosure Statement

Te Urewera – Tūhoe Bill

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.

This supplementary disclosure statement was prepared by the Ministry of Justice. The original disclosure statement for the full Bill can be found at:

<http://disclosure.legislation.govt.nz/bill/government/2013/146>

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

13 June 2014

Significant Legislative Features

Offences, penalties and court jurisdictions

1. Do the proposed amendments create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

Privacy issues

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?	NO
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Compulsory acquisition of private property

3. Do the proposed amendments 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. Do the proposed amendments 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

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

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

Civil or criminal immunity

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

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?	NO
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Powers to make delegated legislation

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?	NO
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10. Do the proposed amendments create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
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The main purpose of the amendments is to add two further Central North Island (CNI) cultural sites to the redress Ngāi Tūhoe will receive through their Treaty settlement with the Crown.

Clause 22 of the Bill is amended by adding Waitehouhī and Korokoro o Te Huatahi to the two existing CNI cultural sites to be vested in fee simple in Te Uru Taumatua (the Ngāi Tūhoe post-settlement governance entity).

Schedule 2 of the Bill (Cultural redress properties) is replaced with a new Schedule that includes property information on all CNI forest properties to be vested in fee simple (i.e. it includes information on Waitehouhī and Korokoro o Te Huatahi).

A technical amendment is made to Clause 38 because of the inclusion of Waitehouhī and Korokoro o Te Huatahi.

These provisions are necessary because the Ngāi Tūhoe deed of settlement provided for the vesting of two CNI properties (Kōhanga Tāheke and Ngā Tī Whakaaweawe) and for discussions with Ngāti Manawa over two further sites (Waitehouhī and Korokoro o Te Huatahi). These discussions have now been completed.

There continue to be differences between the iwi over Waitehouhī and Korokoro o Te Huatahi. However, discussions have clarified that the site referred to as Waitehouhī in the Ngāti Manawa deed of settlement, and where a pou rahui is provided for, is on the other side of the road and in a different catchment to the site sought by Ngāi Tūhoe. The other site (Te Korokoro o te Huatahi) is also in a different location to that identified by Ngāti Manawa.

For this, and other, reasons the Crown has agreed (as is provided for in The Central North Island Forests Iwi Collective Deed of Settlement 2008) to vest Waitehouhī and Korokoro o Te Huatahi in Te Uru Taumatua and amend the Bill accordingly.

