

# Departmental Disclosure Statement

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Te Here ā Nuku (Nelson Tenth's) 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 Crown Law Office.

The Crown Law Office certify that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

10 June 2026

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## Part One: General Policy Statement

### General policy statement

#### Overview

On 30 October 2024, the High Court found that approximately 3250 hectares of land owned by the Crown in the Nelson, Tasman Bay / Te Tai-o-Aorere, and Golden Bay / Mohua areas was held by the Crown on trust for the descendants of former owners of that land. The Court, by order of 24 July 2025, removed the Crown as trustee of the relevant lands and appointed 14 individuals as replacement trustees. The parties to the litigation filed appeals and cross-appeals in relation to elements of the High Court's findings, but the parties settled the litigation before the appeals were heard. The primary element of the settlement between the parties was the recognition by the Crown that it holds, and has since 1845 held, land and money on trust for the beneficiaries, being the descendants of the former owners of that land.

The primary purpose of the Bill is to provide for the transfer of legal title in the relevant lands from the Crown (as former trustee) to the new trustees as appointed by the Court (the trustees of Te Here ā Nuku Trust).

The Bill also provides for arrangements in respect of trust land that may continue to be used for conservation or reserve purposes and implements matters that require, or for which it is desirable to have, statutory authorisation.

#### Settlement of the litigation and purpose of the legislation

On 17 December 2025, the Attorney-General and the Plaintiff, Mr Rore Stafford, signed a Resolution Agreement which settled long-running private law litigation under the name *Stafford v Attorney-General* (also generally known as the "Wakatū" case). The Resolution Agreement, which is a binding agreement between the parties, among other things, recognises that the relevant land is already held by the Crown on trust for the beneficiaries, and that title to that land should be transferred to the replacement trustees without delay.

The Bill provides for the transfer of legal title from His Majesty the King (former trustee of the relevant land) to the trustees of Te Here ā Nuku Trust (appointed by the High Court to be the replacement trustees of the relevant land). The legislation also provides for the specific application of certain provisions of the National Park Act 1980, Reserves Act 1977, and Public Works Act 1981 to trust land.

Importantly, the Bill does not itself alter the ultimate ownership of the relevant lands nor provide for the transfer of any value. The beneficial interests and ownership in the land remain with the beneficiaries of the trust, as found by the Court and recognised by the Crown through the Resolution Agreement.

#### About the litigation

The litigation arose from the circumstances surrounding early land transactions in, and the colonial settlement of, the Nelson, Tasman and Golden Bay areas in the 1840s. Prior to the signing of the Treaty of Waitangi, the New Zealand Company had purported to purchase a large amount of land in those areas, with part of the promised purchase price being the setting aside of one-tenth of land purchased for the benefit of the vendors of the land. The agreement was also that land occupied by the vendors (pā, cultivation areas, and urupā) were to be excluded from the land purchased.

Following the signing of the Treaty and the proclamations of Crown sovereignty, the New Zealand Company's purchase had to be investigated by a commissioner and validated by the Crown. The Crown ultimately accepted the Commissioner's recommendations in relation to the New Zealand Company's purchase, which were that the Company had validly purchased, and should be granted, 151,000 acres of land subject to reserving from the sale 15,100 acres for the vendors of the land and subject also to excluding any occupied

lands from the areas to be granted. The Crown ultimately failed to exclude all occupied lands from the areas granted to the Company and failed to set aside and hold the full 15,100 acres for the vendors. Ultimately the combined failures amounted to a shortfall of approximately 11,715 acres of land.

Mr Stafford, on behalf of the former owners, issued private law proceedings in 2010 founded in trust and property law and in the law of equity seeking findings that the Crown breached its private law obligations in respect of the matters rehearsed above and seeking to recover the trust property, being the ultimate shortfall.

Ultimately, the Supreme Court of New Zealand declared that the Crown owed enforceable obligations to the reserve land for the vendors of the original purchase and to have excluded the occupied lands from the areas granted. Those obligations were not merely political or moral in nature, but legally enforceable in private law. Following this, the High Court (charged by the Supreme Court with determining matters of breach, defences and relief) found that these obligations had been breached and, most importantly, that all land remaining in the Crown's ownership within the relevant areas has been, since 1845 (or at the point acquired by the Crown), held on trust for the beneficiaries (being the descendants of the former owners). The Court further found, and had the matter not settled would have ordered, that the Crown holds on trust, and should transfer to the replacement trustees, money in lieu of trust land no longer held by the Crown and money representing the lost beneficial use of the land since 1845.

## **About the Bill**

The Bill is comprised of a preamble and six parts

### *Preamble*

This outlines the background to the Nelson Tenth scheme, the failure of the Crown to reserve and exclude land for the benefit of the customary owners, and the resulting findings of the High Court. The preamble will appear in both English and te reo Māori. The rest of the Bill will be in English only.

### *Part 1—Preliminary provisions*

These provisions outline the Bill's purpose, enactment date, general interpretation provisions, the land to be released from the Trust (and return to the Crown), the extinguishment of any further claims relating to the Nelson Tenth scheme, and recognition that the settlement package constitutes the restoration of trust property.

### *Part 2—Te Here ā Nuku Trust provisions*

This part addresses matters concerning Te Here ā Nuku Trust (largely by reference to the Trust deed), the High Court's inherent and exclusive jurisdiction over the Trust, the Trust's ability to elect Māori Authority status under the Income Tax Act 2007 and provides that the trust may exist in perpetuity.

### *Part 3—Trust land: national park land provisions*

This part provides for, and modifies, the application of the National Parks Act 1980, requires the Trust to enter a licence with the Department of Conservation to enable the continued operation of the Abel Tasman National Park (Great Walk) for a minimum of 25 years. This part also addresses improvements and assets on Trust land and provides for relationship arrangements and reporting obligations between the Department of Conservation and the Trust.

### *Part 4—Trust land subject to Reserves Act 1977 provisions*

These provisions set out arrangement relating to reserves that are owned by the Trust, in particular Tōtaranui, Kaiteretere, Te Waikoropupū, Milnthorpe, Te Taero a Kereopa. This part also provides for relationship arrangements, reporting obligations between the Department of Conservation and the Trust, and provision to remove reserve status by

election of the Trust.

*Part 5—Transfer of Trust land*

These provisions are for the transfer of legal title and registration, enabling mechanisms for the transfer of title to land currently held by the Crown (as trustee) to the replacement trustees.

*Part 6—Miscellaneous provisions*

This part covers one official geographic name change, Kaiteriteri to Kaiteretere, and places limits on compulsory acquisition under the Public Works Act 1981 of Trust land.

*Further Comments*

The Bill contains no clauses relating to resumptive memorials as these have previously been removed through the Te Tau Ihu Treaty settlements.

## 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><i>Stafford v Attorney-General</i> [2024] NZHC 3110  <a href="https://www.justice.govt.nz/ido_documents/workspace_SpacesStore_401b3616_39b5_49e1_b142_5bc283a5559b.pdf">https://www.justice.govt.nz/ido_documents/workspace_SpacesStore_401b3616_39b5_49e1_b142_5bc283a5559b.pdf</a></p> <p><i>Proprietors of Wakatū and others v Attorney-General</i> [2017] NZSC 17  <a href="https://www.courtsofnz.govt.nz/assets/cases/2017/2017-NZSC-17.pdf">https://www.courtsofnz.govt.nz/assets/cases/2017/2017-NZSC-17.pdf</a></p> <p>A redacted Resolution Agreement with full land schedule will be published on Te Here ā Nuku website by Introduction date.</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>
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### 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>
<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
(a) the size of the potential costs and benefits?	<b>NO</b>
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	<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>	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	<b>NO</b>
(b) the nature and level of regulator effort put into encouraging or securing compliance?	<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, as not applicable.

### 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?**

Throughout the development of the Resolution Agreement which forms the policy behind the Bill, specific consideration was given to the protection of commitments made by the Crown to the iwi of Te Tau Ihu through the Treaty Settlement process.

### 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 Acting Attorney-General with delegated authority by the Ministry of Justice and is expected to be available on the Ministry of Justice website upon introduction of a Bill. This was delegated given the Bill is being introduced by the Attorney-General.

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 a private law Trust claim and removes the jurisdiction of courts, tribunals, and other judicial bodies to inquire the Stafford claim, any other claim against the New Zealand Company or the Crown in relation to the Nelson Tenth Scheme, the Bill, or the Resolution Agreement (clause 9).

The Bill also bars anyone from bringing a claim against the Trustees of Te Here ā Nuku Trust or Mr Stafford for entering into the Resolution Agreement or for using money paid by the Crown to the Trustees on 1 December 2025 to satisfy debts relating to the claim (clause 10).

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

YES

The Ministry of Justice was consulted with during consultation period.

## 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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## 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>
The Bill was drafted in consultation with the Te Here ā Nuku Trust.	

## 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>
The proposed provisions are tested throughout negotiations of the settlement of the litigation with the Te Here ā Nuku Trust and relevant Crown agencies.	

## 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>
<ul style="list-style-type: none"><li>• <i>The bill provides the trustees the power to reclassify reserves through notice in the Gazette, a bespoke arrangement to date made because the land under the reserve is privately owned by the beneficiaries of the trust.</i></li><li>• <i>The Bill gives statutory recognition to a discretionary trust that the courts have held to have existed since 1845, rather than establishing a new statutory entity.</i></li><li>• <i>The Bill authorises the transfer of legal title to land, including land subject to conservation legislation, from the Crown as current trustee to the trustees appointed by the High Court. In doing so, it disapplies or modifies the operation of several enactments that would ordinarily govern land transfer, conservation management, and reserve administration.</i></li><li>• <i>The Bill also establishes bespoke arrangements for land within the Abel Tasman National Park and for reserve land, recognising private ownership of the relevant land while enabling continued public access and conservation management through licences, covenants, and tailored modifications to the National Parks Act 1980 and the Reserves Act 1977. These modifications include departures from standard consultation, notification, and decision-making processes recognising that the underlying land is private land.</i></li></ul>	