

House of Representatives
Supplementary Order Paper

Wednesday, 19 October 2016

Māori Purposes Bill

Proposed amendment

Hon Te Ururoa Flavell, in Committee, to move the following amendment:

New Part 1B

Before *Part 2* (page 21, line 1), insert:

Part 1B

Amendment to Te Rarawa Claims Settlement Act 2015

11C Principal Act

This Part amends Te Rarawa Claims Settlement Act 2015 (the **principal Act**).

11D New subpart 6 of Part 3 inserted

After section 231, insert:

Subpart 6—Te Rūnanga o Te Rarawa to become mandated iwi organisation

232 Interpretation

In this subpart, unless the context otherwise requires—

charitable trust means the charitable trust of Te Rarawa, Te Runanga o Te Rarawa, with the registered number CC37801

Te Rūnanga o Te Rarawa has the meaning given in section 12.

233 Recognition of new mandated iwi organisation

- (1) Te Rūnanga o Te Rarawa is the mandated iwi organisation for Te Rarawa (listed as Te Rarawa in Schedule 3 of the Maori Fisheries Act 2004), in place of the charitable trust, as if Te Rūnanga o Te Rarawa were recognised as the mandated iwi organisation under section 13(1) of that Act.
- (2) Te Waka Pūpuri Pūtea Limited is the asset-holding company of Te Rūnanga o Te Rarawa.
- (3) **Subsections (1) and (2)** are deemed to have taken effect on and from the commencement of this Act.
- (4) However, any reference in the Maori Fisheries Act 2004 to the date on which the mandated iwi organisation is recognised must be treated as a reference to the date on which the first mandated iwi organisation for Te Rarawa was recognised.
- (5) On and from the commencement of this Act until the commencement of this section, Te Rūnanga o Te Rarawa is deemed to have—
 - (a) met the criteria in section 14 of the Maori Fisheries Act 2004 for continuing recognition as a mandated iwi organisation; and
 - (b) satisfied section 12(1)(d) of the Maori Fisheries Act 2004.
- (6) To avoid doubt, on and from the commencement of this section, Te Rūnanga o Te Rarawa must—
 - (a) meet the criteria in section 14 of the Maori Fisheries Act 2004 for continuing recognition as a mandated iwi organisation; and
 - (b) satisfy section 12(1)(d) of the Maori Fisheries Act 2004.

234 Certain effects of recognition of new mandated iwi organisation

- (1) Any registered coastline entitlement held by the charitable trust immediately before the commencement of this Act is to be treated as a registered coastline entitlement held by Te Rūnanga o Te Rarawa.
- (2) Any coastline claim, agreement, or written statement of the charitable trust made under Part 1 of Schedule 6 of the Maori Fisheries Act 2004 before the commencement of this Act is to be treated as a coastline claim, agreement, or written statement of Te Rūnanga o Te Rarawa.
- (3) **Subsections (1) and (2)** are deemed to have taken effect on and from the commencement of this Act.

235 Functions of Te Ohu Kai Moana Trustee Limited

Te Ohu Kai Moana Trustee Limited must, in accordance with the Maori Fisheries Act 2004 (with any necessary modifications), take all actions required to provide administratively for the matters set out in **sections 233(1) to (3) and 234**, including making the appropriate changes to the iwi register.

Explanatory note

This Supplementary Order Paper amends the Maori Purposes Bill to amend Te Rarawa Claims Settlement Act 2015 (the **Act**). The amendments provide—

- for the post-settlement governance entity of Te Rarawa iwi, Te Rūnanga o Te Rarawa, to be recognised as the mandated iwi organisation for the iwi; and
- for Te Waka Pūpuri Pūtea Limited to be the asset-holding company of Te Rūnanga o Te Rarawa.

By way of background, the Maori Fisheries Act 2004 enables Te Ohu Kai Moana Trustee Limited to recognise an iwi organisation that complies with the governance criteria in that Act to be entitled to receive fisheries assets as the mandated iwi organisation (**MIO**) for an iwi. The fisheries assets are received and held by the MIO's asset-holding company. There can only be 1 MIO for each iwi.

Before the Act came into force, the MIO for Te Rarawa iwi was a charitable trust named Te Runanga o Te Rarawa. It was the intention of Te Rarawa iwi for the MIO status of the charitable trust to be transferred to its post-settlement governance entity. That intention was not reflected in the Act. To avoid doubt, it is necessary and desirable for the Act to be amended to expressly recognise the MIO status of Te Rūnanga o Te Rarawa.

The Act dissolved the charitable trust leaving the iwi without a recognised MIO on the commencement of the Act. It is, therefore, necessary that recognition of Te Rūnanga o Te Rarawa as the MIO for Te Rarawa iwi apply retrospectively from the date that the Act commenced.

Departmental disclosure statement

Te Puni Kōkiri considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.