

House of Representatives

Supplementary Order Paper

Tuesday, 7 December 2021

Ahuriri Hapū Claims Settlement Bill

Proposed amendments

Hon Andrew Little, in Committee, to move the following amendments:

Clause 6(2)(g)(iv)

Replace *clause 6(2)(g)(iv)* (page 8, line 8) with:

- (iv) the exclusion of the limit on the duration of a trust; and

Clause 19

Replace *clause 19* (page 28, lines 18 to 30) with:

19 Limit on duration of trusts does not apply

- (1) A limit on the duration of a trust in any rule of law and a limit in the provisions of any Act, including section 16 of the Trusts Act 2019,—
 - (a) do not prescribe or restrict the period during which—
 - (i) the Mana Ahuriri Trust may exist in law; or
 - (ii) the trustees may hold or deal with property or income derived from property; and
 - (b) do not apply to a document entered into to give effect to the deed of settlement if the application of that rule or the provisions of that Act would otherwise make the document, or a right conferred by the document, invalid or ineffective.
- (2) However, if the Mana Ahuriri Trust is, or becomes, a charitable trust, the trust may continue indefinitely under section 16(6)(a) of the Trusts Act 2019.

New clause 55(2)

In *clause 55* (page 41, after line 32), insert as subclause (2):

- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

New clause 56(2)

In *clause 56* (page 42, after line 8), insert as subclause (2):

- (2) Bylaws made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

New clause 58(4)

After *clause 58(3)* (page 42, after line 35), insert:

- (4) The Minister of Conservation must ensure that an order under this section is published in the *Gazette*.

Explanatory note

This Supplementary Order Paper makes amendments to the Ahuriri Hapū Claims Settlement Bill that are necessary as a consequence of the Trusts Act 2019 and the Legislation Act 2019.

The amendments are as follows:

- *clause 6(2)(g)(iv)*, which relates to the exclusion of the law against perpetuities, is replaced so that it instead refers to the exclusion of the limit on the duration of a trust (in order to align the provision with the Trusts Act 2019, which repealed the Perpetuities Act 1964):
- *clause 19*, which relates to the application of the rule against perpetuities, is replaced to align it with the Trusts Act 2019:
- *clause 55* is amended to state expressly that regulations made under that provision are secondary legislation and are required to be published under the Legislation Act 2019:
- *clause 56* is amended to state expressly that bylaws made under that provision are secondary legislation and are required to be published under the Legislation Act 2019:
- *clause 58* is amended to state expressly that Orders in Council made under that provision that terminate an overlay classification are required to be published in the *Gazette* (as they will not be published under the Legislation Act 2019).

Departmental disclosure statement

The Office for Māori Crown Relations—Te Arawhiti considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.