

Whakarewarewa and Roto-a-Tamaheke Vesting Bill

26 August 2008

ATTORNEY-GENERAL

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
WHAKAREWAREWA AND ROTO-A-TAMAHEKE VESTING BILL

1. We have considered the Whakarewarewa and Roto-a-Tamaheke Vesting Bill (PCO 13239/1.3) ('the Bill') for consistency with the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act'). We understand that the Bill is likely to be considered by the Cabinet Legislation Committee at its meeting on 28 August 2008.
2. The purpose of the Bill is to give effect to a Deed signed on 5 August 2008 by the Minister in Charge of Treaty of Waitangi Negotiations, the Minister of Māori Affairs, the Minister of Tourism, on behalf of the Crown and representatives of Ngāti Whakaue and Tūhourangi-Ngāti Wahiao, and the Te Pūmautanga Trustees (on behalf of the Affiliate Te Arawa Iwi/Hapū).
3. The Bill vests the fee simple estate in the Southern Arikikapakapa Reserve, the Whakarewarewa Thermal Springs Reserve and the Roto-a-Tamaheke Reserve in a joint trust established by Ngāti Whakaue and Tūhourangi Ngāti Wahiao, subject to certain terms and conditions. In recognition of the wider significance of this land to the public generally, the leases of the land to the New Zealand Māori Arts and Craft Institute will remain and the reserve status of the land under the Reserves Act 1977 will be retained. As the Reserves Act 1977 does not provide for the transfer of reserves, special legislation is required.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

Michael Petherick
Manager, Ministerial Advice
Office of Legal Counsel

Stuart Beresford
Manager, Bill of Rights/Human Rights
Public Law Group

In addition to the general disclaimer for all documents on this website, please note the following: This advice was prepared to assist the Attorney-General to determine whether a report should be made to Parliament under s 7 of the New Zealand Bill of Rights Act 1990 in relation to the Whakarewarewa and Roto-a-Tamaheke Vesting Bill. It should not be used or acted upon for any other purpose. The advice does no more than assess whether the Bill complies with the minimum guarantees contained in the New Zealand Bill of Rights Act. The release of this advice should not be taken to indicate that the Attorney-General agrees with all aspects of it, nor does its release constitute a general waiver of legal professional privilege in respect of this or any other matter. Whilst care has been taken to ensure that this document is an accurate reproduction of the advice provided to the Attorney-General,

neither the Ministry of Justice nor the Crown Law Office accepts any liability for any errors or omissions.