



1 March 2024

Attorney-General

**Te Pire mō Ō-Rākau, Te Pae o Maumahara/Ō-Rākau Remembrance Bill  
(PCO 25029/12.0) – Consistency with the New Zealand Bill of Rights Act 1990  
Our Ref: ATT395/388**

1. We have considered whether Te Pire mō Ō-Rākau, Te Pae o Maumahara / Ō-Rākau Remembrance Bill (version 12.0) (**the Bill**) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990. We conclude the Bill appears to be consistent.
2. The Bill vests a significant battle site, Ō-Rākau, in ngā tūpuna, the ancestors, of those from Maniapoto, Raukawa and Waikato who fought at the battle of Ō-Rākau in 1863–64 and provides a historical account of that battle and the site.
3. The Crown purchased the site in 2015, and later began discussions with iwi to agree terms of transfer and administration of the site that would sufficiently recognise all those with connection to the events at Ō-Rākau.
4. On 31 October 2023, Te Whakaaetanga Whakataunga mō Ō-Rākau, Te Pae o Maumahara/The Deed of Agreement relating to the Ō-Rākau Site (**the Ō-Rākau deed**) was signed by the Crown, Maniapoto, Raukawa, and Waikato. Legislation is required to vest the fee simple estate in Ō-Rākau in ngā tūpuna<sup>1</sup> and give effect to the deed.
5. The Bill provides representatives of Maniapoto, Raukawa and Waikato will come together as an entity, Ngā Ahi e Toru, to jointly administer the title of the land. They are given the rights and obligations of registered owners on behalf of tūpuna listed on the title.<sup>2</sup>
6. The Bill does not on its face limit the right to freedom from discrimination affirmed by s 19 of the Bill of Rights Act by vesting the Ō-Rākau site in ngā tūpuna, or in conferring rights and obligations on Maniapoto, Raukawa and Waikato in respect of the Ō-Rākau site that are not conferred on other people. Discrimination only arises if there is a difference in treatment on the basis of one of the prohibited grounds of discrimination between those in comparable circumstances. In the

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<sup>1</sup> Listed in Schedule 2, and in accordance with cls 12 and 13, the list may be updated.

<sup>2</sup> Clause 11.

context of this Bill, which vests land in accordance with the Ō-Rākau deed, no other persons or groups are in comparable circumstances to those the land vests in by this Bill. No differential treatment for the purposes of s 19 therefore arises by excluding others from the entitlement conferred under the Bill.

### Conclusion

7. I could find no inconsistency with the New Zealand Bill of Rights Act 1990.
8. In accordance with Crown Law's policies, this advice has been peer reviewed by Helen Carrad, Crown Counsel.



Zoe Hamill  
Crown Counsel

Noted / Approved / Not Approved



Hon Judith Collins KC  
Attorney-General

Encl.

5 / 3 / 2024