

22 May 2019

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Rua Kēnana Pardon Bill

1. We have considered whether the Te Pire kia Unuhia te Hara kai Runga i a Rua Kēnana/Rua Kēnana Pardon Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. We have not yet received the final version of the Bill. This advice has been prepared in relation to a recent version of the Bill (PCO21273/2.10). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The purpose of the Bill is to recognise in statute the agreement between the Crown and Ngā Toenga o Ngā Tamariki a Ihairaira me Ngā Uri o Maungapōhatu Charitable Trust dated 9 September 2017. The Bill records the following text of that agreement:
 - a. a summary of the circumstances around the 1916 invasion of Maungapōhatu and Rua Kēnana's conviction for moral resistance to arrest;
 - b. Crown acknowledgements that the arrest, detention, conviction, and sentence of Rua Kēnana has caused lasting damage to his character, mana, and reputation and to the character, mana, and reputation of Ngā Toenga o Ngā Tamariki a Ihairaira (the followers of the Ihairaira Faith);
 - c. Crown acknowledgements that Ngā Toenga o Ngā Tamariki o Ihairaira, including the descendants of Rua Kēnana have suffered deep hurt, shame, and stigma as a result of the invasion of Maungapōhatu;
 - d. the Crown apology to the descendants of Rua Kēnana and Ngā Toenga o Ngā Tamariki a Ihairaira;
 - e. the pardon provided to Rua Kēnana for the conviction he sustained for moral resistance to arrest; and
 - f. a declaration to restore the character, mana and reputation of Rua Kēnana, his uri (descendants), and Ngā Toenga o Ngā Tamariki o Ihairaira Faith.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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