

Hon Chris Hipkins

Minister for the Public Service

Disestablishment of Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency

Date of Issue: 12 August 2022

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Title: Disestablishment of Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency

Cabinet Paper - Disestablishment of Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency

Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency Disestablishment) Order 2022

Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency Disestablishment) Order 2022

LEG-22-MIN-0073 Minute

CAB-22-MIN-0184 Report of the Cabinet Legislation Committee Minute

Author: Te Kawa Mataaho Public Service Commission

This is a suite of documents released by the Hon Chris Hipkins, Minister for the Public Service that has informed the Government's proactive release of information policy.

[IN-CONFIDENCE]

Office of the Minister for Public Service

Chair, Cabinet Legislation Committee

Orders in Council for the disestablishment of Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the following Orders in Council:
 - 1.1 Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022
 - 1.2 Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022.

Policy

- 2 On 21 March 2022, Cabinet agreed to disestablish Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency (PRRA) as a government department on 30 June 2022. The PRRA will have completed its functions, disposed of any relevant assets, and satisfied any outstanding liabilities. All PRRA staff will complete their term of employment by this date [CAB-22-MIN-0080].
- 3 Cabinet noted that the Chief Executive of the Ministry of Business, Innovation and Employment (MBIE) will assume responsibility for limited disestablishment duties from 1 July 2022 and be custodian of corporate records. From this date, MBIE will be responsible for managing any outstanding liabilities or assets, should there be any.
- 4 The PRRA has handed the Pike River Mine site back to the Department of Conservation (DOC) and DOC will be the custodian for the records relating to the Pike River Mine operation.

Orders in Council

- 5 I now seek Cabinet's authorisation to submit to the Executive Council the:
 - 5.1 Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022
 - 5.2 Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022.

- 6 By removing reference to the departmental agency from Part 2 of Schedule 2 of the Public Service Act 2020, the Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022 will ensure the PRRA is not a departmental agency to which the provisions of that Act apply.
- 7 The PRRA will also be removed from Part 1A of Schedule 1 of the Ombudsmen Act 1975. This Order is made under section 32(1) and 1(A) of the Act and ensures that Act and the Official Information Act 1982 will no longer apply to the PRRA.
- 8 The Orders are an entirely routine administrative step to give effect to Cabinet's decision to disestablish the PRRA. No new policy decisions are required.

Timing and 28-day rule

- 9 The PRRA will be disestablished on 1 July 2022 and these Orders are therefore in compliance with the 28-day rule.

Compliance

- 10 The Orders in Council comply with each of the following:
 - 10.1 the principles of the Treaty of Waitangi
 - 10.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
 - 10.3 the principles and guidelines set out in the Privacy Act 2020
 - 10.4 relevant international standards and obligations
 - 10.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 11 There are no grounds for the Regulations Review Committee to draw the Orders in Council to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 12 The draft Orders in Council have been certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

Impact Analysis

- 13 Cabinet's Impact Analysis requirements do not apply to this paper, as it does not seek any new policy decisions.

Publicity and Proactive release

- 14 The PRRA has publicly announced it has completed its objectives and is preparing to close.
- 15 I propose that this paper is proactively released following Cabinet decisions.

Consultation

- 16 The Orders in Council give effect to proposals in the paper minuted in CAB-22-MIN-0080 and prepared by the PRRA. New Zealand Police, MBIE, DOC, Te Kawa Mataaho, Treasury and Audit NZ were consulted. Worksafe and the Department of the Prime Minister and Cabinet were informed.
- 17 The Stand with Pike Family Reference Group was consulted on that paper.
- 18 This paper was provided to PRRA, New Zealand Police, MBIE, DOC, Treasury, Audit NZ, Worksafe and the Department of the Prime Minister and Cabinet for comment.

Recommendations

I recommend that the Cabinet Legislation committee:

- 1 **note** that on 21 March 2022 Cabinet agreed to disestablish Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency by 1 July 2022 [CAB-22-MIN-0080]
- 2 **note** that the Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022 and the Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022 will give effect to the disestablishment decision.
- 3 **authorise** the submission to the Executive Council of the:
 - 3.1 Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022
 - 3.2 Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022
- 4 **note** that the Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency disestablishment) Order 2022 and the Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022 will come into force on 1 July 2022.

Authorised for lodgement

Hon Chris Hipkins

Minister for the Public Service

Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency Disestablishment) Order 2022

Order in Council

At Wellington this day of 2022

Present:
in Council

This order is made under section 23 of the Public Service Act 2020 on the advice and with the consent of the Executive Council.

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Order

1 Title

This order is the Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency Disestablishment) Order 2022.

2 Commencement

This order comes into force on 1 July 2022.

**Public Service (Te Kāhui Whakamana Rua Tekau mā
Iwa—Pike River Recovery Agency Disestablishment)
Order 2022**

cl 3

3 Principal Act

Clause 4 amends the Public Service Act 2020.

4 Schedule 2 amended

In Schedule 2, Part 1, repeal the item relating to Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency.

Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 July 2022, amends the Public Service Act 2020 by removing Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency from the list of departments of the public service set out in Part 1 of Schedule 2 of that Act.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

This order is administered by the Public Service Commission.

Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency Disestablishment) Order 2022

Order in Council

At Wellington this day of 2022

Present:
in Council

This order is made under section 32(1) of the Ombudsmen Act 1975 on the advice and with the consent of the Executive Council.

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Order

1 Title

This order is the Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency Disestablishment) Order 2022.

2 Commencement

This order comes into force on 1 July 2022.

**Ombudsmen (Te Kāhui Whakamana Rua Tekau mā
Iwa—Pike River Recovery Agency Disestablishment)
Order 2022**

cl 3

3 Principal Act

Clause 4 amends the Ombudsmen Act 1975.

4 Schedule 1 amended

In Schedule 1, Part 1, repeal the item relating to Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency.

Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 July 2022, amends the Ombudsmen Act 1975 by removing Te Kāhui Whakamana Rua Tekau mā Iwa—Pike River Recovery Agency from the list of government departments set out in Part 1 of Schedule 1 of that Act.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

This order is administered by the Ministry of Justice.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Disestablishment of Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency

Portfolio **Public Service**

On 19 May 2022, the Cabinet Legislation Committee:

- 1 **noted** that in March 2022, the Cabinet Economic Development agreed to disestablish Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency (PRRA) as a government department from 1 July 2022 [DEV-22-MIN-0041];
- 2 **noted** that the orders attached to the submission under LEG-22-SUB-0073 (the Orders) will give effect to the disestablishment decision;
- 3 **authorised** the submission to the Executive Council of the:
 - 3.1 Public Service (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022 [PCO 24742/3.0];
 - 3.2 Ombudsmen (Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency Disestablishment) Order 2022 [PCO 24741/2.0];
- 4 **noted** that the Orders will come into force on 1 July 2022.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Kris Faafoi
Hon Jan Tinetti
Hon Kiri Allan
Hon Dr David Clark
Hon Dr Ayesha Verrall
Hon Aupito William Sio
Hon Meka Whaitiri
Keiran McAnulty, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 20 May 2022


On 23 May 2022, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 20 May 2022:

Out of Scope

LEG-22-MIN-0073 **Disestablishment of Te Kāhui Whakamana Rua Tekau mā Iwa – Pike River Recovery Agency** CONFIRMED
Portfolio: Public Service

Out of Scope

Out of Scope



Michael Webster
Secretary of the Cabinet