

(c) It—

- (i) Exists in fact; or
- (ii) Is suspected or assumed or believed to exist by the person alleged to have discriminated.

The creation of new prohibited grounds of discrimination has required the creation of new exceptions. These new exceptions are set out in the new Part II.

Museum of New Zealand Bill

This Bill, which comes into force on 1 July 1991,—

- (a) Establishes the Museum of New Zealand; and
- (b) Constitutes the Museum of New Zealand Board, and defines the Board's functions and powers; and
- (c) Dissolves the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial; and
- (d) Provides for the control and maintenance of the National War Memorial; and
- (e) Repeals the National Art Gallery, Museum, and War Memorial Act 1972.

The Museum of New Zealand is to be a repository for national treasures relating to our cultural heritage, history, and natural environment.

The new complex is to be located on the Wellington waterfront, and will incorporate the existing National Art Gallery and National Museum in Buckle Street, Wellington.

In place of the present Board of Trustees, the Bill constitutes the Museum of New Zealand Board, which will own the Museum site and administer the Museum. The functions and powers of the Board are defined in the body of the Bill, and the First Schedule details procedural and incidental matters relating to the Board.

The existing National War Memorial, and the land upon which it is situated, are to vest in the Crown. The Secretary for Internal Affairs will be responsible for the control and maintenance of the Memorial, and will administer the Memorial in conjunction with a council constituted by the Bill, to be known as the National War Memorial Advisory Council.

Orakei Bill

The Bill provides for the recognition of rights of the Ngati Whatua of Orakei in relation to the Orakei Block. It repeals the Orakei Block (Vesting and Use) Act 1978 and provides for the revesting of further portions of the Orakei Block in the Ngati Whatua o Orakei Maori Trust Board, and for the extension of the Trust Board's functions and powers.

The Bill sets aside other land as reserves, to be jointly administered by the Auckland City Council and the Trust Board, and protects land vested in the Trust Board by imposing certain restrictions on the disposal of land.

The Bill also grants exemptions to the Trust Board in relation to rates, reserves, contributions, land tax and other charges.

Proceeds of Crime Bill

This Bill makes provision for depriving persons convicted of serious offences of the proceeds of, and the benefits derived from, their offending.

The principal features of the Bill are as follows:

- (a) The Bill provides for the commencement of confiscation proceedings in respect of a person who is convicted on indictment of an offence punishable by imprisonment for a term of 5 years or more. Special provision is made for persons who are charged with such an offence but who abscond before conviction.

Two kinds of order may be sought in confiscation proceedings. Forfeiture orders provide for the forfeiture to the Crown of identifiable property. Pecuniary penalty orders provide for the imposition of a monetary penalty as a measure of the benefits gained by a person from an offence.

In the context of drug-dealing offences, a special rule applies in respect of calculating the benefits derived from drug-dealing. All the property of the defendant at the time of the confiscation proceedings and any property that has passed through the defendant's hands in the previous 2 years is presumed to have been derived from the drug offences on which the proceedings are based. It is for the defendant to show that the property is not derived from that source:

- (b) The Bill provides for the issue of search warrants authorising the search for and seizure of property that may be liable to forfeiture under the Bill or may be required to satisfy a pecuniary penalty order. The Commissioner of Police is to hold seized property until it is dealt with under the Bill:
- (c) The Bill provides for the making of restraining orders in relation to property that may be subject to a forfeiture order or a pecuniary penalty order. The effect of a restraining order is that the property may not be disposed of or dealt with except as permitted by the Court.

The Official Assignee may be directed to administer the property while it remains subject to the restraining order, and where a forfeiture order or a pecuniary penalty order is made in respect of the property, to discharge that order out of the property:

- (d) The Bill provides special powers to enable property gained from drug-dealing offences to be traced.

Production orders may be granted by a Court requiring any person to produce or make available to a police officer any document relevant to identifying, locating, or quantifying property that may be subject to confiscation proceedings under the Bill.

Monitoring orders may be granted by a Court requiring a financial institution to supply to the Police information about financial transactions conducted through that institution.

Protected Areas (Prohibition on Mining) Bill

This Bill prohibits mining in certain protected areas such as protected national parks and reserves, areas established under the Conservation Act 1987, the Wildlife Act 1953, the Reserves Act 1977 and in the Ross Dependency or Antarctica.