

# **Hauraki Gulf Marine Park Bill**

Government Bill

As reported from the committee of the whole House

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## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (unanimous)

Subject to this Act,	Text struck out unanimously
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#### New (unanimous)

Subject to this Act,	Text inserted unanimously
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#### Struck out (majority)

Subject to this Act,	Text struck out by a majority
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#### New (majority)

Subject to this Act,	Text inserted by a majority
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*(Subject to this Act,)* Words struck out unanimously

Subject to this Act, Words inserted unanimously

### As reported from the committee of the whole House

#### Struck out

Subject to this Act,	Text struck out
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#### New

Subject to this Act,	Text inserted
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*((Subject to this Act,))* Words struck out

Subject to this Act, Words inserted

Note: This bill has been reformatted in accordance with the resolution of the House of 22 December 1999.



# Hauraki Gulf Marine Park Bill

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Schedule 1	
Acts to which Part 1 applies	
Schedule 2	
Enactments amended	
Schedule 3	
Map to indicate Hauraki Gulf	
Schedule 4	
Description of HMNZS Tamaki Reserve	

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## Preamble

- (1) The Hauraki Gulf has a quality and diversity of biology and landscape that makes it outstanding within New Zealand. The islands of the Gulf are valued as the habitats of plants and animals, once common, now rare, and are often the only places in the world where these species exist naturally: 5
  
- (2) On some islands natural ecosystems remain intact while other islands have ecosystems that are evolving rapidly or are islands that provide opportunities for habitat restoration. A diverse marine environment extends from the deep ocean to bays, inlets, and harbours off the coastline and the shallow sea and broad intertidal flats of the Firth of Thames: 10
  
- (3) The Gulf has a rich history of human settlement and use. The Gulf is one of the earliest places of human settlement in New Zealand and for generations supported and was home to tangata whenua. <While tangata whenua> ((*<has>*)) have <no single name for the Gulf, the names Tikapa Moana and Te Moananui a Toi are recognised as referring to the Gulf.> Auckland, the first seat of government, is also on its shore. Along the shores of the Gulf the changing culture and technologies can be traced through places like the pa, kainga, and garden sites of antiquity on every island, driving dams, copper and gold mines, whaling stations, timber mills, industrial sites, and grand and ordinary homes: 15 20
  
- (4) The Treaty of Waitangi was signed by tangata whenua of the Hauraki Gulf both at Waitangi and on the shores of the Gulf. The Treaty provides guarantees to both the Crown and tangata whenua and forms a basis for the protection, use, and management of the Gulf, its islands, and catchments. The Treaty 25

continues to underpin the relationship between the Crown and tangata whenua. The assembled tribes of the Hauraki Gulf reaffirmed its importance to them in a statement from a hui at Motutapu Island, 14–15 November 1992 (**The Motutapu Accord**):

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- (5) The hinterland of the Gulf is intensively developed and settled. Its shores contain New Zealand’s largest metropolitan area and extensive tracts of productive farm land. The coastal waters are of great importance to commerce in New Zealand. The Gulf contains the Port of Auckland, many smaller ports, and marinas. The Gulf is lived in and worked in, and is used for marine commerce, commercial fishing, and harbour and gulf transport. The Gulf is economically important: 10
- (6) People use the Gulf for recreation and for the sustenance of human health, well-being, and spirit. The natural amenity of the Gulf provides a sense of belonging for many New Zealanders and for them it is an essential touchstone with nature, the natural world, and the marine environment of an island nation: 15
- (7) The Gulf, its islands, and catchments have complex interrelationships that need to be well understood and managed. Many improvements have been made in the administration of statutory jurisdictions in the Gulf, the exercise of individual and collective responsibility, and stewardship of the Gulf. But the need for co-operation, and the need for integrated management, recognised in the establishment by local authorities of the Hauraki Gulf Forum, by Auckland City of “Vision Hauraki”, by tangata whenua in the Motutapu Accord, and by the Government in establishing in 1967 the Hauraki Gulf Maritime Park, still remains. The Gulf must be managed in a manner that crosses territorial jurisdictions, crosses land and water boundaries, and crosses cultures and that respects both conservation and development needs: 20  
25  
30

**The Parliament of New Zealand therefore enacts as follows:**

- 1 Title** 35  
This Act is the Hauraki Gulf Marine Park Act **1998**.

**1AA Commencement**

This Act comes into force on the date on which this Act receives the Royal assent.

**New****1A Purpose**

The purpose of this Act is to—

- (a) integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments: 5
- (b) establish the Hauraki Gulf Marine Park: 10
- (c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments:
- (d) recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands: 15
- (e) establish the Hauraki Gulf Forum.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**administering body** has the same meaning as in section 2 of the Reserves Act 1977 20

**catchment** means any area of land where the surface water drains into the Hauraki Gulf

**coastal area** means those areas of land (other than islands) that contribute to the distinctive character of the coast, including, but not limited to,— 25

- (a) land providing access to coastal ~~((waters))~~ water; or
- (b) land containing an uninterrupted ecological sequence of habitats and vegetation; or
- (c) land with ~~⟨historical⟩~~ ⟨historic⟩ features related to the coast 30

**coastal marine area** means the foreshore, seabed, and coastal water, and the air space above the water,—

- (a) of which the seaward boundary is the outer limits of the territorial sea:
- (b) of which the landward boundary is the line of mean high water springs, except that, where that line crosses a 35

river, the landward boundary at that point is the lesser of—

- (i) 1 kilometre upstream from the mouth of the river; or
- (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5

**Struck out (majority)**

**coastal waters** means the waters within the coastal marine area

**New (majority)**

**coastal water** means the water within the coastal marine area

**conservation area** means any land or foreshore that is—

- (a) land or foreshore for the time being held under the Conservation Act 1987 for conservation purposes; or
- (b) land in respect of which an interest is held under the Conservation Act 1987 for conservation purposes

**Conservation Board** means a Conservation Board established under section 6L of the Conservation Act 1987

**constituent party** means any Minister or local authority who has the power under **section 13(2)** to appoint 1 or more representatives to the Forum; and includes *<the tangata whenua representative>* <any tangata whenua representatives> appointed under **section 13(2)(e)**

**Deed of Recognition** means a deed entered into in accordance with **section 33**

**New (majority)**

**economic activity** includes marine commerce

**environment** includes—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and

**New (majority)**

- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters

**foreshore** means such parts of the bed, shore, or banks of the sea or a river as are covered and uncovered by the flow and ebb of the tide at mean spring tides 5

**Hauraki Gulf or Gulf** (which is generally referred to by Maori by the names Tikapa Moana and Te Moananui a Toi)—

- (a) means the coastal marine area on the east coast of— 10
- (i) the Auckland Region, as constituted by the Local Government (Auckland Region) Reorganisation Order 1989, *Gazette* 1989, Vol. III, p. 2247; and
  - (ii) the Waikato Region, as constituted by the Local Government (Waikato Region) Reorganisation 15  
Order 1989, *Gazette* 1989, Vol. III, p. 2460; and

**Struck out (majority)**

- (b) includes any tidal rivers, tidal creeks and estuaries on the east coast of the Auckland Region and the east coast of the Waikato Region 20

**New (majority)**

- (b) includes estuaries and the tidal parts of rivers and creeks on the east coast of the Auckland Region and the east coast of the Waikato Region

**Hauraki Gulf Forum or Forum** means the body established under **section 13** 25

**Hauraki Gulf Marine Park or Park** means the Park established under **section 25**

**local authority** has the same meaning as in the Local Government Act 1974 30

**Maori land** and **Maori customary land** have the same meaning as in Te Ture Whenua Maori Act 1993

**New (majority)**

**marine mammal sanctuary** has the same meaning as in the Marine Mammals Protection Act 1978

**marine reserve** has the same meaning as in the Marine Reserves Act 1971 5

**mataitai reserve** means a mataitai reserve declared by notice in the *Gazette* in accordance with the Fisheries Act 1996 and regulations made under that Act

**Minister** means the Minister of Conservation

**regional council** has the same meaning as in the Local Government Act 1974 10

**regional park** means a regional park created under the Local Government Act 1974

**reserve** has the same meaning as in the Reserves Act 1977 or in any corresponding former Act; and includes any reserve established by any other Act 15

**Struck out (majority)**

**standing orders** means the standing orders referred to in section 114M of the Local Government Act 1974

**taiapure-local fishery** means a taiapure-local fishery established under Part IX of the Fisheries Act 1996 20

**territorial authority** has the same meaning as in the Local Government Act 1974

**wildlife refuge** has the same meaning as in the Wildlife Act 1953 25

**wildlife sanctuary** has the same meaning as in the Wildlife Act 1953.

**3 Act to bind the Crown**  
This Act binds the Crown.

## Struck out

**4 Treaty of Waitangi (Te Tiriti o Waitangi)**

Except as provided in **section 15**, nothing in this Act is intended to affect the obligations of any persons under any Act in respect of the principles of the Treaty of Waitangi <(Te Tiriti o Waitangi)>. 5

## New

**4 Treaty of Waitangi (Te Tiriti o Waitangi)**

- (1) Subject to **subsections (2) and (4)**, the provisions of **Part 3** relating to the Park must be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). 10
- (2) **Subsection (1)** does not apply in respect of any area of the Park that is foreshore, seabed, private land, taiapure-local fishery, or mataitai. 15
- (3) When carrying out its functions under **Part 2**, the Forum must have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- (4) Nothing in **Part 1 or Part 3 or Part 4** limits, affects, or extends the obligations any person has in respect of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under any of the Acts listed in **Schedule 1**, and those obligations must be fulfilled in accordance with those Acts. 20

**Part 1****Management of Hauraki Gulf**

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## Struck out (unanimous)

**5 Recognition of national importance of Hauraki Gulf**

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the 30

**Struck out (unanimous)**

Hauraki Gulf and its islands are matters of national importance.

- (2) The life-supporting capacity of the environment of the Gulf and its islands provides for— 5
- (a) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands:
  - (b) the use of the resources of the Gulf by the people and communities of the Gulf for economic activities, marine commerce, and recreation: 10
  - (c) the social, economic, recreational, and cultural well-being of its people and communities through the natural, traditional, and cultural values of the Gulf.

**New (majority)**

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**5 Recognition of national significance of Hauraki Gulf**

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance. 20
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—
- (a) to provide for—
    - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and 25
    - (ii) the social, economic, recreational, and cultural well-being of people and communities:
  - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation: 30
  - (c) to maintain the soil, air, water, and ecosystems of the Gulf.

**6 Management of Hauraki Gulf**

To recognise the national *<importance>* *<significance>* of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments: 5
- (b) the protection and, where appropriate, the enhancement of the natural, *<historical>* *<historic>*, and physical resources of the Hauraki Gulf, its islands, and catchments: 10
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources *<(including kaimoana)>* of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship: 15
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources: 20
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand: 25
- (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand. 30

**Struck out (unanimous)**

<b>7</b>	<b>Relationship of Act with Resource Management Act 1991</b>	<b>35</b>
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- |            |   |  |
|------------|---|--|
| <b>(1)</b> | For the purposes of the Resource Management Act 1991, for the Hauraki Gulf, its islands, and catchments,—   |  |
| <b>(a)</b> | when preparing or changing a regional policy statement, a regional council must, in addition to the matters |  |

**Struck out (unanimous)**

- contained in section 61(2) of the Resource Management Act 1991, ensure that the policy statement is not inconsistent with **sections 5 and 6** of this Act:
- (b) when preparing or changing a regional plan, a regional council must, in addition to the matters in section 66(2) of the Resource Management Act 1991, ensure that the plan is not inconsistent with **sections 5 and 6** of this Act: 5
- (c) when preparing or changing a district plan, a territorial authority must, in addition to the matters contained in section 74(2) of the Resource Management Act 1991, ensure that the plan is not inconsistent with **sections 5 and 6** of this Act: 10
- (d) when considering an application for a resource consent, a consent authority must, in addition to the matters contained in section 104 of the Resource Management Act 1991, have regard to **sections 5 and 6** of this Act. 15
- (2) A regional council or a territorial authority is not required to take the action required by **subsection (1)(b)** or **subsection (1)(c)** for a plan proposed in accordance with the Resource Management Act 1991 at the date of commencement of this Act. 20
- (3) For the purposes of the Resource Management Act 1991 in relation to the coastal environment of the Hauraki Gulf, **sections 5 and 6** of this Act have the same effect as a New Zealand coastal policy statement issued under section 57 of the Resource Management Act 1991. 25
- (4) For the Hauraki Gulf, if there is a conflict between **sections 5 and 6** of this Act and the provisions of any New Zealand coastal policy statement issued under the Resource Management Act 1991, the New Zealand coastal policy statement prevails. 30
- (5) Where a New Zealand coastal policy statement created by this section applies to the exercise of a power or the carrying out of a function under the Resource Management Act 1991, the provisions of section 55 of that Act prevail, except that the local authority is not required to take the action required by section 55 on the commencement of this Act but must take 35

**Struck out (unanimous)**

that action for the Hauraki Gulf when next preparing or changing—

- (a) a regional policy statement in accordance with section 60 of the Resource Management Act 1991; or 5
  - (b) a regional plan in accordance with section 64 of the Resource Management Act 1991; or
  - (c) a district plan in accordance with section 73 of the Resource Management Act 1991.
- (6) For the purposes of this section, a reference to a plan in section 55 of the Resource Management Act 1991 includes a proposed plan. 10

**New (majority)**

- 7 Relationship of Act with Resource Management Act 1991** 15
- (1) For the purposes of this section and **section 7A**, the terms **district plan, plan, proposed plan, regional plan, regional policy statement, resource consent, and New Zealand coastal policy statement** have the same meaning as in the Resource Management Act 1991, and **regional council** and **district council** have the same meaning as in the Local Government Act 1974. 20
  - (2) A regional council must ensure that any part of a regional policy statement or a regional plan that applies to the Hauraki Gulf, its islands and catchments, does not conflict with **sections 5 and 6** of this Act. 25
  - (3) A territorial authority must ensure that any part of a district plan that applies to the Hauraki Gulf, its islands and catchments, does not conflict with **sections 5 and 6** of this Act.
  - (4) A consent authority must, when considering an application for a resource consent for the Hauraki Gulf, its islands and catchments, have regard to **sections 5 and 6** of this Act in addition to the matters contained in the Resource Management Act 1991. 30
  - (5) The provisions of section 55 of the Resource Management Act 1991 apply as though **sections 5 and 6** of this Act were a national 35

**New (majority)**

policy statement and a regional council or a territorial authority must take action in accordance with that section and notify a change to a regional policy statement, plan, or proposed plan within 5 years of the date of commencement of this Act. 5

**7A Creation of New Zealand coastal policy statement by this Act**

- (1) For the coastal environment of the Hauraki Gulf, **sections 5 and 6** of this Act must be treated as a New Zealand coastal policy statement issued under the Resource Management Act 1991. 10
- (2) For the coastal environment of the Hauraki Gulf, if there is a conflict between **sections 5 and 6** of this Act and the provisions of any New Zealand coastal policy statement issued under the Resource Management Act 1991, the New Zealand coastal policy statement prevails. 15
- (3) The provisions of section 55 of the Resource Management Act 1991 apply to the New Zealand coastal policy statement created by this section and a regional council or a territorial authority must take action in accordance with that section and notify a change to a regional policy statement, plan, or proposed plan within 5 years of the date of commencement of this Act. 20

**8 Statements of general policy under Conservation Act 1987 and Acts in First Schedule of that Act**

- (1) For the purposes of each of the following Acts for the Hauraki Gulf, **sections 5 and 6** have the same effect as a statement of general policy approved under the following specified sections: 25
- (a) Wildlife Act 1953, section 14C: 30
- (b) Marine Reserves Act 1971, section 6:
- (c) Reserves Act 1977, section 15A:
- (d) Wild Animal Control Act 1977, section 5:
- (e) Marine Mammals Protection Act 1978, section 3B:
- (f) National Parks Act 1980, section 44: 35
- (g) Conservation Act 1987, section 17B:

- (h) New Zealand Walkways Act 1990, ~~((section 6))~~  
section 4.
- (2) Where a statement of general policy is created by this section and the Act to which that statement of general policy applies contains a provision stating that the general policy must not derogate from the provisions of that Act, the requirement in **subsection (1)** may be implemented for the Hauraki Gulf only to the extent that implementation does not derogate from the provisions of that Act. 5
- (3) Where a conservation management strategy or a conservation management plan made under an Act listed in this section derogates from a statement of general policy created by this section, the requirement that the strategy or plan must not derogate from a statement of general policy does not take effect for any statement of general policy made under this section until the date that the strategy or plan is next amended or reviewed. 10 15
- 9 Amendment to Fisheries Act 1996**  
Section 11(2)(b) of the Fisheries Act 1996 is amended by adding the expression “; and”, and by adding the following paragraph: 20
- “(c) **sections 5 and 6** of the Hauraki Gulf Marine Park Act **1998** (for the Hauraki Gulf as defined in that Act)—”.
- 10 Obligation to have particular regard to sections 5 and 6**  
Except as provided in **sections 7, 8, and 9**, in order to achieve the purpose of this Act, all persons exercising powers or carrying out functions for the Hauraki Gulf under any Act specified in **Schedule 1** must, in addition to any other requirement specified in those Acts for the exercise of that power or the carrying out of that function, have particular regard to the provisions of **sections 5 and 6** of this Act. 25 30
- 11 Preservation of existing rights**
- (1) Nothing in this Act limits or affects ~~((the Crown’s))~~ any title or right to ownership of the foreshore, seabed, or other land or natural resources of the Hauraki Gulf, its islands, and catchments, whether that title or right to ownership is conferred by Act, common law, or in any other manner. 35

- (2) Nothing in this Act limits or affects the ability of any person to bring a claim or to continue any existing claim in any court or tribunal relating to the foreshore, seabed, or other land or natural resources of the Hauraki Gulf, its islands, and catchments arising out of the application of the Treaty of Waitangi, or any Act, or at common law, or in any other manner. 5

**New**

- (3) Nothing in this section limits or affects any remedy associated with any claim referred to in **subsection (2)**.

**Part 2**  
**Hauraki Gulf Forum**

10

**12 Purposes of Forum**

The Forum has the following purposes:

**Struck out (majority)**

- (a) to integrate the management of and, where appropriate, to promote the conservation and management in a sustainable manner the natural, historic, and physical resources of the Hauraki Gulf for the benefit and enjoyment of the people and communities of the Hauraki Gulf and New Zealand: 15  
20

**New (majority)**

- (a) to integrate the management and, where appropriate to promote the conservation and management in a sustainable manner, of the natural, historic, and physical resources of the Hauraki Gulf, its islands and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand: 25
- (b) to facilitate communication, co-operation, and co-ordination on matters relating to the statutory functions of the constituent parties in relation to the Hauraki Gulf, its islands, and catchments, and the Forum: 30

- (c) to recognise the ~~historical~~ historic, traditional, cultural, and spiritual relationship of ~~(the)~~ tangata whenua with the Hauraki Gulf, its islands, and, where appropriate, its catchments.

**Struck out (unanimous)**

5

**13 Establishment of Forum**

- (1) A body called the Hauraki Gulf Forum is established.
- (2) The Forum consists of the following representatives:
- (a) one representative appointed by the Minister:
  - (b) one representative appointed by the Minister of Fisheries: 10
  - (c) one representative appointed by the Minister of Maori Affairs:
  - (d) three representatives appointed by the Auckland Regional Council: 15
  - (e) one representative appointed by each of the following local authorities:
    - (i) Waikato Regional Council:
    - (ii) Rodney District Council:
    - (iii) Auckland City Council: 20
    - (iv) Waitakere City Council:
    - (v) North Shore City Council:
    - (vi) Manukau City Council:
    - (vii) Franklin District Council:
    - (viii) Waikato District Council: 25
    - (ix) Hauraki District Council:
    - (x) Thames/Coromandel District Council.
- (3) Four representatives of tangata whenua of the Hauraki Gulf and its islands may be appointed to the Forum by the Minister after consultation with the Minister of Maori Affairs. 30
- (4) If two-thirds or more of the constituent parties agree, a local authority whose powers and functions may have an effect on the Hauraki Gulf, its islands, and catchments, and whose inclusion in the Forum as a constituent party will further the interests of the Forum and of the Hauraki Gulf, may join the Forum as a constituent party and appoint a representative to the Forum. 35

## New (majority)

**13 Establishment of Forum**

- (1) A body called the Hauraki Gulf Forum is established.
- (2) The Forum consists of the following representatives:
- (a) 1 representative appointed by the Minister: 5
  - (b) 1 representative appointed by the Minister of Fisheries:
  - (c) 1 representative appointed by the Minister of Maori Affairs:
  - (d) 1 representative appointed by each of the following local authorities: 10
    - (i) Auckland City Council:
    - (ii) Auckland Regional Council:
    - (iii) Franklin District Council:
    - (iv) Hauraki District Council:
    - (v) Manukau City Council: 15
    - (vi) Matamata-Piako District Council:
    - (vii) North Shore City Council:
    - (viii) Rodney District Council:
    - (ix) Thames-Coromandel District Council:
    - (x) Waikato District Council: 20
    - (xi) Waikato Regional Council:
    - (xii) Waitakere City Council:
  - (e) 6 representatives of the tangata whenua of the Hauraki Gulf and its islands appointed by the Minister, after consultation with the tangata whenua and the Minister of Maori Affairs: 25
  - (f) 2 further representatives appointed by the Auckland Regional Council.
- (3) The representatives appointed in accordance with **subsection (2)(d) or (f)**, or **subsection (5)** must be members of the local authority elected in accordance with the Local Government Act 1974. 30
- (4) The representatives appointed in accordance with **subsection (2)(f)** may not vote on any resolution of the Forum.
- (5) If two-thirds or more of the constituent parties agree, a local authority whose powers and functions may have an effect on the Hauraki Gulf, its islands and catchments, and whose inclusion in the Forum will further the interests of the Forum and of 35

**New (majority)**

the Hauraki Gulf may join the Forum as a constituent party and appoint a representative to the Forum.

**14 Functions of Forum**

- (1) To promote **sections 5 and 6**, the Forum has the following functions in relation to the Hauraki Gulf, its islands, and catchments: 5
- (a) to prepare a list of strategic issues, determine a priority for action on each issue, and regularly review that list:
  - (b) to facilitate and encourage co-ordinated financial planning, where possible, by the constituent parties: 10
  - (c) to obtain, share, and monitor information on the state of the natural and physical resources:
  - (d) to receive reports on the completion and implementation of deeds of recognition: 15
  - (e) to require and receive reports from constituent parties on the development <and implementation> of policies and strategies to address the issues identified under **paragraph (a)**:
  - (f) to receive reports from the tangata whenua of the Hauraki Gulf on the development and implementation of iwi management or development plans: 20
  - (g) to prepare and publish, once every 3 years, a report on the state of the environment in the Hauraki Gulf, including information on progress towards integrated management and responses to the issues identified in accordance with **paragraph (a)**: 25
  - (h) to promote and advocate the integrated management and, where appropriate, the sustainable management of the Hauraki Gulf, its islands, and catchments: 30
  - (i) to encourage, share, co-ordinate where appropriate, and disseminate educational and promotional material:
  - (j) to liaise with <, and receive reports from,> persons and groups having an interest in the Hauraki Gulf and business and community interests to promote an interest in the purposes of the Forum: 35

**New (majority)**

(k) to commission research into matters relating to the functions of the Forum.

- (2) When carrying out its functions under **subsection (1)**, the Forum must have particular regard to the historic, traditional, cultural, and spiritual relationship of **((the))** tangata whenua with the natural, *<historical>* *<historic>*, and physical resources of the Hauraki Gulf, its islands, and catchments. 5

**Struck out (unanimous)**

- 15 Forum to have regard to Treaty of Waitangi** 10  
When carrying out its functions under this Part, the Forum must have regard to the principles of the Treaty of Waitangi.

**Struck out****New (majority)**

- 15 Forum to have regard to Treaty of Waitangi (Te Tiriti o Waitangi)** 15  
When carrying out its functions under this Part, the Forum must have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

**Struck out (unanimous)**

- 16 Powers of Forum** 20
- (1) The Forum has those powers that are reasonably necessary to enable it to carry out its functions.
- (2) The Forum does not have the power to appear before any court or tribunal or to participate in any statutory decision-making process. 25
- (3) Without limiting **subsection (1)**, the Forum may—

**Struck out (unanimous)**

- |  |                              |
|--|------------------------------|
| <ul style="list-style-type: none"> <li>(a) consider issues related to its purpose:</li> <li>(b) receive reports from constituent parties and tangata whenua:</li> <li>(c) make recommendations to constituent parties:</li> <li>(d) after apportioning the costs of the activities between the constituent parties (other than the tangata whenua representatives), commission or undertake such activities as are necessary to achieve its purpose.</li> </ul> <p>(4) The Forum must present a copy of each report prepared in accordance with <b>section 14</b> to the Minister.</p> <p>(5) If the costs of any activity to be carried out in accordance with <b>subsection (3)(d)</b> are not apportioned by agreement, the Forum must not proceed with the activity.</p> | <p>5</p> <p>10</p> <p>15</p> |
|--|------------------------------|

**New (majority)**

- |  |   |
|--|---|
| <p><b>16 Powers of Forum</b></p> <p>(1) The Forum has the powers that are reasonably necessary to carry out its functions.</p> <p>(2) The Forum's powers include the powers—</p> <ul style="list-style-type: none"> <li>(a) to consider issues related to its purpose; and</li> <li>(b) to receive reports from constituent parties; and</li> <li>(c) to make recommendations to constituent parties; and</li> <li>(d) to advise any person who requests the Forum's advice; and</li> <li>(e) to commission or undertake those activities that are necessary to achieve its purpose.</li> </ul> <p>(3) The Forum must not—</p> <ul style="list-style-type: none"> <li>(a) appear before a court or tribunal other than as a witness if called by a party to proceedings; or</li> <li>(b) take part in a decision making process under any enactment other than to advise when requested to do so.</li> </ul> | <p>15</p> <p>20</p> <p>25</p> <p>30</p> |
|--|---|

**New (majority)****16A Costs of administrative and servicing functions of Forum**

- (1) The administrative and servicing functions of the Forum and the costs of those functions must be agreed from time to time by the Forum. 5
- (2) Unless the constituent parties agree otherwise, the costs agreed under **subsection (1)** must be divided equally among the constituent parties and each constituent party must pay 1 share of the costs.
- (3) Administrative and servicing costs are not payable by constituent parties who are tangata whenua representatives. 10

**16B Costs of other activities**

- (1) The Forum may undertake an activity under **section 16(2)(e)** if—
- (a) a majority of the representatives agrees to undertake the activity; and 15
  - (b) 1 or more of the constituent parties (other than *(the)* tangata whenua representatives) agree in advance to pay the costs of the activity.
- (2) If the costs of an activity are not agreed in advance, the Forum must not proceed with the activity. 20
- (3) **Section 16(3)** does not affect the powers of a constituent party to take proceedings, and in particular does not affect the powers of a constituent party to enforce an agreement made in accordance with **subsection (1)**.
- (4) This section does not apply to the administrative and servicing functions in **section 16A**. 25

**16C Presentation of report**

The Forum must present a copy of each report prepared by it under **section 14(g)** to the Minister.

**Struck out (unanimous)**

30

**17 Committee to be joint special committee**

- (1) For the purposes of the administration of the Forum and subject to the provisions of this Act, the Forum is a joint

**Struck out (unanimous)**

special committee, appointed under section 114S of the Local Government Act 1974, of the constituent local authorities.

- (2) Unless three-quarters of the representatives present at a meeting of the Forum agree otherwise, at its meetings the Forum must follow the standing orders adopted under section 114M of the Local Government Act 1974 by the Auckland Regional Council. 5
- (3) Any alternatives to the standing orders agreed by the Forum under **subsection (2)** of this section must not contravene any provisions of the Local Government Act 1974, or of the Local Government Official Information and Meetings Act 1987, or of any other Act. 10

**New (majority)****Struck out****17 Committee to be special joint committee**

- (1) For the purposes of the administration of the Forum, the Forum is to be treated as a special joint committee of the constituent local authorities appointed under section 114S of the Local Government Act 1974. 20
- (2) Except as provided in **subsection (3)**, Part VA of the Local Government Act 1974 applies with any necessary modifications to the Forum.
- (3) Sections 114C to 114E, 114G, 114K, 114L, 114M, 114P(2), (4) and (5), and 114Q of the Local Government Act 1974 do not apply, and section 114U of the Local Government Act 1974 applies only to representatives appointed by local authorities. 25
- (4) The Forum may appoint such subcommittees as it considers appropriate. 30

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**New**

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**17 Forum to be joint special committee**

- (1) Subject to **section 20B**, the Forum is to be treated as a joint special committee of the constituent local authorities appointed under section 114S of the Local Government Act 1974. 5
- (2) Except as provided in **subsection (3)**, Part VA of the Local Government Act 1974 applies with any necessary modifications to the Forum.
- (3) Sections 114C to 114E, 114G, 114K, 114M, 114P(1) and (3), 114Q, and 114S(2), (4), and (5) of the Local Government Act 1974 do not apply, and section 114U of the Local Government Act 1974 applies only to representatives appointed by local authorities. 10
- (4) The Forum may appoint such subcommittees as it considers appropriate. 15
- 

**New (majority)**

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**17A Forum to follow model standing orders**

- (1) Unless three-quarters of the representatives present at a meeting of the Forum agree otherwise, at its meetings the Forum must follow the New Zealand Standard for standing orders (NZS: 9202:1992). 20
- (2) If the Forum agrees in accordance with **subsection (1)** to adopt other standing orders, those standing orders must not contravene the provisions of the Local Government Act 1974, the Local Government Official Information and Meetings Act 1987, or any other Act. 25
- 

**18 Term of representatives**

- (1) Each representative appointed by a constituent party (other than **((the))** tangata whenua representatives) may serve on the Forum for the period of time determined by the constituent party that appointed the representative. 30

- (2) A tangata whenua representative may serve on the Forum for the period of time determined by the Minister at the time of the appointment.

**19 Appointment of chairperson**

The Forum may from time to time appoint 1 of the representatives to act as chairperson and that chairperson holds office for the period agreed by the Forum at the time of that chairperson's appointment. 5

**Struck out (unanimous)**

**20 Powers and obligations of constituent parties** 10

- (1) The Forum is not a body corporate and each constituent party is jointly and severally liable for all actions done or omitted by the Forum.
- (2) Each constituent party—
- (a) may acquire, hold, and dispose of real or personal property for the use of the Forum; and 15
  - (b) must pay such a proportion of the administrative and servicing costs of the Forum as agreed from time to time by the constituent parties or, if there is no agreement, 1 share of the costs when the costs are divided equally between the constituent parties; and 20
  - (c) may remunerate its representative or representatives for the costs of the representatives' participation in the Forum; and
  - (d) must provide to the Forum such information or reports as may be required by the Forum. 25
- (3) This section does not apply to constituent parties who are tangata whenua representatives.

**New (majority)**

**20 Powers and obligations of constituent parties** 30

Each constituent party (other than ~~the~~ tangata whenua representatives)—

- (a) may acquire, hold, and dispose of real or personal property for the use of the Forum; and

**New (majority)**

- (b) may remunerate its representative or representatives for the cost of that person's participation in the Forum; and
- (c) must provide to the Forum such information or reports as may be required by the Forum; and 5
- (d) must pay administration and servicing costs in accordance with **section 16A** if required to do so; and
- (e) must pay the costs of any activity that the constituent party has agreed to pay; and
- (f) may carry out any other functions or duties specified in this Act. 10

**20A Powers and obligations of Auckland Regional Council**

The Auckland Regional Council must—

- (a) store the records of the Forum and make those records available when required by the Forum; and 15
- (b) convene the first meeting of the Forum within 3 months of the commencement of this Act.

**New****20B Appointment and functions of administering authority**

- (1) The constituent parties may, from time to time by agreement with the appointee, appoint 1 of their number to be the administering authority for the purposes of this Part for a period of no less than 3 years. 20
- (2) If, at the first meeting of the Forum or at the first meeting of the Forum after the term of an appointment of an administering authority has expired, the constituent parties fail to make an appointment, the Minister must appoint 1 of the constituent parties to be the administering authority. 25
- (3) A constituent party appointed as the administering authority may be reappointed. 30
- (4) The administering authority must—
  - (a) administer and service the Forum; and
  - (b) ensure as far as practicable that the functions, powers, and duties set out in this Part are carried out.

**New**

- (5) For administrative purposes, the Forum is to be treated as a committee of the administering authority.

**Struck out (unanimous)**

- 21 Payment of tangata whenua** 5  
 The Minister may pay tangata whenua representatives on the Forum, from any appropriation by Parliament for this purpose, remuneration by way of allowances and travelling allowances and travelling expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act apply accordingly. 10

**New (majority)**

- 21 Payment of tangata whenua**  
 (1) The Minister must pay to ~~((the))~~ tangata whenua representatives on the Forum, from any appropriation by Parliament for this purpose,— 15
  - (a) remuneration by way of allowances, travelling allowances, and travelling expenses in accordance with the Fees and Travelling Allowances Act 1951; and

**Struck out** 20

- (b) after agreement between the Minister and tangata whenua, actual and reasonable communication and consultation costs incurred in the course of their work as tangata whenua representatives on the Forum.

**New** 25

- (b) after agreement between the Minister and tangata whenua representatives, made before any costs are

## New (majority)

## New

- incurred, actual and reasonable communication costs  
and consultation costs incurred in the course of their  
work as tangata whenua representatives on the Forum. 5
- (1A) If there is no agreement between the Minister and tangata  
whenua representatives under **subsection (1)(b)**, the Minister  
may make such payment to tangata whenua representatives as  
the Minister considers appropriate in the circumstances.
- (2) The provisions of the Fees and Travelling Allowances Act 10  
1951 apply to any payment made under **subsection (1)(a)**.

**22 Liability of representatives**

No representative on the Forum is personally liable for any  
liability of the Forum, or for any act done or omitted by the  
Forum, or by a representative in good faith in the exercise of 15  
the functions, duties, or powers of the Forum.

**23 Annual report**

- (1) The Forum must, on or before 31 August each year, report to  
the Minister on the exercise of its powers and the carrying out  
of its functions during the preceding year ending on 30 June. 20
- (2) The report must identify the progress made by the Forum  
towards achieving the purposes of the Forum set out in  
**section 12**.
- (3) A copy of the annual report must be presented to the House of  
Representatives by the Minister. 25

## Part 3 Hauraki Gulf Marine Park

### Struck out (unanimous)

- |           |   |    |
|-----------|---|----|
| <b>24</b> | <b>Purposes of Hauraki Gulf Marine Park</b>   |    |
|           | The purposes of the Hauraki Gulf Marine Park are—   | 5  |
|           | (a) to recognise and protect in perpetuity, the international and national significance of the land and the natural, historical, and physical resources within the Park:  |    |
|           | (b) to protect in perpetuity, the natural, historical, and physical resources of the Park for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of the Gulf and New Zealand:                  | 10 |
|           | (c) to recognise and have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf and its islands and the natural, historical, and physical resources of the Park: | 15 |
|           | (d) to sustain the life-supporting capacity of the Park.  |    |

### New (majority)

- |           |   |    |
|-----------|---|----|
| <b>24</b> | <b>Purposes of Hauraki Gulf Marine Park</b>   |    |
|           | The purposes of the Hauraki Gulf Marine Park are—   | 20 |
|           | (a) to recognise and protect in perpetuity the international and national significance of the land and the natural and historic resources within the Park:  |    |
|           | (b) to protect in perpetuity and for the benefit, use, and enjoyment of the people and communities of the Gulf and New Zealand, the natural and historic resources of the Park including scenery, ecological systems, or natural features that are so beautiful, unique, or scientifically important to be of national significance, for their intrinsic worth: | 25 |
|           | (c) to recognise and have particular regard to the historic, traditional, cultural, and spiritual relationship of <del>((the))</del> tangata whenua with the Hauraki Gulf, its islands and coastal areas, and the natural and historic resources of the Park:   | 30 |
|           |   | 35 |

**New (majority)**

- (d) to sustain the life-supporting capacity of the soil, air, water, and ecosystems of the Gulf in the Park.

**25 Establishment of Hauraki Gulf Marine Park**

- (1) The Hauraki Gulf Marine Park is established. 5

**Struck out (majority)**

- (2) The Hauraki Gulf Marine Park consists of—
- (a) all conservation areas, wildlife refuges, wildlife sanctuaries, reserves, and marine reserves held, managed, or administered by the Crown from time to time in accordance with the Conservation Act 1987 or any Act in the First Schedule of that Act within the Hauraki Gulf, its islands, and coastal area: 10
- (b) any reserve controlled or managed from time to time by an administering body (whether or not that administering body is a local authority) under an appointment to control or manage made in accordance with the Reserves Act 1977 or any corresponding former Act, within the Hauraki Gulf, its islands, and coastal area: 15
- (c) all foreshore and seabed that is land owned by the Crown within the Hauraki Gulf other than foreshore or seabed held for defence purposes as set out in section 5 of the Defence Act 1990: 20
- (d) all land of the Crown in the Hauraki Gulf, within a wetland approved by the Minister of Foreign Affairs and notified to the Bureau of the Convention on Wetlands of International Importance done at Ramsar on 2 February 1971: 25
- (e) all land included in the Park in accordance with **section 26 or section 27**: 30
- (f) all mataitai reserves and taiapure-local fisheries included in the Park in accordance with **section 28**.

## New (majority)

- (2) The Hauraki Gulf Marine Park consists of—
- (a) all conservation areas, wildlife refuges, wildlife sanctuaries, reserves, marine mammal sanctuaries, and marine reserves held, managed, or administered by the Crown from time to time in accordance with the Conservation Act 1987 or any Act in the First Schedule of that Act within the Hauraki Gulf, its islands, and coastal area: 5
  - (b) any reserve controlled and managed from time to time by an administering body (whether or not that administering body is a local authority) under an appointment to control and manage made in accordance with the Reserves Act 1977 or any corresponding former Act, within the Hauraki Gulf, its islands, and coastal area: 10 15
  - (c) all foreshore and seabed that is land owned by the Crown within the Hauraki Gulf other than foreshore or seabed held for defence purposes:
  - (d) all seawater within the Hauraki Gulf:
  - (e) all land of the Crown in the Hauraki Gulf, within a wetland approved by the Minister of Foreign Affairs and notified to the Bureau of the Convention on Wetlands of International Importance done at Ramsar on 2 February 1971: 20
  - (f) all land included in the Park in accordance with **section 26 or section 27**: 25
  - (g) all mataitai reserves and taiapure-local fisheries included in the Park in accordance with **section 28**.
- (3) The inclusion of seawater in the Hauraki Gulf Marine Park is to give effect to the purposes of the Park and does not— 30
- (a) give the Crown or any other person ownership of seawater; or
  - (b) affect the responsibilities of a regional council in the coastal marine area.
- (4) Land to which **subsection (2)(a)** applies and which is used for the purposes of education, defence, police, or prisons is not a part of the Park unless the Minister responsible for that use of the land requests the Minister to include the land in the Park; and the Minister may do so by notice in the *Gazette*. 35

## New

- (5) Despite **subsection (4)**, the land described in **Part 1 of Schedule 4** that, at the commencement of this section, is held as a reserve and is used for defence purposes—
- (a) must be held, and treated as classified, as an historic reserve under section 18 of the Reserves Act 1977; and
  - (b) must be treated as included in the Park under **subsection (2)(a)**.
- (6) If the land or any part of the land described in **Part 2 of Schedule 4** that, at the commencement of this section, is held as a reserve and is used for defence purposes, is no longer required for defence purposes the land—
- (a) must be held, and treated as classified as a recreation reserve under section 17 of the Reserves Act 1977; and
  - (b) must be treated as included in the Park under **subsection (2)(a)**.
- (7) Despite any provision of the Defence Act 1990 and **subsection (6)**, the Minister of Defence may administer and manage the land or any part of the land in **Part 2 of Schedule 4** jointly with the Commissioner or an administering body for the purposes of the Park as if it were a recreation reserve under section 17 of the Reserves Act 1977.
- (8) For the purposes of **subsection (7)**, **Commissioner** has the same meaning as in section 2 of the Reserves Act 1977.

## Struck out (unanimous)

**26 Inclusion of other public land in Park**

If, in the opinion of the Minister, the inclusion of the land in the Hauraki Gulf Marine Park is in accordance with the purpose of the Park, the following land may be included in the Park:

- (a) with the consent of the owner and the administering body, any reserve within the Hauraki Gulf, its islands, or coastal area, that is owned by or vested in an administering body (whether or not that administering body is a local authority):

**Struck out (unanimous)**

- (b) with the consent of the local authority, any reserve within the Hauraki Gulf, its islands, or coastal area that is owned by that local authority:
- (c) with the consent of the local authority, any regional park, or other open space or building owned by a local authority and managed to protect its natural or historic values, within the Hauraki Gulf, its islands or coastal area.

**New (majority)**

10

**26 Inclusion of other public land in Park**

- (1) If the person specified in **subsection (2)** consents to the inclusion of land located in the Hauraki Gulf, its islands or coastal area and ((specified)) described in **subsection (2)** in the Park, the Minister may, by notice in the *Gazette*, include the land if, in the opinion of the Minister, the inclusion of that land is in accordance with the purpose of the Park. 15
- (2) The following land may be included in the Park in accordance with this section:
  - (a) with the consent of the owner (including the Crown) and the administering body, any reserve within the Hauraki Gulf, its islands, or coastal area, that is owned by or vested in an administering body (whether or not that administering body is a local authority): 20
  - (b) with the consent of a local authority, any reserve within the Hauraki Gulf, its islands, or coastal area that is owned by that local authority: 25
  - (c) with the consent of the local authority, any regional park or other open space or building owned by a local authority and managed to protect its natural or historic values, within the Hauraki Gulf, its islands, or coastal area. 30

**Struck out (unanimous)**

- 27 Inclusion of land in private ownership in Park**
- If, in the opinion of the Minister, the inclusion of land in the Hauraki Gulf Marine Park is in accordance with the purpose of the Park, the Minister may, by notice in the *Gazette*, and after consulting the Forum and the Conservation Board for the area where the land is located and obtaining the agreement of the owner of the land, include any of the following land in the Hauraki Gulf, its islands, or coastal area in the Park:
- (a) land subject to a conservation covenant entered into under section 77 of the Reserves Act 1977 or section 27 of the Conservation Act 1987:
  - (b) land subject to a Nga Whenua Rahui kawenata entered into under section 77A of the Reserves Act 1977 or section 27A of the Conservation Act 1987:
  - (c) land subject to a heritage covenant entered into under section 6 of the Historic Places Act 1993:
  - (d) land subject to an open space covenant entered into under section 22 of the Queen Elizabeth the Second National Trust Act 1977:
  - (e) any land in the Hauraki Gulf other than land owned by the Crown, whether or not it is subject to a covenant referred to in **paragraphs (a) to (d)**, within a wetland approved by the Minister of Foreign Affairs and notified to the Bureau of the Convention on Wetlands of International Importance done at Ramsar on 2 February 1971.

**New (majority)**

- 27 Inclusion of land in private ownership in Park**
- (1) If the owner of land located in the Hauraki Gulf, its islands or coastal area and ~~((specified))~~ described in **subsection (2)** consents to the inclusion of that land in the Park, the Minister may, by notice in the *Gazette*, and after consulting the Forum and the Conservation Board for the area where the land is located, include the land if, in the opinion of the Minister, the inclusion of that land is in accordance with the purpose of the Park.

**New (majority)**

- |     |   |    |
|-----|---|----|
| (2) | The following land may be included in the Park in accordance with this section:   |    |
| (a) | land subject to a conservation covenant entered into under section 77 of the Reserves Act 1977 or section 27 of the Conservation Act 1987:  | 5  |
| (b) | land subject to a Nga Whenua Rahui kawenata entered into under section 77A of the Reserves Act 1977 or section 27A of the Conservation Act 1987:  |    |
| (c) | land subject to a heritage covenant entered into under section 6 of the Historic Places Act 1993:   | 10 |
| (d) | land subject to an open space covenant entered into under section 22 of the Queen Elizabeth the Second National Trust Act 1977:   |    |
| (e) | land subject to a declaration under section 76 of the Reserves Act 1977 that it is protected private land:  | 15 |
| (f) | land controlled and managed by a Minister or an administering body for the purposes of the Reserves Act 1977 where the owner has agreed to the use of land for that purpose in accordance with section 38 of that Act:  | 20 |
| (g) | any land in the Hauraki Gulf, other than land owned by the Crown, whether or not it is subject to a covenant referred to in <b>paragraphs (a) to (d)</b> , within a wetland approved by the Minister of Foreign Affairs and notified to the Bureau of the Convention on Wetlands of International Importance done at Ramsar on 2 February 1971. | 25 |

**28 Inclusion of certain fisheries in Park**

If, in the opinion of the Minister, the inclusion of a taiapure-local fishery or mataitai reserve in the Hauraki Gulf Marine Park is in accordance with the purpose of the Park, that taiapure-local fishery or mataitai reserve may, with the consent of the Minister of Fisheries and the committee of management or the tangata whenua, as the case may be, be included in the Park.	30
	35

**29 Effect of Park**

- (1) Any person holding ~~⟨, controlling,⟩~~ or administering land, foreshore, seabed, marine reserve, ~~⟨or a fishery⟩~~ ⟨a taiapure-local fishery, or a mataitai reserve⟩ in the Hauraki Gulf Marine Park must recognise and give effect to the purpose of the Park. 5
- (2) Nothing in this Part—
- (a) affects any land in the Hauraki Gulf, its islands, or coastal area, that is not expressly included in the Park in accordance with this Part: 10
- (b) limits the ability of the Minister or an administering body to acquire conservation areas, reserves, wildlife refuges, wildlife sanctuaries, or marine reserves within the Gulf or the Park:
- (c) changes the ownership or management of areas of land, foreshore, seabed, or the waters of the Gulf: 15

**New (majority)**

- (d) limits the powers and functions of a regional council in the coastal marine area.

- (3) Despite **subsection (1)**, land included in the Park ⟨in accordance with section 25(2)(a), (b), (c), or (e)⟩ continues to be held, managed, or administered in accordance with the Conservation Act 1987, or any Act in the First Schedule of that Act, if any of those Acts apply to that land. 20

**Struck out (unanimous)****30 Change of status or disposal of land, foreshore, seabed, waters, or fisheries in Park**

- (1) Despite the purpose of this Act, the following parts of the Park may be removed from the Park by the Minister by notice in the *Gazette*: 30
- (a) the parts referred to in **section 27**:
- (b) the parts referred to in **section 28**:
- (2) The Minister—
- (a) must give notice in the *Gazette* in accordance with **subsection (1)** within 20 working days (as defined in the Conservation Act 1987), if the person or persons whose 35

**Struck out (unanimous)**

- consent was necessary for the inclusion of that part in the Park gives notice in writing to the Minister that the person requires the removal of that part of the Park from the Park: 5
- (b) may give notice in the *Gazette* in accordance with **subsection (1)**, if the Minister considers that the inclusion of that part in the Park is no longer serving the purpose of the Park.
- (3) A local authority or the administering body of a reserve must, before requesting the revocation of a reserve under section 24 of the Reserves Act 1977, consider the purpose of the Park. 10
- (4) The Minister must, in addition to any requirements of the specified Act, consider the purpose of the Park and be satisfied that the land or marine reserve no longer serves the purpose of the Park before carrying out any of the following actions in relation to land or to a marine reserve in the Hauraki Gulf Marine Park: 15
- (a) the exchange of a conservation area under section 16A of the Conservation Act 1987: 20
- (b) the disposal of a conservation area under section 26 of the Conservation Act 1987:
- (c) the exchange of a reserve under section 16 of the Reserves Act 1977:
- (d) the revocation of a reserve under section 25 of the Reserves Act 1977: 25
- (e) the revocation of a marine reserve:
- (f) the revocation or disposal of a wildlife refuge or a wildlife sanctuary.
- (5) If any action referred to in **subsection (4)(a) to (f)** is taken in relation to any land, the land is removed from the Park, and the notice, Order in Council, or other instrument which carries out that action must state that the land or marine reserve has been removed from the Park. 30
- (6) The Minister may, by notice in the *Gazette*, and after considering the purpose of the Park,— 35
- (a) remove any foreshore or seabed from the Park; or

**Struck out (unanimous)**

- (b) remove any land of the Crown within a wetland from the Park; or
- (c) with the consent of the local authority, remove any open space or building owned by a local authority and managed to protect its natural or historic values from the Park. 5

**New (majority)**

*Removal of land, foreshore, seabed, waters, or fisheries from Park* 10

**30 Removal of Crown-owned land from Park by Order in Council**

- (1) The Governor-General may by Order in Council, and acting on the recommendation of the Minister, remove any land in **section 25(2)(a), (b), (c), and (e)** from the Park. 15
- (2) The Minister, before making a recommendation to the Governor-General under **subsection (1)**, must be satisfied that the land no longer serves the purpose of the Park and have regard to the following matters:
  - (a) the existing use of the land: 20
  - (b) the purposes of the Act under which the land is held:
  - (c) the status or classification of the land.

**30A Removal of Crown-owned land from Park by change of status of land**

- (1) Land, marine mammal sanctuaries, and marine reserves in **section 25(2)(a), (b), and (c)** may be removed from the Park by any of the following actions: 25
  - (a) exchanging a conservation area under section 16A of the Conservation Act 1987:
  - (b) disposing of a conservation area under section 26 of the Conservation Act 1987: 30
  - (c) exchanging a reserve under section 15 of the Reserves Act 1977:

## New (majority)

- |     |   |    |
|-----|---|----|
| (d) | revoking a reserve under section 24 of the Reserves Act 1977:   |    |
| (e) | revoking or disposing of a wildlife refuge or a wildlife sanctuary:   | 5  |
| (f) | varying, redefining, or abolishing a marine mammal sanctuary under section 22 of the Marine Mammals Protection Act 1978:  |    |
| (g) | revoking a marine reserve.  |    |
| (2) | Before taking an action under <b>subsection (1)</b> the Minister must, in addition to any requirements of a relevant Act, consider the purpose of the Park and be satisfied that the land or marine reserve no longer serves the purpose of the Park. | 10 |
| (3) | A local authority or the administering body of a reserve must, before requesting the revocation of a reserve under section 24 of the Reserves Act 1977, consider the purpose of the Park.   | 15 |
| (4) | The notice, Order in Council, or other instrument that carries out the action in <b>subsection (1)</b> , must state that the land, marine mammal sanctuary, or marine reserve has been removed from the Park.   | 20 |

**30B Removal of other areas from Park**

The Minister may, by notice in the *Gazette*, and after considering the purpose of the Park,—

- |     |  |    |
|-----|--|----|
| (a) | remove any foreshore or seabed <u>or reclamation</u> from the Park; or   | 25 |
| (b) | remove any land of the Crown within a wetland from the Park; or  |    |
| (c) | with the consent of the local authority, remove any open space or building owned by a local authority and managed to protect its natural or historic values from the Park. | 30 |

**30C Removal of land in private ownership and certain fisheries from Park**

- |     |   |    |
|-----|---|----|
| (1) | The Minister may, by notice in the <i>Gazette</i> , remove from the Park— | 35 |
| (a) | any land in private ownership specified in <b>section 27</b> ; or         |    |

**New (majority)**

- (b) any taiapure-local fishery or mataitai reserve.
- (2) The Minister may remove the land, taiapure-local fishery, or mataitai reserve from the Park if the Minister considers that the inclusion of that land, taiapure-local fishery, or mataitai reserve in the Park is no longer serving the purpose of the Park. 5
- (3) The Minister must remove the land, a taiapure-local fishery, or a mataitai reserve from the Park within 20 working days (as defined in the Conservation Act 1987) of receipt of a notice requiring the removal of that land, taiapure-local fishery, or mataitai reserve from the Park, from the person whose consent was necessary for inclusion of that land, taiapure-local fishery, or mataitai reserve in the Park. 10

**31 Entries in register** 15  
*((Upon lodgement of a Gazette notice made in accordance with **section 31** or **section 34** with a District Land Registrar, that Registrar))* The Registrar-General of Land is authorised and directed to make such entry in the register and to do such other things as may be necessary to show the inclusion of land within the Park or the removal of land from the Park. 20

**32 Notation on survey office plans**  
 (4) The Chief Surveyor is authorised and directed to do such things as may be necessary to show on the survey office plans the inclusion of land within the Park or the removal of land from the Park. 25

*Deed of Recognition*

**33 Recognition of tangata whenua statement of relationship**  
 (1) The Crown or a local authority may acknowledge any statement of particular historic, traditional, cultural, and spiritual relationship of tangata whenua *((status))* of the Hauraki Gulf with any land, foreshore, or seabed in the Hauraki Gulf Marine Park by entering into a Deed of Recognition with *((an iwi))* tangata whenua in respect of that land, foreshore, or seabed. 30 35

- (2) A Deed of Recognition—
- (a) may not relate to any water:
  - (b) may not relate to any land included in the Park in accordance with **section 27**.

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**Struck out**

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- (3) The Minister or a local authority may acknowledge, in a Deed of Recognition with an iwi, a statement of relationship of a hapu or whanau with any land, foreshore, or seabed in the Hauraki Gulf.
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- (4) A Deed of Recognition—
- (a) may record the ~~((Minister's))~~ Crown's or local authority's acknowledgement referred to in **subsection (1)**; and
  - (b) must identify the area to which the Deed of Recognition relates; and
  - (c) may acknowledge, where appropriate, any statement of relationship by any ~~((other iwi))~~ others who claim tangata whenua status with the area; and
  - (d) without limiting **section 35**, must identify specific opportunities for contribution by tangata whenua to the management of the area by the ~~((Minister))~~ Crown or a local authority.
- (5) A Deed of Recognition may be amended or revoked by agreement between the parties.

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**34 Purpose of Deed of Recognition**

Without limiting **section 35**, the only purpose of a Deed of Recognition is to identify opportunities for contribution by tangata whenua to the management of an area by the ~~((Minister))~~ Crown or a local authority.

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**35 Effect of Deed of Recognition**

Except as provided in **section 33(4)(d)** and **section 34**, a Deed of Recognition—

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- (a) does not affect the exercise of any power or the carrying out of any function or duty by any person under any Act, regulation, or bylaw; and

- (b) must not be taken into account by any person in the exercise of any power or the carrying out of any function or duty under any Act, regulation, or bylaw by that person; and
- (c) does not permit any person, when considering any matter or making any decision or recommendation under any Act, regulation, or bylaw, to give any greater or lesser weight to a statement of relationship of tangata whenua with any area, as recorded in a Deed of Recognition, than that person would give under that Act, regulation, or bylaw if no Deed of Recognition existed recording that statement; and
- (d) does not affect the lawful rights or interests of any person; and
- (e) does not have the effect of granting, creating, or providing evidence of any estate or interest in or any rights of any kind whatever relating to any area referred to in a Deed of Recognition.

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**Struck out**

- 36 Other Deeds of Recognition** 20
- Where a person has entered into a Deed of Recognition of a statement of relationship between an iwi who claims tangata whenua status in a specified area, that Deed of Recognition does not prevent that person from entering into further Deeds of Recognition recognising statements of relationship with that area made by other iwi who claim tangata whenua status and who may have an historic, traditional, cultural, and spiritual relationship with that area. 25
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**New**

- 36 Other Deeds of Recognition** 30
- Where the Crown or local authority has entered into a Deed of Recognition for an area with tangata whenua, that Deed of Recognition does not prevent the Crown or local authority from entering into further Deeds of Recognition for that area
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**New**

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with other tangata whenua who may have an historic, traditional, cultural, and spiritual relationship with that area.

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**37 Notice of Deed of Recognition**

When the ~~((Minister))~~ Crown or local authority enters into a Deed of Recognition, or is a party to a Deed of Recognition that is amended or revoked, the ~~((Minister))~~ Crown or local authority, as the case may be, must, by notice in the *Gazette*, give notice of that Deed of Recognition or the amendment to, or revocation of, a Deed of Recognition. 5  
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**Part 4**  
**Miscellaneous**

**38 Consequential amendments**

The ~~<enactment specified in Schedule 2 is>~~ <enactments specified in Schedule 2 are> amended in the manner indicated in that schedule. 15

**New (majority)**

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**39 Map to indicate boundaries**

The catchment area and coastal marine area of the Hauraki Gulf are indicated in general terms only on the map in **Schedule 3**, and do not affect the definitions of the terms **coastal marine area**, **catchment**, or **Hauraki Gulf** in **section 2**, or any other provision of this Act. 20

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**Schedule 1**  
**Acts to which Part 1 applies**

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Biosecurity Act 1993 (Part V)	
Conservation Act 1987	
Fisheries Act 1983	5
Fisheries Act 1996	
Foreshore and Seabed Endowment Revesting Act 1991	
Harbour Boards Dry Land Endowment Revesting Act 1991	
Historic Places Act 1993	
Local Government Act 1974	10
Marine Farming Act 1971	
Marine Mammals Protection Act 1978	
Marine Reserves Act 1971	
National Parks Act 1980	
Native Plants Protection Act 1934	15
New Zealand Walkways Act 1990	
Queen Elizabeth the Second National Trust Act 1977	
Reserves Act 1977	
Resource Management Act 1991	
Soil Conservation and Rivers Control Act 1941	20
Trade in Endangered Species Act 1989	
Wild Animal Control Act 1977	
Wildlife Act 1953	

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## Schedule 2 Enactments amended

### New (majority)

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**Conservation Act 1987** (RS Vol 36, p 1)

Insert in section 17D (1), after the words “New Zealand Walkways Act 1990”, the words “Hauraki Gulf Marine Park Act **1999**: 5

Insert in section 17E(4), after the words “Marine Mammals Protection Act 1978”, the words “Hauraki Gulf Marine Park Act **1999**”.

**Environment Act 1986** (RS Vol 36, p 223)

Add to the First Schedule, after the item “Harbours Act 1950”, the 10  
item “Hauraki Gulf Marine Park Act **1999**”.

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**Local Government Official Information and Meetings Act 1987** (RS Vol 35, p 347)

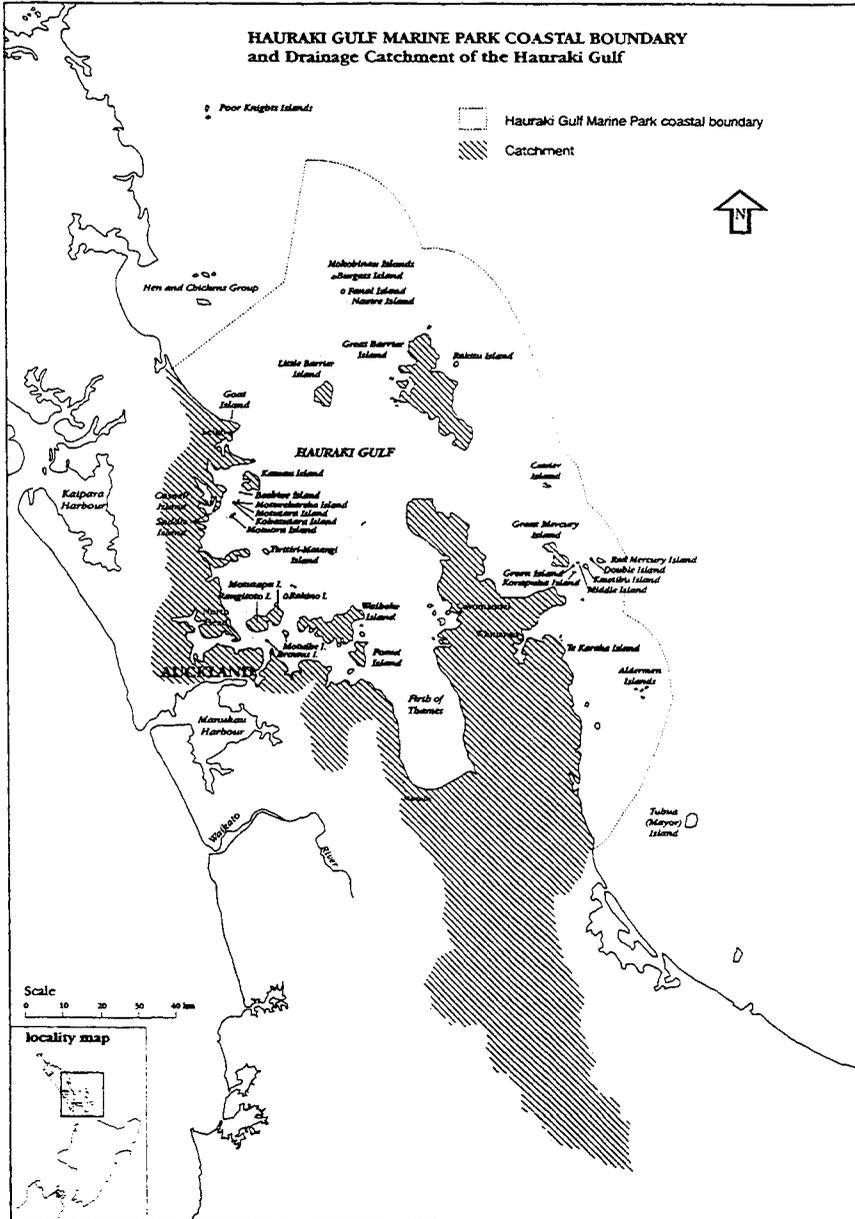
Insert in Part II of the First Schedule, after the item “The Greytown Trust Lands Trustees”, the item “Hauraki Gulf Forum”. 15

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New (majority)

### Schedule 3 Map to indicate Hauraki Gulf

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**New**

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s 25(5), (6), (7)

**Schedule 4**  
**Description of HMNZS Tamaki Reserve****Part 1****Defence Land Held as Historic Reserve** 5

All that land comprising 2.7755 hectares, more or less, being Section 3, SO Plan 69845.

**Part 2****Land Held as Reserve for Defence Purposes**

All that land comprising 8.2103 hectares, more or less, being Section 1 and Section 2, SO Plan 69845. 10

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**Legislative history**

24 November 1988	Introduction and first reading (Bill 244-1)
24 November 1988	Second reading and referral to Transport and Environment Committee
16 July 1999	Reported from Transport and Environment Committee (Bill 244-2)
29 July 1999	Consideration of report
22 February 2000	Committee stage (Bill 244-3)

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