

# **Historic Places Amendment Bill**

Government Bill

As reported from the Government Administration  
Committee

## **Commentary**

### **Recommendation**

The Government Administration Committee has examined the Historic Places Amendment Bill and recommends that it be passed with the amendments shown.

### **Introduction**

The bill amends the Historic Places Act 1993 to seek to strengthen the Historic Places Trust's governance arrangements and to ensure greater accountability. The bill also seeks to implement a more rigorous notification and submissions regime for affected parties when the Trust endeavours to register historic places, wahi tapu, historic areas or wahi tapu areas. Our commentary covers the bill as introduced, and the amendments proposed to the bill, in the appropriate order.

### **Historic Places Trust Board**

This bill proposes to strengthen the Trust's governance arrangements by reducing the size of the Trust Board from 11 to 9 members and increasing the number of Crown appointments from 3 to 6, while retaining the existing provision for three members to be elected by the Trust's subscribing membership. The Trust's accountability to the Government is also enhanced through the Crown Entities Act 2004 which makes the Trust an autonomous Crown entity.

### **Appointment of Board members**

Clause 19 of the bill requires the Minister to appoint at least three Board members with regard to their knowledge of te ao Maori (Maori world view) and tikanga Maori (Maori protocol and culture). The Historic Places Trust, and the Trust's Maori Heritage Council, consider that the bill should instead continue existing requirements that at least three Board members must be Maori. The Trust Board and Maori Heritage Council consider that the Trust Board requires persons of Maori ethnicity and whakapapa to effectively fulfil its functions in relation to Maori heritage.

However, after due consideration we are satisfied that the requirement that at least three Board members must be appointed with regard to their knowledge of te ao Maori and tikanga Maori will enable the Trust Board to fulfil effectively its particular responsibilities for Maori heritage. Consequently we do not recommend any change to this provision.

### **Deputy Chairperson**

The Historic Places Trust expressed its concern that the bill does not make specific provision for a permanent deputy chairperson of the Board. We were informed that the role of deputy chair has always been necessary to fulfil the statutory delegations in the Historic Places Act 1993. While the specific provision for a permanent deputy chairperson in the Historic Places Act was repealed by the Crown Entities Act 2004, we are pleased to note that the same Act, by making the Trust an autonomous Crown entity, provides in Schedule 5 a mechanism for the continued appointment of a deputy chairperson. We believe that this provision will meet the continuing needs of the Historic Places Trust Board.

### **Provisions relating to registration**

Clauses 9 to 13 of the bill require the Historic Places Trust to notify and invite submissions on all registration proposals under Part II of the Historic Places Act 1993. These amendments aim to improve transparency and accountability in the compilation of the Trust's register of places of historical and cultural heritage.

### **Public notification**

The Historic Places Trust expressed concern that the notification requirements in clauses 11 and 12 could prove to be unworkable in

some instances. The bill proposes that, in giving notice of a proposal to register an historic or wahi tapu area, the Trust is required to ascertain the names and also the addresses of the owners and persons with a registered interest. We note that any affected Maori land could have thousands of owners, and if such land were to be included in a proposal for registration, it might be impossible for the Trust and the relevant Council to determine the name and address of every owner.

We therefore recommend that section 31(3)(b) in clause 11 and section 32(3)(b) in clause 12 be amended so that notice should be given in writing of proposals for registration of historic areas and wahi tapu areas to such owners and persons having a registered interest whose names and usual or last known places of residence or business are known to the Trust or the Council, or which the Trust or the Council can ascertain from publicly available records. This would maintain the Trust's policy position that notification to owners and persons having a registered interest should be given wherever publicly available records make it possible to do so, and also recognises that, for notification to be practicable, not only names but also addresses are required.

### **Consultation with affected landowners**

A number of submitters expressed their concern that clauses 6 to 16, which detail the procedures for the registration of an historic area or wahi tapu area, will still enable these areas to be registered without proper consultation with affected landowners. However, we are satisfied that clauses 6 to 16 set out an appropriate consultative framework. We have already noted that the Trust is required to publicly notify and make reasonable efforts to contact every owner and person who has a registered interest in an historic area or wahi tapu area, and we are satisfied that all affected landowners will be able to make submissions on any proposal.

We also note clause 16 will reduce the time allowed for the Trust to undertake a review of registration from 2 years to 1 year. We are confident this will promote administrative efficiency and certainty for property owners as well as address the concern of some submitters that the current period is unnecessarily long. Clause 16 also clarifies that no person can apply for a review of registration within three years of the date a registration or the last review occurs. Despite the concerns of some submitters, we are satisfied that the

three-year period in clause 16 continues existing requirements and reflects the original intent of the bill.

### **National minority view**

National opposes the bill, our two primary concerns being as follows: The proposal relating to board membership which will result in a predominance of ministerial appointments (from 3 out of 11 to 6 out of 9) is not justified. The explanation that the proposed change better reflects the funding arrangements for the NZHP Trust overlooks the value of having independent Trustees contributing to this important area, and does little to minimise the potential for ministerial influence in the Trust's activities.

Second, the bill fails to provide a satisfactory solution to the contentious issue of 'wahi tapu'. The proposals put forward in the bill are of minor value in the context of the need to provide greater clarity where competing interests are considered to be at stake. In particular, National believes that the definition of 'wahi tapu' in the bill is far too broad to be meaningful, and that a clearer and more concise definition should be included, so that Maori and other New Zealanders can have certainty about the areas affected.

## **Appendix**

### **Committee process**

The Historic Places Amendment Bill was referred to the committee on 9 September 2004. The closing date for submissions was 29 October 2004. We received and considered 7 submissions from interested groups and individuals. We heard 3 submissions. Hearing of evidence took 40 minutes and consideration took 1 hour and 20 minutes.

We received advice from the Ministry for Culture and Heritage.

### **Committee membership**

Dianne Yates (Chairperson)

Shane Ardern (Deputy Chairperson)

Steve Chadwick

Hon David Cunliffe

Lindsay Tisch

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

**Struck out (majority)**

Subject to this Act,

Text struck out by a majority

**New (majority)**

Subject to this Act,

Text inserted by a majority

<Subject to this Act,>

Words struck out by a majority

<Subject to this Act.>

Words inserted by a majority

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*Hon Judith Tizard*

# Historic Places Amendment Bill

Government Bill

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

### **1 Title**

- (1) This Act is the Historic Places Amendment Act **2004**.
- (2) In this Act, the Historic Places Act 1993<sup>1</sup> is called “the principal Act”.

<sup>1</sup> 1993 No 38

### **2 Commencement**

This Act comes into force on **1 July 2005**.

## Part 1 Amendments to principal Act

### 3 Interpretation

- (1) Section 2 of the principal Act is amended by adding to paragraph (a)(iii) of the definition of **historic place** the word “; or”, and also by inserting, after that subparagraph, the following subparagraph: 5
- “(iv) any combination of land, buildings or structures, and associated buildings or structures (including any part of those buildings or structures, or associated buildings or structures)” 10
- (2) Section 2 of the principal Act is amended by inserting in paragraph (a) of the definition of **historic place**, after the word “forms”, the words “a place that is”.
- (3) Section 2 of the principal Act is amended by repealing paragraph (b) of the definition of **regional council**. 15
- (4) Section 2 of the principal Act is amended by omitting from paragraph (b) of the definition of **working day** the expression “15th”, and substituting the expression “10th”.

### 4 Rights of appeal 20

Section 20(6) of the principal Act is amended by adding the following paragraph:

- “(f) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.” 25

### 5 New section 20A inserted

The principal Act is amended by inserting, after section 20, the following section:

#### “20A Commencement of authority

- “(1) An authority granted under this Act by the Trust commences when— 30
- “(a) the time for lodging appeals under section 20(1)(c), (d), (e), (f), or (g) expires and no appeals have been lodged; or
- “(b) the Environment Court determines any appeals lodged under section 20(1)(c), (d), (e), (f), or (g); or 35
- “(c) all appellants withdraw their appeals lodged under section 20(1)(c), (d), (e), (f), or (g).

- “(2) **Subsection (1)** applies subject to the authority or a determination of the Environment Court specifying a later commencement date.  
Compare: 1991 No 69 s 116(1)”.
- 6 Provisions relating to historic places** 5  
Section 24(3)(b)(iii) of the principal Act is amended by inserting, after the word “authority”, the words “and regional council”.
- 7 Provisions relating to wahi tapu** 10  
Section 25(3)(b)(ii) of the principal Act is amended by inserting, after the word “authority”, the words “and regional council”.
- 8 Interim registration** 15  
(1) Section 26(3)(a) of the principal Act is amended by omitting the words “section 29 or section 30”, and substituting the words “**section 32B or section 32C**”.
- (2) Section 26(3)(a) and (b) is amended by omitting the word “final”.
- 9 New section 28 substituted** 20  
The principal Act is amended by repealing section 28, and substituting the following section:
- “**28 Procedure if registration of historic place or wahi tapu proposed**
- “(1) The following persons may make written submissions on a proposal under section 24 to register an historic place or on an application under section 25 to enter a wahi tapu on the Register: 25
- “(a) the owner of the historic place or wahi tapu:
- “(b) any occupier of the historic place or wahi tapu:
- “(c) any person having a registered interest in the historic place or wahi tapu: 30
- “(d) any incorporated society or body corporate engaged in or having as one of its objects the protection of historical and cultural heritage:
- “(e) the territorial authority and regional council having jurisdiction in the area: 35
- “(f) the appropriate iwi.

- “(2) Submissions may be made on a proposal or application whether or not interim registration of the historic place that the proposal relates to or of the wahi tapu that the application relates to has been granted.
- “(3) In the case of an interim registration, submissions must be made to the Trust or Council, as the case may require, within 20 working days after the date of the public notification of the grant of interim registration. 5
- “(4) In all other cases, submissions must be made to the Trust or Council, as the case may require, within— 10
- “(a) 20 working days after the public notification of the proposal or application; or
- “(b) any longer period specified by the Trust or Council in a particular case, but not longer than 40 working days after the public notification of the proposal or application. 15
- “(5) The Council may make any inquiries that it sees fit before deciding whether to register a wahi tapu.
- “(6) If the Trust considers that an historic place proposed for registration is of Maori interest, the Trust must refer the proposal to the Council for its recommendation as to whether the historic place should be registered. 20
- “(7) When deciding whether to register an historic place, the Trust may reconsider the category of registration proposed of the place concerned and alter the category if it considers this action appropriate.” 25
- 10 Sections 29 and 30 repealed**  
Sections 29 and 30 of the principal Act are repealed.
- 11 Provisions relating to historic areas**  
 <The> <Section 31 of the> principal Act is amended by 30  
 repealing <section 31(3)> <subsections (3)> to (6), and substituting the following subsections:
- “(3) If satisfied that the proposal is supported by sufficient evidence, the Trust must—
- “(a) publicly notify the proposal for registration in the manner that the Trust considers appropriate; and 35

**Struck out (majority)**

- “(b) give notice in writing of the proposal to the following persons known to the Trust or whom the Trust can ascertain from publicly available records:
  - “(i) every owner of the historic area or part of the historic area; and
  - “(ii) every person having a registered interest in the historic area or part of the historic area; and
  - “(iii) the relevant territorial authority and regional council.

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**New (majority)**

- “(b) give notice in writing of the proposal to—
  - “(i) any person that—
    - “(A) is an owner of the historic area or part of the historic area; or
    - “(B) has a registered interest in the historic area or part of the historic area; and
  - “(ii) the relevant territorial authority and regional council.
- “(3A) Despite **subsection (3)(b)**, the Trust is not required to give notice under **subsection (3)(b)(i)** if—
  - “(a) the person is both—
    - “(i) unknown to the Trust; and
    - “(ii) unidentifiable by the Trust from publicly available records; or
  - “(b) the person’s address is both—
    - “(i) unknown to the Trust; and
    - “(ii) unidentifiable by the Trust from publicly available records.

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- “(4) An owner of an historic area or part of an historic area who receives a notice under **subsection <(3)(b)(i)> <(3)(b)(i)(A)>** must give notice in writing of the proposal to any occupiers of the historic area or part of the historic area owned by the owner.
- “(5) Failure to give notice under **subsection (4)** does not invalidate the registration process.
- “(6) In the case of an application affecting Maori land, the Trust must give notice of the application to the appropriate Registrar

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of the Maori Land Court, who must record the notice in the Court records.

**New (majority)**

- “(7) For the purposes of this section, **address** means usual or last known place of—
- “(a) residence; or
  - “(b) business.”

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**12 Provisions relating to wahi tapu areas**

⟨The⟩ ⟨Section 32 of the⟩ principal Act is amended by repealing ⟨section 32(3)⟩ ⟨subsections (3)⟩ to (6), and substituting the following subsections:

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- “(3) If satisfied that the proposal is supported by sufficient evidence, the Council must—
- “(a) publicly notify the proposal for registration in the manner that the Council considers appropriate; and

**Struck out (majority)**

- “(b) give notice in writing of the proposal to the following persons known to the Council or whom the Council can ascertain from publicly available records:
  - “(i) every owner of the wahi tapu area or part of the wahi tapu area; and
  - “(ii) every person having a registered interest in the wahi tapu area or part of the wahi tapu area; and
  - “(iii) the relevant territorial authority and regional council; and
  - “(iv) the appropriate iwi.

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**New (majority)**

- “(b) give notice in writing of the proposal to—
  - “(i) any person that—
    - “(A) is an owner of the wahi tapu area or part of the wahi tapu area; or
    - “(B) has a registered interest in the wahi tapu area or part of the wahi tapu area; and

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**New (majority)**

- “(ii) the relevant territorial authority and regional council; and
- “(iii) the appropriate iwi.
- “(3A) Despite **subsection (3)(b)**, the Council is not required to give notice under **subsection (3)(b)(i)** if— 5
  - “(a) the person is both—
    - “(i) unknown to the Council; and
    - “(ii) unidentifiable by the Council from publicly available records; or
  - “(b) the person’s address is both— 10
    - “(i) unknown to the Council; and
    - “(ii) unidentifiable by the Council from publicly available records.
- “(4) An owner of a wahi tapu area or part of a wahi tapu area who receives a notice under **subsection <(3)(b)(i)> <(3)(b)(i)(A)>** must give notice in writing of the proposal to any occupiers of the wahi tapu area or part of the wahi tapu area owned by the owner. 15
- “(5) Failure to give notice under **subsection (4)** does not invalidate the registration process. 20
- “(6) In the case of an application affecting Maori land, the Trust must give notice of the application to the appropriate Registrar of the Maori Land Court, who must record the notice in the Court records.

**New (majority)**

- “(7) For the purposes of this section, **address** means usual or last known place of— 25
  - “(a) residence; or
  - “(b) business.”

**13 New sections 32A to 32D inserted** 30  
 The principal Act is amended by inserting, after section 32, the following sections:

**“32A Procedure if registration of historic area or wahi tapu area proposed**

- “(1) The following persons may make written submissions on a proposal under section 31 to register an historic area or on a proposal under section 32 to enter a wahi tapu area on the Register: 5
- “(a) every owner of the historic area or wahi tapu area, or part of the historic area or wahi tapu area:
- “(b) any occupier of the historic area or wahi tapu area, or part of the historic area or wahi tapu area: 10
- “(c) every person having a registered interest in the historic area or wahi tapu area, or part of the historic area or wahi tapu area:
- “(d) any incorporated society or body corporate engaged in or having as one of its objects the protection of historical and cultural heritage: 15
- “(e) the relevant territorial authority and regional council:
- “(f) the appropriate iwi.
- “(2) The submissions must be made to the Trust or Council, as the case may require, within— 20
- “(a) 20 working days after the public notification of the proposal or application; or
- “(b) any longer period specified by the Trust or Council in a particular case, but not longer than 40 working days after the public notification of the proposal or application. 25
- “(3) The Council may make any inquiries that it sees fit before deciding whether to register a wahi tapu area.
- “(4) If the Trust considers that an historic area proposed for registration is of Maori interest, the Trust must refer the proposal to the Council for its recommendation as to whether the historic area should be registered. 30

**“32B Registration may be confirmed by agreement**

- The Trust or the Council (as the case may be) may confirm the registration of the historic place, wahi tapu, historic area, or wahi tapu area at any time— 35
- “(a) after notice of a proposal has been given under **section 24(3)(b), section 25(3)(b), section 31(3)(b), or section 32(3)(b)**; and

“(b) with the agreement of all owners and all persons holding a registered interest.

“32C **When registration occurs**

- “(1) An historic place, a wahi tapu, an historic area, or a wahi tapu area is registered when— 5
  - “(a) either—
    - “(i) the Trust (in the case of an historic place or historic area) or the Council (in the case of a wahi tapu or wahi tapu area) has confirmed its registration; or 10
    - “(ii) its registration has been confirmed by agreement under **section 32B**; and
  - “(b) every owner of the historic place, wahi tapu, historic area, or wahi tapu area has received a notice under **subsection (2)(b)**. 15
- “(2) The Trust or the Council (as the case may require) must—
  - “(a) publicly notify the registration; and
  - “(b) give written notice of the registration to *⟨the persons identified in⟩* ⟨any person that has been given notice under⟩ **section 24(3)(b), section 25(3)(b), section 31(3)(b), or section 32(3)(b)**. 20

“32D **Territorial authorities and regional councils must have particular regard to recommendations**

- “(1) In respect of any registered historic area, the Trust may make recommendations to the territorial authority and regional council where the historic area is located as to the appropriate measures that the authority or council should take to assist in the conservation and protection of the historic area. 25
- “(2) In respect of any registered wahi tapu area, the Council may make recommendations to the territorial authority and regional council where the wahi tapu area is located as to the appropriate measures that the authority or council should take to assist in the conservation and protection of the wahi tapu area. 30
- “(3) A territorial authority or regional council receiving recommendations under **subsection (1) or subsection (2)** must have particular regard to the Trust’s or the Council’s recommendations.” 35

- 14 Proposals affecting registered wahi tapu areas**  
Section 33(2) of the principal Act is amended by inserting, after the word “authority,” the words “the relevant regional council,”.
- 15 Records to be supplied to territorial authorities** 5  
Section 34(2)(b) of the principal Act is amended by omitting the words “section 30(2)(b) of this Act of final”, and substituting the expression “**section 32C(2)(b) or section 37(7) or section 37A(b)** of”.
- 16 New sections 37 and 37A substituted** 10  
The principal Act is amended by repealing section 37, and substituting the following sections:
- “37 Review, variation, or removal of registration**
- “(1) The Trust (in the case of an historic place or historic area) or the Council (in the case of a wahi tapu or wahi tapu area) may, at any time, review the registration of the historic place, historic area, wahi tapu, or wahi tapu area. 15
- “(2) Any person may—
- “(a) apply to the Trust for a review of the registration of any historic place or historic area: 20
- “(b) apply to the Council for a review of the registration of any wahi tapu or wahi tapu area.
- Struck out (majority)**
- “(3) However, no person may apply for a review of a registration within 3 years after the date of the last review of the registration. 25
- New (majority)**
- “(3) However, no person may apply for a review of a registration within 3 years after the date of—

“(a) the registration; or

“(b) the last review of the registration.
- “(4) An application for the review of a registration must be made in the prescribed form (if any) and state the grounds for review. 30

- “(5) An application for the review of registration must be considered by the Trust or the Council (as the case may be) not later than <2 years> <1 year> after the date of its receipt by the Trust or the Council.
- “(6) However, the Trust or the Council (as the case may be)— 5  
 “(a) may decline to consider any application that does not state any grounds for review or if it considers that the grounds stated are insufficient to justify a review; and  
 “(b) must notify the applicant of its decision in writing.
- “(7) If the Trust or the Council decides to review a registration (whether on its own initiative or as a result of an application), the Trust or the Council (as the case may be) must conduct the review in the same manner as if it were a proposal for registration or an application to enter on the Register (as appropriate) under this Act. 10 15
- “(8) When its review is completed, the Trust or the Council (as the case may be) may—  
 “(a) vary the registration; or  
 “(b) remove the registration; or  
 “(c) confirm the registration; or 20  
 “(d) in the case of an historic place, change or confirm the category of registration.
- “(9) If the Trust has, as part of its review, publicly notified a proposal to change the category of a registered historic place to Category I,— 25  
 “(a) the Trust may apply section 194 of the Resource Management Act 1991 until the Trust has finally dealt with the application, as if the application were a notice of a requirement for a heritage order; and  
 “(b) if the Trust applies section 194 of the Resource Management Act 1991, section 195 of that Act applies. 30
- “37A **Removal of registration in cases of destruction or demolition**  
 If an historic place, a wahi tapu, an historic area, or a wahi tapu area is destroyed or demolished, the Trust or the Council (as the case may be)— 35  
 “(a) may, after making any inquiries that it sees fit, remove the registration of that historic place, wahi tapu, historic area, or wahi tapu area; and

“(b) must, as soon as practicable after removing a registration, notify in writing the relevant territorial authority and regional council.”

**Struck out (majority)**

- |           |   |                            |
|-----------|---|----------------------------|
| <b>17</b> | <b>New Zealand Historic Places Trust (Pouhere Taonga)</b><br>Section 38 of the principal Act is amended by adding the following subsection:<br>“(3) The Trust is a Crown entity for the purposes of the Public Finance Act 1989.”   | 5                          |
| <b>18</b> | <b>Functions of Trust</b><br>(1) Section 39(a) of the principal Act is amended by inserting, after the word “conserve”, the words “wahi tapu,”.<br>(2) Section 39(b) of the principal Act is amended by inserting, after the word “of”, the words “wahi tapu,”.<br>(3) Section 39(d) of the principal Act is amended by inserting, after the word “of”, the words “wahi tapu,”.   | 10<br><br><br>15           |
| <b>19</b> | <b>New section 42 substituted</b><br>The principal Act is amended by repealing section 42, and substituting the following section:<br>“42 <b>Membership of Board</b><br>“(1) The membership of the Board consists of 9 persons, of whom—<br>“(a) 3 are elected by the members of the Trust in accordance with regulations made under section 113(a); and<br>“(b) 6 are appointed by the Minister.<br>“(2) The persons appointed under <b>subsection (1)(b)</b> must have the skills, knowledge, or cultural background appropriate to the functions and powers of the Trust.<br>“(3) At least 3 of the persons appointed under <b>subsection (1)(b)</b> must, in the opinion of the Minister after consultation with the Minister of Maori Affairs, be qualified for appointment, having regard to their knowledge of te ao Maori (Maori worldview) and tikanga Maori (Maori protocol and culture). | 20<br><br><br>25<br><br>30 |

**Struck out (majority)**

“(4) The Minister must designate one of the persons appointed under **subsection (1)(b)** as the Chairperson of the Board.”

**New (majority)**

“(4) One of the persons appointed under **subsection (1)(b)** must be appointed as Chairperson.

“(5) The appointments made under **subsections (1)(b) and (4)** must be made in accordance with the Crown Entities Act 2004.” 5

**20 Term of office of <elected> members of Board**

**Struck out (majority)**

(1) Section 43(1) of the principal Act is amended by omitting the words “paragraph (a) or paragraph (b) or paragraph (d) of section 42 of this Act”, and substituting the expression “**section 42(1)(b)**”. 10

(2) Section 43(2) of the principal Act is amended by omitting the expression “section 42(c)”, and substituting the expression “**section 42(1)(a)**”.

**21 Section 51 repealed** 15  
Section 51 of the principal Act is repealed.

**22 Powers of Trust**  
Section 54(2) of the principal Act is amended by repealing paragraph (l), and substituting the following paragraph: 20  
“(l) appoint and remove Board committees and their members, and establish and disestablish Branch committees:”.

**23 Rules of Trust**  
(1) Section 60(1)(d) of the principal Act is amended by inserting, after the word “establishment,”, the word “disestablishment,”. 25

- (2) Section 60(1)(e) of the principal Act is amended by omitting the words “and branch committees”.
- (3) Section 60(1) of the principal Act is amended by inserting, after paragraph (e), the following paragraph:
- “(ea) providing for the election and removal of members of branch committees:”.

**Struck out (majority)**

**24 Section 79(2) repealed**

Section 79(2) of the principal Act is repealed.

**25 Maori Heritage Council**

The principal Act is amended by repealing section 84(2), and substituting the following subsection: 10

- “(2) The membership of the Council consists of—
- “(a) 3 members of the Board who have been appointed in accordance with **section 42(3)**; and
- “(b) 1 member of the Board who has been either appointed or elected under **section 42(1)**; and 15
- “(c) 4 persons who—
- “(i) are Maori; and
- “(ii) have the skills, knowledge, or cultural background appropriate to the functions and powers of the Council; and 20
- “(iii) are appointed by the Minister after consultation with the Minister of Maori Affairs and the Board.”

**26 Strict liability and defences** 25

Section 106(2)(b) of the principal Act is amended by omitting the word “either”.

**Part 2**

**Transitional provisions *<and consequential amendments>*** 30

**27 Transitional provisions**

- (1) A person elected to the Board under the principal Act before the commencement of this Act continues in office until new

elections are held under regulations made under section 113(a) of the principal Act.

- (2) Any appointment to the Board under the principal Act before the commencement of this Act expires when this Act comes into force. 5
- (3) Any appointment to the Council made—
  - (a) under section 84(2)(a), (b), or (c) of the principal Act before the commencement of this Act expires when this Act comes into force; and
  - (b) by the Minister under the principal Act before the commencement of this Act expires when the term of that appointment ends. 10

**Struck out (majority)**

**28 Consequential amendments**

- (1) The Fourth Schedule of the Public Finance Act 1989 is amended by inserting, in its appropriate alphabetical order, the following item: 15  
 New Zealand Historic Places Trust (Pouhere Taonga)
- (2) The Fifth Schedule of the Public Finance Act 1989 is amended by inserting, in its appropriate alphabetical order, the following item: 20  
 New Zealand Historic Places Trust (Pouhere Taonga)
- (3) The Sixth Schedule of the Public Finance Act 1989 is amended by inserting, in its appropriate alphabetical order, the following item: 25  
 New Zealand Historic Places Trust (Pouhere Taonga)

**Legislative history**

5 August 2004	Introduction (Bill 162-1)
9 September 2004	First reading and referral to Government Administration Committee