

House of Representatives

Supplementary Order Paper

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Tuesday, 12 September 2000
Archives, Culture, and Heritage Reform Bill

Proposed amendment

Hon Mark Burton, in Committee, to move the following amendment:

Schedule

To insert on page 9, after the items relating to section 107 of the Historic Places Act 1993, the following item:

Add to section 115, as subsection (2):

- “(2) This Act must continue to be interpreted and administered to give effect to the principles of the Treaty of Waitangi, unless the context otherwise requires, even though this Act is no longer—
- “(a) administered by the Department of Conservation; or
 - “(b) included in the First Schedule of the Conservation Act 1987.”

Explanatory note

This Supplementary Order Paper amends the Schedule of the Archives, Culture, and Heritage Reform Bill, by adding a provision to the Historic Places Act 1993 requiring that Act to continue to be interpreted and administered to give effect to the principles of the Treaty of Waitangi, unless the context otherwise requires. The Historic Places Act 1993 is currently listed in the First Schedule of the Conservation Act 1987 as one of the Acts administered by the Department of Conservation.

In *Ngai Tahu Maori Trust Board v Director-General of Conservation* [1995] 3 NZLR 553, it was held by the Court of Appeal that, in general, and subject to the provisions of the particular Act, every Act listed in the First Schedule of the Conservation Act 1987 (as well as the Conservation Act itself) is subject to the

requirement in section 4 of the Conservation Act 1987 that the Act be interpreted and administered to give effect to the principles of the Treaty of Waitangi. The purpose of the amendment contained in this Supplementary Order Paper is to preserve the existing role played by the Treaty of Waitangi in relation to the interpretation and administration of the Historic Places Act 1993, even though that Act will no longer be administered by the Department of Conservation or included in the First Schedule of the Conservation Act.
