



House of Representatives

Supplementary Order Paper

Thursday, 10 February 2000

Hauraki Gulf Marine Park Bill

Proposed amendments

Hon Sandra Lee, in Committee, to move the following amendments:

New clause 1A

To insert, after *clause 1* on page 3, the following clause:

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:
- (b) establish the Hauraki Gulf Marine Park:
- (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:
- (e) establish the Hauraki Gulf Forum.

Clause 2

To insert in line 28 on page 5, after the words “ ‘Hauraki Gulf’ or ‘Gulf’ ”, the words “(which is generally referred to by Maori by the names Tikapa Moana and Te Moananui a Toi)”.

Clause 4

To omit this clause from page 7, and substitute the following clause:

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).

- (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.
- (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.

Clause 8(1)(h)

To omit from line 8 on page 12 the expression “section 6”, and substitute the expression “section 4”.

Clause 11

To omit from line 38 on page 12 the words “the Crown’s”, and substitute the word “any”.

To add the following subclause:

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

Clause 15

To omit this clause from page 17.

Clause 17

To omit this clause from page 19, and substitute the following clause:

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.
- (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.
- (4) The Forum may appoint such subcommittees as it considers appropriate.

New clause 20B

To insert, after *clause 20A* on page 21, the following clause:

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.

- (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.
- (3) A constituent party appointed as the administering authority may be reappointed.
- (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.
- (5) For administrative purposes, the Forum is to be treated as a committee of the administering authority.

Clause 21

To omit paragraph (b) of subclause (1) on page 22, and substitute the following paragraph:

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

To insert, after subclause (1) (after line 1 on that page), the following subclause:

- (1A) If there is no agreement between the Minister and tangata whenua representatives under **subsection (1)(b)**, the Minister may make such payment to the tangata whenua representatives as the Minister considers appropriate in the circumstances.

Clause 25

To add the following subclauses:

- (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 that Act; 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 that Act; 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.

Clause 30B

To insert in line 9 on page 32, after the word “seabed”, the words “or reclamation”.

Clause 31

To omit from lines 32 to 34 on page 32 the words “Upon lodgement of a *Gazette* notice made in accordance with **section 31** or **section 34** with a District Land Registrar, that Registrar”, and substitute the words “The Registrar-General of Land”.

New Schedule 4

To add the following schedule:

s 25(5), (6)

Schedule 4

Description of HMNZS Tamaki Reserve

Part 1

Defence Land Held as Historic Reserve

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.

Explanatory note

This Supplementary Order Paper contains the following substantive amendments to the Bill:

- *Clause 1A* sets out the purpose of the Bill.
- *Clause 2* inserts the Maori names for the Hauraki Gulf.
- *Clause 4*, which preserves the obligations of persons in respect of the Treaty of Waitangi under the Acts listed in *Schedule 1*, is redrafted in a more positive form and incorporates *clause 15* (the obligation of the Forum to have regard to the principles of the Treaty).
- *Clause 8* removes an incorrect section reference in relation to the New Zealand Walkways Act 1990 and substitutes the correct section reference.
- *Clause 11*, which preserves existing rights in respect of the Hauraki Gulf Marine Park, is amended to ensure that it does not affect remedies available to claimants.
- *Clause 15* is omitted as reference to the need to have regard to the principles of the Treaty of Waitangi is included in *Clause 4*.
- *Clause 17* provides that this clause is subject to *clause 20B* and removes incorrect section references in relation to the Local Government Act 1974 and substitutes the correct section references.
- *New clause 20B* is inserted to provide for an administering authority to administer and service the Forum.
- *Clause 21*, which relates to the payment of tangata whenua representatives of the Forum, is amended to enable the Minister to fix the level of payment in the absence of an agreement with the representatives.
- *Clause 25* is amended and *Schedule 4* is added to set apart certain land in the Park that is presently used for defence purposes.
- *Clause 30B* enables the Minister of Conservation to remove a reclamation from the Park.
- *Clause 31* corrects some cross-referencing errors.