

# House of Representatives

## Supplementary Order Paper

Tuesday, 3 May 2005

### Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Bill

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#### *Proposed amendments*

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

#### *Preamble*

To omit from *recital 32* of the English text the words “Ngāti Tuwharetoa (Bay of Plenty) around Kawerau” (lines 29 and 30 on page 37), and substitute the words “Ngāti Tuwharetoa around the Kawerau area”.

#### *Clause 8(3)(d)*

To omit the word “Plenty” the first time it appears (line 20 on page 46), and substitute the word “Plenty’s”.

#### *Clause 12*

To omit from *paragraph (a)* of the definition of **representative entity** the words “Ngāti Tuwharetoa (Bay of Plenty)” (line 8 on page 53).

To insert, in *paragraph (b)(iii)* of the definition of **representative entity** after the word “more” (line 16 on page 53), the word “of”.

To omit from the definition of **statutory area** the expression “**8A**” (line 7 on page 54), and substitute the expression “**8**”.

#### *Clause 16*

To omit the words “inserting, after subsection (24),” (line 35 on page 58), and substitute the word “adding”.

#### *Clause 45*

To omit from *paragraph (b)* of the definition of **geothermal energy** and **geothermal water** the word “does” (line 10 on page 72), and substitute the word “do”.

#### *Clause 47(1)(c)*

To insert, after the word “use” (line 13 on page 73), the words “by Ngāti Tuwharetoa (Bay of Plenty)”.

*Clause 62*

To omit the word “or” (line 14 on page 79), and substitute the word “nor”.

*Subpart 4 of Part 4*

To omit this *subpart* (clauses 64 to 75) (line 1 on page 80 to line 31 on page 82), and substitute the following subpart:

Subpart 4—Joint advisory committee for Matata Scenic Reserve, Whakapaukorero, and Te Awa a Te Atua

**64 Interpretation**

In this subpart, unless the context otherwise requires,—

**joint advisory committee** or **committee** means the committee appointed under subpart 4 of Part 4 of the Ngāti Awa Claims Settlement Act 2005

**Minister** means the Minister of Conservation

**Whakapaukorero** has the same meaning as in **section 27**.

**65 Appointment of members to joint advisory committee**

(1) In addition to the members appointed under section 60(1) of the Ngāti Awa Claims Settlement Act 2005, the Minister must appoint to the joint advisory committee 2 members nominated by the governance entity.

(2) Section 60(2) to (4) of the Ngāti Awa Claims Settlement Act 2005 applies to members appointed under **subsection (1)**.

**66 Constitution of joint advisory committee**

In addition to the members referred to in section 61 of the Ngāti Awa Claims Settlement Act 2005, the joint advisory committee also consists of the 2 members appointed under **section 65** of this Act.

**67 Functions of joint advisory committee**

In addition to the functions of the joint advisory committee specified in section 62 of the Ngāti Awa Claims Settlement Act 2005, a function of the committee is to advise the governance entity on conservation matters affecting Whakapaukorero.

**68 Advice on Whakapaukorero**

The governance entity must have regard to the advice of the joint advisory committee in relation to conservation matters affecting Whakapaukorero.

**69 Vacancy in membership of committee**

No act or proceeding of the joint advisory committee is invalid merely because of a failure of the governance entity to nominate persons as members of the committee under **section 65**.

**70 Costs and expenses of committee**

The governance entity must meet the costs relating to the joint advisory committee as set out in clause 5.8.6 of the deed of settlement.

*Clause 85(2)*

To omit the expression “**section 78**” (line 2 on page 86), and substitute the expression “**section 80**”.

*Clause 113*

To omit from *paragraph (c)(ii)* the word “that” (line 16 on page 95).

*Clause 119(1)*

To omit the word “an” (line 9 on page 97), and substitute the word “the”.

*Clause 129*

To omit from *subclause (2)* the expression “**subsection (2)**” (line 28 on page 101), and substitute the expression “**subsection (1)**”.

To omit from *subclause (3)(b)* the word “with” (line 11 on page 102), and substitute the word “within”.

*Schedule 4*

To omit the words “Tuwharetoa’s descendants” (line 20 on page 106), and substitute the words “the descendants of Tuwharetoa”.

*Schedule 6*

To omit the words “Tuwharetoa’s first-born (matamua) son” (line 18 on page 112), and substitute the words “the first-born (matamua) son of Tuwharetoa”.

*Schedule 7*

To omit the words “water course” (line 30 on page 116), and substitute the word “watercourse”.

*Schedule 8*

To omit the words “water course” (line 9 on page 120), and substitute the word “watercourse”.

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### Explanatory note

This Supplementary Order Paper proposes to amend the Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Bill as follows:

*Amendments to joint advisory committee*

The provisions set out in *subpart 4 of Part 4 (clauses 64 to 75)*, which relates to the joint advisory committee for Matata Scenic Reserve, Whakapaukorero, and Te Awa a Te Atua are proposed to be omitted and replaced with *new subpart 4 of Part 4 (new clauses 64 to 70)*. This is a consequential amendment arising from the passage of the Ngāti Awa Claims Settlement Act 2005, which has established a joint advisory committee for these sites. The effect of *new subpart 4 of Part 4* is to add 2 members nominated by the governance entity to that committee and to extend the functions of the committee to include advising on conservation matters affecting the Whakapaukorero defined in *clause 27* of the Bill.

*Technical amendments*

The amendments to *recital 32* of the English text of the *Preamble* and to *clauses 8(3)(d), 12, 16, 45, 47(1)(c), 62, 85(2), 113, 119(1), 129, and Schedules 4, 6, 7, and 8* are drafting changes of a tidying-up nature.

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