



HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Tuesday, 7 September 1999

NGĀTI TŪRANGITUKUA CLAIMS SETTLEMENT BILL

*Proposed Amendments*

Rt Hon Sir DOUGLAS GRAHAM, in Committee, to move the following amendments:

*Clause 7:* To omit from the definition of the term "Turangi Township" the expression "0000" (in line 25 on page 13), and substitute the expression "38104".

*New clause 23A inserted:* To insert, after *clause 23* (after line 3 on page 20), the following clause:

**23A. Intermediate vesting of certain reserves in the Crown before fee simple estate vests in Ngāti Tūrangitukua Charitable Trust—**(1) This section applies to the revocation of a reserve as a reserve under **section 24 (3), section 25 (2), or section 26 (3)** if the reserve is—

- (a) A Crown reserve; or
- (b) A Council reserve that, immediately before it was vested in the Council, was owned by the Crown.

(2) Before the fee simple estate in a reserve vests in the Ngāti Tūrangitukua Charitable Trust under **section 24 (4), section 25 (3), or section 26 (4)**, the reserve vests in the Crown.

*Clause 24:* To add (after line 13 on page 20) the following subclause:

- (5) **Subsection (4)** is subject to **section 23A**.

*Clause 25:* To add (after line 20 on page 20) the following subclause:

- (4) **Subsection (3)** is subject to **section 23A**.

*Clause 26:* To add (after line 31 on page 20) the following subclause:

- (5) **Subsection (4)** is subject to **section 23A**.

*Clause 27:* To omit *subclause (3)* (lines 1 to 10 on page 21), and substitute the following subclause:

(3) Each Crown reserve or council reserve must be controlled and managed by the Council—

- (a) As if it were classified as a local purpose reserve under the Reserves Act 1977 for the purpose of community buildings or drainage or waterworks where that purpose is specified in **column 4 of Parts 5 and 7 of Schedule 3**:

- (b) As if it were classified as a recreation reserve under the Reserves Act 1977 where that purpose is specified in **column 4 of Parts 3 to 6 of Schedule 3.**

*New clause 27A inserted:* To insert, after *clause 27* (after line 32 on page 21), the following clause:

**27A. Power to make bylaws**—Sections 106 to 108 of the Reserves Act 1977 apply in respect of the Crown reserves and council reserves as if—

- (a) The Crown reserves and council reserves were reserves under that Act; and  
 (b) The Council were the administering body of the Crown reserves and council reserves as reserves under that Act.

*Clause 28:* To insert, after the expression “**column 4**” (in line 36 on page 21), the word “**of**”.

*Clause 29:* To omit the expression “**and 31**” (in line 3 on page 22), and substitute the expression “**, 31, and 36**”.

*Clause 30:* To omit from *subclause (2)* the expression “**Part 4,**” (in line 9 on page 22).

To omit *subclause (3)* (lines 15 and 16 on page 22), and substitute the following subclause:

- (3) The ownership of the reserve assets on the Crown reserves and the council reserves specified in **Part 3 or Part 4 of Schedule 3** is vested in the Council.

To omit from *subclause (4)* the expression “**Part 4,**” (in line 18 on page 22).

To insert in *subclause (4)*, after the expression “**Part 3**” (in line 19 on page 22), the words “**or Part 4**”.

*Clause 31:* To omit from *subclause (1)* the words “existing on 26 September 1998 for as long as, and to the extent that, those rights otherwise remain lawful” (in lines 37 to 39 on page 22).

To insert, after *subclause (1)* (after line 39 on page 22), the following subclause:

- (1A) **Subsection (1)** applies to lawful rights of public access, use, and enjoyment whether existing on or created after the date on which the fee simple estate in the Crown reserves and council reserves vests in the Ngāti Tūrangitukua Charitable Trust.

To omit from *subclause (2)* the words “of public access by the Council” (in lines 40 and 41 on page 22), and substitute the words “by the Council of public access, use, and enjoyment”.

*Clause 37 (1):* To omit the expression “55.617” (in line 17 on page 25), and substitute the expression “55.6617”.

*Schedule 2:* To add to the first bullet point (on page 29) the words “or to a community board”.

To insert in the second bullet point, after *paragraph (d)* (on page 29), the following paragraph:

- (da) to regulate public access to and all activities on a Crown reserve or council reserve as if it were a reserve under the Reserves Act 1977;

To insert in the second and fifth bullet points (on page 29), after the words “Ngāti Tūrangitukua” in each place where they occur, the words “Charitable Trust”.

*Schedule 3*: To omit from *column 4 of Part 5* (on page 32) the words “Drainage Reserve” in each place where they occur, and substitute in each case the words “Local Purpose Reserve (*Drainage*)”.

To omit from *column 4 of Part 7* (on page 33) the word “Waterworks” in each place where it occurs, and substitute in each case the words “Local Purpose Reserve (*Waterworks*)”.

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#### EXPLANATORY NOTE

The effect of the amendments in this Supplementary Order Paper is as follows:

*Clause 7*: This amendment inserts the SO number in the definition of the term “Turangi Township”. The number was not available when the Bill was introduced.

*New clause 23A*: This new clause provides for the intermediate vesting in the Crown of the fee simple estate in the Kutai Street reserves, Crown reserves, and council reserves before they vest in the Ngāti Tūrangitukua Charitable Trust. This amendment is included for Crown accounting purposes, and will enable the Minister of Conservation to apply funds from the transfer of the reserves to the purchase of further reserves.

*Clauses 24, 25, and 26*: The amendments are consequential on inserting *new clause 23A*.

*Clause 27*: This amendment is a drafting amendment to clarify that the Taupo District Council is to control and manage each Crown reserve and council reserve *as if it were* classified as local purpose or recreation reserve under the Reserves Act 1977.

*New clause 27A*: This new clause applies the bylaw-making provisions in sections 106 to 108 of the Reserves Act 1977 to the Crown reserves and council reserves.

*Clauses 28, 29, 30, 31, Schedule 2, and Schedule 3*: These amendments are drafting amendments.