

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Friday, 12 December 1986

STATE-OWNED ENTERPRISES BILL

Proposed Amendments

Right Hon. GEOFFREY PALMER, in Committee, to move the following amendments:

New clause 8A: To insert, after *clause 8* on page 5, the following clause:

8A. Treaty of Waitangi—Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi.

New clause 22CA: To insert, after *clause 22C* on page 21, the following clause:

22CA. Maori land claims—(1) Where land is transferred to a State enterprise pursuant to this Act and, before the day on which this Act receives the Governor-General's assent, a claim has been submitted in respect of that land under section 6 of the Treaty of Waitangi Act 1975, the following provisions shall apply:

- (a) The land shall continue to be subject to that claim:
- (b) Subject to **subsection (2)** of this section, the State enterprise shall not transfer that land or any interest therein to any person other than the Crown:
- (c) Subject to **subsection (2)** of this section, no District Land Registrar shall register the State enterprise as proprietor of the land or issue a certificate of title in respect of the land.

(2) Where findings have been made pursuant to section 6 of the Treaty of Waitangi Act 1975 in respect of land which is held by a State enterprise pursuant to a transfer made under this Act (whether or not **subsection (1)** of this section applies to that land), the Governor-General may, by Order in Council,—

- (a) Declare that all or any part of the land shall be resumed by the Crown on a date specified in the Order in Council; or
- (b) In the case of land to which **subsection (1)** of this section applies, waive the application of **paragraphs (b) and (c)** of that subsection to all or any part of the land.

(3) Where any land is to be resumed pursuant to subsection (2) (a) of this section—

- (a) The State enterprise shall transfer the land to the Crown on the date specified in the Order in Council; and
- (b) The Crown shall pay to the State enterprise an amount equal to the value of the interest of the State enterprise in the land (including any improvements thereon). The amount of any such value shall be that agreed between the State enterprise and its shareholding Ministers or, failing agreement, that determined by a person approved for this purpose by the State enterprise and its shareholding Ministers.

EXPLANATORY NOTE

This Supplementary Order Paper amends the Bill by inserting new provisions relating to the Treaty of Waitangi and Maori land claims made under the Treaty of Waitangi Act 1975.