

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Wednesday, 20 February 1991

## SUGAR LOAF ISLANDS MARINE PROTECTED AREA BILL

*Proposed Amendments*

JOHN ARMSTRONG, in Committee, to move the following amendments:

*Clause 2:* To omit the proposed definition of the term "Protected Area" (all the words in lines 10 to 32 on page 4), and substitute the following definitions:

"Petroleum mining exclusion area" means all the land and water bounded by a line commencing at 39° 03' 36.0" S and 174° 01' 24.6" E to a point 39° 02' 51.77" S and 174° 01' 51.71" E; then along a line from the navigation light on the lee breakwater of Port Taranaki at 39° 03' 24.15" S and 174° 02' 39.98" E to the breakwater; then in a westerly and south-westerly direction along the line of mean high water mark to the point of commencement; and includes all seabed and subsoil below those waters that extends down to the bedrock or 10 metres below the surface of the seabed, whichever distance is the greater:

"Protected Area" means all the land and water bounded by a line commencing at the mean high water mark drawn from a point 39° 04' 19.75" S and 174° 01' 10.85" E; then in a westerly direction to a point 39° 03' 56.37" S and 173° 59' 57.10" E; then along the line of an arc of 900 metres radius from a point 39° 03' 29.34" S and 174° 00' 11.21" E on Waikaranga (Seal Rock) to a point 39° 03' 10.69" S and 173° 59' 42.41" E; then in a line to a point 39° 02' 31.90" S and 174° 00' 23.72" E; then along the line of an arc of 900 metres radius from a point 39° 02' 50.54" S and 174° 00' 52.51" E on Motumahanga (Saddleback Island) to a point 39° 02' 28.42" S and 174° 01' 16.93" E; then along the line from the navigation light on the lee breakwater of Port Taranaki at 39° 03' 24.15" S and 174° 02' 39.98" E to a point at 39° 02' 51.77" S and 174° 01' 51.71" E; then to a point 39° 03' 36.0" S and 174° 01' 24.6" E; then in a westerly and south-westerly direction along the line of mean high water mark to the point of commencement; and includes all seabed and subsoil below those waters that extends down to the bedrock or 10 metres below the surface of the seabed, whichever distance is the greater.

*Clause 3A:* To omit from line 23 on page 7 the word “possible”, and substitute the word “practicable”.

To omit from line 33 on that page the word “every”, and substitute the words “any relevant”.

*Clause 3B:* To omit this clause (all the words in lines 1 to 16 on page 8), and substitute the following clause:

**3B. Prohibition on mining—**(1) No person shall carry on mining in the Protected Area or be granted a mining right in respect of that area.

(2) No person shall carry on mining operations within the meaning of the Petroleum Act 1937 in the petroleum mining exclusion area or be granted the right to carry on such operations in that area.

(3) Notwithstanding subsections (1) and (2) of this section, nothing in this section shall limit or affect any water right granted before or on or after the commencement of this Act in respect of the New Plymouth Power Station.

*Clause 5:* To omit from line 26 on page 8 the words “sanctuary area”, and substitute the words “of those sanctuary areas”.

*Clause 7:* To omit from line 28 on page 9 the word “cases”, and substitute the word “circumstances”.

*Clause 8:* To omit this clause (all the words in lines 30 to 33 on page 9), and substitute the following clause:

**8. Offences—**(1) Every person commits an offence who—

(a) Carries on mining in the protected area; or

(b) Carries on mining operations within the meaning of the Petroleum Act 1937 in the petroleum mining exclusion area; or

(c) Anchors in the protected area in contravention of section 7 of this Act.

(2) Every person who commits an offence against subsection (1) of this section is liable on summary conviction,—

(a) In the case of a natural person, to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$10,000;

(b) In the case of a body corporate, to a fine not exceeding \$80,000.

*Clause 9:* To omit this clause (all the words in lines 34 to 37 on page 9 and lines 1 to 9 on page 10), and substitute the following clause:

**9. Transitional provisions relating to existing petroleum prospecting licence—**(1) Notwithstanding anything in this Act or any other Act, but subject to subsection (2) of this section, petroleum prospecting licence 38437 shall continue in force according to its tenor and the Petroleum Act 1937 shall apply in relation to that prospecting licence as if section 3B of this Act had not been enacted.

(2) Subject to subsection (3) of this section, in addition to complying with the provisions of the Petroleum Act 1937, the holder of petroleum prospecting licence 38437 shall also obtain the approval of the Minister to any specific programme of work proposed to be carried out under that licence or any mining licence granted to the holder in accordance with section 11 of the Petroleum Act 1937 if such work is reasonably likely to affect the petroleum mining exclusion area or the Protected Area.

(3) Nothing in subsection (2) of this section applies to any work that the holder proposes to carry out under petroleum prospecting licence 38437, if the work was approved by the Minister before the commencement of this Act or an application for approval of the work was received by the Minister before that date.

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EXPLANATORY NOTE

Most of the proposed amendments are of a minor technical nature. The substantive amendments are as follows:

- (a) The eastern boundary of the protected area is moved from the breakwater to a line close to Moturoa Island:
- (b) The area between the new eastern boundary of the protected area and the breakwater is defined in *clause 2* as the petroleum mining exclusion area:
- (c) Petroleum mining in the petroleum mining exclusion area is prohibited by new *clause 3B*:
- (d) *Clause 9* is redrafted to ensure that the Bill does not affect the work that is approved or proposed for the Toka-1 well before the Bill comes into force.