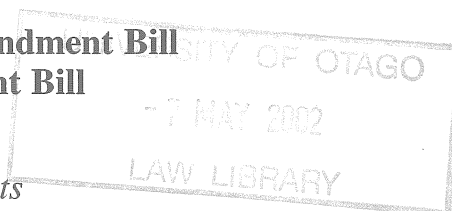


# House of Representatives

## Supplementary Order Paper

Thursday, 2 May 2002

### Te Ture Whenua Maori Amendment Bill Maori Land Amendment Bill



#### *Proposed amendments*

Hon Parekura Horomia, in Committee, to move the following amendments:

#### *Clause 1A*

To omit from this clause the expression "1 July 2001" (line 6 on page 3), and substitute the expression "1 July 2002".

#### *Clause 10: new section 30*

To insert in *subsection (2)*, after the words "purpose of" (line 14 on page 7), the words "(current or intended)".

#### *Clause 10A*

To omit from *new section 30B(3)(b)* (line 14 on page 8) the words "interested in or".

To omit from *new section 30B(3)(c)* (line 16 on page 8) the word "matters", and substitute the word "issues".

To insert in *new section 30C(1)*, after the word "on" (line 20 on page 8), the word "written".

To omit from *new section 30C(1)* (lines 21 to 24 on page 8) the words "by or for a person or entity affected by the proceedings, negotiations, consultation, allocation of property, or other matter, in respect of which the application is made".

To omit from *new section 30C(2)* (line 26 on page 8) the word "it", and substitute the words "the application".

To insert in *new section 30C(3)(b)*, after the word "for" (line 33 on page 8), the words "hearing and".

To omit from *new section 30C(3)(d)* (line 1 on page 9) the word "matters", and substitute the word "issues".

To omit from *new section 30C(4)* (line 5 on page 9) the word "progress", and substitute the word "address".

To omit from *new section 30C(5)(a)* (line 12 on page 9) the words “who may be”.

To omit from *new section 30C(5)(b)* (line 14 on page 9) the word “support”, and substitute the words “do not oppose”.

To omit from *new section 30D(1)* (line 23 on page 9) the word “matters”, and substitute the word “issues”.

To omit from *new section 30D(1)* (line 25 on page 9) the words “the applicant and”.

To omit from *new section 30D(2)* (line 27 on page 9) the words “applicant and the”.

To add (after line 6 on page 10) the following subsection:

- (6) Despite **subsection (5)**, a Judge who acts as a mediator must not sit as a Judge of a Maori Land Court on some or all of the same issues.

To omit *new section 30E(1)* (lines 8 to 10 on page 10), and substitute the following subsections:

“(1) A Judge may advise a mediator of the issues that need to be addressed at mediation.

“(1A) The following persons are entitled to attend and participate in a mediation:

“(a) persons affected and their representatives:

“(b) any other person with the leave of the Judge addressing the application.

To insert in *new section 30E(2)(a)*, after the word “mediator” in the second place where it appears (line 14 on page 10), the words “promptly and effectively”.

To omit *new section 30E(2)(c)* (lines 19 to 22 on page 10).

To omit from *new section 30E(3)* the word “involved” (line 24 on page 10), and substitute the word “participating”.

To omit from *new section 30E(5)* the word “involved” (line 32 on page 10), and substitute the word “participating”.

To insert in *new section 30F(1)*, after the word “If” (line 2 on page 11), the words “some or all of”.

To insert in *new section 30G(1)*, after the word “If” (line 10 on page 11), the words “some or all of”.

To omit *new section 30G(1)(b)* (lines 14 and 15 on page 11), and substitute the following paragraph:

- “(b) state the issues that are unresolved and any issues that have been resolved.

To omit from *new section 30G(2)* (line 16 on page 11) the words “applicant and the other persons involved”, and substitute the words “persons affected participating”.

To omit *new section 30G(3) and (4)* (lines 19 to 29 on page 11), and substitute the following subsections:

- “(3) Subject to **subsection (2)**, the Judge must, on receiving a report under **subsection (1)**, either—
- “(a) refer some or all of the unresolved issues to a mediator for mediation; or
  - “(b) refer the unresolved issues to the Maori Land Court for hearing and determination or for the provision of advice, as the case may be.
- “(4) A Judge referring unresolved issues to the Maori Land Court under **subsection (3)(b)** may be the Judge of the Maori Land Court that hears the matter or provides advice.

To omit *new section 30H(a) and (b)* (lines 34 and 35 on page 11).

To omit from *new section 30H(c)* (line 3 on page 12) the word “excise”, and substitute the word “exercise”.

To add to *new section 30H*, as *subsection (2)*, the following subsection:

- “(2) Neither a Judge nor the Court has jurisdiction to make an order that binds the Crown in relation to applications concerning Treaty settlement negotiations unless the Crown agrees to be bound.

To insert in *new section 30I(1)(b)*, after the word “on” (line 20 on page 12), the words “receipt of a written”.

To omit from *new section 30I(1)(b)* (line 21 on page 12), the words “by an interested party”.

To omit from *new section 30I(2)* (line 22 on page 12) the word “matters”, and substitute the word “issues”.

To add (after line 35 on page 12) the following section:

**“30J Definition of persons affected**

In **sections 30A to 30G**, persons affected by, or in relation to, a request for advice or an application for an order under **section 30** are the members of the class or group of Maori to which the request or application relates.”

*New clause 10B*

To insert, after *clause 10A*, the following clause:

**10B Consequential changes**

- (1) Section 33 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
- “(1) If the Maori Land Court exercises its jurisdiction under section 30(1) or **section 30I(1)**, and unless the Judge determines an application under **section 30C(3)(a)**, the Chief Judge must appoint 2 or more additional members (not being Judges of the Maori Land Court) to the Maori Land Court.”
- (2) Section 36 of the principal Act is amended by inserting in subsection (2), after the words “section 30(1) of this Act,”, the words “or where the Court is constituted under section 33”.

*Clause 54: new section 326B*

To insert, after *subsection (2)* (after line 18 on page 40), the following subclause:

“(2A) The applicant must, as soon as practicable after filing an application in the Court, send a copy of the application to the local authority concerned.

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**Explanatory note**

This supplementary order paper makes a number of changes to clarify aspects of the *new sections 30A to 30I* (inserted by *clause 10A* of the Bill). The commencement date for the Bill is updated.

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