

# House of Representatives

# Supplementary Order Paper

Wednesday, 16 March 2011

## Marine and Coastal Area (Takutai Moana) Bill

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### *Proposed amendments*

Hilary Calvert, in Committee, to move the following amendments:

#### *Clause 48*

To omit “that give expression to customary interests” (line 26 on page 47) and substitute “to be granted to iwi applicant groups over the rights of other New Zealanders”.

#### *Clause 49*

To omit “in” (line 31 on page 47) and substitute “in the”.

To omit “processes” (line 31 on page 47) and substitute “process”.

#### *Clause 52*

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

- (1A) For the purposes of this section, *marine mammals* includes the *Balaena mysticetus* Bowhead Whale.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

- (1A) For the purposes of this section, *marine mammals* includes the *Eubalaena australis* Southern Right Whale.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

- (1A) For the purposes of this section, *marine mammals* includes the *Eubalaena glacialis* Northern Right Whale.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

- (1A) For the purposes of this section, *marine mammals* includes the *Eubalaena (glacialis) japonica* Japanese Right Whale.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

- (1A) For the purposes of this section, *marine mammals* includes the *Caperea marginata* Pygmy Right Whale.

- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Eschrichtius robustus* Gray Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Balaenoptera acutorostrata* Minke Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Balaenoptera borealis* Sei Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Balaenoptera edeni* Bryde's Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Balaenoptera musculus* Blue Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Balaenoptera physalus* Fin Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Megaptera novaengliae* Humpback Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Kogia breviceps* Pygmy Sperm Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Kogia simus* Dwarf Sperm Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Physeter macrocephalus* Sperm Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Delphinapterus leucas* Beluga.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Monodon monoceros* Narwhal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Berardius arnuxii* Arnoux's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Berardius bairdii* Baird's Beaked Whale.

- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Hyperodon ampullatus Northern Bottlenose Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Hyperodon planifrons Southern Bottlenose Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon bidens Sowerby's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon species 'A' unnamed Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon bowdoini Andrews' Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon carlhubbsi Hubbs' Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon densirostris Blainville's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon europaeus Gervais' Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon ginkgodens Ginko-toothed Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon grayi Gray's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon hectori Hector's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon layardii Strap-toothed Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon mirus True's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon pacificus Longman's Beaked Whale.

- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon peruvianus Lesser Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon stejnegeri Stejneger's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Mesoplodon shepherdi Shepherd's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Ziphius cavirostris Cuvier's Beaked Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Feresa attenuata Pygmy Killer Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Globicephala macrorhynchus Short-finned Pilot Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Globicephala melas Long-finned Pilot Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Orcinus orca Killer Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Peponocephala electra Melon-headed Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Pseudorca crassidens False Killer Whale.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Delphinus delphis Short-beaked Common Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Delphinus delphis Long-beaked Common Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lissodelphis borealis Northern Rightwhale Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lissodelphis peronii Southern Rightwhale Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Sotalia fluviatilis* Tucuxi.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Sousa teuszii* Atlantic Hump-backed Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Sousa chinensis* Indo-pacific Hump-backed Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the Atlantic Hump-backed Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Stenella coeruleoalba* Striped Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Stenella clymene* Clymene Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Stenella longirostris* Long-snouted Spinner Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Stenella attenuata* Pantropical Spotted Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Stenella frontalis* Atlantic Spotted Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Steno bredanensis* Rough-toothed Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Tursiops truncatus* Bottlenose Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Cephalorhynchus commersonii* Commerson's Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Cephalorhynchus eutropia* Black Dolphin.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

(1A) For the purposes of this section, *marine mammals* includes the *Cephalorhynchus heavisidii* Heaviside's Dolphin.

- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Cephalorhynchus hectori Hector's Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Grampus griseus Risso's Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lagenodelphis hosei Fraser's Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lagenorhynchus acutus Atlantic White-sided Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lagenorhynchus albirostris White-beaked Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lagenorhynchus australis Peale's Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lagenorhynchus cruciger Hourglass Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lagenorhynchus obliquidens Pacific White-sided Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lagenorhynchus obscurus Dusky Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Orcaella brevirostris Irrawaddy Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Inia geoffrensis Boto.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Lipotes vexillifer Baiji.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Platanista minor Indus River Dolphin.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the Ganges River Dolphin.

- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Potoporia blainvilleir Franciscana*.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Neophocaena ohocaenoides* Finless Porpoise.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Australophocaena dioptrica* Spectacled Porpoise.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phocoena phocoena* Harbor Porpoise.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phocoena sinus* Vaquita.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phocoena spinipinnis* Burmeister’s Porpoise.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phocoenoides dalli* Dall’s Porpoise.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Arctocephalus australis* South American Fur Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Arctocephalus forsteri* New Zealand Fur Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Arctocephalus gazella* Antarctic Fur Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Arctocephalus philippi* Juan Fernandez Fur Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Arctocephalus pusillus* South African Fur Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Arctocephalus townsendi* Guadaloupe Fur Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Arctocephalus galapagoensis* Galapagos Fur Seal.

- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Arctocephalus tropicalis* Subantarctic Fur Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Callorhinus ursinus* Northern Fur Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Neophoca cinerea* Australian Sealion.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phocartos hookeri* New Zealand Sealion.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Otaria byronia* South American Sealion.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Zalophus californianus* Californian Sealion.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Eumetopias jubatus* Steller's Sealion.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Odobenus rosmarus* Walrus.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Cystophora cristata* Hooded Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Erignathus barbatus* Bearded Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Halichoerus grypus* Gray Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Hydrurga leptonyx* Leopard Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Leptonychotes weddellii* Weddell Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Lobodon carcinophagus* Crabeater Seal.

- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Mirounga angustirostris* Northern Elephant Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Mirounga leonina* Southern Elephant Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Monachus monachus* Mediterranean Monk Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Monachus schauinslandi* Hawaiian Monk Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Monachus tropicalis* West Indian Monk Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Ommatophoca rossii* Ross' Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phoca caspica* Caspian Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phoca fasciata* Ribbon Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phoca groenlandica* Harp Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phoca hispida* Ringed Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phoca largha* Larga Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phoca sibirica* Baikal Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Phoca vitulina* Common Seal.
- New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):  
(1A) For the purposes of this section, *marine mammals* includes the *Dugong dugon* Dugong.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

- (1A) For the purposes of this section, *marine mammals* includes the Dugong gigas Steller's Seacow.

*New subclause (1A):* to insert after subclause (1) (after line 37 on page 49):

- (1A) For the purposes of this section, *marine mammals* includes the Trichechus manatus Manatee.

*Subclause (2)(b):* to omit "officer" (line 6 on page 50) and substitute "officer; while retaining the right of any marine mammals officer to access and remain on any customary marine title area or wāhi tapu area, without any permission right from customary marine title groups, and to permit others (including members of the public), where necessary, to assist in the rescue or removal of a stranded marine mammal from a customary marine title area or wāhi tapu area".

*Subclause (3)(a):* to omit "a person" (line 8 on page 50) and substitute "any person".

#### *Clause 53*

*Subclause (1)(a):* to omit "1840" (line 16 on page 50) and substitute "4 February 1840".

*Subclause (1)(a):* to omit "; and" (line 16 on page 50) and substitute ", without any interruption of longer than 366 consecutive days; and".

*Subclause (1)(b):* to omit ", whether it continues to be exercised in exactly the same or a similar way, or evolves over time" (lines 19 to 21 on page 50)

*Subclause (2)(b)(i):* to omit "a right or interest" (line 31 on page 50) and substitute "any interest or right".

*Subclause (2)(d):* to omit this subclause (lines 6 to 10 on page 51).

*Subclause (3):* to omit "does not need to" (line 11 on page 51) and substitute "must".

#### *Clause 54*

*Subclause (1):* to omit "A protected customary right may be exercised under a protected customary rights order or an agreement without a resource consent, despite any prohibition, restriction, or imposition that would otherwise apply in or under" (lines 15 to 18 on page 51) and substitute "A protected customary right must be exercised in accordance with all legislation, prohibitions and restrictions, including".

To omit subclauses (2) to (4).

#### *Clause 55*

*Subclause (1):* to omit this subclause (lines 9 to 12 on page 52) and substitute the following subclause:

- (1) Delegating or transferring a protected customary right is prohibited.

*Subclause (2):* to omit this subclause (lines 13 to 17 on page 51).

*Subclause (3):* to omit this subclause (lines 18 to 22 on page 51).

*New subclause (3):* to omit this new subclause.

*Clause 56*

*New subclause 56(2)(c):* to insert the following after subclause 56(2)(b):

- (c) the Resource Management Act 1991.

*Clause 57*

To omit this clause.

*Clause 58*

*Subclause (1):* to omit “impose controls, including any terms, conditions, or restrictions that the Minister thinks fit, on the exercise of the rights.” (lines 17 to 19 on page 54) and substitute “revoke the protected customary right”.

*Subclause (1):* to omit “the Minister” (line 16 on page 54) and substitute “the Minister of Conservation”.

*Subclause (2):* to omit “person” (line 20 on page 54) and substitute “person or group”.

*Subclause (2):* to omit “right” (line 22 on page 54) and substitute “right, or have a protected customary right revoked”.

*Subclause (3):* to omit “the Minister” (line 23 on page 54) and substitute “the Minister of Conservation”.

*Subclause (3):* to omit “controls” (line 27 on page 54) and substitute “controls, or revocation of the protected customary right”.

*Subclause (4):* to omit “Minister” (line 31 on page 54) and substitute “Minister of Conservation”.

*Subclause (4):* to omit “applicant” (line 35 on page 54) and substitute “applicant and protected customary rights group”.

*Subclause (4):* to omit “accordingly” (line 35 on page 54) and substitute “within five days of making a decision”.

*Clause 59*

*Subclause (1):* to omit “controls” (line 5 on page 55) and substitute “controls or revocations of protected customary rights”.

*Subclause (2)(c):* to omit “controls” (line 12 on page 55) and substitute “controls or revocation of a protected customary right”.

*Subclause (2)(e):* to omit “controls” (line 16 on page 55) and substitute “controls or revocation of a protected customary right”.

*Subclause (3)(b):* to omit “of Māori Affairs” (line 23 on page 55) and substitute “of Justice”.

*Subclause (3)(e):* to add a new subclause (3)(e) following (3)(d):

- (e) the Minister for Land Information.

*Subclause (5):* to omit “Controls” (line 28 on page 55) and substitute “Controls and revocations”.

*Clause 60*

*Subclause (1)(b):* to omit “substantial interruption” (lines 2 to 3 on page 56) and substitute “interruption of 366 consecutive days or longer”.

*Clause 61*

*Subclause (1)*: to omit “whether customary title exists” (line 13 on page 56) and substitute “determine existence of customary marine title”.

*Subclause (1)*: to omit “may” (line 14 on page 56) and substitute “must”.

*Subclause (1)(a)(i)*: to omit “substantial interruption” (lines 19 to 20 on page 56) and substitute “interruption of 366 consecutive days or longer”.

*Subclause (1)(a)(i)*: to omit “1840” (lines 20 on page 56) and substitute “6 February 1840”.

*Subclause (1)(a)(i)*: to omit “1840” (lines 20 on page 56) and substitute “7 February 1840”.

*Subclause (1)(a)(ii)*: to omit “1840” (lines 23 on page 56) and substitute “6 February 1840”.

*Subclause (1)(a)(ii)*: to omit “1840” (lines 23 on page 56) and substitute “7 February 1840”.

*Clause 62*

To omit this clause (lines 13 to 35 on page 57).

*Clause 63*

*Subclause (2)(a)*: to omit “delegate” (lines 11 on page 58) and substitute “not delegate”.

*Subclause (2)(b)*: to omit “transfer” (lines 13 on page 58) and substitute “not transfer”.

*Subclause (2)(c)*: to omit “use” (lines 15 on page 58) and substitute “not use”.

*New clause 63A*

To omit new clause 63A.

*Clause 64*

*Subclause (1)*: to omit this subclause (lines 19 to 21 on page 58).

*Subclause (1)(a)*: to omit this subclause (lines 22 to 23 on page 58).

*Subclause (1)(b)*: to omit this subclause (lines 24 to 25 on page 58).

*Subclause (1)(c)*: to omit this subclause (lines 26 to 27 on page 58).

*Subclause (1)(d)(i)*: to omit this subclause (lines 29 to 30 on page 58).

*Subclause (1)(d)(ii)*: to omit this subclause (lines 31 to 33 on page 58).

*Subclause (1)(e)*: to omit this subclause (lines 34 to 35 on page 58).

*Subclause (2)*: to omit this subclause (lines 8 to 10 on page 59).

*Subclause (2)(a)*: to omit this subclause (lines 11 to 12 on page 59).

*Subclause (2)(b)*: to omit “either—” (line 13 on page 59)

*Subclause (2)(b)(i)*: to omit this subclause (lines 14 to 17 on page 59).

*Subclause (2)(b)(ii)*: to omit this subclause (lines 18 to 19 on page 59).

*Subclause (3)*: to omit this subclause (lines 20 to 23 on page 59).

*Clause 65*

To omit subclauses (1) to (6) (lines 3 to 20 on page 60).

*Subclause (8)*: to omit “Conservation” (lines 26 on page 60) and substitute “Justice”.

*Subclause (8)*: to omit “the Environment” (lines 26 on page 60) and substitute “Land Information”.

*Clause 66*

*New subclause (1)(c)*: to add the following subclause after subclause (1)(b) (after line 36 on page 60):

- (c) may not be charged a fee of any kind by a customary marine title group or applicant group for the filing or granting of an RMA permission right.

*Subclause (2)*: to omit this subclause (lines 1 to 2 on page 61).

*Subclause (3)*: to omit “40” (line 8 on page 61) and substitute “7”.

*Subclause (3)*: to omit “40” (line 8 on page 61) and substitute “20”.

*Subclause (5)*: to omit “would, but for the requirement for the permission of the customary marine title group,” (lines 17 to 18 on page 61) and substitute “will”.

*Clause 67*

*Subclause (1)*: to omit “to which an RMA permission right applies must not commence the activity to which the consent applied unless—” (lines 23 to 25 on page 61) and substitute “is permitted to undertake that activity without obstruction or charge”.

*Subclause (1)(a)*: to omit this subclause (lines 26 to 28 on page 61).

*Subclause (1)(b)*: to omit this subclause (lines 29 to 30 on page 61).

*Subclause (2)*: to omit “not subject to—” (lines 32 to 33 on page 61) and substitute “is subject to a right of appeal to the High Court”.

*Subclause (2)(a)*: to omit this subclause (line 34 on page 61).

*Subclause (2)(b)*: to omit this subclause (lines 35 to 36 on page 61).

*Clause 68*

*Subclause (1)*: to omit “is” (line 3 on page 62) and substitute “is not”.

*Subclause (1)*: to omit “unless the relevant customary marine title group has given permission under section 65(2)” (lines 4 to 5 on page 62).

*Subclause (2)(a)*: to omit “years” (line 9 on page 62) and substitute “days”.

*Subclause (2)(a)*: to omit “2” (line 9 on page 62) and substitute “1”.

*Subclause (2)(a)*: to omit “\$300,000” (line 10 on page 62) and substitute “50 cents”.

*Subclause (2)(a)*: to omit “\$300,000” (line 10 on page 62) and substitute “\$50,000”.

*Subclause (2)(b)*: to omit “\$600,000” (line 12 on page 62) and substitute “\$3.50”.

*Subclause (2)(b)*: to omit “\$600,000” (line 12 on page 62) and substitute “\$60,000”.

*Subclause (3)*: to omit “full value of—” (line 14 on page 62) and substitute “half the value of any revenues or profits earned by the offender resulting from the offence”.

*Subclause (3)(a)*: to omit this subclause (lines 15 to 16 on page 62).

*Subclause (3)(b)*: to omit this subclause (lines 17 to 18 on page 62).

*Subclause (3)(c)*: to omit this subclause (lines 19 to 20 on page 62).

*Subclause (4)(a)*: to omit “10%” (line 23 on page 62) and substitute “90%”.

*Subclause (4)(a)*: to omit “10%” (line 23 on page 62) and substitute “25%”.

*Subclause (4)(a)*: to omit “from the” (line 23 on page 62) and substitute “from half the”.

*Subclause (4)(b)(ii)*: to omit “any proportion that the” (line 32 on page 62) and substitute “an even split unless the”.

*Subclause (4)(b)(ii)*: to omit “directs” (line 33 on page 62) and substitute “directs otherwise”.

#### *Clause 69*

To omit this clause (lines 34 to 37 on page 62 and lines 1 to 4 on page 63).

#### *Clause 70*

*Subclause (1)*: to omit “any” (line 8 on page 63) and substitute “limited”.

*Subclause (1)*: to omit “of Conservation” (line 9 on page 63) and substitute “for the Environment”.

*Subclause (2)*: to omit this subclause (lines 12 to 13 on page 63).

*Subclause (3)*: to omit this subclause (lines 14 to 23 on page 63).

*Subclause (4)*: to omit this subclause (lines 24 to 25 on page 63).

*Subclause (5)(a)*: to omit “of Conservation” (line 28 on page 63) and substitute “for the Environment”.

*Subclause (5)(b)*: to omit this paragraph (line 35 on page 63).

*Subclause (6)*: to omit this subclause (lines 36 to 37 on page 63).

#### *Clause 71*

*Subclause (1)*: to omit “of Conservation” (line 3 on page 64) and substitute “for the Environment”.

*Subclause (1)(a)*: to omit “, unless the person making the proposal has already sought permission from the customary marine title group” (lines 7 to 9 on page 64).

*Subclause (1)(b)*: to omit “not” (line 10 on page 64).

*Subclause (1)(b)*: to omit “until the” (line 11 on page 64) and substitute “regardless of whether”.

*Subclause (1)(c)*: to omit this paragraph (lines 14 to 16 on page 64).

*Subclause (2)*: to omit this subclause (lines 17 to 23 on page 64).

*Subclause (3)*: to omit this subclause (lines 24 to 27 on page 64).

*Clause 72*

*Subclause (1)*: to omit “40” (line 30 on page 64) and substitute “5”.

*Subclause (1)*: to omit “40” (line 30 on page 64) and substitute “30”.

*Subclause (1)*: to omit “working days” (lines 30 to 31 on page 64) and substitute “hours”.

*Subclause (1)*: to omit “working days” (lines 30 to 31 on page 64) and substitute “minutes”.

*Subclause (1)(a)*: to omit “of Conservation” (line 34 on page 64) and substitute “for the Environment”.

*Subclause (1)(b)*: to omit “of Conservation” (lines 37 to 38 on page 64) and substitute “for the Environment”.

*Subclause (3)(a)*: to omit this paragraph (lines 5 to 7 on page 65).

*Subclause (3)(b)*: to omit this paragraph (lines 8 to 10 on page 65) and substitute the following paragraph:

- (b) decisions of a customary marine title group are subject to a right of appeal to the High Court.

*Clause 73*

*Subclause (1)(a)*: to omit “or partly” (lines 14 to 15 on page 65).

*Subclause (1)(a)*: to omit “area” (line 15 on page 65) and substitute “area or wāhi tapu area”.

*Subclause (1)(b)*: to omit “or partly” (line 17 on page 65).

*Subclause (1)(b)*: to omit “area” (line 17 on page 65) and substitute “area or wāhi tapu area”.

*Subclause (2)*: to omit “of Conservation” (line 18 on page 65) and substitute “for Land Information”.

*Subclause (2)*: to omit “may proceed” (line 19 on page 65) and substitute “is obligated to proceed”.

*Subclause (2)*: to omit “group” (line 21 on page 65) and substitute “group or wāhi tapu group”.

*Subclause (2)*: to omit “is” (line 23 on page 65) and substitute “is either advantageous or”.

*Heading to clause 74*

To omit “**determining**” (line 23 on page 65) and substitute “**determining advantageous**”.

*Clause 74*

To omit “of Conservation” (line 26 on page 65) and substitute “for Land Information”.

To omit “have regard to” (line 27 on page 65) and substitute “be advised of”.

*Paragraph (a)*: to omit “on” (line 28 on page 65) and substitute “and wider iwi, whānau or hapū on”.

*Paragraph (a)*: to omit “group” (line 29 on page 65) and substitute “customary marine title group and wider iwi, whānau or hapū”.

*Paragraph (b)*: to omit “group” (line 31 on page 65) and substitute “customary marine title group and wider iwi, whānau or hapū”.

*Paragraph (c)*: to omit “area” (line 34 on page 65) and substitute “area or wāhi tapu area”.

*Paragraph (c)*: to omit “, because—” (line 34 on page 65).

*Paragraph (c)(i) to (iv)*: to omit these subparagraphs (lines 35 on page 65 line 12 on page 66).

*Paragraph (d)*: to omit “matter” (line 13 on page 66) and substitute “matter the Minister or Director-General deems to be of public importance, or”.

*Paragraph (d)*: to omit “similar in nature to the matters set out in” (line 13 on page 66) and substitute “of environmental importance or”.

#### *Clause 75*

*Subclause (1)*: to omit “Director-General” (line 17 on page 66) and substitute “Director-General or Minister for Land Information”.

*Subclause (1)*: to omit “grants” (line 17 on page 66) and substitute “or Minister for the Environment grants”.

*Subclause (1)*: to omit “watch” (line 18 on page 66) and substitute “watch and swim with”.

*Subclause (1)*: to omit “area” (line 19 on page 66) and substitute “area or wāhi tapu area”.

*Subclause (1)*: to omit “Director-General” (lines 19 to 20 on page 66) and substitute “Director-General or Minister for Land Information”.

*Subclause (1)*: to omit “must” (line 20 on page 66) and substitute “or Minister for the Environment must”.

*Subclause (1)(a)*: to omit “group” (line 21 on page 66) and substitute “group or wāhi tapu group”.

*Subclause (1)(a)*: to omit “area” (line 22 on page 66) and substitute “area or wāhi tapu area”.

*Subclause (1)(a)(ii)*: to omit “Director-General” (line 24 on page 66) and substitute “Director-General or Minister for Land Information”.

*Subclause (1)(a)(ii)*: to omit “seeks” (line 24 on page 66) and substitute “or Minister for the Environment seeks”.

*Subclause (1)(a)(ii)*: to omit “40” (line 25 on page 66) and substitute “5”.

*Subclause (1)(a)(ii)*: to omit “40” (line 25 on page 66) and substitute “30”.

*Subclause (1)(a)(ii)*: to omit “working days” (line 25 on page 66) and substitute “hours”.

*Subclause (1)(a)(ii)*: to omit “working days” (line 25 on page 66) and substitute “minutes”.

*Subclause (1)(b)*: to omit “group” (line 27 on page 66) and substitute “customary marine title group or wāhi tapu group”.

*Subclause (1)(b)*: to omit “the specified time” (lines 28 to 29 on page 66) and substitute “40 working days”.

*Subclause (2)*: to omit “group” (line 31 on page 66) and substitute “customary marine title group or wāhi tapu group”.

*Clause 76*

To omit “of Conservation” (line 35 on page 66) and substitute “for the Environment”.

To omit “is proposing” (line 35 on page 66) and substitute “or the Minister for Land Information is proposing”.

To omit “Minister” (line 2 on page 67) and substitute “Minister for Land Information”.

To omit “seek and consider” (line 2 on page 67) and substitute “be advised of”.

To omit “groups” (line 3 on page 67) and substitute “groups or wāhi tapu groups”.

To omit “register” (line 3 on page 67) and substitute “register, neighbouring iwi, whānau and hapū, and the wider views of the New Zealand public”.

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### **Explanatory note**

This Supplementary Order Paper amends the Bill to better reflect the intent of the Bill.

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