

House of Representatives

Supplementary Order Paper

Wednesday, 16 March 2011

Marine and Coastal Area (Takutai Moana) Bill

Proposed amendments

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

Clause 77

To omit subclause (1) (lines 6 to 9).

To insert the following new subclauses after subclause (1):

- (1A) Conditions of wāhi tapu must be reviewed every five years by the responsible Minister, and a wāhi tapu protection right can be cancelled at any time should the responsible Minister believe that the conditions of wāhi tapu are being abused or misused by the customary marine title group.
- (1B) Customary marine title groups with a wāhi tapu interest falsely posting signs or claiming through other means that an area is subject to wāhi tapu restrictions is prohibited.

To omit subclause (2) (lines 10 to 15).

Subclause (3): to omit this subclause (lines 17 to 20 on page 67).

Subclause (4): to omit “responsible Minister” (line 21 on page 67) and substitute “Minister for Land Information”.

Subclause (4): to omit “as soon as practicable after” (line 21 on page 67) and substitute “within 40 working days of”.

Subclause (4): to omit “as soon as practicable after” (line 21 on page 67) and substitute “within 20 working days of”.

Subclause (4)(a): to omit “conditions” (line 23 on page 67) and substitute “conditions by way of Ministerial press release”.

Clause 78

Subclause (1): to omit “or an agreement” (line 32 on page 67).

Subclause (1): to omit this subclause (lines 31 to 32 on page 67).

Subclause (1)(a): to omit “boundaries” (line 33 on page 67) and substitute “boundaries and any significant features”.

Subclause (1)(a): to omit “boundaries” (line 33 on page 67) and substitute “boundaries and any significant features”.

Subclause (1)(b): to omit “apply” (line 35 on page 67) and substitute “apply to the customary marine title group, and to the public”.

Subclause (1)(c): to omit “individuals” (line 1 on page 68) and substitute “individuals and groups”.

Subclause (1)(c): to omit “in relation to” (line 2 on page 68) and substitute “within the boundaries of”.

Subclause (1)(c): to omit “exemption” (line 2 on page 68) and substitute “exemption for customary right holders, wāhi tapu groups, and other iwi, whānau and hapū”.

Subclause (1)(c): to omit “exemption” (line 2 on page 68) and substitute “exemption for customary right holders and members of the public”.

New subclause (1A): insert the following after subclause (1):

- (1A) Any person or group acting in an official capacity is entitled to access wāhi tapu areas without restriction or permission right from wardens, a customary marine title group or a wāhi tapu group.

Subclauses (2) to (4): to omit subclauses (2) to (4) (lines 6 to 21 on page 68).

Clause 79

Subclause (1): to omit “area,” (line 28 on page 68) and substitute “area, the Minister of Maori Affairs or the Minister for Land Information,”.

Subclause (1): to omit “in accordance” (line 28 on page 68) and substitute “the Minister of Conservation or the Minister for the Environment, in accordance”.

Subclause (2): to omit “group” (line 33 on page 68) and substitute “group and the Minister of Maori Affairs”.

Subclause (2): to omit “for the” (line 33 on page 68) and substitute “and the Minister for Land Information for the”.

Subclause (2)(a): to omit “restriction” (line 34 on page 68) and substitute “restrictions on customary right holders, wāhi tapu groups and the public”.

Subclause (2)(b): to omit this paragraph (lines 35 to 36 on page 68).

Subclause (2)(c): to omit “members” (line 1 on page 69) and substitute “customary right holders and members”.

Subclause (2)(c): to omit “public” (line 1 on page 69) and substitute “public and wāhi tapu groups”.

Subclause (2)(c): to omit “restriction” (line 2 on page 69) and substitute “and how it applies to them”.

Subclause (2)(d): to omit “to leave” (line 3 on page 69) and substitute “they are in”.

Subclause (2)(e): to omit “record” (line 4 on page 69) and substitute “notify the Police of”.

Subclause (2)(e)(i): to omit “reason to believe” (line 6 on page 69) and substitute “proof”.

Subclause (2)(e)(i): to omit “intentional” (line 7 on page 69) and substitute “intentional and repeated”.

Subclause (2)(e)(ii): to omit “reason to believe” (line 9 on page 69) and substitute “proof”.

Subclause (2)(e)(ii): to omit “restriction” (line 11 on page 69) and substitute “restriction, provided those details have been freely provided”.

Subclause (2)(f): to omit “constable” (line 12 on page 69) and substitute “constable and customary marine title group with a wāhi tapu interest”.

Subclause (2)(f): to omit “reason to believe” (line 13 on page 69) and substitute “proof”.

Subclause (2)(f): to omit “intentional” (line 14 on page 69) and substitute “intentional and repeated”.

Clause 80

Subclause (1): to omit “must” (line 18 on page 69) and substitute “may”.

Subclause (1): to omit “group” (line 19 on page 69) and substitute “group and wider public”.

Subclause (2): to omit “\$5,000” (line 25 on page 69) and substitute “\$5.00”.

Subclause (2): to omit “\$5,000” (line 25 on page 69) and substitute “\$2,500”.

Subclause (2): to omit this subclause (lines 22 to 25 on page 69).

Subclause (3): to omit this subclause (lines 26 to 28 on page 69).

Subclause (3): to omit paragraphs (a) and (b) (lines 29 to 31 on page 69).

Subclause (4): to omit “if—” (line 34 on page 69).

Subclause (4)(a): to omit “carrying” (line 35 on page 69) and substitute “acting in an official capacity or carrying”.

Subclause (4)(b): to omit “has” (line 37 on page 69) and substitute “is a member of the public or has”.

Clause 81

Heading to clause 81: to omit this heading (line 2 on page 70).

Subclauses (1) and (2): to omit these subclauses (lines 3 to 8 on page 70).

Subclause (3): to omit “person” (line 9 on page 70) and substitute “person or group”.

Subclause (3): to omit “area” (line 10 on page 70) and substitute “area or wāhi tapu area”.

Subclause (3): to omit “28” (line 10 on page 70) and substitute “10”.

Subclause (3): to omit “28” (line 10 on page 70) and substitute “20”.

Subclause (3): to omit “days” (line 10 on page 70) and substitute “weeks”.

Subclause (3): to omit “days” (line 10 on page 70) and substitute “months”.

Subclause (4): to omit this subclause (lines 12 to 14 on page 70).

Subclause (4)(a): to omit this paragraph (lines 15 to 18 on page 70).

Subclause (4)(b): to omit “6” (line 20 on page 70) and substitute “7”.

Subclause (4)(b): to omit “6” (line 20 on page 70) and substitute “10”.

Subclause (4)(b): to omit “months” (line 20 on page 70) and substitute “weeks”.

Subclause (4)(b): to omit “months” (line 20 on page 70) and substitute “years”.

Subclause (4)(b): to omit “notice” (line 20 on page 70) and substitute “discovery”.

Subclause (5): to omit this subclause (lines 23 to 25 on page 70).

Subclause (6): to omit “6” (line 27 on page 70) and substitute “7”.

Subclause (6): to omit “6” (line 27 on page 70) and substitute “10”.

Subclause (6): to omit “months” (line 27 on page 70) and substitute “weeks”.

Subclause (6): to omit “months” (line 27 on page 70) and substitute “years”.

Subclause (7): to omit “the specified time” (line 31 on page 70) and substitute “6 months”.

Subclause (7): to omit “the specified time” (line 31 on page 70) and substitute “12 months”.

Subclause 7: to omit paragraphs (a) and (b) (lines 32 to 37 on page 70)

Subclause (8): to omit this subclause (lines 1 to 2 on page 71).

Subclause (9): to omit “or has entered into an agreement” (lines 4 to 5 on page 71).

Clause 82

Heading to clause 82: to omit this heading (line 8 on page 71).

Subclause (1): to omit “the effective date” (line 9 on page 71) and substitute “1 January 2015”.

Subclause (1): to omit “the effective date” (line 9 on page 71) and substitute “31 December 2020”.

To omit subclauses (2) to (4) (lines 10 to 20 on page 71).

Clause 83

To omit this clause (lines 21 to 34 on page 71 and lines 1 to 12 on page 72).

Clause 84

To omit this clause (lines 14 to 36 on page 72 and lines 1 to 6 on page 73).

Clause 85

Heading to clause 85: to omit this heading (line 7 on page 73).

To omit subclause (1) (lines 8 to 12 on page 73).

Subclause (2): to omit “on the day” (line 13 on page 73) and substitute “one week”.

Subclause (2): to omit “on the day” (line 13 on page 73) and substitute “48 hours”.

Clause 86

To omit this clause (lines 15 to 20 on page 73).

Clause 87

Heading to clause 87: to omit this heading (line 23 on page 73).

Subclause (1): to omit this subclause (lines 24 to 26 on page 73).

Subclause (2): to omit “On and” (line 27 on page 73) and substitute “Two weeks”.

Subclause (2): to omit “On and” (line 27 on page 73) and substitute “Two months”.

Subclause (2): to omit “registered” (line 27 on page 73) and substitute “received”.

Subclause (2): to omit “must” (line 28 on page 73) and substitute “may”.

Subclause (2): to omit “account” (line 28 on page 73) and substitute “consideration”.

Subclause (2) paragraphs (a) to (d): to omit these paragraphs (line 32 on page 73 to line 4 on page 74).

Clause 88

Heading to clause 88: to omit this heading (line 5 on page 74).

Clause 88: to omit “group” (line 6 on page 74) and substitute “group or wāhi tapu group”.

Subclause (a): to omit “on and” (lines 7 to 8 on page 74) and substitute “two weeks”.

Subclause (a): to omit “on and” (lines 7 to 8 on page 74) and substitute “two months”.

Subclause (a): to omit “registered” (line 8 on page 74) and substitute “received”.

Subclause (a): to omit “must” (line 9 on page 74) and substitute “may”.

Subclause (a): to omit “have particular regard to” (line 9 on page 74) and substitute “consider”.

Subclause (a): to omit “area” (line 14 on page 74) and substitute “area or wāhi tapu area”.

Subclause (a): to omit “group” (line 15 on page 74) and substitute “group or wāhi tapu group”.

Subclause (b): to omit this subclause (lines 15 to 17 on page 74).

Clause 89

Heading to clause 89: to omit this heading (line 18 on page 74).

Subclause (1): to omit “group” (line 19 on page 74) and substitute “group or wāhi tapu group”.

Subclause (1): to omit “must” (line 20 on page 74) and substitute “may”.

Subclause (1): to omit “on and” (line 20 on page 74) and substitute “two weeks”.

Subclause (1): to omit “on and” (line 20 on page 74) and substitute “two months”.

Subclause (1): to omit “registered” (line 21 on page 74) and substitute “received”.

Subclause (1): to omit “take into account” (lines 21 to 22 on page 74) and substitute “consider”.

Subclause (1): to omit “area” (line 24 on page 74) and substitute “area or wāhi tapu area”.

Subclause (1): to omit “group” (line 25 on page 74) and substitute “group or wāhi tapu group”.

Subclause (2): to omit this subclause (lines 26 to 27 on page 74).

Clause 90

Heading to clause 90: to omit “**of Fisheries**” (line 28 on page 74) and substitute “**of Conservation**”.

Subclause (1): to omit “group” (line 29 on page 74) and substitute “group or wāhi tapu group”.

Subclause (1): to omit “of Fisheries” (line 30 on page 74) and substitute “of Conservation”.

Subclause (1): to omit “must” (line 30 on page 74) and substitute “may”.

Subclause (1): to omit “on and” (line 30 on page 74) and substitute “two weeks”.

Subclause (1): to omit “on and” (line 30 on page 74) and substitute “two months”.

Subclause (1): to omit “registered” (line 31 on page 74) and substitute “received”.

Subclause (1): to omit “have regard to” (lines 31 to 32 on page 74) and substitute “consider”.

Subclause (1): to omit “area” (line 35 on page 74) and substitute “area or wāhi tapu area”.

Subclause (1): to omit “group” (line 35 on page 74) and substitute “group or wāhi tapu group”.

Subclause (2): to omit this subclause (lines 1 to 6 on page 75).

Clause 91

To omit this clause (lines 9 to 37 on page 75 and lines 1 to 37 on page 76).

Explanatory note

This Supplementary Order Paper amends the Bill to better explain wāhi tapu and provide limits to it and to better reflect the intent of the Bill.
