

# House of Representatives

## Supplementary Order Paper

Thursday, 8 March 2012

### Ngāti Pāhauwera Treaty Claims Settlement Bill

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#### *Proposed amendments*

Hon Christopher Finlayson, in Committee, to move the following amendments:

#### *Clause 5*

After *clause 5(2)(a)* (after line 17 on page 13), insert:

- (ab) records the acknowledgements made by the Crown and the apology offered by the Crown to Ngāti Pāhauwera (including the acceptance of the apology by Ngāti Pāhauwera); and

In *clause 5(3)(g)*, replace “parts of the Earthquake Slip Conservation Area” (line 35 on page 14) with “part of the Earthquake Slip Marginal Strip”.

#### *Clause 11*

In *clause 11(1)*, definition of **relevant consent authority**, replace “Conservation Area” (line 19 on page 24) with “Marginal Strip”.

In *clause 11(1)*, insert in its appropriate alphabetical order:

**relevant part of the Earthquake Slip Marginal Strip** means the area, with the general location (but not the precise boundaries), indicated on OTS-119-16

#### *Clause 23*

In *clause 23(3)*, replace “under” (line 9 on page 31) with “by”.

Replace *clause 23(4)* (lines 11 to 18 on page 31) with:

- (4) Despite the vestings under **section 22(2)** and **subsection (1)**, any encumbrance that affected Te Heru o Tūreia Gift Area immediately before the settlement date continues to affect it as if the vestings had not occurred.

#### *Clause 25*

In *clause 25(2)*, replace “under” (line 6 on page 32) with “by”.

*Clause 34*

In *clause 34(5)*, replace “under” (line 10 on page 36) with “by”.

*Clause 35*

In *clause 35(5)*, replace “under” (line 33 on page 36) with “by”.

*Clause 36*

In *clause 36(4)*, replace “under” (line 13 on page 37) with “by”.

*Clause 37*

In *clause 37(4)*, replace “under” (line 24 on page 37) with “by”.

*Clause 38*

In *clause 38(4)*, replace “under” (line 1 on page 38) with “by”.

*Clause 39*

In *clause 39(4)*, replace “under” (line 11 on page 38) with “by”.

*Clause 40*

In *clause 40(4)*, replace “under” (line 24 on page 38) with “by”.

*Clause 46*

In *clause 46(2)*, after “a reserve or conservation area” (line 23 on page 42), insert “to which an official geographic name has been assigned”.

Replace *clause 46(4)* (line 34 on page 42 to line 4 on page 43) with:

- (4) The Minister must not change the name of a reserve site under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the site, and section 16(10A) of that Act does not apply to the proposed change.
- (5) In this section, **Board**, **Crown protected area**, **Gazetteer**, and **official geographic name** have the same meanings as in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

*Clause 55*

Replace the heading to *clause 55* (line 20 on page 47) with “**Reserves not to be mortgaged**”.

*Clause 65*

In *clause 65*, delete the definition of **relevant part of the Earthquake Slip Conservation Area** (lines 31 to 33 on page 53).

In *clause 65*, definition of **statement of association**, replace “Conservation Area” (line 4 on page 54) with “Marginal Strip”.

In *clause 65*, definition of **statutory acknowledgement**, replace “Conservation Area” (line 11 on page 54) with “Marginal Strip”.

*Clause 67*

In *clause 67(1)(c)*, replace “Conservation Area” (line 36 on page 54) with “Marginal Strip”.

*Clause 68*

In *clause 68(1)*, replace “Conservation Area” (line 10 on page 55) with “Marginal Strip”.

*Clause 69*

In *clause 69(1)*, replace “Conservation Area” (lines 18 and 25 on page 55) with “Marginal Strip” in each place.

*Clause 70*

In *clause 70(1)*, replace “Conservation Area” (line 34 on page 55) with “Marginal Strip”.

In *clause 70(4)*, replace “meaning given to it” (line 14 on page 56) with “same meaning as”.

*Clause 71*

In *clause 71(1)*, replace “Conservation Area” (line 20 on page 56) with “Marginal Strip”.

In *clause 71(2)(b)*, replace “Conservation Area” (line 25 on page 56) with “Marginal Strip”.

In *clause 71(2)(c)*, replace “Conservation Area” (line 27 on page 56) with “Marginal Strip”.

*Clause 72*

In *clause 72(1)*, replace “Conservation Area” (line 8 on page 57) with “Marginal Strip”.

*Clause 73*

In *clause 73(1)*, replace “Conservation Area” (lines 5 and 11 on page 58) with “Marginal Strip” in each place.

In *clause 73(2)*, replace “a statement” (line 12 on page 58) with “the statement”.

In *clause 73(4)(a)*, replace “Conservation Area” (line 30 on page 58) with “Marginal Strip”.

*Clause 74*

In *clause 74(1)*, replace “Conservation Area” (lines 1 and 2 on page 59) with “Marginal Strip”.

*Clause 75*

In *clause 75(1)(b)*, replace “Conservation Area” (lines 24 and 28 on page 59) with “Marginal Strip” in each place.

*Clause 77*

In *clause 77*, replace “Conservation Area” (lines 5 and 6 on page 60) with “Marginal Strip”.

*Clause 79*

In *clause 79(3)*, replace “Conservation Area” (line 31 on page 60) with “Marginal Strip”.

*Clause 94*

In *clause 94*, replace “requires another meaning” (lines 24 and 25 on page 67) with “otherwise requires”.

*Clause 95*

Replace *clause 95(1)* (line 33 on page 68 to line 4 on page 69) with:

- (1) In this subpart, **RFR land**—
  - (a) means the land within the RFR area shown on SO 433356 that, on the settlement date, is—
    - (i) vested in the Crown; or
    - (ii) held in fee simple by the Crown; or
    - (iii) a reserve vested in an administering body that derived title from the Crown; and
  - (b) includes land obtained in exchange for a disposal of RFR land under **section 108(1)(c) or 109**; but
  - (c) does not include a commercial redress property.

*Part 3, subpart 5*

In *Part 3*, replace the *subpart 5* heading (line 1 on page 79) with:

*General provisions**Schedule 2, Part 3*

In *Schedule 2, Part 3*, item relating to Te Heru o Tūreia (Area B), delete “Subject to an unregistered grazing concession with a concession number ECHB-15287-GRA.”

*Schedule 3, Part 2*

In *Schedule 3, Part 2*, item relating to Ngākōauau (Area A), delete “Subject to an unregistered vegetation management contract with Hayward Standing Ltd with a concession number WE-27447-GRA.”

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### Explanatory note

This Supplementary Order Paper amends the Ngāti Pāhauwera Treaty Claims Settlement Bill to—

- change the name of the site to which the statutory acknowledgement relates from relevant part of the Earthquake Slip Conservation Area to relevant part of the Earthquake Slip Marginal Strip;
- update *clause 23(4)* because there is no longer a requirement under the Estate and Gift Duties Act 1968 to pay gift duty in respect of a dutiable gifts made after 1 October 2011:

- insert new *clause 46(4)*, which clarifies that despite section 16 of the Reserves Act 1977, the Minister must not change the name of a reserve site vested under *Part 2* without the written consent of the administering body of the reserve:
  - clarify that the definition of RFR land in *clause 95(1)* does not include a commercial redress property:
  - delete an encumbrance in relation to Te Heru o Tūreia (Area B) specified in *Part 3 of Schedule 2* and an encumbrance in relation to Ngākōauau (Area A) specified in *Part 2 of Schedule 3* because the rights referred to in those encumbrances have expired:
  - make other technical and drafting amendments to improve the drafting of the Bill.
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