

House of Representatives
Supplementary Order Paper

Tuesday, 14 August 2012

Exclusive Economic Zone and Continental Shelf
(Environmental Effects) Bill

Proposed amendment

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

Clause 14

Replace *clause 14* (lines 4 to 26 on page 22) with:

14 Treaty of Waitangi

- (1) This Act must be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi.
- (2) In order to recognise and respect the Crown's responsibility under **subsection (1)**—
 - (a) **section 10** requires the relationship between iwi and their culture and traditions with the marine environment, including taonga species, to be recognised and provided for in achieving the purpose of the Act; and
 - (b) **sections 24 and 97** require that committees and boards of inquiry that are delegated the decision-making functions of the Environmental Protection Authority contain at least 1 member with the necessary skills and experience to incorporate an iwi perspective in decision-making; and
 - (c) **section 26** (which relates to the function of the Māori Advisory Committee) provides for the Māori Advisory Committee to advise the Environmental Protection Authority so that decisions made under this Act may be informed by a Māori perspective; and
 - (d) **section 32** requires the Minister to establish and use a process that gives iwi adequate time and opportunity to comment on the subject matter of proposed regulations; and

- (e) **sections 33 and 59**, respectively, require the Minister and the Environmental Protection Authority to take into account the effects of activities on existing interests; and
- (f) **section 46** requires the Environmental Protection Authority to notify iwi authorities, customary marine title groups, and protected customary rights groups directly of consent applications that may affect them.

Explanatory note

As currently drafted, this Bill does not impose a general obligation on the Crown to give effect to the principles of the Treaty of Waitangi as is required by the Conservation Act 1987 and the Resource Management Act 1991. This Supplementary Order Paper replaces *clause 14* to impose a general Treaty obligation and to expand the specific instances of application.
