

House of Representatives

Supplementary Order Paper

Thursday, 11 April 2013

Waitaha Claims Settlement Bill

Proposed amendments

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

Preamble

In the *Preamble, recital (6)*, replace “confiscation” (line 6 on page 7) with “confiscated land to be retained by the Crown”.

In the *Preamble, recital (7)*, replace “did not return” (lines 16 and 17 on page 7) with “decided to retain”.

In the *Preamble, recital (8)*, replace “Court” (line 20 on page 7) with “court”.

In the *Preamble, recital (10)*, replace “Court” (line 34 on page 7) with “court”.

In the *Preamble, recital (12)*, replace “Waitaha was” (line 12 on page 8) with “Waitaha were”.

Clause 5

In *clause 5(2)(d)(ii)*, replace “consequential amendments” (line 30 on page 9) with “a consequential amendment”.

In *clause 5(3)(b)*, replace “15” (line 7 on page 10) with “16”.

Clause 6

In *clause 6(10)*, replace “The treatment” (line 7 on page 13) with “The Crown acknowledges that the treatment”.

In *clause 6(14)*, replace “Waitaha was” (line 10 on page 14) with “Waitaha were”.

Clause 9

In *clause 9*, definition of **land holding agency**, paragraph (e), replace “the Te Puke properties” (line 30 on page 18) with “a Te Puke property”.

In *clause 9*, definition of **responsible department**, paragraph (c), replace “Economic Development” (lines 36 and 37 on page 19) with “Business, Innovation, and Employment”.

Clause 15

In *clause 15(1)(a)*, replace “land” (line 17 on page 25) with “a property”.

In *clause 15(2)(aa)*, replace “land” (line 23 on page 25) with “a property”.

In *clause 15(2)(a)*, replace “land” (line 25 on page 25) with “a property”.

Clause 17

In *clause 17(2)*, replace “an action or matter” (line 23 on page 26) with “an action or a matter”.

Clause 19

In *clause 19(2)*, delete “either” (line 11 on page 27).

Clause 23

In *clause 23(1)(a)*, replace “Economic Development” (line 2 on page 29) with “Business, Innovation, and Employment”.

Clause 30

In *clause 30(3)*, replace “an appeal from” (lines 17 and 18 on page 31) with “an appeal against”.

Clause 54A

In *clause 54A(1)*, after “repeal” (line 20 on page 42) insert “by the Legislation Act 2012”.

Clause 60

In the heading to *clause 60*, after “**other**” (line 21 on page 44), insert “**similar**”.

Clause 71A

In *clause 71A*, delete the definition of **encumbrance** (lines 26 to 32 on page 49).

Clause 71F

In the heading to *clause 71F*, replace “**Ōtanewainuku and Pūwhenua**” (line 9 on page 53) with “**joint cultural redress property**”.

In *clause 71F(1)*, replace “**Ōtanewainuku and Pūwhenua Scenic Reserve**” (line 11 on page 53) with “a joint cultural redress property”.

Clause 71H

In *clause 71H*, after “encumbrances” (line 5 on page 54), insert “listed for the property in **Schedule 4** or granted in relation to the property before the vesting date”.

Clause 71I

Replace *clause 71I* (lines 6 to 22 on page 54) with:

71I Interests in land for joint cultural redress properties

- (1) This section applies to a joint cultural redress property while all or part of the property remains a reserve under the Reserves Act 1977 (the **reserve land**).

- (2) If the property is affected by an encumbrance that is an interest in land listed for the property in **Schedule 4** or that is granted in relation to the property before the vesting date, the encumbrance applies as if the administering body were the grantor, or the grantee, as the case may be, of the encumbrance in respect of the reserve land.
- (3) Any encumbrance that is an interest in land that affects the reserve land must be dealt with for the purposes of registration as if the administering body were the registered proprietor of the land.
- (4) However, **subsections (2) and (3)** do not affect the registration of the easement referred to in **section 71C(6)**.

Clause 71J

In *clause 71J(1)*, after “land)” (line 25 on page 54), insert “that is listed for the property in **Schedule 4** or that is granted in relation to the property before the vesting date”.

In *clause 71J(3)*, replace “**section 71**” (line 33 on page 54) with “**section 71I**”.

Clause 71K

In *clause 71K(2)(a)*, replace “an undivided one-sixth share” (lines 9 and 10 on page 55) with “each undivided one-sixth share”.

In *clause 71K(2)(b)*, replace “enter on the register” (line 24 on page 55) with “record on each computer freehold register”.

In *clause 71K(3)*, replace “the computer freehold register” (line 28 on page 55) with “a computer freehold register”.

In *clause 71K(4)*, replace “the trustees and the Crown” (lines 33 and 34 on page 55) with “the Crown and the persons in whose names the register is to be created”.

Clause 71L

In *clause 71L(1)* (line 4 on page 56), replace “24(2A),” with “24,”.

Delete *clause 71L(2)* (lines 6 to 8 on page 56).

In *clause 71L(3)*, replace “the rest of section 24” (lines 11 and 12 on page 56) with “section 24 (except subsection (2A))”.

Clause 71M

In *clause 71M(1)*, delete “that is a reserve” (line 17 on page 56).

Replace *clause 71M(3)(a)* (lines 28 to 31 on page 56) with:

- (a) all of the property, then the Director-General must apply in writing to the Registrar-General to remove from the computer freehold registers for the property the notifications that—
 - (i) section 24 of the Conservation Act 1987 does not apply; and

- (ii) the property is subject to **sections 71F, 71I(3), and 71L(3)**; or

In *clause 71M(3)(b)*,—

- (a) replace “records” (line 33 on page 56) with “notifications”; and
(b) replace “register” (line 34 on page 56) with “registers”.

Cross-heading above clause 71O

Delete the cross-heading above *clause 71O* (lines 19 and 20 on page 57).

Clause 71O

In *clause 71O(1)*, delete “that is a reserve” (line 25 on page 57).

In *clause 71O(2)*, delete “that is a reserve” (lines 27 and 28 on page 57).

Clause 71P

In *clause 71P*, delete “that is a reserve” (line 4 on page 58)

Clause 71Q

Replace *clause 71Q(1)* (lines 10 to 14 on page 58) with:

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister made or imposed under the Reserves Act 1977 or the Conservation Act 1987 in relation to a joint cultural redress property before the property vested under **section 71C or 71D**.

In *clause 71Q(2)*, delete “on use or access” (line 15 on page 58).

Clause 71R

Replace *clause 71R(1)* (lines 19 to 21 on page 58) with:

- (1) A joint cultural redress property is not a Crown protected area.
(1A) The Minister must not change the name of a joint cultural redress property under section 16(10) of the Reserves Act 1977 without the written consent of the administering body of the property, and section 16(10A) of that Act does not apply to the proposed change.

In *clause 71R(2)*, replace “meanings” (line 22 on page 58) with “meaning”.

Clause 75

In *clause 75(1)(a)(ii)*, after “**and 74(3)**” (line 18 on page 60), insert “of this Act”.

In *clause 75(1)(b)(ii)*, after “**and 74(3)**” (line 24 on page 60), insert “of this Act”.

In *clause 75(4)(b)*, replace “only on the computer freehold register for” (line 20 on page 61) with “on the computer register only for”.

Clause 79

Replace *clause 79(1)* (lines 25 to 29 on page 62) with:

- (1) This section applies to any bylaw, or any prohibition or restriction on use or access, that an administering body or the Minister made or imposed under the Reserves Act 1977 or the Conservation Act 1987 in relation to a reserve site before the site vested in the trustees under **section 67 or 69**.

In *clause 79(2)*, delete “on use or access” (line 30 on page 62).

Part 3

In the *Part 3* heading, delete “**provided to Waitaha**” (line 33 on page 63).

Schedule 1

In *Schedule 1*, delete the item relating to Part of Kaituna River (page 68).

In *Schedule 1*, after the item relating to Ohineangaanga Stream (page 68), insert:

Part of Kaituna River	as shown marked in blue on deed plan OTS-075-07
Te Kopuaroa River	as shown marked in blue on deed plan OTS-075-12

In *Schedule 1*, delete the item relating to Te Kopuaroa River (page 68).

Schedule 4

Replace the *Schedule 4* heading (page 74) with:

Ngā pae maunga: Joint cultural redress properties

Explanatory note

This Supplementary Order Paper amends the Waitaha Claims Settlement Bill. The amendments, which are largely technical or minor in nature—

- make corrections to land transfer and registration provisions:
 - replace references to the Ministry of Economic Development with references to the Ministry of Business, Innovation, and Employment:
 - make minor adjustments to terminology to ensure clarity and consistency of usage throughout the Bill:
 - correct grammatical and punctuation errors:
 - ensure the items in the schedules are listed in alphabetical order.
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