

House of Representatives

Supplementary Order Paper

Tuesday, 5 September 2006

Te Arawa Lakes Settlement Bill

Proposed amendments

Hon Mark Burton, in Committee, to move the following amendments:

Clause 2

To omit this clause (lines 25 to 27 on page 9) and substitute the following clause:

- (1) The following provisions do not come into force until 1 November 2006:
 - (a) the definitions in **section 11** of **protected New Zealand objects protocol** and **protected New Zealand objects protocol area**; and
 - (b) **section 57** and the heading above that section.
- (2) **Section 101** sets out—
 - (a) the definitions that apply until 31 October 2006, in place of those referred to in **subsection (1)(a)**; and
 - (b) the form of **section 57** and the heading above that section that apply until 31 October 2006, in place of those referred to in **subsection (1)(b)**.
- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Clause 11

To omit the definitions of **antiquities protocol** and **antiquities protocol area** (lines 6 to 16 on page 16) and insert the following definitions in their appropriate alphabetical order:

protected New Zealand objects protocol means a protocol issued under **section 52** by the Minister for Arts, Culture and Heritage that—

- (a) sets out how the chief executive of the Ministry for Culture and Heritage and the Trustees of the Te Arawa

Lakes Trust will interact on the matters specified in that protocol; and

- (b) is in the form set out in Part 2 of the Relationship Schedule or as the protocol is amended under **section 52 protected New Zealand objects protocol area** means the Te Arawa lakes, as identified in attachment A of the protected New Zealand objects protocol

To omit paragraph (b)(i) (line 21 on page 17) of the definition of **deed of settlement** and **deed** and substitute the following subparagraphs:

- (i) the schedules, comprising the Relationship Schedule, Cultural Redress Schedule, Deed of Covenant, and Schedule of Attached Plans; and
(ia) any attachments; and

To omit “and” (line 39 on page 17) and substitute “or its”.

To insert the following definition in its appropriate alphabetical order:

Relationship agreement means the agreement set out in Part 3 of the Relationship Schedule, or as amended in the manner provided for in the agreement.

To omit the definition of **Relationship Schedule** (line 33 on page 19) and substitute the following definition:

Relationship Schedule means Schedule 1 of the deed, comprising—
(a) the Rotorua Lakes Strategy Group agreement; and
(b) the protocols; and
(c) the Relationship agreement.

Clause 23(2)

To add (line 11 on page 29) “as Crown land under the Land Act 1948.”

Heading above clause 57

To omit this heading (line 7 on page 44) and substitute the heading “*Protected New Zealand objects protocol*”.

Clause 57

To omit this clause (lines 8 to 13 on page 44) and substitute the following clause:

Protected New Zealand object protocol

57 Effect of protected New Zealand objects protocol

- (1) The protected New Zealand objects protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, protected New Zealand objects or ngā taonga tūturu.
- (2) In this section, **protected New Zealand object** and **ngā taonga tūturu** have the same meanings as in section 2 of the Protected Objects Act 1975.

New heading and new clause 101

To insert (after line 27 on page 64) the following heading and clause:

Transitional provision

101 Transitional provision relating to Antiquities Act 1975

- (1) The purpose of this section is to apply certain provisions of the Antiquities Act 1975 until the provisions of the Protected Objects Amendment Act 2006 come into force on 1 November 2006.
- (2) Until 31 October 2006, the following definitions apply in place of those referred to in **section 2(1)(a)**:
antiquities protocol means a protocol issued under **section 52** by the Minister for Arts, Culture and Heritage that—
 - (a) sets out how the chief executive of the Ministry for Culture and Heritage and the Trustees of the Te Arawa Lakes Trust will interact on the matters specified in that protocol; and
 - (b) is in the form set out in Part 2 of the Relationship Schedule or as the protocol is amended under **section 52****antiquities protocol area** means the Te Arawa lakes, as identified in attachment A of the antiquities protocol.
- (3) Until 31 October 2006, the following heading and provision apply in place of the **section 57** and heading above that section referred to in **section 2(1)(b)**:

Antiquities protocol

57 Effect of antiquities protocol

- (1) The antiquities protocol does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, antiquities or artifacts.
- (2) In this section, **antiquity** and **artifact** have the same meanings as in **section 2 of the Antiquities Act 1975**.

Explanatory note

This Supplementary Order Paper amends the Te Arawa Lakes Settlement Bill.

The amendments to *clauses 2, 11, and 57* and *new clause 101* are required as a consequence of changes in terminology enacted by the Protected Objects Amendment Act 2006. Those changes take effect on 1 November 2006.

The changes to *clause 2* provide that 2 of the definitions in *clause 11* and the substantive provisions of *clause 57* do not come into force until 1 November 2006. That clause also states that the transitional provisions are contained in *new clause 101*.

The amendment to *clause 23(2)* is required to clarify that the Crown stratum is Crown land under the Land Act 1948.

Clauses 11 and 57 are amended by replacing the existing definitions with definitions using the terminology of the Protected Objects Amendment Act 2006.

In *clause 11*, the definition of **deed of settlement** and **deed** is amended to refer expressly to the 4 Schedules comprising the Relationship Schedules. A definition of **Relationship Agreement** is also inserted.

New clause 101 is a transitional provision, required for the period between the time that the Te Arawa Lakes Settlement Bill comes into force (which is on the day after the date on which it receives the Royal assent) and 1 November 2006, when the Protected Objects Amendment Act 2006 takes effect.

