

New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Bill

Government Bill

Explanatory note

General policy statement

The Bill repeals and replaces the New Zealand Geographic Board Act 1946 (the **1946 Act**). That legislation had its genesis in the Designations of Districts Act 1894 which gave the Governor of New Zealand authority to alter or assign place names. Prior to that Act, place naming in New Zealand was administered under the auspices of the Royal Geographic Society in London.

A review of the 1946 Act was initiated by the Government with the release in October 2003 of a discussion paper “Review of the New Zealand Geographic Board Act 1946”. The review disclosed that in some respects the Act is limited in scope, lacks clarity in relation to a number of matters, and includes a number of outdated provisions. Since the 1946 Act was passed, the importance of geographic names has increased for local, national, and international purposes. For this reason, new legislation is required. The changing uses for which the New Zealand Geographic Board’s services are required include—

- the use of geographic names for identifying correct emergency incident locations:
- naming in relation to the continental shelf and Ross Dependency.

The Bill provides for a number of new functions to be carried out by the Board, including new administrative functions in relation to the official naming of geographic features, not only within the territorial limits of New Zealand, but also for geographic features on the continental shelf and in the Ross Dependency. In relation to proposals for naming specified Crown areas (**Crown protected areas**), the Board will have a statutory role to review the proposals, applying the rules, standards, or guidelines it has developed for the purpose. The Bill also makes provision for revised administrative procedures and the development of rules, protocols, or guidelines that will assist in achieving a systematic and standardised approach to official geographic names.

It carries over certain provisions of the 1946 Act that are still required, updating them as necessary, including provisions confirming the Board's jurisdiction, functions, powers, and duties. The Bill also updates the administrative provisions relating to the Board's membership and meetings.

The Bill continues the Board's current responsibility for assigning or altering the official names of localities and suburbs, but this function will be devolved to local authorities in the future through subsequent legislation and consequential amendment. However, the Board will retain a concurrence role in that process.

The Bill includes certain provisions to recognise and respect the responsibility of the Crown in relation to the Treaty of Waitangi. It also includes the use of a Māori name for the Board as well as its long-held English name, as a means of acknowledging the Māori tradition of using place names as memorial markers of the landscape.

Clause by clause analysis

Clause 1 is the Title clause, which permits the Bill to be known by either its English or Māori title, or both titles.

Clause 2 is the commencement clause. This Bill comes into force on 1 July 2008.

Part 1

General matters and key provisions relating to New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa

Subpart 1—Purpose, interpretation, and other general provisions

Clause 3 states the purposes of the Bill.

Clause 4 sets out defined terms. Key definitions include those of the terms Crown protected area, geographic feature, official geographic name, place, recorded name, and undersea feature.

Clause 5 provides that the provisions of the Bill bind the Crown.

Clause 6 refers to specific clauses that impose certain requirements in order to recognise and respect the Crown's Treaty obligations.

Subpart 2—New Zealand Geographic Board: its jurisdiction, powers, functions, and duties

Clause 7 provides for the continuation of the Board set up under the 1946 Act, but it is to be known by both its English and Māori names.

Jurisdiction and powers of Board

Clause 8 clarifies the extent of the Board's jurisdiction by providing for the Board to carry out its statutory functions, powers, and duties in relation to geographic features and Crown protected areas within the territorial limits of New Zealand, on the continental shelf, and in the Ross Dependency. The Board does not, however, have jurisdiction to assign a name to, or alter the name of, New Zealand.

Clause 9 describes the general powers of the Board.

Functions of Board

Clause 10 sets out the principal functions of the Board. These include assigning, approving, altering, or discontinuing the use of official geographic names for geographic features within its jurisdiction. This clause also requires the Board to review any proposals that include naming, or altering the name of, a Crown protected area.

Clause 11 (parts of which are carried over from sections 8 and 10 of the 1946 Act) sets out the other functions of the Board. These include adopting policies, rules, standards, protocols, or guidelines for designating and spelling official geographic names, collecting original Māori place names, and encouraging their use on official charts and maps. It also provides for the Board's power, if requested by a local authority, to alter the name of a district or region.

Duties of Board

Clause 12 provides for the duties of the Board to administer the Gazetteer, develop policies, rules, guidelines, or standards for naming Crown protected areas, and other functions or duties that apply to the Board under the Bill or any other enactment.

Gazetteer

Clause 13 requires the Board to establish and maintain a publicly available Gazetteer to record all official geographic names.

Reporting duty

Clause 14 provides for the Board to submit an annual report to the Minister on its performance under the Bill.

Part 2

Naming of geographic features and Crown protected areas

Subpart 1—Process for naming geographic features

Proposals

Clause 15 provides that any person may submit a proposal to assign, alter, or discontinue the use of official geographic names for geographic features.

Process for approval of proposal

Clauses 16 to 21 cover the requirements for the Board to publicly notify a proposal, receive public submissions, consider the submissions, and determine the proposal. If there are no objections to the

proposal or if the Board agrees with any objections, *clause 19* allows the Board to determine the matter. *Clause 20* sets out the process for escalating a proposal to the Minister for determination. *Clause 21* sets out the public notice requirements before a proposed name becomes an official geographic name.

Clauses 22 and 23 provide for the situation where the Board is requested by a local authority for a local authority name to be altered. The Board must give public notice of the change of name once an Order in Council has been made under section 260 of the Local Government Act 2002.

Subpart 2—Exceptions to certain notification requirements

Circumstances where no public objection likely

Clause 24 provides that, where no public objection is likely, the notice and consultation requirements set out in *clause 16* do not apply in relation to certain proposals.

Features outside territorial limits of New Zealand

Clause 25 provides that the requirements set out in *clauses 16 to 20* do not apply to geographic features outside New Zealand's territorial limits, although there are alternative consultation and public notification requirements that apply.

Clause 26 permits the Board to review and, if appropriate, adopt as official geographic names the names of undersea features that are within the Board's jurisdiction, such as those published in the GEBCO Gazetteer or on official charts or maps. A restricted notice requirement is provided for.

Subpart 3—Review of proposals for naming Crown protected areas

Proposals notified and consulted on under enactment

Clauses 27 to 29 set out the process that the Board must follow when it reviews a proposal that includes the naming of a Crown protected area under another enactment. The proposed name must be referred

to the Board for review in accordance with its policies, rules, standards, and guidelines adopted for the purpose. If the Board concurs with the proposal, it need not *Gazette* the name if there is a public notice requirement in the relevant enactment under which the Crown protected area is named, but the Board must notify the name in accordance with the notice requirements of *clause 21(2)(b)*. If the Board does not concur with a proposal, it must refer the proposal to the Minister of Conservation for final determination, and give public notice of that determination.

*Proposals not notified and consulted on under
enactment*

Clause 30 applies if there is no statutory requirement for public notification and consultation in respect of the naming of a Crown protected area. The Board must undertake the full notification and submission process, and the Board also has a review role, if the proposal proceeds.

Status of names of Crown protected areas

Clause 31 confirms that a name assigned to, or altered for, a Crown protected area in accordance with the subpart is the official geographic name for that area.

Part 3

Miscellaneous provisions

Use of official geographic names

Clause 32 requires official geographic names to be used in all official documents, unless a document expressly states that a particular name is not an official geographic name.

Clause 33 allows the Board or any person to apply to the High Court for an injunction to prevent the publication of an unofficial name in an official document.

Savings

Clause 34 confirms that the rights and obligations of local authorities in respect of a geographic feature are not affected by the Board exercising its functions in relation to the naming of geographic features.

Clause 35 validates certain actions taken before the commencement of the Act, including names assigned or altered by the Board of geographic features in the Ross Dependency or Crown protected areas.

Proof of status as official geographic name

Clause 36 provides that a copy of a *Gazette* notice published under the Bill is conclusive evidence of the official geographic name of the geographic feature or Crown protected area to which it applies.

Repeals and amendments

Clause 37 repeals the New Zealand Geographic Board Act 1946.

Clause 38 provides that the Acts in *Schedule 2* are amended in the manner set out in that schedule.

Schedule 1 sets out a number of administrative provisions governing the Board.

Schedule 2 sets out the consequential and related amendments to other Acts.

Hon David Parker

New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act **2007**, and may also be cited as—
- (a) the New Zealand Geographic Board Act **2007**; or
 - (b) Ngā Pou Taunaha o Aotearoa Act **2007**.
- 2 Commencement**
This Act comes into force on **1 July 2008**.

Part 1**General matters and key provisions
relating to New Zealand Geographic
Board Ngā Pou Taunaha o Aotearoa**

Subpart 1—Purpose, interpretation, and
other general provisions 5

3 Purpose

The purposes of this Act are to—

- (a) provide for—
 - (i) the continuation of the New Zealand Geographic Board as the same body as that established under the New Zealand Geographic Board Act 1946, with the primary responsibility for naming geographic features and Crown protected areas; and 10
 - (ii) the membership of the Board, so as to ensure adequate representation on the Board of community and government interests; and 15
 - (iii) the administration of the Board; and
- (b) establish the jurisdiction of the Board; and
- (c) set out the Board’s powers, functions, and duties, in particular providing for the Board to assign, approve, alter, or discontinue the use of official geographic names for geographic features within its jurisdiction, so as to achieve a coordinated and standardised approach to official geographic names; and 20 25
- (d) provide effective notification, consultation, and decision-making procedures for naming geographic features; and
- (e) provide the means for appropriate recognition to be accorded to cultural and heritage values associated with geographic features; and 30
- (f) enable certain administrative needs of government (including local government) to be met; and
- (g) provide for the Board’s role of reviewing proposals to assign official geographic names to Crown protected areas; and 35
- (h) ensure the provision of, and public access to, an authoritative record of official geographic names; and

- (i) repeal the New Zealand Geographic Board Act 1946.

4 Interpretation

In this Act, unless the context otherwise requires,—

Board means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa continued by **section 7** 5

Crown protected area means—

- (a) land or an interest in land held under the Conservation Act 1987 for the purpose of a conservation park, ecological area, sanctuary area, or wilderness area, or for any other specified purpose, as provided for in Part 4 of that Act: 10
- (b) a government purpose reserve, historic reserve, nature reserve, recreation reserve, scenic reserve, or scientific reserve, as provided for in Part 3 of the Reserves Act 1977 (but not a reserve that is vested in a local authority): 15
- (c) a marine reserve, as defined in section 2 of the Marine Reserves Act 1971:
- (d) a national park, as defined in section 2 of the National Parks Act 1980 20

department means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

district has the same meaning as in section 5 of the Local Government Act 2002 25

document has the same meaning as in section 4 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003

Gazetteer means the New Zealand Gazetteer of Official Geographic Names required to be established and maintained by **section 13** 30

GEBCO Gazetteer means the General Bathymetric Chart of the Oceans Gazetteer of Undersea Feature Names

geographic feature and **feature** mean—

- (a) a natural feature such as a mountain, peak, valley, glen, forest, lagoon, swamp, creek, stream, river, ford, lake, 35

- glacier or ice feature, bay, island or harbour (including man-made features of the same type):
- (b) a railway or railway station, but not a railway feature such as a marshalling yard, transfer site, or track point location: 5
 - (c) a place:
 - (d) an undersea feature
- local authority** has the same meaning as in section 5 of the Local Government Act 2002
- locality** means an identifiable area within a local authority area, usually rural or partly rural in character 10
- Minister** means the Minister of the Crown for the time being responsible for the administration of this Act
- official chart** and **official map** mean, as the case may be, a chart (such as a hydrographic chart) or map (such as a topographic map) published under Crown copyright, including any Crown-owned electronic database from which such a chart or map is produced 15
- official document**—
- (a) means a published document created by a public office or by a local authority in the course of business; and 20
 - (b) includes, in relation to documents published in New Zealand or prepared in New Zealand for publication outside New Zealand (whether or not created by a public office or by a local authority in the course of business),— 25
 - (i) geographic and scientific publications and manuscripts; and
 - (ii) publications intended for travellers or tourists
- official geographic name**— 30
- (a) means—
 - (i) the name of a geographic feature assigned, approved, or altered by the Board and publicly notified in accordance with this Act; or
 - (ii) the names validated by **section 35**; and 35
 - (b) includes—

- (i) the name of a Crown protected area reviewed and concurred with by the Board under **subpart 3 of Part 2**; and
 - (ii) a name published in the *Gazette* under the New Zealand Geographic Board Act 1946; and 5
 - (iii) the place names assigned, altered, or discontinued under a Treaty of Waitangi Settlement Act enacted before the commencement of this Act
- place**— 10
- (a) means a city, town, village, site, area, or similar place; and
 - (b) includes a locality and suburb; but
 - (c) does not include a district, region, or ward of a local authority or a Crown protected area 15
- public office** has the same meaning as in section 4 of the Public Records Act 2005
- recorded name** means the name of a geographic feature that—
- (a) is not an official geographic name; but
 - (b) appears in at least 2 publications or databases that are— 20
 - (i) publicly available; and
 - (ii) in the opinion of the Board, authoritative publications or databases
- region** has the same meaning as in section 5 of the Local Government Act 2002 25
- suburb** means an identifiable area within a local authority area, usually urban in character, with facilities such as those for education, transport, and shopping
- te reo Māori** means the Māori language
- tikanga Māori** means Māori customary values and practices 30
- undersea feature** means a part of the ocean floor or seabed that has measurable relief or is delimited by relief, as, for example, set out in (but not limited to) the *Guidelines for the Standardization of Undersea Feature Names* (International Hydrographic Bureau, Monaco, April 2001) 35
- ward** has the same meaning as in section 5 of the Local Electoral Act 2001.

- 5 Act to bind the Crown**
This Act binds the Crown.
- 6 Treaty of Waitangi (Te Tiriti o Waitangi)**
In order to recognise and respect the Crown’s responsibility to take appropriate account of the Treaty of Waitangi (Te Tiriti o Waitangi),—
- (a) **section 11(1)(d)** confers on the Board the function of collecting original Māori names of geographic features for recording on official charts and official maps; and
 - (b) **section 11(1)(e)** confers on the Board the function of encouraging the use of original Māori names of geographic features on official charts and official maps; and
 - (c) **clause 1(2)(a) of Schedule 1** requires 2 persons to be appointed to the Board, on the recommendation of the Minister of Māori Affairs.

Subpart 2—New Zealand Geographic Board: its jurisdiction, powers, functions, and duties

Board

- 7 Continuation of Board** 20
- (1) The New Zealand Geographic Board established by section 3 of the New Zealand Geographic Board Act 1946 is continued with the name New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa.
 - (2) The Board is a body corporate with perpetual succession. 25
 - (3) **Schedule 1** applies to the Board and its members.

Jurisdiction and powers of Board

- 8 Extent of Board’s jurisdiction**
- (1) The Board has jurisdiction to exercise its powers and to carry out its functions and duties under this Act or any other enactment in relation to geographic features and Crown protected areas within— 30
 - (a) the territorial limits of New Zealand; and

- (b) the continental shelf, as defined in section 2(1) of the Continental Shelf Act 1964; and
 - (c) the Ross Dependency, as defined in section 7(1) of the Antarctica (Environmental Protection) Act 1994.
- (2) However, the Board does not have jurisdiction to assign a name to, or alter the name of, New Zealand. 5

9 General powers of Board

- (1) For the purpose of performing its functions and duties, the Board has—
- (a) full capacity to undertake any activity, do any act, or enter into any transaction; and 10
 - (b) for the purposes of **paragraph (a)**, full rights, powers, and privileges.
- (2) **Subsection (1)** applies subject to this Act, other enactments, and the general law. 15

Functions of Board

10 Principal functions of Board

- (1) The principal functions of the Board, in relation to any geographic feature within its jurisdiction, are to—
- (a) assign an official geographic name: 20
 - (b) approve a recorded name as an official geographic name:
 - (c) alter an official geographic name or recorded name by—
 - (i) substituting another name; or
 - (ii) correcting the spelling of the name: 25
 - (d) discontinue the use of an official geographic name or recorded name:
 - (e) investigate and determine the position or extent of the geographic feature in respect of which the Board—
 - (i) assigns an official geographic name: 30
 - (ii) approves a recorded name:
 - (iii) alters the official geographic name.
- (2) Any proposal to assign a name to, or alter the name of, a Crown protected area must be reviewed by the Board in accordance with **sections 27 to 30**. 35

- (3) This section and **section 11** apply despite any other enactment, but do not limit the other provisions of this Act.

Compare: 1946 No 3 s 9(1)

11 Other functions of Board

- (1) In order to carry out its principal functions under **section 10**, the Board may— 5
- (a) adopt policies, rules, standards, protocols, guidelines, or similar instruments for carrying out its functions, including, but not limited to, rules, standards, protocols, or guidelines that it considers appropriate for the spelling and systematic designation of official geographic names: 10
 - (b) examine cases of doubtful spelling of names and determine the spelling to be adopted on official charts or official maps: 15
 - (c) investigate and determine the priority of the discovery of any geographic feature:
 - (d) collect original Māori names for recording on official charts and official maps:
 - (e) encourage the use of original Māori names on official charts and official maps: 20
 - (f) seek advice from Te Taura Whiri i te Reo Māori (the Māori Language Commission) on the correct orthography of any Māori name:
 - (g) undertake research into any proposal to name or alter the name of a geographic feature: 25
 - (h) undertake other functions necessary to enable it to act effectively under this Act or any other enactment.
- (2) Without limiting section 260 of the Local Government Act 2002, the Board may alter the name of a district or region if, by resolution, a meeting of the relevant local authority— 30
- (a) consents to the alteration; or
 - (b) requests the alteration.
- (3) If the Board carries out the function provided for by **subsection (2)**, the provisions of **sections 16 to 20** apply as if the district or region affected were a geographic feature. 35

Compare: 1946 No 3 ss 8(1), 10

Duties of Board

12 Duties of Board

The Board must—

- (a) administer the Gazetteer as provided for by **section 13**,
and 5
- (b) in consultation with the Minister of Conservation, de-
velop rules, standards, or guidelines for naming Crown
protected areas; and
- (c) make inquiries and recommendations on any matters
referred to it by the Minister; and 10
- (d) carry out any other functions or duties given to it or
required by or under this Act or other enactment.

Compare: 1946 No 3 s 8(1)(g), (2)

Gazetteer

13 Gazetteer to be created by Board

15

- (1) The Board must establish and maintain a publicly available
record known as the New Zealand Gazetteer of Official Geo-
graphic Names.
- (2) The Gazetteer must record all official geographic names and
the relevant *Gazette* or statutory reference for each official
geographic name. 20
- (3) The Gazetteer—
 - (a) must include a record of—
 - (i) the type of geographic feature or Crown pro-
tected area that is named; and 25
 - (ii) the positional reference for the feature or area;
and
 - (b) may include—
 - (i) any background information relevant to the his-
tory and name of the geographic feature or Crown
protected area that is named; and 30
 - (ii) information on the spatial extent of the geo-
graphic feature or Crown protected area that is
named.

*Reporting duty***14 Annual report**

- (1) The Board must report annually to the Minister on the performance of its functions and duties and the exercise of its powers. 5
- (2) The report must include a copy of the part of the audited accounts of Land Information New Zealand that relate to the Board's expenditure for that year.
- (3) A summary of the annual report of the Board must be included in the annual report of Land Information New Zealand presented to the House of Representatives under section 39 of the Public Finance Act 1989. 10

Part 2**Naming of geographic features and
Crown protected areas**

15

Subpart 1—Process for naming geographic
features*Proposals***15 Proposals may be submitted to Board**

- (1) Any person may submit a proposal to the Board, in relation to a geographic feature within the Board's jurisdiction, to— 20
- (a) assign an official geographic name to the feature; or
- (b) alter the existing name of the feature, for example, by—
- (i) substituting another name; or
- (ii) correcting the spelling of the name; or 25
- (c) discontinue the use of the name of the feature.
- (2) A proposal must—
- (a) be in the form provided for the purpose by the Board; and
- (b) meet the requirements specified by the Board; and 30
- (c) include the evidence necessary to support the proposal.
- (3) In this subpart, **proposal** means a proposal of the kinds described in **subsection (1)**.

Process for approval of proposal

16 Notification of proposal

- (1) This section and **sections 17 to 21** apply, in relation to a geographic feature within the territorial limits of New Zealand, to a proposal for an official geographic name— 5
- (a) submitted to the Board under **section 15**; or
 - (b) made by the Board under **section 10(1)(a) to (d)** (unless the exceptions provided for under **subpart 2** apply).
- (2) Before the Board assigns, approves, or alters an official geographic name or recorded name, or discontinues the use of an official geographic name or recorded name, the Board must give public notice of the proposal— 10
- (a) in the *Gazette*; and
 - (b) as soon as practicable after it has been gazetted, at least once— 15
 - (i) in a newspaper, periodical publication, or other news publication that circulates nationally, or by any other practicable means (including electronic media); and 20
 - (ii) in a publication that circulates particularly in the area relevant to the proposal.
- (3) The notices must, in each case, specify—
- (a) the geographic feature and the name proposed for it; and
 - (b) the date by which submissions must be received by the Board (which must not be sooner than 1 month after the date of the public notice given under **subsection (2)(b)**); and 25
 - (c) the manner in which submissions must be given; and
 - (d) the contact details of the Board. 30

Compare: 1946 No 3 s 12

17 Submissions

A person making a submission on a proposal—

- (a) must state, with reasons, whether that person supports or objects to the proposal; and 35
- (b) may, if that person objects to the proposal, set out an alternative proposal or support the existing name, if any.

Compare: 1946 No 3 s 13(1)

18 Board to consider submissions and decide on objections

- (1) As soon as is reasonably practicable after the closing date for submissions on a proposal, the Board must—
- (a) consider any submissions; and
 - (b) in relation to any objections, decide whether to uphold those objections or reject them. 5
- (2) The Board may obtain any further information necessary to enable it to decide on an objection.

19 Determination by Board

- (1) The Board must make a determination on a proposal if it— 10
- (a) receives no objections on the proposal within the time notified; or
 - (b) receives objections on a proposal and agrees with the objections.
- (2) The Board may obtain any further information necessary to enable it to determine a proposal. 15
- (3) The Board's determination of a proposal is final.
Compare: 1946 No 3 ss 13(2), 14

20 Determination by Minister

- (1) If the Board does not make a determination under **section 19(1)**, it must report in writing to the Minister, setting out— 20
- (a) a summary of submissions; and
 - (b) its decision on the proposal, together with its reasons for that decision.
- (2) The Minister, after making any inquiry he or she thinks fit, may determine the proposal by confirming, modifying, or rejecting the decision of the Board. 25
- (3) The Minister's determination on a proposal is final.
Compare: 1946 No 3 s 13

21 Publication of official geographic names 30

- (1) This section applies to determinations other than those that relate to the function of the Board to alter the name of a district or region, as provided for by **section 11(2)**.
- (2) The Board must give public notice of a determination made under **section 19 or 20**— 35

- (a) in the *Gazette*; and
- (b) as soon as practicable after it has been gazetted, at least once—
 - (i) in a newspaper, periodical publication, or other news publication that circulates nationally, or by any other practicable means (including electronic media); and 5
 - (ii) if appropriate, in a publication that circulates particularly in the area relevant to the proposal.
- (3) The notices must, in each case, state— 10
 - (a) that the name is the official geographic name for the specified geographic feature; and
 - (b) the date when the determination takes effect, which must be—
 - (i) the date of the *Gazette* notice; or 15
 - (ii) a date specified in the *Gazette* notice, which must be as soon as practicable after the date of the *Gazette* notice.

Compare: 1946 No 3 s 15

22 Alteration of name of local authority 20

- (1) This section applies if the Board carries out the function to alter the name of a district or region provided for under **section 11(2)**.
- (2) Before the Board may give public notice of a determination to alter the name of a district or region, it must request the Minister to recommend to the Governor-General to make an Order in Council under section 260 of the Local Government Act 2002 to amend the name of the relevant local authority in Schedule 2 of that Act to give effect to the alteration. 25
- (3) An Order in Council must specify the date when the amendment takes effect, which must allow the Board sufficient time to give public notice as required by **section 23(2)(a)**. 30

23 Notification of alteration of name of district or region

- (1) As soon as is reasonably practicable after the Governor-General has made an Order in Council in accordance with **section 22(2)**, the Board must give public 35

notice of the determination to alter the name of the relevant district or region.

- (2) The notice required by **subsection (1)** must—
- (a) be given in accordance with **section 21(2)**; and
 - (b) state the date on which the determination takes effect, 5
which must be the date stated in the Order in Council made under **section 22(2)**.

Subpart 2—Exceptions to certain notification requirements

Circumstance where no public objection likely 10

24 Discretion not to give public notice

- (1) This section applies if the Board, in carrying out its functions under **section 10(1)(b) and (d)**, is of the opinion that there is not likely to be public objection.
- (2) Without giving public notice under **section 16**, the Board 15
may—
- (a) approve a recorded name as the official geographic name for a geographic feature, if there are no known alternative recorded names for that geographic feature:
 - (b) discontinue the use of an official geographic name for a 20
geographic feature.
- (3) The Board must, as soon as is reasonably practicable, give public notice in accordance with **section 21(2)** of a decision made under **subsection (2)**.

Features outside territorial limits of New Zealand 25

25 Geographic features outside territorial limits

- (1) The provisions of **sections 16 to 20** do not apply if, in relation to a geographic feature that is outside the territorial limits of New Zealand, the Board carries out the function of— 30
- (a) assigning an official geographic name; or
 - (b) altering an official geographic name.
- (2) However, the Board must—
- (a) consult with any national and international authorities that it considers appropriate; and 35

- (b) as soon as is reasonably practicable, give public notice of the official geographic name in accordance with **section 21(2)**.

26 Adoption of existing names for undersea features

- (1) The Board may review, and, if appropriate, adopt as official geographic names the existing names of undersea features that are within the Board’s jurisdiction, for example, names published in the GEBCO Gazetteer or on official charts or official maps. 5
- (2) If the Board exercises its power under **subsection (1)**,— 10
- (a) the provisions of **sections 16 to 20** do not apply; but
- (b) the Board must, as soon as is reasonably practicable, give public notice of the names adopted under **subsection (1)** in accordance with **section 21(2)**.

Subpart 3—Review of proposals for naming Crown protected areas 15

Proposals notified and consulted on under another enactment

27 Process for review

- (1) This section applies if a proposal relating to a Crown protected area— 20
- (a) includes a proposal for naming that area; and
- (b) is made under an enactment that provides a power to assign a name to, or alter the name of, the Crown protected area, whether or not there is a requirement in that enactment for public notice of, and consultation on, the proposed name. 25
- (2) The person who makes the proposal must—
- (a) first comply with any requirements of the enactment in relation to the proposed name; and 30
- (b) then refer the proposed name, with supporting documentation, to the Board for review under **subsection (3)**.
- (3) The Board must review a proposed name in accordance with the policies, rules, standards, or guidelines developed under **section 12(b)**. 35

28 Process if Board concurs

- (1) If the Board concurs with a proposed name it reviews under **section 27(3)**, and the enactment under which the Crown protected area is named requires the person making the proposal to notify the name in the *Gazette* or include it in an enactment, the Board— 5
- (a) need not give notice of the name in the *Gazette* in accordance with **section 21(2)(a)**; but
 - (b) must give notice of the name in accordance with **section 21(2)(b)**. 10
- (2) However, if the relevant enactment does not provide for public notice of the name to be given or for the name to be included in a *Gazette* notice or in an enactment, the Board must give public notice of the name in accordance with **section 21(2)**.

29 Process if Board does not concur 15

- (1) Despite the requirements of any other enactment, if the Board does not concur with a proposed name reviewed under **section 27(3)**, it must refer the proposed name and the recommendations of the Board to the Minister of Conservation for final determination. 20
- (2) As soon as is reasonably practicable,—
- (a) the Minister of Conservation must advise the Board of that determination; and
 - (b) the Board must give public notice of that determination in accordance with **section 21(2)**. 25

*Proposals not notified and consulted on under
another enactment***30 Process for review if public notice not given**

- (1) This section applies to a proposal to assign a name to, or alter the name of, a Crown protected area if— 30
- (a) there is no statutory requirement for public notice and consultation in relation to a proposed name; and
 - (b) the person making the proposal has not otherwise given public notice and undertaken consultation on the proposed name. 35

- (2) The person who makes the proposal must refer the proposed name to the Board.
- (3) The Board must—
- (a) give public notice in accordance with **section 16**; and
 - (b) receive any submissions made in accordance with **section 17**; and
 - (c) forward any submissions to the person making the proposal.
- (4) The person who makes the proposal must—
- (a) consider any submissions and decide whether to proceed, either with the original proposed name or with a different name; and
 - (b) if that person decides to proceed, refer the proposed name, with supporting documentation, to the Board for review in accordance with **section 27(3)**.

Status of names of Crown protected areas

31 Names of Crown protected areas

A name assigned to, or altered for, a Crown protected area in accordance with this subpart is the official geographic name of that area. 20

Part 3

Miscellaneous provisions

Use of official geographic names

32 Official geographic names must be used

- (1) If there is an official geographic name for a geographic feature or Crown protected area, that name must be used in all official documents. 25
- (2) However, **subsection (1)** does not apply if an official document containing a name other than an official geographic name states that the particular name is not the official geographic name of the geographic feature or Crown protected area to which it applies. 30

Compare: 1946 No 3 s 18(1)

33 Injunction may be granted by Court

- (1) The High Court may, on the application of the Board, grant an injunction to prevent a person from publishing a name in an official document in breach of **section 32**.
- (2) The High Court may rescind or vary an injunction granted under this section. 5
- (3) If the Board applies to the High Court for the grant of an interim injunction, the Court must not,—
- (a) as a condition of granting an interim injunction, require the Board to give an undertaking as to damages; or 10
 - (b) take into account the fact that the Board is not required to give an undertaking as to damages.

*Savings***34 Rights of local authorities not affected**

- If the Board exercises any of its functions in relation to the naming of a geographic feature under this Act,— 15
- (a) the rights and obligations of a local authority in respect of the geographic feature are not affected; and
 - (b) legal proceedings—
 - (i) are not invalidated solely because of the exercise of the function; and 20
 - (ii) may be continued or commenced under the official geographic name approved, assigned, or altered under this Act.

Compare: 1946 No 3 s 16

25

35 Validation of certain names

- (1) In relation to actions taken before the commencement of this Act, this section applies to every name—
- (a) that the Board has assigned to, or altered for, a geographic feature in the Ross Dependency, whether or not that name has been gazetted; and 30
 - (b) assigned to, or altered for, a Crown protected area under an enactment, whether or not the proposed name—
 - (i) was publicly notified and consulted on; or
 - (ii) gazetted under, or included in, the enactment. 35

- (2) The names referred to in **subsection (1)** are official geographic names and as valid as if they had been assigned or altered in accordance with this Act.
- (3) The Board must, as soon as is reasonably practicable after the commencement of this Act, publish in the *Gazette* the official geographic names referred to in **subsection (1)** that have not previously been gazetted. 5
Compare: 1946 No 3 s 17

Proof of status as official geographic name

- 36 Publication in Gazette** 10
A copy of a *Gazette* notice published under this Act is conclusive evidence of the official geographic name of the geographic feature or Crown protected area to which it applies.
Compare: 1946 No 3 s 15(3)

Repeal and amendments 15

- 37 Repeal**
The New Zealand Geographic Board Act 1946 is repealed.
- 38 Consequential amendments**
The Acts specified in **Schedule 2** are amended in the manner indicated in that schedule. 20

Schedule 1**s 7(3)****Appointments and other procedures***Membership***1 Members of Board**

- (1) The Board must consist of— 5
- (a) 8 persons appointed by the Minister in accordance with **subclauses (2) and (3)**; and
 - (b) the Surveyor-General; and
 - (c) the official from the department with the primary responsibility for setting hydrographic information standards for New Zealand. 10
- (2) The Minister, by notice in the *Gazette*, must appoint,—
- (a) on the recommendation of the Minister of Māori Affairs, 2 persons as representatives of Māori who— 15
 - (i) have a knowledge of tikanga Māori and te reo Māori; and
 - (ii) are able to provide advice in relation to the naming of geographic features and Crown protected areas for which tikanga Māori or te reo Māori is relevant; and 20
 - (b) 1 person nominated by Te Rūnanga o Ngāi Tahu (as established under section 6 of Te Runanga o Ngai Tahu Act 1996); and
 - (c) 1 person nominated by the New Zealand Geographical Society Inc; and 25
 - (d) 1 person nominated by the Federated Mountain Clubs of NZ Inc; and
 - (e) 1 person nominated by Local Government New Zealand; and
 - (f) 2 other persons. 30
- (3) The members of the Board must be persons who, in the opinion of the Minister, have special knowledge or qualifications that are relevant to the purposes, functions, and duties of the Board.

Compare: 1946 No 3 s 3(2)

2 Term of appointment

- (1) Each member of the Board, other than the Surveyor-General and the official from the department appointed under **clause 1(1)(c)**,—
- (a) holds office for a term not exceeding 3 years, as specified in the notice of appointment; and 5
 - (b) may be reappointed to the Board; and
 - (c) even though the member's term of appointment may have expired, continues in office until his or her successor is appointed; and 10
 - (d) may resign his or her office by notice in writing addressed to the secretary of the Board; and
 - (e) may be removed from office by the Minister for inability to perform the functions of office, insolvency, neglect of duty, or misconduct. 15
- (2) A Board member to whom **subclause (1)(d)** applies is not entitled to compensation or other payment or benefit relating to his or her resignation or removal from office.
Compare: 1946 No 3 s 3(3), (5)

3 Vacancies 20

- (1) If a member dies, resigns, or is removed from office,—
- (a) any appointment to fill the vacancy must be made in the manner in which the appointment of that member was originally made; and
 - (b) the person appointed to fill the vacancy is appointed for the remainder of the term for which his or her predecessor was appointed. 25
- (2) The powers, functions, and duties of the Board are not affected by a vacancy in its membership.
Compare: 1946 No 3 s 3(4) 30

4 Chairperson of Board

- (1) The Surveyor-General is the chairperson of the Board.
- (2) The chairperson must preside at all meetings of the Board at which he or she is present.
- (3) However, the Surveyor-General, if not able to be present at a meeting, must authorise an officer of Land Information New 35

Zealand to attend the meeting as his or her deputy for the purpose of that meeting.

- (4) If **subclause (3)** applies, the authorised deputy—
- (a) must act as the chairperson for that meeting; and
 - (b) has and may exercise all the powers and functions of the chairperson for the purpose of that meeting. 5
- (5) The fact that a person attends a meeting as the deputy of the Surveyor-General is sufficient evidence of his or her authority to do so. 10

Compare: 1946 No 3 s 4

5 Secretary and committees may be appointed

The Board may appoint—

- (a) an official of Land Information New Zealand nominated by the Chief Executive of the department in consultation with the Surveyor-General, to be the secretary of the Board; and 15
- (b) committees, consisting of 2 or more members of the Board and other persons as it thinks fit, to advise the Board on specified matters such as the naming of under-sea features or geographical features in the Antarctic. 20

Compare: 1946 No 3 s 7

Power of Board to delegate

6 Delegation of powers and functions by Board

- (1) The Board may delegate any of its powers, functions, and duties under this Act (except this power of delegation), either generally or specifically, by resolution, to— 25
- (a) a member of the Board;
 - (b) the secretary of the Board (if any) appointed under **clause 5**;
 - (c) an employee of the department holding a specified office or appointment or other suitable person: 30
 - (d) a committee appointed by the Board.
- (2) A delegation—
- (a) must be in writing to the person or committee; and
 - (b) is revocable in writing at any time; and 35

- (c) does not affect or prevent the exercise of a function or power by the Board or affect the responsibility of the Board for the actions of the person or committee acting under the delegation; and
 - (d) is not affected by a change in the membership of the Board. 5
- (3) A delegate to whom the functions or powers of the Board are delegated—
- (a) may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the Board; and 10
 - (b) may delegate the function or power only—
 - (i) with the prior written consent of the Board; and
 - (ii) subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate. 15
- (4) A delegate who purports to perform a function or exercise a power under a delegation—
- (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and 20
 - (b) must produce evidence of his or her authority to do so, if reasonably requested to do so.

Procedure of Board 25

7 Procedure generally

Unless otherwise expressly provided by or under this Act, the Board may regulate its own procedure.

Compare: 1946 No 3 s 5(6)

8 Meetings of Board 30

(1) The Board or the chairperson must appoint the date, time, and place for meetings of the Board.

(2) A quorum for a meeting of the Board is 5 members.

Compare: 1946 No 3 s 5(1), (2)

9 Special meetings of Board

- (1) The chairperson of the Board must convene a special meeting of the Board if requested in writing to do so by at least 5 members of the Board.
- (2) Written notice must be given of the special meeting in accordance with notice provisions adopted by the Board under **clause 7**. 5
- (3) The notice given under **subclause (2)** must include a statement of the business to be transacted.
- (4) Only the business stated in the notice may be transacted at the special meeting. 10

10 Voting at meetings

- (1) All questions arising at a meeting of the Board must be determined by a majority of the votes cast by the members present at the meeting. 15
- (2) Each member of the Board present at a meeting has 1 vote.
- (3) However, the chairperson of the meeting has a deliberative vote, and in the case of an equality of votes, also has a casting vote.
- Compare: 1946 No 3 s 5(3), (4) 20

11 Fees and allowances

- (1) The members of the Board (other than the Surveyor-General and the official appointed under **clause 1(1)(c)**) and any committee appointed by the Board are entitled to be paid— 25
- (a) fees as determined by the Minister in accordance with the fees framework; and
- (b) in accordance with the fees framework, reimbursing allowances or actual and reasonable expenses incurred in undertaking the functions and duties of the Board.
- (2) In **subclause (1)**, **fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest. 30
- Compare: 1946 No 3 s 6

Schedule 2
Consequential amendments

s 38

Conservation Act 1987 (1987 No 65)

Section 18(3): repeal and substitute:

“(3) The public notice referred to in subsection (2) must specify the proposed name for the proposed park or area. 5

“(3A) After considering any submissions received in response to the public notice given under subsection (2), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa for review under **section 27(3)** of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act **2007**; and the provisions of **sections 28 to 31** of that Act apply. 10

“(3B) The area for which a name is specified and determined under **subsections (3) and (3A)** must be known by its official geographic name.” 15

Local Government Act 2002 (2002 No 84)

Section 260(1)(b): add “; or”.

Section 260(1): add:

“(c) the name of a district or region of a local authority described in Part 1 or Part 2 of Schedule 2 is altered under **section 11(2)** of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act **2007**.” 20

Marine Reserves Act 1971 (1971 No 15)

Section 5(1)(c): insert after subparagraph (iii): 25

“(iiia) states the proposed name of the proposed marine reserve.”

Section 5: insert after subsection (7):

“(7A) Before the decision of the Minister becomes final under subsection (7), the proposal must, to the extent that it relates to the proposed name of the proposed marine reserve, be referred to the New Zealand Geographic Board under **section 27(2) or 30** of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act **2007**, as the case may be.” 30

National Parks Act 1980 (1980 No 66)

Section 7: insert after subsection (2):

“(2A) Before making a recommendation under subsection (1)(d), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under **section 27(2) or 30** of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act **2007**, as the case may be.” 5

Ngāi Tahu Claims Settlement Act 1998 (1998 No 97)

Section 270: repeal.

Official Information Act 1982 (1982 No 156)

10

Schedule 1: omit “New Zealand Geographic Board” and substitute “New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa”.

Ombudsmen Act 1975 (1975 No 9)

Part 2 of Schedule 1: insert “New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa” after “The New Zealand Game Bird Habitat Trust Board”. 15

Reserves Act 1977 (1977 No 66)

Section 16: insert after subsection (10):

“(10A) Before the Minister gives notice in the *Gazette* under subsection (10), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under **section 27(2) or 30** of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act **2007**, as the case may be.” 20

Section 52: insert after subsection (1):

25

“(1A) Before the Minister gives notice in the *Gazette* under subsection (1), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under **section 27(2) or 30** of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act **2007**, as the case may be.” 30