

House of Representatives

Supplementary Order Paper

Tuesday, 14 September 2004

Maori Fisheries Bill

Proposed amendments

Hon David Benson-Pope, in Committee, to move the following amendments:

New heading and new clauses 101A to 101D

To insert, after *clause 101* (after line 9 on page 140), the following heading and clauses:

Further circumstance when Te Ohu Kai Moana Trustee Limited must allocate and transfer settlement assets

101A Interpretation

In **sections 101B to 101D**,—

affected iwi has the meaning it is given in **clause 2 of Schedule 5**
named iwi means an iwi identified in a request made under
section 101B(2).

101B Application of sections 101C and 101D

- (1) **Sections 101C and 101D** apply if an iwi—
 - (a) has a mandated iwi organisation recognised by Te Ohu Kai Moana Trustee Limited; but
 - (b) cannot finalise all its coastline claims under **clause 3 of Schedule 5** solely because 1 or more named iwi do not have a mandated iwi organisation.
- (2) A mandated iwi organisation may, by written notice,—
 - (a) request Te Ohu Kai Moana Trustee Limited to exercise its powers under **section 101C**; and
 - (b) identify any affected iwi that does not have a mandated iwi organisation.
- (3) Before making a request under **subsection (2)**, a mandated iwi organisation must, in relation to any affected iwi that has a mandated iwi organisation,—

- (a) resolve any dispute and conclude all necessary agreements relevant to its coastline claims in accordance with **clauses 4 and 5 of Schedule 5**; and
 - (b) request Te Ohu Kai Moana Trustee Limited to register the agreements under **clause 6 of Schedule 5**.
- (4) A request made under **subsection (2)** must be accompanied by coastline claims for all quota management stocks and harbour quota relevant to the iwi of the mandated iwi organisation making the request, except to the extent that any coastline entitlements have already been determined for that iwi.

101C Procedure if request made under section 101B(2)

- (1) When Te Ohu Kai Moana Trustee Limited receives a request from a mandated iwi organisation under **section 101B(2)**, it must, in accordance with the process set out in **clause 8 of Schedule 5**, complete the verification of the data and agreements for the coastline claims as they relate to affected iwi (other than the named iwi).
- (2) If Te Ohu Kai Moana Trustee Limited is satisfied that the mandated iwi organisation is unable to finalise its coastline claims solely because 1 or more of the named iwi do not have a mandated iwi organisation, Te Ohu Kai Moana Trustee Limited must—
- (a) give written notice to the recognised iwi organisation of each relevant named iwi—
 - (i) that coastline claims have been made by the mandated iwi organisation; and
 - (ii) of the details of the coastline claims that affect the named iwi; and
 - (iii) that the provisions of **section 101D** may be invoked for the benefit of the mandated iwi organisation that made the request under **section 101B(2)** on the specified date (which must be 3 years after the date of the notice), if any of the named iwi do not have a mandated iwi organisation on or before that date; and
 - (b) record in the iwi register—
 - (i) its determination that the finalisation of coastline claims of that mandated iwi organisation is delayed; and
 - (ii) the identity of the relevant named iwi; and
 - (iii) a copy of any notice given under **paragraph (a)**.

101D Allocation and transfer after request under section 101B(2)

- (1) If, before the date specified in the notice issued to a named iwi under **section 101C(2)(a)(iii)**, Te Ohu Kai Moana Trustee Limited

- recognises a mandated iwi organisation for that iwi, the mandated iwi organisation that made the request under **section 101B(2)** must—
- (a) complete the necessary agreements in accordance with **clauses 4 and 5 of Schedule 5**; and
 - (b) request Te Ohu Kai Moana Trustee Limited to register those agreements under **clause 6 of Schedule 5**.
- (2) If, after the date specified in the notice issued to a named iwi under **section 101C(2)(a)(iii)**, any agreements required under **subsection (1)** have been completed, but 1 or more named iwi do not have a mandated iwi organisation, Te Ohu Kai Moana Trustee Limited must proceed to determine coastline entitlements for the mandated iwi organisation that made the request under **section 101B(2)**.
- (3) Coastline entitlements determined under **subsection (2)** must be made in accordance with—
- (a) **section 11 and Schedule 5**; and
 - (b) the coastline claims made by the mandated iwi organisation, as supported or modified by any agreements registered under **clause 6 of Schedule 5**.
- (4) To avoid doubt, the specified points in the coastline claims that would otherwise require the agreement of the named iwi that does not have a mandated iwi organisation must be treated as if they were subject to such an agreement.

New heading and new clause 112A

To insert, after *clause 112* (after line 14 on page 151), the following heading and clause:

Highly migratory species

112A Allocation of settlement quota for highly migratory species

- (1) This section applies if a quota management stock is for a species listed in Schedule 4B of the Fisheries Act 1996.
- (2) When allocating settlement quota for a stock to which this section applies, Te Ohu Kai Moana Trustee Limited must allocate that quota to each iwi in accordance with the percentages specified in **column 3 of Schedule 3**.

Explanatory note

This Supplementary Order Paper sets out further amendments proposed for the Maori Fisheries Bill. It supplements Supplementary Order Papers Nos 255 and 256.

New clauses 101A to 101D provide a procedure to allocate and transfer settlement assets to an iwi that cannot complete its coastline claims because 1 or

more of the iwi with which it must conclude coastline agreements does not have a mandated iwi organisation.

The mandated iwi organisation of the iwi that wishes to exercise this option must first conclude any agreements with other relevant mandated iwi organisations. It may then request Te Ohu Kai Moana Trustee Limited to invoke the procedure of *clause 101C*. This places the recognised iwi organisations of the relevant named iwi on notice that settlement assets will be allocated and transferred to the mandated iwi organisation making a request under *clause 101B(2)* if the named iwi does not have a mandated iwi organisation within 3 years. Allocations made under this procedure are irrevocable.

If a mandated iwi organisation is recognised for a named iwi within the 3-year period, the mandated iwi organisation that has invoked the procedure of *clause 101C* must deal with the new mandated iwi organisation according to the general provisions of the Bill.

New clause 112A indicates how the allocation of settlement quota must occur if any species listed in Schedule 4B of the Fisheries Act 1996 is brought into the quota management system.

