

House of Representatives
Supplementary Order Paper

Tuesday, 24 July 2012

Exclusive Economic Zone and Continental Shelf
(Environmental Effects) Bill

Proposed amendments

Eugenie Sage, in Committee, to move the following amendments:

Clause 4

In *clause 4(1)*, in the definition of **existing interest**, after paragraph (f) (after line 19 on page 14), insert:

- (g) kaitiakitanga in relation to the marine environment

In *clause 4(1)*, insert the following definitions in their appropriate alphabetical order:

cultural impact assessment means a report documenting Māori cultural values, interests, and associations with an area or resource, and the effects of an activity on those values, interests, and associations

kaitiakitanga means the exercise of guardianship by the tangata whenua of an area adjoining and extending into the marine environment in accordance with tikanga Māori in relation to natural and physical resources, and includes the ethic of stewardship

marine environment means the marine and coastal area as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011, and the exclusive economic zone and continental shelf as defined in this Act, and incorporates the definition of environment

Clause 14

In *clause 14* (after line 4 on page 22), insert as subsection (1):

- (1) This Act shall be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi.

Clause 40

In *clause 40(1)*, after paragraph (c) (after line 23 on page 41), insert:

- (ca) include a cultural impact assessment, using recommended best practice for such assessment, for the purpose of identifying cultural effects and the extent of existing interests of iwi; and
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Explanatory note

This Supplementary Order Paper proposes a number of amendments that would recognise iwi interest in the management of the marine environment and would better ensure there is an iwi perspective in decision making.

This Supplementary Order Paper would help ensure iwi authorities and hapū are notified of and can comment on the development or amendment of regulations under *clause 32(1)*. It would also help ensure that regulations made provide for iwi cultural values, traditions, and associations. Effects on kaitiakitanga would be one of the matters that the Minister would have to take into account in developing regulations under *clause 33*.

This Supplementary Order Paper also defines kaitiakitanga. This would help define the existing interest that the Minister has to take into account in developing regulations, and recognise and provide for iwi cultural values, traditions, and associations.

Clause 14 describes 4 procedures by which the principles of the Treaty of Waitangi are to be given effect, but imposes no general obligation on the Crown to implement Treaty principles of partnership, active protection, recognition of rangatiratanga, and active participation in decision making. This Supplementary Order Paper amends *clause 14* to help ensure that the Act is interpreted and administered to give effect to the principles of the Treaty of Waitangi. It does so by including an overarching obligation on the Crown to meet its Treaty obligations. The proposed amendment is consistent with the wording in the Conservation Act 1987.

The proposed amendment to *clause 40(1)* would help ensure that an impact assessment prepared by applicants for marine consents describes potential effects on iwi cultural values, traditions, and associations and means of avoiding, remedying or mitigating those effects. This will help ensure that the decision makers have full information before them.
