

House of Representatives
Supplementary Order Paper

Wednesday, 23 October 2013

Heritage New Zealand Pouhere Taonga Bill

Proposed amendments

Catherine Delahunty, in Committee, to move the following amendment:

Clause 42

Replace *clause 42(1)(b)* (lines 18 to 22 on page 41) with:

- (b) an application for an authority to undertake an activity that will or may modify or destroy a recorded archaeological site, if—
 - (i) the effects of that activity on the site will be no more than minor, as assessed in accordance with **section 44(5)**; and
 - (ii) the manawhenua hapū associated with the site has been consulted:

Clause 43

In *clause 43(2)(h)*, omit “tangata whenua,” (lines 21 and 22 on page 43).

In *clause 43(2)(h)(ii)* replace “occurred.” (line 29 on page 43) with “occurred:”.

After *clause 43(2)(h)* (after line 29 on page 43), insert:

- (i) a statement containing details of the consultation that has taken place with tangata whenua, including the names of the parties and the tenor of the views expressed.
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Explanatory note

This Supplementary Order Paper amends the Heritage New Zealand Pouhere Taonga Bill by ensuring that the manawhenua hapū associated with a site would be required to be consulted before an activity could take place. This is to provide a level of protection for sites that look insignificant but may in fact be significant from a Te Tiriti perspective.

The Green Party supports this bill, however, we are concerned that the use of the expression, “if the effects of that activity on the site” will be “no more than minor” in relation to sites that can be modified and destroyed, creates a risk of marginalising manawhenua concerns. Consultation is not required before a site can be modified or destroyed. It is very difficult to assess whether effects will be no more than minor, let alone of importance to tangata whenua, when no on-site investigation has been carried out.
