

## ***Marine Reserves (Consultation With Stakeholders) Amendment Bill 2006***

18 April 2006

Attorney-General

### LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

MARINE RESERVES (CONSULTATION WITH STAKEHOLDERS) AMENDMENT BILL 2006

1. We have considered whether the Marine Reserves (Consultation with Stakeholders) Amendment Bill ("the Bill") is consistent with the New Zealand Bill of Rights Act 1990 ("the Bill of Rights Act"). The Bill is a Member's Bill in the name of Eric Roy MP. It is our understanding that the next Member's day is scheduled for Wednesday, 3 May 2006.
2. The stated purpose of the Bill is to ensure early consultation in the preparation of any application seeking a marine reserve declaration. The proposed amendment is intended to promote wide community support for such an application.
3. Section 5 of the Marine Reserves Act 1971 sets out a procedure for certain bodies to apply for a marine reserve to be declared by Order in Council. The Bill argues that some applications under section 5 have foundered because community groups have not been involved from the outset in developing reserve proposals.
4. The Bill proposes to amend section 5 of the Marine Reserves Act 1971 to:
  - Require consultation during the preparation of an application;
  - Specify that such consultation must include groups representing the interests of persons who use the area of the proposed reserve for the purposes of recreational fishing, sailing or other recreational uses, commercial fishing and tourism operators, as well as persons closely associated with the area, such as tangata whenua;
  - Provide that, in the course of such consultation, the applicant must explore ways in which the application may avoid or mitigate adverse effects on existing uses of the area of the proposed marine reserve.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms in the Bill of Rights Act.

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