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A New Geographic Board Act for New Zealand

Submitted by New Zealand**

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This paper outlines work to date on the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Bill. This draft legislation will update and replace the New Zealand Geographic Board Act 1946. Proposed changes to the existing Act are described and reasons for those changes are given.

Executive Summary

The New Zealand Geographic Board Act 1946 makes provision for the official naming of places in New Zealand, establishes the New Zealand Geographic Board (the Board) as the national place naming authority and reflects the importance of geographic names in New Zealand culture and history.

The importance of geographic names is being increasingly recognised for local, national and international purposes such as correct emergency incident location, proactive management of New Zealand's continental shelf, Antarctic mapping, as well as for efficient economic activity, trade and communication. In this context the new Bill clarifies the jurisdiction of the Board, revises procedures for consultation in the geographic naming process and updates administrative provisions including composition of Board membership.

Background on New Zealand

New Zealand is a South Pacific island nation of just over 4 million people who live in a land area of 270,000 square kilometres. The ethnic background of the population is becoming increasingly diverse. At present the mix is: 68% European, 15% Māori (indigenous people), 9% Asian, 7% Pacific Islanders and 1% other. Parliamentary elections are held every 3 years under a mixed member proportional representation (MMP) electoral system. There are currently 69 elected and 52 list members of Parliament. There are two official languages – English and Māori.

Māori first arrived in New Zealand around 1,000 AD. The first European explorers to reach New Zealand were the Dutchman Abel Tasman in 1642 and the Englishman James Cook in 1769. The New Zealand landscape reflects its heritage and there are many Māori geographic names. More recently a number of geographic features have had original Māori names recognised officially- usually as dual names which include an English component. Most of these dual names have been assigned as a result of Treaty of Waitangi Claim Settlements¹ between the Crown and Māori.

Approximately one third of the country is Crown protected area administered by the Department of Conservation. Tourism is a major income earner, second only to agricultural exports as a contributor to the New Zealand economy. A case for New Zealand's continental shelf boundaries has been submitted to the United Nations Commission of the Limits of the Continental Shelf. If approved, New Zealand's legal continental shelf area will be the fourth largest in the world and will be up to 24 times the land area of the country.

¹ The Treaty of Waitangi is a founding document of New Zealand signed in 1840 between the Crown and Māori.

Background on the New Zealand Geographic Board and its legislation

The Board meets on average twice a year, making decisions on approximately 200 New Zealand geographic names and 120 Antarctic geographic names per annum. The Board's secretarial services are provided by Land Information New Zealand (LINZ), a government department.

The present Board consists of:

- the Surveyor-General (ex officio) who is chairperson;
- two persons appointed as representatives of the Māori race on the recommendation of the Minister of Māori Affairs;
- one person nominated by Te Rūnanga o Ngāi Tahu² (as a result of a Treaty Claim Settlement), and appointed on the recommendation of the Minister for Land Information;
- one person nominated by the New Zealand Geographical Society Incorporated, and appointed on the recommendation of the Minister for Land Information;
- one person nominated by the Federated Mountain Clubs of New Zealand Incorporated, and appointed on the recommendation of the Minister for Land Information; and
- two persons appointed on the recommendation of the Minister for Land Information.

Since 1946 when the existing Act came into force, New Zealand has attached increasing importance to undersea feature naming, Antarctic place naming and to physical address naming for local and national administration and emergency services purposes. Also since 1946, the United Nations has recognised the significance of geographic names, and actively promotes the standardisation of geographic names as essential for efficient and effective economic activity, trade and communication.

The Board actively supports United Nations regional geographic naming standardisation activities as well as initiatives by the Committee for Geographical Names in Australasia (CGNA). The Board is a member of CGNA together with various Australian geographic naming authorities.

In October 2003, the New Zealand Government approved the release of a discussion paper on the review of the New Zealand Geographic Board Act 1946 for public consultation. Four nationwide public meetings and a national hui³ for Māori were held to inform the policy development process plus further consultation with government departments and interested bodies.

The Government approved policy proposals for a new Act in June 2005. Since then a draft Bill has been written. After further consultation with relevant agencies and organisations, the Government has approved the draft Bill for introduction into the New Zealand Parliament for debate. The Bill is due to come into force on 1 July 2008 (subject to confirmation of funding for additional functions of the Board).

² Te Rūnanga o Ngāi Tahu is the main Māori tribal group covering most of the South Island.

³ Hui is a Māori word for a meeting or gathering for the purpose of discussion and/or celebration.

Principles underlying changes in the new Geographic Board Bill

The discussion paper approved by Cabinet for release in 2003 contained review principles which have formed the basis of changes in the new Bill. The principles are:

- international best practice in terms of geographic naming should be adopted with due regard for the New Zealand context;
- the Board should coordinate and standardise official geographic naming within New Zealand, the continental shelf and for relevant mapping activities in the Antarctic;
- legislation should recognise and provide for the cultural and heritage value of geographic names and the geographic name interests of Māori or tangata whenua⁴ (this aligns with Government's goal to strengthen national identity and uphold Crown responsibilities under the Treaty of Waitangi);
- the Board should be representative of geographic naming interests and act independently in making decisions and recommendations;
- legislation should facilitate efficient and effective consultation over naming proposals; and
- the Board's responsibilities should include providing access to an authoritative gazetteer of official geographic names.

In addition the high end outcomes of the Board have been agreed as:

- features and places are identifiable by name so that people can effectively communicate information about location; and
- place names preserve New Zealand's heritage and culture.

Main changes in the new Geographic Board Bill

The main policy proposals for legislative change can be broken down into issues of jurisdiction, consultation and administration. These issues are detailed in the following sections.

Jurisdiction

Undersea Features

The extent of the Board's jurisdiction under the existing Act is the 12 nautical mile territorial limit. The new Bill extends the Board's jurisdiction to include the naming of undersea features within New Zealand's continental shelf.

New Zealand has sovereign rights over its continental shelf, which extends in parts beyond 200 nautical miles from the New Zealand coast. As mentioned previously, a case for New Zealand's continental shelf boundaries has been submitted to the United Nations Commission on the Limits of the Continental Shelf. An official undersea feature naming process coordinated by the Board fits with New Zealand's responsible stewardship of the continental shelf.

⁴ Tangata whenua is a Māori word literally meaning 'people of the land' and is the common reference to the indigenous people of an area.

Antarctic

The Board's Antarctic geographic naming activities are brought under the Bill to ensure legislation reflects existing practice. The Board assigns names where mapping is undertaken to support scientific activity in the Antarctic Ross Sea region. Such naming is usually done in consultation with other Antarctic geographic naming authorities.

Suburbs & Localities

Responsibility for official naming of suburbs and localities will be devolved to territorial authorities with the Board having a concurrence role. This provides a balance between devolved suburb and locality naming according to the principle of subsidiarity⁵ as sought by local government and a nationally consistent process as sought by the Board and emergency services. All parties agree that the end outcome should be an authoritative, comprehensive and accessible official geographic names record. The risks associated with devolution are mitigated in two ways. Firstly, by a proposed code of practice with clear principles and process criteria developed in consultation with local authorities who are required to adhere to the code. Secondly, by giving the Board a concurrence role with respect to proposed suburb and locality naming.

This responsibility for suburb and locality naming will most likely be defined under local government legislation and has not been included in the new Bill. In this context further work is being done to explore options for integrated legislation for physical address which includes property numbering and road naming address components (for which territorial authorities already have statutory responsibility), as well as naming and boundary definitions of suburbs and localities.

Crown Protected Areas

The new Bill adds the names of Crown protected areas administered by the Department of Conservation (DOC) to New Zealand's official geographic names record. It is accepted practice that such names are official geographic names in countries such as Australia, Canada and the United States with opportunity for public comment on proposed names. Reserve names assigned by local authorities are not included under the Bill as official geographic names.

The Board will develop naming guidelines for Crown protected areas in consultation with DOC. The Board will have a concurrence role with respect to such names in a process similar to the role the New South Wales (NSW) Geographical Names Board plays with respect to naming of land managed by the National Parks and Wildlife Service. In practice the NSW Board delegates the concurrence role to the Board Secretary with a name very rarely requiring Board member involvement - a similar practice is proposed in New Zealand.

⁵ The 'principle of subsidiarity' term was used initially in a European context. The Australian Local Government Association describes the principle as "one of satisfying community needs by allocating responsibility for areas of service delivery to the sphere of government responsible for the smallest functioning units through which the service can be practically provided".

If there is disagreement between DOC and the Board, the Minister of Conservation will make a final naming decision. Based on experience by the NSW Board, it is expected that it will be extremely rare for such Ministerial intervention to be needed.

Treaty of Waitangi Claim Settlement

Geographic name redress within the context of historical Treaty of Waitangi settlements is outside usual Board processes. The Board offers advice to the Office of Treaty Settlements (OTS) on geographic name redress proposed for a historical Treaty settlement in accordance with an established relationship protocol between the Board and OTS. In most cases only dual names, corrections and new names are used as redress - the majority to date are dual names. A dual name sets the Māori name alongside the existing English name. Over time the Māori name may become more commonly used in practice.

The Board's usual process is to assign official place names by notice in the New Zealand Gazette. However, geographic names contained in a Treaty of Waitangi Deed of Settlement are assigned official status in the relevant settlement legislation. The new Bill will make it clear that such names are official geographic names.

Future settlement legislation though will authorise the Board to assign the relevant names by notice in the Gazette. In addition, any future changes to those place names can be made by the Board by gazettal with the agreement of the Trustees (Maori party to the negotiations) referred to in the Deed of Settlement. Such a process will provide flexibility to amend, for instance, any place name misspelling or incorrect location coordinates without time-consuming and costly amendment of settlement legislation.

Consultation

In general the consultation and decision-making provisions under the existing Act have operated well. Consultation changes under the new Bill are designed to enhance and clarify Board consultation over geographic name proposals and maintain consistency of decision-making while introducing some discretion in those processes to allow the Board to operate more efficiently and effectively.

Treaty of Waitangi provisions

The new Bill contains a Treaty of Waitangi clause which identifies those provisions relevant to the specific interests of Māori and which makes clear that those provisions are the ways Parliament considers the legislation will give force to the Crown's responsibilities under the Treaty of Waitangi.

Comments at a national hui on the review of the existing Act emphasised the absolute importance of geographic names to Maori and their culture. Geographic names are regarded as taonga (cultural treasures) and transmit knowledge of a tribe's traditions and tupuna (ancestors).

Functions of the Board under the Bill include the following: "collect original Māori names for recording on official charts and official maps" and "encourage the use of original Māori names on official charts and official maps". These Board functions together with the provision for Māori membership on the Board constitute a practical and effective implementation of Treaty of Waitangi responsibilities.

Submission Proposals

The new Bill retains the provision that any individual or organisation can propose a new, changed or restored geographic name within the Board's area of jurisdiction provided they comply with Board requirements for evidence of support and written documentation.

Board geographic name proposals which are not outside the limits of New Zealand's territorial sea are advertised for public consultation. A new provision is that the Board has discretion to change the status (without public consultation) of a recorded name to that of an official geographic name or to discontinue the use of an official geographic name - but only if in the Board's opinion the status change is justified and unlikely to be controversial.

Public Notification

Provisions in the existing Act with respect to newspaper advertising of notices of intentions for assigning or altering a geographic name or of final decisions are too prescriptive. The Bill gives the Board discretion in how it advertises such notices to take advantage of cost effective online technology. The current three month period to record any objection to a proposed geographic name is also too prescriptive. The Board will now have discretion to set what is a reasonable consultation period of not less than one month.

Minister's Role

The Bill retains the Minister for Land Information in a final decision-making role in the geographic names decision-making process, where objections are received to a Board name proposal and the Board does not support those objections. Evidence over the last five years shows that there are usually no more than five such geographic name proposals referred annually to the Minister for a final decision. This process is an efficient check on those few controversial Board decisions, allowing the Minister to bring the wider public interest to bear. The process also aligns with accepted international practice by other national place naming authorities.

Administration

Under the Bill, the composition of the Board has changed to ensure consistency with the extended jurisdiction of the Board and to ensure that the Minister has sufficient flexibility in terms of appointments.

Two New Board Members

The Bill includes provision for two new Board members. One is an ex-officio position for the official who has prime responsibility for hydrographic standards in New Zealand. As well as hydrographic standards expertise, the official will bring to the Board relevant international linkages as New Zealand's representative on the International Hydrographic Organisation (IHO). IHO and the Intergovernmental Oceanographic Commission (IOC) combine to form a Guiding Committee for the General Bathymetric Charts of the Oceans (GEBCO). GEBCO in turn has a permanent Subcommittee on Undersea Feature Names (SCUFN). It is likely that the Board will use SCUFN's Standardisation of Undersea Feature Names publication as the basis for New Zealand's approach to such naming.

Given the proposed devolution of responsibility for official suburb and locality naming to territorial authorities, the Board will also have a local government Board member nominated by Local Government New Zealand⁶. To date, few existing suburb and locality names have been gazetted as official geographic names. This will constitute a significant area of future Board activity and together with the continuing work related to the Board's proposed concurrence role provides justification for a local government Board member.

Existing Board Membership

The Board will retain one Board member from New Zealand Federated Mountain Clubs and one from the New Zealand Geographical Society. Federated Mountain Clubs is an outdoor recreation umbrella group which brings to the Board present and historical knowledge of New Zealand's high country and particularly the conservation estate. The New Zealand Geographical Society brings to the Board knowledge of New Zealand's geography, history and culture with a national network of links to school and university members. Both organisations have a proven track record of relevant contributions to the Board and review submissions strongly supported the retention of their Board memberships.

At present the Minister has flexibility to appoint two members to the Board to ensure an appropriate balance of expertise, gender and geographical representation. The appointment of these two members gives the Minister sufficient flexibility to ensure a balanced Board and so is retained under the new Bill.

The Surveyor-General is retained as chairperson of the Board. Reasons for this are based on relevant statutory responsibilities this position has for spatial extent standards (especially given the growing need to define geographic extents more definitively for Board named features), cadastral survey standards including land appellations, address requirements for electoral purposes and provision of advice under the Geographical Indications (Wine and Spirits) Registration Act 2006. This will also ensure the ongoing efficient working relationship between the Board chairperson and Board secretary (a Land Information New Zealand staff member) where frequent daily interaction is the norm.

New Functions

A new function of the Board under the Bill will be to publish an authoritative Gazetteer⁷ of Geographic Names. Several Australian State place naming authorities have such a function in their legislation. The United States Board on Geographic Names and the Geographical Names Board of Canada both publish official gazetteers. An easily accessible online gazetteer is needed for both official and public purposes and will include the following: geographic name, name status (official, recorded, provisional, etc), any New Zealand Gazette references, any source and background information on why the name was assigned (could link to supporting electronic documents or maps) as well as positional or location information. A gazetteer will

⁶ Local Government New Zealand is the organisation that represents the national interests of all 85 local councils of New Zealand.

⁷ A list of geographical names arranged in alphabetic or other sequential order, with an indication of their location and preferably including variant names, type of topographic feature and other defining or descriptive information. *Glossary of Terms for the Standardization of Geographical Names*, United Nations Group of Experts on Geographical Names, United Nations, New York, 2002.

also need to include geographic names for offshore islands such as the Chatham Islands, Antarctic geographic names and undersea feature names given the Board's proposed extended jurisdiction.

The new Bill requires the Board to produce an annual report on its activities with a summary in the Land Information New Zealand Annual Report and the full report available on the Land Information New Zealand website. Benefits of an annual report from the Board include: improved Board accountability, increased communication with the Minister and raised profile of Board activities.

The Bill's interpretation section updates definitions to reflect changes in nomenclature terminology. Redundant or inappropriate provisions in the existing Act are removed. For instance, the Board function in the existing Act "to determine what alien names appearing on official maps should be replaced by Māori or British names" is no longer appropriate. Any merited geographic name changes can be accommodated by the usual name change process.

Review

The new Bill is binding on the Crown and makes the Board subject to the Ombudsmen Act 1975. The Board is already subject to the Official Information Act 1982⁸. Making the Board subject to the Ombudsmen Act is in accord with principles of accountability and transparency and will enable the Board's administrative decisions and processes affecting members of the public to be investigated by an Ombudsman without any other statutory review process being necessary.

Conclusion

New Zealand is a young, vibrant, multicultural country with a unique Māori heritage. Its position in the South Pacific means that it faces challenges in managing its continental shelf and demonstrating responsible stewardship in Antarctica. Official geographic naming forms part of an effective response to these management and stewardship challenges. Geographic names are also a key component of a fundamental geospatial infrastructure needed for general community and economic purposes as well as for emergency services and civil defence incidents. The draft New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Bill, which is soon to be introduced to Parliament, provides a sound legislative framework to meet New Zealand's official geographic naming needs of the 21st century.

References

Discussion Paper – Review of the New Zealand Geographic Board Act 1946, Land Information New Zealand, October 2003

Glossary of Terms for the Standardization of Geographical Names, United Nations Group of Experts on Geographical Names, United Nations, New York, 2002

⁸ The Official Information Act 1982 works on the principle of availability of information (unless there are grounds for withholding information) unlike some jurisdictions where the principle is the reverse.

Summary and Analysis of Submissions – Review of the New Zealand Geographic Board Act 1946, Land Information New Zealand, August 2004

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