

Reserves Amendment Bill

Government Bill

As reported from the committee of the whole
House

This bill was formerly part of the Crown Minerals (Permitting and Crown Land) Bill as reported from the Commerce Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- Crown Minerals Amendment Bill comprising clauses 1 and 2, Part 1, and Schedules 1A to 4
 - Conservation Amendment Bill (No 2) comprising Part 2
 - Continental Shelf Amendment Bill comprising Part 3
 - this bill comprising Part 4
 - Wildlife Amendment Bill comprising Part 5.
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Reserves Amendment Bill

Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

text inserted

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Hon Simon Bridges

Reserves Amendment Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Reserves Amendment Act **2013**.

2 Commencement

This Act comes into force on the earlier of the following:

- (a) the date appointed by the Governor-General by Order in Council:
- (b) the date that is 2 years after the date on which the Act receives the Royal assent. 5

3 Principal Act

This Act amends the Reserves Act 1977 (the **principal Act**).

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64 Section 5 amended (Restricting application of this Act)

- (1) Replace section 5(1) with: 10

“(1) This Act does not apply to any land that is subject to the Forests Act 1949.”

- (2) Repeal the proviso to section 5(2).

- (3) After section 5(2), insert:

- “(3) Nothing in subsection (2) limits— 15

“(a) the power of the Minister—

“(i) to classify, or change the classification of, any reserve other than a nature reserve or a scientific reserve; or

“(ii) to recommend to the Governor-General that an Order in Council be made to classify, or change the classification of, a nature reserve or scientific reserve; or 20

“(b) the power of the Governor-General to make an Order in Council under **section 16A(3)**.” 25

65 Section 6 amended (Powers of Minister in cases of doubt)

After section 6(2), insert:

“(2A) Despite subsections (1) and (2), the Minister must not act under those provisions to—

- “(a) declare any land to be a nature reserve or a scientific reserve or to be included in an existing nature reserve or scientific reserve; or 30

- “(b) define ~~the purpose of any reserve to be~~ any reserve as held for the purpose of a nature reserve or a scientific reserve.
- “(2B) Instead, the Governor-General may, by Order in Council made on the recommendation of the Minister,— 5
- “(a) declare that land specified in the order is or is not a nature reserve or a scientific reserve; or
- “(b) declare that a reserve must be held for the purpose of a nature reserve or a scientific reserve, according to the terms of the order.” 10
- 66 Section 16 amended (Classification of reserves)**
After section 16(11), insert:
- “(12) This section is subject to **section 16A** in respect of the classification of nature and scientific reserves.”
- 67 New section 16A inserted (Application of section 16 to nature and scientific reserves after commencement of Part 4 of Crown Minerals (Permitting and Crown Land) Amendment Act 2012 2013)** 15
After section 16, insert:
- “16A Application of section 16 to nature and scientific reserves after commencement of Part 4 of Crown Minerals (Permitting and Crown Land) Amendment (Permitting and Crown Land) Act 2012 2013** 20
- “(1) Despite section 16, on and from the commencement of **Part 4 of the Crown Minerals (Permitting and Crown Land) Amendment Act 2012 2013**,— 25
- “(a) all reserves existing immediately before the commencement of that Act and not yet classified in accordance with section 16 must be classified in accordance with this section if the reserve is to be classified as a nature reserve or a scientific reserve: 30
- “(b) all nature and scientific reserves created after the commencement of **Part 4 of the Crown Minerals (Permitting and Crown Land) Amendment Act 2012 2013** must be classified in accordance with this section.
- “(2) The Minister ~~must~~ may recommend to the Governor-General 35 that an Order in Council be made to name and classify a re-

- serve as a nature reserve or as a scientific reserve if the principal or primary purpose of the reserve is the same as that specified for—
- “(a) a nature reserve in section 20; or
“(b) a scientific reserve in section 21. 5
- “(3) The Governor-General may, by Order in Council made on the recommendation of the Minister, name and classify a reserve as a nature reserve or as a scientific reserve.
- ~~“(4) Before making a recommendation under **subsection (2)**, the Minister must give public notice in accordance with section 119 specifying the classification proposed, and must consider in accordance with section 120 all objections against and submissions in relation to the proposal, and those sections apply accordingly with any necessary modifications. 10~~
- “(4) Before making a recommendation under **subsection (2)**, the Minister must— 15
- “(a) refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under section 27(2) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and 20
- “(b) give public notice in accordance with section 119 specifying the name and classification proposed, and must consider in accordance with section 120 all objections and submissions in relation to the proposal, and those sections apply accordingly with any necessary modifications. 25
- “(5) When classified under this section, each reserve must be held and administered for the purpose or purposes for which it is classified and for no other purpose.”
- 68 Section 24 amended (Change of classification or purpose or revocation of reserves) 30**
- (1) Repeal section 24(4).
- (2) After section 24(7), insert:
- “(8) The Minister must not change the classification or purpose, or revoke the reservation status, of the whole or a part of a nature reserve or a scientific reserve under subsection (1). 35

- “(9) Instead, a change to the classification or purpose, or the revocation of the reservation status, of the whole or a part of a nature reserve or a scientific reserve must be made by the Governor-General by Order in Council, on the recommendation of the Minister. 5
- “(10) The Minister must not make a recommendation under **subsection (9)** to change the classification or purpose, or to revoke the reservation status, of a nature reserve or a scientific reserve unless—
- “(a) the Minister is satisfied that the reserve is no longer suitable for the purposes of its classification because of the destruction of its forest, bush, or other vegetation, or of its fauna or natural or scientific features, or for any other similar cause; and 10
- “(b) the Minister has complied with subsection (2), with any necessary modifications. 15
- “(11) **Subsection (10)(a)**, does not apply if the intended change of classification is from—
- “(a) nature reserve to scientific reserve or scenic reserve: 20
- “(b) scientific reserve to nature reserve or scenic reserve.” 20
- 69 Section 47 amended (Wilderness areas)**
- (1) Replace section 47(1) with:
- “(1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—
- “(a) set apart the whole or any specified part of a reserve as a wilderness area: 25
- “(b) vary or revoke any order made under this subsection.”
- (2) In section 47(2)(a), replace “administering body” with “Minister (in any case where there is no administering body) or the administering body (if there is one)”. 30
- (3) In section 47(2)(a)(ii), after “lodge with the”, insert “Minister or the”.

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Legislative history

11 April 2013

Divided from the Crown Minerals (Permitting and
Crown Land) Bill (Bill 70–2) as Bill 70–3D
