

**Reprint  
as at 1 July 2013**

**Conservation Law Reform Act 1990**

Public Act    1990 No 31  
Date of assent    10 April 1990  
Commencement    see section 1

**Contents**

	Page
Title	9
1 Short Title and commencement	9
<b>Part 1</b>	
<b>Amendments to Conservation Act 1987</b>	
2 Part to be read with Conservation Act 1987	10
3 Interpretation	10
4 Functions of Departments	13
5 New Parts 2A and 2B inserted into principal Act	13
<b>Part 2A</b>	
<b>New Zealand Conservation Authority and conservation boards</b>	
<i>New Zealand Conservation Authority</i>	
6A New Zealand Conservation Authority established	13
6B Functions of Authority	13
6C Powers of Authority	14

---

**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**This Act is administered by the Department of Conservation.**

6D	Membership	15
6E	Annual report	16
6F	Term of office of members of Authority	16
6G	Chairperson of Authority	16
6H	Meetings of Authority	17
6I	Director-General entitled to attend meetings of Authority	17
6J	Servicing of Authority	17
6K	Fees and travelling expenses of members of Authority	17
<i>Conservation boards</i>		
6L	Conservation Boards established	18
6M	Functions of Boards	18
6N	Powers of Boards	19
6O	Annual report	19
6P	Membership of Conservation Boards	19
6Q	Co-opted members	20
6R	Term of office of members of Boards	21
6S	Chairpersons of Boards	21
6T	Meetings of Boards	21
6U	Director-General entitled to attend meetings of Boards	22
6V	Servicing of Boards	22
6W	Fees and travelling expenses of members of Boards	22
<b>Part 2B</b>		
<b>Guardians of lakes Manapouri, Monowai, and Te Anau</b>		
6X	Guardians of Lakes Manapouri, Monowai, and Te Anau	22
6	Conservation area may become reserve, national park, etc.	23
7	Conservation areas may be closed	23
8	Conditions on issuing of leases and licences, and disposal of conservation areas [ <i>Repealed</i> ]	24
9	Creation of easements [ <i>Repealed</i> ]	24
10	Disposal of conservation areas	24
11	Exchanges of stewardship areas	24
12	Access and use of conservation areas [ <i>Repealed</i> ]	25
13	New Part 3A inserted into principal Act	25
<b>Part 3A</b>		
<b>Management planning</b>		
17A	Conservation areas to be managed by Department	25
17B	General policy	25
17C	General policy under more than one Act	27
17D	Conservation management strategies	28
17E	Conservation management plans	29
17F	Procedure for preparation and approval of conservation management strategies	30

17G	Procedure for preparation and approval of conservation management plans	32
17H	Reviews of conservation management strategies and conservation management plans	33
17I	Amendments to conservation management strategies and conservation management plans	33
17J	Freshwater fisheries management plans	34
17K	Procedure for preparation, approval, review, and amendment of freshwater fisheries management plans	34
17L	Sports fish and game management plans	36
17M	Procedure for preparation, approval, review, and amendment of sports fish and game management plans	37
17N	Effect of general policies, conservation management strategies, and management plans	39
14	Wilderness areas	39
15	New Part 4A inserted into principal Act	39
<b>Part 4A</b> <b>Marginal strips</b>		
24	Marginal strips reserved	40
24A	Power to reduce width of marginal strip	41
24B	Power to declare certain dispositions to be exempt from section 24	41
24C	Purposes of marginal strips	42
24D	Reservation of marginal strips to be recorded	42
24E	Exchange of marginal strips	43
24F	Right of Crown to half of bed of river adjoining former land of the Crown	44
24G	Effect of change to boundary of marginal strips	44
24H	Management of marginal strips	44
24I	Easements	46
24J	Resumption of marginal strips by Crown	46
16	Disposal of stewardship areas	47
17	New Parts 5A and 5B inserted into principal Act	47
<b>Part 5A</b> <b>Sports fish and game councils</b> <i>Functions of Minister</i>		
26A	Functions of Minister	47
<i>New Zealand Fish and Game Council</i>		
26B	New Zealand Fish and Game Council established	48
26C	Functions of New Zealand Fish and Game Council	48
26D	Membership	49
26E	Co-opted members	49

26F	Powers of New Zealand Fish and Game Council	50
26G	Employment principles	50
26H	Annual report and financial statement	50
26I	Financial statements to be audited by Audit Office	50
26J	Chairperson of New Zealand Fish and Game Council	50
26K	Meetings of New Zealand Fish and Game Council	51
26L	Director-General entitled to attend meetings of New Zealand Fish and Game Council	51
26M	No remuneration payable to members	51
	<i>Transitional councils</i>	
26N	Transitional Councils	52
26O	Functions and powers of Transitional Councils	52
	<i>Fish and game councils</i>	
26P	Fish and Game Councils established	52
26Q	Functions of Fish and Game Councils	53
26R	Fish and Game Council responsibilities	54
26S	Powers of Fish and Game Councils	55
26T	Appointment of staff	56
26U	Membership	56
26V	Co-opted members	57
26W	Annual report and financial statement	57
26X	Financial statements to be audited by Audit Office	57
26Y	Eligibility to vote	57
26Z	Conduct of elections	58
26ZA	Term of office of members of Fish and Game Councils	58
26ZB	Members not personally liable	59
26ZC	Chairpersons of Fish and Game Councils	59
26ZD	Meetings of Fish and Game Councils	59
26ZE	Director-General entitled to attend meetings of Fish and Game Councils	60
26ZF	No remuneration payable to members	60
	<b>Part 5B</b>	
	<b>Freshwater fisheries</b>	
26ZG	Application of Part	60
	<i>Maori fishing rights</i>	
26ZH	Maori fishing rights unaffected by this Part	61
	<i>Sports fisheries</i>	
26ZI	Taking sports fish without licence prohibited	61
26ZJ	Offences relating to spawning fish	61
26ZK	Fishing competitions relating to sports fish	62
26ZL	Restrictions on fishing	62
26ZM	Transfer or release of live aquatic life	63

	26ZN	Fishing rights not to be sold or let	64
	26ZO	Occupier may fish without licence	64
		<i>Miscellaneous provisions</i>	
	26ZP	Determination of closed seasons for fishing	64
	26ZQ	Buying, selling, or possessing fish, contrary to Act	65
	26ZR	Using explosives, etc, to catch or destroy fish	65
18		Covenants	65
19		Taking of plants	66
20		Removal of shingle, etc [ <i>Repealed</i> ]	66
21		Trespassing livestock	66
22		Other offences	66
23		Powers of warranted officers	67
24		Proceedings for offences	68
25		New sections relating to offences inserted into principal Act	68
	43A	Evidence in proceedings	68
	43B	Strict liability	68
26		Forfeiture of property	69
27		New sections substituted in principal Act	69
	48	Regulations	69
	48A	Special regulations relating to freshwater fisheries	71
28		Errors of description in notices may be corrected	73
29		Powers of Director-General	73
30		Delegation of powers by Minister	74
31		Warranted officers	75
32		Director-General may recover certain costs	75
33		Existing leases, licences, etc	75
34		Powers under forestry and Crown leases, etc, exercisable by Minister or Director-General	76
35		Amendments and savings	77
		<i>Transitionals, consequential amendments, and savings</i>	
36		Bodies abolished	77
37		Amendments	78
38		Schedule 1 amended	78
39		Freshwater Fisheries Regulations 1983	78
40		Regulations relating to whitebait	78
41		Repeals	79
42		Revocations	79
43		Transitional provisions in respect of Queen Elizabeth Park Domain Board	79
44		Transitional provisions in respect of Nature Conservation Council	80
45		Transitional provisions in respect of Hauraki Gulf Maritime Park Board	80
46		Certain public notices to have legal effect	80

47	Transitional	80
<b>Part 2</b>		
<b>Amendments to Marine Reserves Act 1971</b>		
48	Part to be read with Marine Reserves Act 1971	81
49	Interpretation	81
50	Marine reserves to be maintained in natural state and public to have right of entry	81
51	Governor-General may declare an area to be a marine reserve	81
52	Procedure for declaring a marine reserve	82
53	New sections relating to management substituted in principal Act	82
6	General policy	82
7	Conservation management strategies	82
8	Conservation management plans	83
9	Control and management of reserves	83
10	Particular functions of Director-General in relation to marine reserves	84
11	Particular powers of Director-General in relation to marine reserves	84
12	Conservation objectives to be considered by Director-General	84
13	Conservation function of New Zealand Conservation Authority	84
54	Rangers	84
55	Powers of rangers	85
56	Offences within a reserve	85
57	Time within which information may be laid	85
58	Boundaries of marine reserves to be marked	85
59	Rights of access and navigation	86
60	Regulations	86
61	Management committees abolished	86
62	Cape Rodney-Okakari Point Marine Reserve Bylaws 1989	86
63	Poor Knights Islands Marine Reserve Bylaws 1989	87
<b>Part 3</b>		
<b>Amendments to Wildlife Act 1953</b>		
64	Part to be read with Wildlife Act 1953	87
65	Interpretation	87
66	Alteration of Schedules	88
67	Wildlife management reserves	88
68	New sections relating to planning substituted in principal Act	88
<i>Management planning</i>		
14B	Wildlife areas to be managed by Department	88
14C	General policy	88
14D	Conservation management strategies	89

	<b>14E</b>	<b>Conservation management plans</b>	<b>89</b>
69		Notification as to conditions on which open season declared	89
70		Hunting or killing in game areas	89
71		Licence to hunt or kill game	90
72		Holder of licence not to enter on land without consent	90
73		Acclimatisation districts abolished	90
74		Acclimatisation societies abolished	90
75		Wildlife districts	91
76		Rangers	91
77		Minister's general powers	92
78		Tenancies	92
79		Delegation of Minister's powers	92
80		Director-General may authorise taking or killing of wildlife for certain purposes	92
81		Director-General may authorise hunting or killing of wildlife causing damage	94
82		Ownership of animals	94
83		Person in pursuit of wildlife to comply with demand by authorised officer	94
84		Evidence of boundaries, etc.	94
85		Forfeitures	94
86		Regulations	95
87		Repeals, savings, and consequential amendments	95
88		Repeals	95
89		Assets and liabilities of acclimatisation societies	95

**Part 4**

**Amendments to Reserves Act 1977**

90		Part to be read with Reserves Act 1977	97
91		Interpretation	97
92		Rangers	98
93		Committees	98
94		New Part 2A inserted into principal Act	98

**Part 2A**  
**Policy**

	<b>15A</b>	<b>General policy</b>	<b>98</b>
95		Functions of administering body	99
96		New sections relating to management planning inserted into principal Act	99
	<b>40A</b>	<b>Conservation management strategies</b>	<b>99</b>
	<b>40B</b>	<b>Conservation management plans in respect of reserves administered by Department</b>	<b>100</b>
97		Use of reserve for communications station	100

98	Leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases) <i>[Repealed]</i>	101
99	Leasing powers in respect of scenic reserves <i>[Repealed]</i>	101
100	Powers in respect of nature reserves	101
101	Leasing powers in respect of historic reserves <i>[Repealed]</i>	101
102	Powers in respect of scenic reserves	101
103	Commissioner may authorise person to carry on trade, business, or occupation within reserve	101
104	Bylaws	101

### Part 5

#### Amendments to Marine Mammals Protection Act 1978

105	Part to be read with Marine Mammals Protection Act 1978	102
106	Interpretation	102
107	New sections relating to management planning inserted into principal Act	102
3A	Department of Conservation to administer marine mammals and sanctuaries	102
3B	General policy	102
3C	Conservation management strategies	103
3D	Conservation management plans	103

### Part 6

#### Amendments to National Parks Act 1980

108	Part to be read with National Parks Act 1980	104
109	Interpretation	104
110	Wilderness areas <i>[Repealed]</i>	104
111	Functions of Authority	105
112	National Parks and Reserves Authority abolished	105
113	Functions of Boards	105
114	National Parks and Reserves Boards abolished	106
115	Rangers	106
116	Parks to be administered by Department	106
117	New heading and section relating to regional management strategies inserted into principal Act	106

#### *Conservation Management Strategies*

44A	Conservation management strategies	106
118	Amendment and review of management plans	106
119	Procedure for preparing and reviewing management plans	107
120	Particular powers of Minister <i>[Repealed]</i>	108
121	Accommodation within parks	108
122	Application of section 11 and Part 10 of the Resource Management Act 1991 to sale of certain hotels	109
123	Application of section 14(3) of Conservation Act 1987 to certain leases and licences	109



124	Bylaws	109
125	Ranger may stop and search boats, vehicles, premises, and possessions in park	109
126	Stopping and searching boats outside parks	110
127	Schedule 1 amended	110

### Part 7

#### Amendments to Fisheries Act 1983

*[Repealed]*

128	Part to be read with Fisheries Act 1983 <i>[Repealed]</i>	110
129	Interpretation <i>[Repealed]</i>	110
130	Fishery management plan <i>[Repealed]</i>	110
131	Procedure in relation to plans <i>[Repealed]</i>	111
132	Emergency amendments to plan <i>[Repealed]</i>	111
133	Minister may impose emergency restrictions before introduction of plan <i>[Repealed]</i>	111
134	Minister may restrict fishing <i>[Repealed]</i>	111
135	Restrictions on purchase or acquisition of fish by certain persons <i>[Repealed]</i>	111
136	Repeal <i>[Repealed]</i>	111
137	Issue of warrants <i>[Repealed]</i>	111
138	Powers of seizure <i>[Repealed]</i>	111
139	Pollution of marine waters <i>[Repealed]</i>	111
140	Determination of closed seasons for fishing <i>[Repealed]</i>	112
141	Closed season in exclusive economic zone <i>[Repealed]</i>	112
142	Repeal <i>[Repealed]</i>	112
143	Ownership and possession of fish <i>[Repealed]</i>	112
144	Penalties <i>[Repealed]</i>	112
145	Provisions relating to forfeited property and quota <i>[Repealed]</i>	112
146	Repeals <i>[Repealed]</i>	112
147	Amendment to Conservation Act 1987 <i>[Repealed]</i>	112

### Schedule

#### Enactments amended

113

## **An Act to amend the law relating to conservation organisations, freshwater fish and game, conservation management planning, and marginal strips**

**Be it enacted by the Parliament of New Zealand as follows:**

### **1 Short Title and commencement**

- (1) This Act may be cited as the Conservation Law Reform Act 1990.
- (2) Except as provided in subsection (3) of this section, this Act shall come into force on the day on which it receives the Royal assent.

- (3) Sections 6A and 6L of the Conservation Act 1987 (as inserted by section 5 of this Act), sections 26B and 26P of that Act (as inserted by section 17 of this Act), and sections 36, 38, 41, 42, 74, 112, and 114 of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

## Part 1

### Amendments to Conservation Act 1987

#### 2 Part to be read with Conservation Act 1987

This Part of this Act shall be read together with and deemed part of the Conservation Act 1987 (in this Part of this Act referred to as the principal Act).

#### 3 Interpretation

- (1) Section 2(1) of the principal Act is hereby amended by repealing the definitions of the terms **foreshore**, **marginal strip**, and **taking**, and inserting, in their appropriate alphabetical order, the following definitions:

**amend**, in relation to any conservation management strategy, conservation management plan, freshwater fisheries management plan, or sports fish and game management plan, means any change that does not affect the objectives of the strategy or plan

**aquatic life** means any species of plant or animal life (except birds) that must, at any time of the life history of the species, inhabit freshwater; and includes any part of any such plant or animal

**bed** means—

- (a) in relation to any river, the space of land which the waters of the river cover at its fullest flow without overtopping the banks; and
- (b) in relation to a lake, the space of land which the waters of the lake cover at its highest level without exceeding its physical margin:

**Conservation Board** or **Board** means a Conservation Board established under section 6L of this Act

**conservation management plan** means a conservation management plan approved under section 14E of the Wildlife Act 1953, section 8 of the Marine Reserves Act 1971, section 40B of the Reserves Act 1977, section 3D of the Marine Mammals Protection Act 1978, section 48 of the National Parks Act 1980, or section 17G of this Act

**conservation management strategy** means a conservation management strategy approved under section 17F of this Act

**District Anglers Notice** means a notice published in the *Gazette* by a Fish and Game Council under section 26R of this Act

**Fish and Game Council** means a Fish and Game Council established under section 26P of this Act

**fishery** means one or more stocks or parts of stocks or one or more species of freshwater fish or aquatic life that can be treated as a unit for the purposes of conservation or management

**Fishery Officer** means any officer specified as such in section 76 of the Fisheries Act 1983

**fishing**—

- (a) means the catching, taking, or harvesting of freshwater fish; and
- (b) includes—
  - (i) any other activity that may reasonably be expected to result in the catching, taking, or harvesting of freshwater fish;
  - (ii) any attempt to catch, take, or harvest freshwater fish;
  - (iii) any operation in support of, or in preparation for, any activity described in this definition:

**foreshore** means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at mean spring tides

**freshwater** means—

- (a) all waters of rivers, streams, lakes, ponds, lagoons, wetlands, impoundments, canals, channels, watercourses, or other bodies of water whether naturally occurring or artificially made;
- (b) all waters of estuaries or coastal lagoons;
- (c) all other fresh or estuarine waters where freshwater fish indigenous to or introduced into New Zealand are found;
- (d) all waters in the mouth of every river or stream, and the mouth of every river and stream shall be deemed to include every outlet thereof and the seashore between those outlets and the waters of the sea or lying within a distance of 500 metres from any place where at low tide the waters of a river or stream meet the waters of the sea:

**freshwater fish** includes all species of finfish of the Classes Agnatha and Osteichthyes, and all shellfish of the Classes Mollusca and Crustacea, that must, at any time in the life history of the species, inhabit fresh water; and includes any part thereof and such finfish and shellfish that seasonally migrate into or out of freshwater

**freshwater fisheries management plan** means a freshwater fisheries management plan approved under section 17K of this Act

**game** has the same meaning as in the Wildlife Act 1953

**indigenous fish** means any freshwater fish that is indigenous to New Zealand

**lake** means a body of fresh water whose bed has an area of 8 hectares or more and which is entirely or nearly surrounded by land

**marginal strip** means any strip of land reserved or deemed to be reserved by section 24 or section 24E(3) or section 24G of this Act for the purposes specified in section 24C of this Act; and includes any part of any such strip

**nature conservation** means the preservation and protection of the natural resources of New Zealand, having regard to their intrinsic values and having special regard to indigenous flora and fauna, natural eco-systems, and landscape

**New Zealand Conservation Authority** or **Conservation Authority** or **Authority** means the New Zealand Conservation Authority established under section 6A of this Act

**New Zealand Fish and Game Council** means the New Zealand Fish and Game Council established under section 26B of this Act

**operational work plan** means an annual operational work plan having effect under section 26Q(3) of this Act

**review**, in relation to any conservation management strategy or management plan, means to consider all objectives and policies of those provisions under review and to approve a new strategy or plan, having regard to increased knowledge or changed circumstances; and, for the purposes of this definition, an **objective** is a statement of intent from which a policy is derived

**sale** includes every method of disposition for valuable consideration, including barter; and includes the disposition to an agent for sale on consignment; and also includes offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and also includes disposal by way of raffle, lottery, or other game of chance; and **sell** and **sold** have corresponding meanings

**sports fish** means every species of freshwater fish that the Governor-General may declare, by Order in Council, to be sports fish for the purposes of this Act; and any such Order in Council may be expressed to apply to freshwater fish in any specified freshwater or other waters

**sports fish and game management plan** means a sports fish and game management plan approved under section 17M of this Act

**taking**—

- (a) in relation to any plant, includes the breaking, cutting, destroying, digging up, gathering, plucking, pulling up, and removing, of the plant; and **to take** has a corresponding meaning:
- (b) in relation to any fish, means fishing; and **takes** and **to take** have a corresponding meaning:

**Taupo Fishery** means the fishery to which section 14 of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926 relates

**walkway** has the same meaning as in section 2 of the New Zealand Walkways Act 1990.

- (2) Section 2 of the principal Act is hereby further amended by adding the following subsection:
- (3) For the purposes of this Act, the Governor-General may from time to time, by Order in Council, declare any species to be included in or excluded from the definitions of the terms **aquatic life**, **freshwater fish**, or **sports fish** in subsection (1) of this section; and any such declaration may be expressed to apply to any species in any specified areas or waters, or generally throughout New Zealand.
- (3) Every reference to an acclimatisation society in any other enactment passed or in any regulations or Order in Council made, before the commencement of this Act, shall be read as a reference to a Fish and Game Council within the meaning of the principal Act.
- (4) Every reference to the district of any acclimatisation society in any other enactment passed, or in any regulations or Order in Council made, before the commencement of this Act, shall be read as a reference to the area within the jurisdiction of the local Fish and Game Council.

#### **4 Functions of Departments**

Section 6 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

- (ab) to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats:

#### **5 New Parts 2A and 2B inserted into principal Act**

The principal Act is hereby amended by inserting, after Part 2, the following Parts:

### **Part 2A**

#### **New Zealand Conservation Authority and conservation boards**

##### *New Zealand Conservation Authority*

#### **6A New Zealand Conservation Authority established**

There is hereby established an authority to be called the New Zealand Conservation Authority.

#### **6B Functions of Authority**

- (1) The functions of the Authority shall be—
- (a) to advise the Minister on statements of general policy prepared under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the New Zealand Walkways Act 1990, and this Act:

- (b) to approve conservation management strategies and conservation management plans, and review and amend such strategies and plans, as required under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, the New Zealand Walkways Act 1990, and this Act:
  - (c) to review and report to the Minister or the Director-General on the effectiveness of the Department's administration of general policies prepared under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the New Zealand Walkways Act 1990, and this Act:
  - (d) to investigate any nature conservation or other conservation matters the Authority considers are of national importance, and to advise the Minister or the Director-General, as appropriate, on such matters:
  - (e) to consider and make proposals for the change of status or classification of areas of national and international importance:
  - (f) to advise the Minister or the Director-General, as appropriate, on any matter relating to or affecting walkways:
  - (g) to encourage and participate in educational and publicity activities for the purposes of bringing about a better understanding of nature conservation in New Zealand:
  - (h) to advise the Minister and the Director-General annually on priorities for the expenditure of money:
  - (i) to liaise with the New Zealand Fish and Game Council:
  - (j) to exercise such powers and functions as may be delegated to it by the Minister under this Act or any other Act.
- (2) The Authority shall have such other functions as are conferred on it by or under this Act or any other Act.

Compare: 1980 No 66 s 18

### **6C Powers of Authority**

- (1) The Authority shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.
- (2) Without limiting the generality of subsection (1) of this section, the Authority may—
  - (a) establish committees of members and other suitable persons, and delegate to them any of its powers and functions:
  - (b) release for public information, in such form as it thinks fit, any recommendation, report, or advice made or given by the Authority to the Minister or the Director-General:

- (c) advocate the interests of the Authority at any public forum or in any statutory planning process.
- (3) In exercising powers other than advocacy or investigative powers, the Authority shall have regard to any views expressed in writing by the Minister and addressed to the Authority.
- (4) Notwithstanding subsection (2)(b) of this section, the Authority shall not release its annual report for public information until it has been laid before the House of Representatives.
- (5) The power conferred by subsection (2)(c) of this section shall include the right to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Authority's functions.

#### **6D Membership**

- (1) The members of the Authority shall be appointed by the Minister having regard to the interests of conservation, natural earth and marine sciences, and recreation, and the Authority shall consist of—
  - (a) two persons appointed after consultation with the Minister of Maori Affairs:
  - (b) two persons appointed after consultation with the Minister of Tourism:
  - (c) one person appointed after consultation with the Minister of Local Government:
  - (d) one person appointed on the recommendation of the Royal Society of New Zealand:
  - (e) one person appointed on the recommendation of the Royal Forest and Bird Protection Society of New Zealand Incorporated:
  - (f) one person appointed on the recommendation of the Federated Mountain Clubs of New Zealand Incorporated:
  - (g) four persons appointed following public notice given in accordance with subsection (2) of this section.
- (2) Every notice required by subsection (1)(g) of this section shall—
  - (a) state the number of appointments intended to be made to the Authority:
  - (b) call for nominations for membership of the Authority to be sent to the Minister:
  - (c) state a date, being not less than 28 days after the date of the first publication of the notice, after which the Minister may decline to accept such nominations:
  - (d) be published at least twice in a daily newspaper circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin, and in such other newspapers and publications as the Minister may direct.

(3) Every appointment of a member of the Authority shall be made by notice published in the *Gazette*, and shall take effect from the date of such notice or such later date as may be specified in the notice.

(4) No person employed by the Department shall be eligible for appointment as a member of the Authority.

Compare: 1980 No 66 s 17

#### **6E Annual report**

(1) The Authority shall in each year make a report to the Minister on the exercise of its powers and functions.

(2) A copy of the annual report shall be laid by the Minister before the House of Representatives as soon as practicable after it has been received by that Minister.

Compare: 1980 No 66 s 21

#### **6F Term of office of members of Authority**

(1) Subject to subsections (2) to (5) of this section, every member of the Authority shall hold office for such term, not exceeding 3 years, as the Minister shall specify in the notice of appointment, and may from time to time be reappointed.

(2) Any member of the Authority may at any time be removed from office by the Minister for bankruptcy, disability, neglect of duty, or misconduct.

(3) Any member of the Authority may at any time resign his or her office by writing addressed to the Minister.

(4) If any member of the Authority dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and the person so appointed shall be appointed for the residue of the term for which the vacating member was appointed.

(5) Unless a member sooner dies, resigns, or is removed from office, every member of the Authority shall continue in office until that member's successor comes into office, notwithstanding that the term for which that member was appointed may have expired.

Compare: 1980 No 66 s 22

#### **6G Chairperson of Authority**

(1) The Minister shall, by the notice appointing the members of the Authority or by a subsequent notice published in the *Gazette*, appoint one of the members to be Chairperson of the Authority for the term of that member's appointment or for such lesser period as the Minister thinks fit.

(2) The Chairperson shall preside at all meetings of the Authority at which he or she is present.



- (3) If the Chairperson is absent from any meeting of the Authority, the members present shall appoint one of their number to be the Chairperson of that meeting.

Compare: 1980 No 66 s 23

#### **6H Meetings of Authority**

- (1) Meetings of the Authority shall be held at such times and places as the Authority or the Chairperson from time to time appoints.
- (2) A special meeting shall be called by the Chairperson whenever 3 or more members so request in writing.
- (3) At any meeting of the Authority, a majority of the members in office shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.
- (4) Every question before any meeting of the Authority shall be determined by a majority of the members present and voting on the question, and proper minutes shall be kept of proceedings.
- (5) At any meeting of the Authority, the Chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.
- (6) The powers of the Authority shall not be affected by any vacancy in its membership, nor shall the proceedings of the Authority be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.
- (7) Subject to the provisions of this Act, the Authority may regulate its procedure in such manner as it thinks fit.

Compare: 1980 No 66 s 24

#### **6I Director-General entitled to attend meetings of Authority**

Notice in writing of every meeting of the Authority and of the business proposed to be transacted at that meeting shall be given to the Director-General, and the Director-General or the Director-General's nominee shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

Compare: 1980 No 66 s 25

#### **6J Servicing of Authority**

The Authority shall be serviced by the Department in such manner as the Minister may from time to time direct.

Compare: 1980 No 66 s 26

#### **6K Fees and travelling expenses of members of Authority**

- (1) The Authority is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

- (2) There shall be paid to members of the Authority, out of money appropriated by Parliament for the purpose, remuneration by way of fees, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Compare: 1980 No 66 s 27

### *Conservation boards*

#### **6L Conservation Boards established**

- (1) The Minister shall, by notice in the *Gazette*, establish not more than 19 Conservation Boards.
- (2) The Minister shall give each Conservation Board a distinctive name corresponding to the general area in respect of which it is to have jurisdiction.
- (3) The area under the jurisdiction of each Conservation Board shall be as determined from time to time by the Minister.

Compare: 1980 No 66 s 29

#### **6M Functions of Boards**

- (1) The functions of each Board shall be—
- (a) to recommend the approval by the Conservation Authority of conservation management strategies, and the review and amendment of such strategies, under the relevant enactments:
  - (b) to approve conservation management plans, and the review and amendment of such plans, under the relevant enactments:
  - (c) to advise the Conservation Authority and the Director-General on the implementation of conservation management strategies and conservation management plans for areas within the jurisdiction of the Board:
  - (d) to advise the Conservation Authority or the Director-General—
    - (i) on any proposed change of status or classification of any area of national or international importance; and
    - (ii) on any other conservation matter relating to any area within the jurisdiction of the Board:
  - (e) to advise the Conservation Authority and the Director-General on proposals for new walkways in any area within the jurisdiction of the Board:
  - (f) to liaise with any Fish and Game Council on matters within the jurisdiction of the Board:
  - (g) to exercise such powers and functions as may be delegated to it by the Minister under this Act or any other Act.

- (2) Every Board shall have such other functions as are conferred on it by or under this Act or any other Act.

Compare: 1980 No 66 s 30

#### **6N Powers of Boards**

- (1) Every Board shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.
- (2) Without limiting the generality of subsection (1) of this section, each Board may—
- (a) advocate its interests at any public forum or in any statutory planning process; and
  - (b) appoint committees of members and other suitable persons, and delegate to them functions and powers.
- (3) The power conferred by subsection (2)(a) of this section shall include the right to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Board's functions.

#### **6O Annual report**

As soon as practicable after the 30th day of June in every year, every Board shall furnish the Conservation Authority with a report of its operations for the period of 12 months that ended on that day.

#### **6P Membership of Conservation Boards**

- (1) Every Board shall consist of not more than 12 members.
- (2) Except as provided in subsections (5), (6), and (7) of this section, the Minister shall appoint every member of a Board after giving public notice in accordance with subsection (4) of this section, and after consultation with the Conservation Authority, and having regard to—
- (a) the particular features of land administered by the Department in the area of the Board's jurisdiction; and
  - (b) the interests of nature conservation, natural earth and marine sciences, recreation, tourism, and the local community including the tangata whenua of the area.
- (3) Before making any appointment representing the interests of the tangata whenua of an area, the Minister shall consult with the Minister of Maori Affairs about those interests.
- (4) Every notice required by subsection (2) of this section shall—
- (a) state the number of appointments intended to be made to the Board;
  - (b) call for nominations for membership of the Board to be sent to the Minister:

- (c) state a date, being not less than 28 days after the date of the first publication of the notice, after which the Minister may decline to accept such nominations:
  - (d) be published at least twice in a daily newspaper circulating in the area in which the Board will have jurisdiction, and in such other newspapers and publications as the Minister may direct.
- (5) The Board whose area of jurisdiction includes the Tongariro National Park shall consist of—
- (a) not more than eleven persons appointed under subsection (2) of this section; and
  - (b) the paramount chief for the time being of the Ngati Tuwharetoa Tribe of the Maori race, if that chief is a lineal descendant of Te Heuheu Tukino, the donor on behalf of his associated Chiefs of the Tribe of certain Maori land included in the area of the park, or, if the paramount chief for the time being of that tribe is not a lineal descendant of Te Heuheu Tukino, a lineal descendant of Te Heuheu Tukino appointed by the Minister.
- (6) The Board whose area of jurisdiction includes the Egmont National Park shall consist of—
- (a) not more than eleven persons appointed under subsection (2) of this section; and
  - (b) one person to be appointed by the Minister on the recommendation of the Taranaki Maori Trust Board.
- (7) The Board whose area of jurisdiction includes the Whanganui National Park shall consist of—
- (a) not more than eleven persons appointed under subsection (2) of this section; and
  - (b) one person appointed by the Minister on the recommendation of the Whanganui River Maori Trust Board.
- (8) The appointment of any person by the Minister to be a member of a Board shall be made by notice published in the *Gazette*, and shall take effect from the date of such notice or such later date as may be specified in the notice.
- (9) No person employed by the Department under the State Sector Act 1988 shall be eligible to be a member of any Board.

Compare: 1980 No 66 s 32

#### **6Q Co-opted members**

- (1) Any Board may co-opt for such term as it thinks fit any suitable person or persons to be a member or members of the Board.
- (2) A co-opted member of a Board shall be entitled to attend and speak at any meeting of that Board, but shall not be entitled to vote on any question.

**6R Term of office of members of Boards**

- (1) Subject to subsections (2) to (5) of this section, every appointed member of a Board shall hold office for such term, not exceeding 3 years, as the Minister shall specify in the notice of appointment, and may from time to time be reappointed.
- (2) Any member of a Board may at any time be removed from office by the Minister for bankruptcy, disability, neglect of duty, or misconduct.
- (3) Any member of a Board may at any time resign his or her office by writing addressed to the Minister.
- (4) If any member of a Board dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and the person so appointed shall be appointed for the residue of the term for which the vacating member was appointed.
- (5) Unless a member sooner dies, resigns, or is removed from office, every member of a Board shall continue in office until that member's successor comes into office, notwithstanding that the term for which that member was appointed may have expired.

Compare: 1980 No 66 s 33

**6S Chairpersons of Boards**

- (1) The Minister shall, by the notice appointing the members of a Board, appoint one of its members to be the Chairperson of the Board for a term of one year, and thereafter the members shall from time to time elect one of their number to be the Chairperson for such period as they think fit.
- (2) The Chairperson shall preside at all meetings of the Board at which he or she is present.
- (3) If the Chairperson is absent from any meeting, the members present shall appoint one of their number to be the Chairperson of that meeting.

Compare: 1980 No 66 s 34

**6T Meetings of Boards**

- (1) The first meeting of each Board shall be held at a time and place to be appointed by the Minister, and subsequent meetings shall be held at such times and places as the Board or the Chairperson from time to time appoints.
- (2) A special meeting shall be called by the Chairperson whenever 3 or more members so request in writing.
- (3) At any meeting of a Board, a majority of the members in office shall form a quorum and no business shall be transacted at any meeting unless such a quorum is present.
- (4) Every question before any meeting of a Board shall be determined by a majority of the members present and voting on the question.

- (5) At any meeting of a Board, the Chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.
- (6) The powers of a Board shall not be affected by any vacancy in its membership, nor shall the proceedings of a Board be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.
- (7) Subject to the provisions of this Act, each Board may regulate its procedure in such manner as it thinks fit.  
Compare: 1980 No 66 s 35

#### **6U Director-General entitled to attend meetings of Boards**

Notice in writing of every meeting of a Board and of the business proposed to be transacted at that meeting shall be given to the Director-General, and the Director-General or the Director-General's nominee shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

Compare: 1980 No 66 s 36; 1987 No 65 s 65(1)

#### **6V Servicing of Boards**

The Boards shall be serviced by the Department in such manner as the Minister may from time to time direct.

Compare: 1980 No 66 s 37

#### **6W Fees and travelling expenses of members of Boards**

- (1) Every Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) There shall be paid to members of every Board, out of money appropriated by Parliament, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Compare: 1980 No 66 s 38

### **Part 2B**

#### **Guardians of lakes Manapouri, Monowai, and Te Anau**

#### **6X Guardians of Lakes Manapouri, Monowai, and Te Anau**

- (1) The Minister may, on such terms and conditions as the Minister may from time to time specify, appoint suitable persons to be the Guardians of Lakes Manapouri, Monowai, and Te Anau.
- (2) The functions of the Guardians shall be—
  - (a) to make recommendations to the Minister on any matters arising from the environmental, ecological, and social effects of the operation of the

Manapouri-Te Anau hydro electric power scheme on the townships of Manapouri and Te Anau, Lakes Manapouri and Te Anau and their shorelines, and on the rivers flowing in and out of those lakes, having particular regard to the effects of the operation on social values, conservation, recreation, tourism, and related activities and amenities:

- (b) to make recommendations to the Minister on any matters arising from the environmental, ecological, and social effects of the operation of the Monowai Power Scheme on Lake Monowai, its shoreline, and on the rivers flowing in and out of Lake Monowai, having particular regard to the effects of the operation on social values, conservation, recreation, tourism, and related activities and amenities:
  - (c) to make to the Minister, and to the Minister responsible for the administration of the Manapouri-Te Anau Development Act 1963, recommendations on the operating guidelines for the levels of Lakes Manapouri and Te Anau, for the purposes of section 4A of that Act.
- (3) The Guardians shall in each year make a report to the Minister on their meetings and recommendations.
- (4) Except as otherwise expressly provided, every reference in any other Act to the Guardians of Lakes Manapouri and Te Anau shall be read as a reference to the Guardians appointed under subsection (1) of this section.

#### **6 Conservation area may become reserve, national park, etc.**

- (1) Section 8 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:
- (1A) The Minister may from time to time, by notice in the *Gazette*, declare any conservation area to be a reserve under the Reserves Act 1977 and to have a classification under that Act, or to be included in any existing reserve under that Act, and may in like manner amend or revoke any such notice; and every such declaration shall have effect as a reservation under that Act for the purposes specified in the notice.
- (2) Section 8 of the principal Act is hereby further amended by adding the following subsection:
- (3) Upon the revocation of any notice given under subsection (1A) of this section, the land to which that notice related shall become a conservation area and have the same status as it had immediately before the commencement of that notice.

#### **7 Conservation areas may be closed**

- (1) Section 13(1) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:
- (a) if requested to do so under section 24H(7) of this Act or if any conservation management strategy or conservation management plan relating to any conservation area provides for its closure in whole or in part for conservation pur-

poses, to public entry, close the area or any part of it to public entry in accordance with the strategy or plan; and.

- (2) Section 13(1)(b) of the principal Act is hereby amended by omitting the words “that has no management plan”, and substituting the words “for which there is no conservation management strategy or conservation management plan”.

## **8 Conditions on issuing of leases and licences, and disposal of conservation areas**

*[Repealed]*

Section 8: repealed, on 1 July 1996, by section 7(5)(b) of the Conservation Amendment Act 1996 (1996 No 1).

## **9 Creation of easements**

*[Repealed]*

Section 9: repealed, on 1 July 1996, by section 7(5)(b) of the Conservation Amendment Act 1996 (1996 No 1).

## **10 Disposal of conservation areas**

Section 16 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

- (1) Notwithstanding anything in the State-Owned Enterprises Act 1986 but subject to the Public Works Act 1981, no conservation area or interest in a conservation area shall be disposed of except in accordance with this Act.

## **11 Exchanges of stewardship areas**

The principal Act is hereby amended by inserting, after section 16, the following section:

16A

- (1) Subject to subsections (2) and (3) of this section, the Minister may, by notice in the *Gazette*, authorise the exchange of any stewardship area or any part of any stewardship area for any other land.
- (2) The Minister shall not authorise any such exchange unless the Minister is satisfied, after consultation with the local Conservation Board, that the exchange will enhance the conservation values of land managed by the Department and promote the purposes of this Act.
- (3) All land acquired by the Crown under this section shall be held for such conservation purposes as the Minister may specify in respect of that land by notice in the *Gazette*.
- (4) The Minister may authorise the payment or receipt by the Crown of money by way of equality of exchange in any case under this section; and all money so received shall be paid into the Department of Conservation Grants and Gifts Trust Account, and shall be applied, without further appropriation than this sec-



tion, for the acquisition of land under this Act or the Reserves Act 1977 or the National Parks Act 1980.

- (5) The Minister or the Director-General may, on behalf of the Crown, do all such things as may be necessary to effect any exchange authorised under this section.
- (6) Upon the transfer of any stewardship area or any part of any stewardship area under this section, that land shall cease to be subject to this Act.
- (7) Nothing in section 26 or section 49 of this Act shall apply to the exchange of land under this section.
- (8) District Land Registrars are hereby authorised and directed to make such entries in registers and do all such other things as may be necessary to give effect to exchanges authorised under this section.

## **12 Access and use of conservation areas**

*[Repealed]*

Section 12: repealed, on 1 July 1996, by section 3(2)(b) of the Conservation Amendment Act 1996 (1996 No 1).

## **13 New Part 3A inserted into principal Act**

- (1) The principal Act is hereby amended by inserting, after Part 3, the following Part:

### **Part 3A Management planning**

#### **17A Conservation areas to be managed by Department**

Subject to this Act, the Department shall administer and manage all conservation areas and natural and historic resources in accordance with—

- (a) statements of general policy approved under section 17B or section 17C of this Act; and
- (b) conservation management strategies, conservation management plans, and freshwater fisheries management plans.

#### **17B General policy**

- (1) The Minister may approve statements of general policy for the implementation of this Act, and for any conservation area or areas, or conservation areas of any class or description; and may from time to time amend or revoke any such statement in the light of changing circumstances or increased knowledge.
- (2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.
- (3) The following provisions shall apply to the preparation and approval of such statements:

- (a) the Director-General may prepare draft statements of general policy, after consultation with—
  - (i) the New Zealand Fish and Game Council, in the case of sports fish and game policy; or
  - (ii) the Conservation Authority, in any other case:
- (b) the Director-General shall give notice by advertisement published in daily newspapers circulating in the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin of the availability of each proposed statement of policy, and every such notice shall—
  - (i) state that the draft is available for inspection at the places and times specified in the notice; and
  - (ii) call upon persons or organisations interested to lodge with the Director-General written submissions on the draft before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice:
- (c) the Director-General shall also give notice to the same effect to all regional councils constituted under the Local Government Act 1974, and, so far as is practicable, to representatives of the appropriate iwi authorities:
- (d) before revising any such draft, the Director-General shall ensure that—
  - (i) copies of the draft are held by the Department and are available for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the statement of policy; and
  - (ii) any proposed amendments are explained in a written statement available with the draft:
- (e) the Director-General may give such further notice of any draft statement of policy as the Director-General thinks fit:
- (f) any person or organisation may send to the Director-General written submissions on any such draft before the date specified in that behalf in the relevant notice, being a date not less than 40 working days after the date of publication of the notice:
- (g) the Director-General shall give any person or organisation who or which, in making any submissions under paragraph (f) of this subsection, asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before the Director-General:
- (h) the Director-General shall consult with such other persons or organisations, and in such manner, as the Director-General considers practicable and appropriate:

- (i) the Director-General shall prepare a summary of the submissions received and public opinion made known on the draft:
  - (j) after considering the submissions and public opinion, the Director-General shall make such amendments to the draft as the Director-General considers appropriate and, subject to paragraph (k) of this subsection, send to the Conservation Authority the draft and the summary prepared under paragraph (i) of this subsection:
  - (k) where a draft statement of policy relates to the management of sports fish and game, the Director-General—
    - (i) shall send the draft to the New Zealand Fish and Game Council for comment; and
    - (ii) shall send to the Minister, the draft, the summary prepared under paragraph (i) of this subsection, and the comments of the New Zealand Fish and Game Council:
  - (l) the Conservation Authority—
    - (i) shall consider any draft and summary received from the Director-General under paragraph (j) of this subsection; and
    - (ii) may consult any Conservation Board about the draft; and
    - (iii) shall send to the Minister the draft, the summary, and its own comments on the draft:
  - (m) the Minister shall approve the draft or send it back to the Director-General for revision before approving it.
- (4) The Director-General may at any time prepare an amendment to any statement of general policy, and the following provisions shall apply in any such case:
- (a) where the proposed amendment does not materially affect the objectives of the policy or the public interest, the Director-General shall send it to the Conservation Authority or the New Zealand Fish and Game Council, as the case may require, and it shall be dealt with under paragraphs (k) to (m) of subsection (3) of this section, which shall apply with any necessary modifications:
  - (b) in any other case, the proposed amendment shall be dealt with under paragraphs (a) to (m) of subsection (3) of this section, which shall apply with any necessary modifications.
- (5) All statements of general policy approved under this Act before the commencement of this section shall be deemed to have been approved under subsection (3)(m) of this section.

**17C General policy under more than one Act**

- (1) The Director-General may from time to time prepare and recommend for approval by the Minister a general statement of policy for any area or areas of land or water, or for any natural or historic resources, managed by the Depart-

ment for the purposes of the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the New Zealand Walkways Act 1990, or this Act, or any of them.

- (2) Where any part of any such statement of policy is subject to any of the Acts referred to in subsection (1) of this section, it may be approved only in accordance with the relevant approval procedures set out in that Act; and the relevant provisions of that Act shall apply accordingly.

#### **17D Conservation management strategies**

- (1) The purpose of a conservation management strategy is to implement general policies and establish objectives for the integrated management of natural and historic resources, including any species, managed by the Department under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, the New Zealand Walkways Act 1990, or this Act, or any of them, and for recreation, tourism, and other conservation purposes.
- (2) Within 5 years after the commencement of this section, such conservation management strategies as may be necessary to establish such objectives for all areas managed by the Department shall be prepared by the Director-General for approval by the Conservation Authority in accordance with section 17F of this Act.
- (3) Subject to this Act, the Director-General shall determine the boundaries of a conservation management strategy.
- (4) Nothing in any conservation management strategy shall—
- (a) derogate from any provision in this Act or any other Act; or
  - (b) derogate from any general policy approved under any of the Acts referred to in subsection (1) of this section; or
  - (c) affect any agreement or arrangement entered into under this Act or any other Act between the Minister and any land owner other than the Crown or between the Director-General and any such land owner.
- (5) A conservation management strategy may require the preparation of a conservation management plan under any Act specified in the First Schedule to this Act other than the National Parks Act 1980.
- (6) Any conservation management plan approved in respect of any conservation park or under the National Parks Act 1980 may be approved as a conservation management strategy by the Conservation Authority in accordance with paragraphs (m) to (p) of section 17F of this Act, as if it were a draft conservation management strategy.
- (7) A conservation management strategy shall identify and describe all protected areas managed by the Department within the boundaries of the strategy.

- (8) When preparing a conservation management strategy, the Director-General shall have regard to existing management plans under this Act or any Act specified in the First Schedule to this Act.

**17E Conservation management plans**

- (1) The purpose of a conservation management plan is to implement conservation management strategies and establish detailed objectives for the integrated management of natural and historic resources within any area or areas referred to in subsection (4) of this section, and for recreation, tourism, and other conservation purposes.
- (2) The Director-General shall prepare conservation management plans as required by the provisions of any conservation management strategy.
- (3) Where an area is not subject to a conservation management strategy, the Minister may require the preparation of a conservation management plan for that area after consultation with the Boards affected; and the Director-General shall prepare such a plan if so required by the Minister.
- (4) Any conservation management plan may relate to any area or areas managed by the Department under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Marine Mammals Protection Act 1978, or this Act.
- (5) Nothing in any conservation management plan shall derogate from—
- (a) any provision in this Act or any other Act; or
  - (b) any policy approved under this Act or any other Act in respect of the area to which the plan relates, or any part of that area; or
  - (c) any provision in any regional management strategy.
- (6) All management plans approved under this Act before the commencement of this section shall be deemed to have been approved under section 17G of this Act.
- (7) Every draft management plan that, immediately before the commencement of this Act, had been publicly notified by the Director-General but not approved by the Minister is hereby deemed to be a draft conservation management plan prepared under section 17G of this Act and may be approved accordingly.
- (8) Where it is proposed that a conservation management strategy be amended to provide for a conservation management plan, section 17I(4) of this Act shall be deemed to apply to the amendment.
- (9) When preparing a conservation management plan, the Director-General shall have regard to existing freshwater fisheries management plans and sports fish and game management plans under this Act.

**17F Procedure for preparation and approval of conservation management strategies**

The following provisions shall apply to the preparation and approval of draft conservation management strategies:

- (a) every draft shall be prepared by the Director-General in consultation with the Conservation Boards affected by it and such other persons or organisations, as the Director-General considers practicable and appropriate, and then notified in accordance with section 49(1) of this Act and to the appropriate regional councils and territorial authorities constituted under the Local Government Act 1974 and to the appropriate iwi authorities, and that provision shall apply as if the notice were required to be given by the Minister:
- (b) every notice under paragraph (a) of this section shall—
  - (i) state that the draft strategy is available for inspection at the places and times specified in the notice; and
  - (ii) call upon persons or organisations interested to lodge with the Director-General submissions on the draft before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice:
- (c) any person or organisation may make written submissions to the Director-General on the draft at the place and before the date specified in that behalf in the notice:
- (d) the Director-General may, after consultation with the Conservation Boards affected, obtain public opinion of the draft by any other means from any person or organisation:
- (e) from the date of public notification of a draft until public opinion of it has been made known to the Director-General, the draft shall be made available by the Director-General for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the proposal:
- (f) the Director-General shall give every person or organisation who or which, in making any submissions on the draft, asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before a meeting of representatives of the Director-General and the Conservation Boards affected:
- (g) representatives of the Director-General and the Conservation Boards affected may hear submissions from any other person or organisations consulted on the draft:
- (h) the Director-General shall prepare a summary of the submissions received on the draft and public opinion made known about it:

- (i) after considering such submissions and public opinion, the Director-General shall revise the draft and shall, subject to paragraph (j) of this section, send to the Conservation Boards affected the revised draft and the summary prepared under paragraph (h) of this section:
- (j) the Director-General shall comply with paragraph (i) of this section before—
  - (i) the expiration of 8 months after the date of publication of the notice given under paragraph (a) of this section; or
  - (ii) such later date as may be fixed in that behalf by the Minister:
- (k) on receipt of the draft and the summary, the Conservation Boards affected shall consider those documents and then—
  - (i) may request the Director-General to revise the draft; and
  - (ii) shall send the draft to the Authority for approval, together with a written statement of any matters of content on which the Director-General and the Boards are unable to agree and a copy of the summary prepared under paragraph (h) of this section:
- (l) the Conservation Boards affected shall send the draft received under paragraph (i) of this section to the Conservation Authority before—
  - (i) the expiration of 6 months after the date of its referral to the Boards by the Director-General; or
  - (ii) such later date as may be fixed in that behalf by the Minister:
- (m) the Conservation Authority shall consider the draft and all other information furnished with it and may consult such persons and organisations as it considers appropriate, including the Director-General and the Conservation Boards affected:
- (n) after such consideration, the Conservation Authority shall make such amendments as it considers necessary and send the draft and the other relevant information to the Minister:
- (o) the Minister shall consider the draft and send it back to the Conservation Authority with any written recommendations the Minister considers appropriate:
- (p) after having regard to any recommendations expressed in writing by the Minister, the Conservation Authority shall either—
  - (i) approve the draft; or
  - (ii) send back to the Minister for further consideration the draft and any new information the Authority wishes the Minister to consider, before the Authority approves the draft.

**17G Procedure for preparation and approval of conservation management plans**

- (1) The provisions of paragraphs (a) to (j) of section 17F of this Act shall apply to the preparation and approval of draft conservation management plans as if such draft plans were draft conservation management strategies.
- (2) On receipt of the draft and the summary under the provisions referred to in subsection (1) of this section, the Conservation Boards affected shall consider those documents and then shall—
  - (a) approve the plan; or
  - (b) request the Director-General to revise the plan; or
  - (c) send the plan to the Conservation Authority for consideration.
- (3) The following provisions shall also apply to draft conservation management plans:
  - (a) at any time before the Boards approve the draft, the Authority or the Minister may require the Boards to send the draft to the Authority for approval:
  - (b) if a draft is sent to the Authority under paragraph (a) of this subsection, the Director-General shall be entitled to make to the Authority submissions on the draft:
  - (c) every draft referred by the Director-General to Conservation Boards under the provisions referred to in subsection (1) of this section shall be approved by the Boards or sent to the Conservation Authority, as the case may require, before—
    - (i) the expiration of 6 months after the date of its referral to the Boards by the Director-General; or
    - (ii) such later date as may be fixed in that behalf by the Minister:
  - (d) where the Boards send a draft to the Authority, the Boards shall also furnish the Authority with the summary prepared under subsection (1) of this section and a written statement of any matters of content on which the Director-General and the Boards are unable to agree:
  - (e) the Conservation Authority shall, in such a case, consider the draft and all other information furnished with it and may consult such persons and organisations as it considers appropriate, including the Director-General and the Conservation Boards affected:
  - (f) after such consideration, the Conservation Authority shall make such amendments as it considers necessary and send the draft and the other relevant information to the Minister:
  - (g) the Minister shall consider the draft and send it back to the Conservation Authority with any written recommendations the Minister considers appropriate:



- (h) after having regard to any recommendations expressed in writing by the Minister, the Conservation Authority shall either—
  - (i) approve the draft strategy or plan; or
  - (ii) send back to the Minister for further consideration the draft and any new information the Authority wishes the Minister to consider, before the Authority approves the draft.

**17H Reviews of conservation management strategies and conservation management plans**

- (1) The Director-General, after consultation with the Conservation Boards affected, may at any time initiate a review of any conservation management strategy or conservation management plan, or any part of any such strategy or plan.
- (2) Every review of a conservation management strategy under this section shall be carried out and approved in accordance with the provisions of section 17F of this Act, which shall apply with any necessary modifications.
- (3) Every review of a conservation management plan under this section shall be carried out and approved in accordance with the provisions of section 17G of this section, which shall apply with any necessary modifications.
- (4) The following provisions shall also apply in relation to reviews under this section:
  - (a) any conservation management strategy or conservation management plan may be reviewed in whole or in part:
  - (b) a conservation management strategy or conservation management plan shall be reviewed as a whole by the Director-General not later than 10 years after the date of its approval:
  - (c) in the case of a conservation management strategy, the Minister may, after consultation with the Authority, extend that period of review:
  - (d) in the case of a conservation management plan, the Minister may, after consultation with the Conservation Boards affected, extend that period of review.

**17I Amendments to conservation management strategies and conservation management plans**

- (1) The Director-General, after consultation with the Conservation Boards affected, may at any time initiate the amendment of any conservation management strategy or conservation management plan, or any part of any such strategy or plan.
- (2) Except as provided in subsection (4) of this section, every amendment of a conservation management strategy under this section shall be carried out in accordance with the provisions of section 17F of this Act, which shall apply with any necessary modifications.

- (3) Except as provided in subsection (4) of this section, every amendment of a conservation management plan shall be carried out in accordance with the provisions of section 17G of this section, which shall apply with any necessary modifications.
- (4) Where the proposed amendment is of such a nature that the Director-General and the Conservation Boards affected consider that it will not materially affect the objectives or policies expressed in the strategy or plan or the public interest in the area concerned, then—
  - (a) in the case of a draft conservation management strategy, the Director-General shall send the proposal to the Conservation Boards affected and it shall be dealt with under paragraphs (k) to (p) of section 17F of this Act; and
  - (b) in the case of a draft conservation management plan, the Director-General shall send the proposal to the Conservation Boards affected and it shall be dealt with under subsections (2) and (3) of section 17G of this Act.

#### **17J Freshwater fisheries management plans**

- (1) The purpose of a freshwater fisheries management plan is to implement general policies and establish detailed objectives for the management of freshwater fisheries within any area or areas.
- (2) The Director-General may prepare for approval by the Minister such freshwater fisheries management plans as are necessary for the management of all freshwater fisheries other than sports fisheries.
- (3) Nothing in any freshwater fisheries management plan shall derogate from—
  - (a) any provision in this Act or any other Act; or
  - (b) any policy approved under this Act or any other Act in respect of the area to which the plan relates, or any part of that area; or
  - (c) any provision in any conservation management strategy or conservation management plan.
- (4) Any freshwater fisheries management plan may apply to any one or more freshwater fish species within any area.
- (5) In preparing any freshwater fisheries management plan, the Director-General shall have regard to any sports fish and game management plan having effect in that area.

#### **17K Procedure for preparation, approval, review, and amendment of freshwater fisheries management plans**

- (1) The following provisions shall apply to the preparation and approval of freshwater fisheries management plans:

- (a) every draft plan shall be prepared by the Director-General in consultation with the Conservation Boards affected by it and such other persons or organisations, including representatives of the appropriate iwi authorities, as the Director-General considers practicable and appropriate, and then notified in accordance with section 49(1) of this Act and to the appropriate regional councils and territorial authorities constituted under the Local Government Act 1974, and that provision shall apply as if the notice were required to be given by the Minister:
- (b) every notice under paragraph (a) of this subsection shall—
  - (i) state that the draft plan is available for inspection at the places and times specified in the notice; and
  - (ii) call upon persons or organisations interested to lodge with the Director-General submissions on the draft before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice:
- (c) any person or organisation may make written submissions to the Director-General on any such draft plan, at the place and before the date specified in that behalf in the notice:
- (d) the Director-General may obtain public opinion of the draft by any other means from any person or organisation:
- (e) from the date of public notification of a draft plan until public opinion of it has been made known to the Director-General, the draft shall be made available by the Director-General for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the proposal:
- (f) the Director-General shall give every person or organisation who or which, in making any submissions on the draft, asked to be heard in support of his or her or its comments a reasonable opportunity of appearing before a meeting of representatives of the Director-General:
- (g) representatives of the Director-General may hear submissions from any other person or organisations consulted on the draft:
- (h) the Director-General shall prepare a summary of the submissions received on the draft and public opinion made known about it:
- (i) after considering such submissions and public opinion, the Director-General shall, subject to paragraph (j) of this subsection, revise the draft plan:
- (j) the Director-General shall comply with paragraph (i) of this subsection before—
  - (i) the expiration of 8 months after the date of publication of the notice given under paragraph (a) of this subsection; or
  - (ii) such later date as may be fixed in that behalf by the Minister:

- (k) the Conservation Authority shall, if so required by the Minister, consider the draft and send any written comments on the draft to the Minister and the Director-General:
  - (l) the Director-General, after having regard to any comments received under paragraph (k) of this subsection,—
    - (i) may amend the draft:
    - (ii) shall send to the Minister the draft, with any revisions, and the summary prepared under paragraph (h) of this subsection:
  - (m) the Minister shall approve the draft or send it back to the Director-General for further consideration before approving it.
- (2) The Director-General may at any time review or amend any such management plan.
- (3) The review of any freshwater fisheries management plan shall be dealt with under subsection (1) of this section, which shall apply with any necessary modifications.
- (4) The following provisions shall also apply in relation to the review of any freshwater fisheries management plan:
- (a) any freshwater fisheries management plan may be reviewed in whole or in part:
  - (b) a freshwater fisheries management plan shall be reviewed as a whole by the Director-General not later than 10 years after the date of its approval.
- (5) Subject to subsection (6) of this section, the amendment of any freshwater fisheries management plan shall be dealt with under subsection (1) of this section, which shall apply with any necessary modifications.
- (6) Where any such amendment is of such a nature that the Director-General considers that it will not materially affect the objectives or policies expressed in the plan or the public interest in the area concerned, the amendment shall be dealt with under paragraphs (i) to (m) of subsection (1) of this section, which shall apply with any necessary modifications.

#### **17L Sports fish and game management plans**

- (1) The purpose of a sports fish and game management plan is to establish objectives for the management of sports fish and game, or both, within any region or part of any region.
- (2) Each Fish and Game Council shall prepare for approval by the Minister such sports fish and game management plans as are necessary for the management of sports fish and game within its area of jurisdiction.
- (3) Nothing in any sports fish and game management plan shall derogate from—
  - (a) any provision in this Act or any other Act; or

- (b) any policy approved under this Act or any other Act in respect of the area to which the plan relates, or any part of that area; or
  - (c) any provision in any conservation management strategy or conservation management plan or freshwater fisheries management plan.
- (4) When preparing a draft sports fish and game management plan, the Fish and Game Council shall—
- (a) have regard to the sustainability of sports fish and game in the area to which the plan relates; and
  - (b) have regard to the impact that the management proposed in the draft is likely to have on other natural resources and other users of the habitat concerned; and
  - (c) include such provisions as may be necessary to maximise recreational opportunities for hunters and anglers.

**17M Procedure for preparation, approval, review, and amendment of sports fish and game management plans**

- (1) Every draft sports fish and game management plan shall be prepared by a Fish and Game Council in the manner provided in subsection (2) of this section.
- (2) The following provisions shall apply to the preparation and approval of sports fish and game management plans:
  - (a) the Fish and Game Council—
    - (i) shall publish a notice of the draft plan either in some newspaper circulating in the area in which the subject-matter of the notice is situated or, if the draft is of national importance, at least once in each of 5 daily newspapers published in Auckland, Hamilton, Wellington, Christchurch, and Dunedin, respectively; and
    - (ii) shall give notice of the draft plan to the Director-General and, so far as is practicable, to representatives of the appropriate iwi authorities, and to the appropriate regional councils and territorial authorities constituted under the Local Government Act 1974; and
    - (iii) may give such further notice of the draft plan as the Fish and Game Council thinks fit; and
    - (iv) shall, in every notice under this paragraph, invite persons or organisations to send to the Fish and Game Council written submissions on the proposal before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice; and
    - (v) shall consult with such other persons or organisations, in such manner, as the Fish and Game Council considers practicable and appropriate; and

- (vi) shall give full consideration to any submissions and opinion made known to the Fish and Game Council:
  - (b) every notice under paragraph (a) of this subsection shall state that the draft plan is available for inspection at the places and times specified in the notice:
  - (c) from the date of public notification of a draft plan until public opinion of it has been made known to the Fish and Game Council, the draft shall be made available by the Fish and Game Council for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the proposal:
  - (d) the Fish and Game Council shall give every person or organisation who or which, in making any submissions on the draft, asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before a meeting of representatives of the Fish and Game Council:
  - (e) the Fish and Game Council shall prepare a summary of the submissions received on the draft and public opinion made known about it:
  - (f) the Fish and Game Council shall send the draft to the Minister with the summary prepared under paragraph (e) of this subsection and a written statement of any matters of content on which the Director-General and the Council are unable to agree:
  - (g) the Minister shall approve the draft or send it back to the Fish and Game Council for further consideration before approving it.
- (3) The Fish and Game Council may at any time review or amend any sports fish and game management plan.
- (4) Subject to subsection (6) of this section, the review of any sports fish and game management plan and amendments shall be dealt with under subsection (2) of this section, which shall apply with any necessary modifications.
- (5) The following provision shall also apply in relation to the review of any sports fish and game management plan:
- (a) any sports fish and game management plan may be reviewed in whole or in part:
  - (b) a sports fish and game management plan shall be reviewed as a whole by the Fish and Game Council not later than 10 years after the date of its approval:
  - (c) the Minister may, after consultation with the Fish and Game Councils affected, extend that period of review.
- (6) Where the proposed amendment of any sports fish and game management plan is of such a nature that the Fish and Game Council considers that it will not materially affect the objectives or policies expressed in the plan or the public interest in the area concerned, the amendment shall be dealt with under para-

graphs (e) to (g) of subsection (2) of this section, which shall apply with any necessary modifications.

**17N Effect of general policies, conservation management strategies, and management plans**

- (1) Every statement of general policy approved under section 17B(3)(m) or section 17C of this Act, every conservation management strategy, and every conservation management plan, freshwater fisheries management plan, and sports fish and game management plan shall have effect on and from the date on which it is approved, or on such later date as may be specified in that behalf in the statement or strategy or plan.
  - (2) No such statement or strategy or plan shall restrict or affect the exercise of any legal right or power by any person other than the Minister or the Director-General or any Fish and Game Council.
  - (3) No such statement or strategy or plan shall limit or affect the exercise by a lessee or licensee of any area of any right or power conferred by a lease or licence granted before the commencement of this Part of this Act.
  - (4) Every such statement, strategy, and plan shall be available for public inspection during ordinary office hours at the Department's Head Office, and at such other places as the Director-General thinks its public availability is desirable.
  - (5) Sports fish and game management plans, and policies relating to sports fish and game that are general policies or are established by the New Zealand Fish and Game Council, shall be available at the offices of the New Zealand Fish and Game Council and the Fish and Game Councils affected by them.
  - (6) Where any such strategy or plan or any review or amendment of any such strategy or plan is approved, the Director-General shall give public notice of the fact, specifying the offices or places at which the strategy or plan, or reviewed or amended strategy or plan, can be inspected; and section 49(1) of this Act shall apply as if the notice were required to be given by the Minister.
- (2) Sections 9 to 12 of the principal Act are hereby consequentially repealed.
  - (3) Section 49(2) of the principal Act is hereby consequentially amended by omitting the words "(otherwise than under section 11(1) of this Act)".

**14 Wilderness areas**

Section 20(2) of the principal Act is hereby amended by omitting from paragraph (a) the words "the area's management plan", and substituting the words "the conservation management strategy or conservation management plan for the area".

**15 New Part 4A inserted into principal Act**

The principal Act is hereby amended by repealing section 24 and inserting, after Part 4, the following Part:

## Part 4A

### Marginal strips

#### 24 Marginal strips reserved

- (1) There shall be deemed to be reserved from the sale or other disposition of any land by the Crown a strip of land 20 metres wide extending along and abutting the landward margin of—
  - (a) any foreshore; or
  - (b) the normal level of the bed of any lake not subject to control by artificial means; or
  - (c) the bed of any river or any stream (not being a canal under the control of the Electricity Corporation of New Zealand Limited used by the Corporation for, or as part of any scheme for, the generation of electricity), being a bed that has an average width of 3 metres or more.
- (2) There shall be deemed to be reserved from the sale or other disposition by the Crown of any land extending along and abutting the landward margin of any lake controlled by artificial means a strip of land that—
  - (a) is 20 metres wide; or
  - (b) has a width extending from the maximum operating water level to the maximum flood level of the lake,—whichever is the greater.
- (3) Every strip of land of any width that, immediately before the commencement of this section, was reserved from sale or other disposition on any Crown land by or under this Act or any other Act, whether or not the strip was reserved for any specified purpose, shall be deemed to be reserved to the Crown as marginal strip of the same width.
- (4) Nothing in this section shall affect any right, title, or interest any person may have in respect of any assets or improvements lawfully existing on any marginal strip at the commencement of this section.
- (5) Nothing in this section shall limit or affect section 289 of the Local Government Act 1974.
- (6) Every disposition of any land by the Crown to a State enterprise pursuant to the State-Owned Enterprises Act 1986, on or after the commencement of this section (whether the agreement to dispose of that land was entered into before that date or is entered into after that date), shall be deemed to be a disposition of land for the purposes of this section.
- (7) Notwithstanding subsection (6) of this section, where the freehold of any land subject to a lease or licence under the Land Act 1948 is transferred by the Crown to Land Corporation of New Zealand Limited, the reservation of any marginal strip on any part of the land to which the lease or licence relates shall not have effect until either the lease or licence is renewed or the freehold of the



area to which the lease or licence relates is transferred to the lessee or licensee, whichever first occurs.

- (8) Except as otherwise expressly provided, this section shall apply to the disposition of any land by the Crown under the provisions of any enactment.
- (9) For the purposes of this section, a **disposition**, in relation to any land, includes the grant of a Crown forestry licence under the Crown Forest Assets Act 1989, and also includes the grant or renewal of a lease or licence under the Land Act 1948.

**24A Power to reduce width of marginal strip**

Notwithstanding section 24 of this Act, in the case of a marginal strip extending along and abutting the landward margin of the sea or a lake, the Minister may approve the reduction of the width of the strip to not less than 3 metres if he or she is satisfied that its value in terms of the purposes specified in section 24C of this Act will not be diminished.

**24B Power to declare certain dispositions to be exempt from section 24**

- (1) Subject to subsection (2) of this section, the Minister may at any time before the disposition by the Crown of any land extending along and abutting the bed of any river or stream (being a bed of not less than 3 metres in width), by notice in the *Gazette*, declare that section 24 of this Act shall not apply to the proposed disposition.
- (2) The Minister may make a declaration under subsection (1) of this section only if satisfied—
  - (a) that the land has little or no value in terms of the purposes specified in section 24C of this Act; or
  - (b) that any value the land has in those terms can be protected effectively by another means.
- (3) Notwithstanding subsection (2) of this section, where the Minister proposes to grant an exemption under this section in respect of the renewal of a lease or licence under the Land Act 1948 but is precluded from doing so by that subsection, the Minister may grant the exemption if satisfied that the proposal is equitable and in the public interest.
- (4) The Minister may, by notice in the *Gazette*, declare that section 24 of this Act shall not apply to any proposed disposition of—
  - (a) land that is part of the core assets of the Electricity Corporation of New Zealand Limited; or
  - (b) land that is required in connection with electricity works.
- (5) A notice under subsection (4)(a) of this section shall have effect only so long as the core assets concerned remain assets of the Corporation.

- (6) For the purposes of subsection (4)(a) of this section, the term **core assets** means—
- (a) any aqueduct, bridge, boom anchor, canal, control gate, dam, flume, headrace, penstock, power station, screen, spillway, switching gear, surge chamber, tailrace, transmission tower, tunnel, or weir, used by the Electricity Corporation of New Zealand Limited for or in connection with the generation, transmission, or supply of electricity; or
  - (b) any similar structure or device so used.
- (7) Nothing in section 24 of this Act shall apply to any disposition in respect of which a notice is given under this section.

#### **24C Purposes of marginal strips**

Subject to this Act and any other Act, all marginal strips shall be held under this Act—

- (a) for conservation purposes, in particular—
  - (i) the maintenance of adjacent watercourses or bodies of water; and
  - (ii) the maintenance of water quality; and
  - (iii) the maintenance of aquatic life and the control of harmful species of aquatic life; and
  - (iv) the protection of the marginal strips and their natural values; and
- (b) to enable public access to any adjacent watercourses or bodies of water; and
- (c) for public recreational use of the marginal strips and adjacent watercourses or bodies of water.

#### **24D Reservation of marginal strips to be recorded**

- (1) Upon the registration of any disposition by the Crown of any land under the Land Transfer Act 1952, the District Land Registrar of the land registration district affected shall, without fee, record on the certificate of title for that land a statement to the effect that the land to which the certificate of title relates is subject to this Part of this Act.
- (2) Upon being notified of any disposition by the Crown of any land not registered under the Land Transfer Act 1952, the Chief Surveyor shall, without fee, record on the proper plans and records of the land registration district affected a statement to the effect that the land so transferred is subject to this Part of this Act.
- (3) The Chief Surveyor shall, without fee, in the manner the Chief Surveyor considers most appropriate, cause the proper plans of every land registration district to show the marginal strips within that district.
- (4) All land that is subject to this Part of this Act shall remain subject to this Part and the statements specified in subsections (1) and (2) of this section shall con-

tinue to be recorded on the certificates of title for that land and on all subsequent certificates of title for that land and on all the proper plans and records of the land registration district affected, as the case may be, notwithstanding—

- (a) any subsequent subdivision of that land; or
  - (b) any subsequent transfer by sale or otherwise of that land.
- (5) Every statement recorded on a certificate of title in compliance with subsection (1) of this section shall be deemed to sufficiently protect any reservation made by this Part of this Act in respect of any portion of the land comprised in that certificate of title, and no certificate of title shall be impeached on the ground of uncertainty or otherwise on account of any such reservation.
- (6) The land comprised in any certificate of title that bears a statement recorded in compliance with subsection (1) of this section—
- (a) shall be deemed to be all the land described in that certificate of title, with the exception of any portion that is deemed to be reserved as marginal strip under this Part of this Act; and
  - (b) may be defined for the purposes of the issue of a certificate of title as if this Part of this Act had not been passed.
- (7) Notwithstanding anything in the Land Transfer Act 1952, land reserved as marginal strip under section 24 of this Act shall not be required to be surveyed for the purposes of that Act.

#### **24E Exchange of marginal strips**

- (1) The Minister may, by notice in the *Gazette*, authorise the exchange of any marginal strip for another strip of land.
- (2) The Minister shall not authorise the exchange of any marginal strip unless the Minister is satisfied that the exchange will better achieve the purposes specified in section 24C of this Act.
- (3) The land taken by the Crown in exchange for any marginal strip shall be deemed to be reserved as marginal strip.
- (4) The Minister may authorise the payment or receipt by the Crown of money by way of equality of exchange in any case under this section; and all money so received shall be paid into the Department of Conservation Grants and Gifts Trust Account, and shall be applied, without further appropriation than this section, for the purposes of this Act.
- (5) The Minister or the Director-General may, on behalf of the Crown, do all such things as may be necessary to effect any exchange authorised under this section.
- (6) District Land Registrars are hereby authorised and directed to make such entries in registers and do all such other things as may be necessary to give effect to exchanges authorised under this section.

**24F Right of Crown to half of bed of river adjoining former land of the Crown**

Notwithstanding any other enactment or rule of law, where the Crown owns part of the bed of a non-navigable river or stream adjoining any land (being a bed of not less than 3 metres in width) and disposes of that land, that part of the bed of that river or stream shall remain owned by the Crown.

**24G Effect of change to boundary of marginal strips**

- (1) Where, for any reason, the shape of any foreshore or of the margin of any lake or reservoir or of any bay or inlet of any lake or reservoir is altered and the alteration affects an existing marginal strip, a new marginal strip shall be deemed to have been reserved simultaneously with each and every such alteration.
- (2) Where, for any reason, the course of any river or stream is altered and the alteration affects an existing marginal strip, a new marginal strip shall be deemed to have been reserved simultaneously with each and every such alteration.
- (3) With respect to any foreshore, to any lake or reservoir and to any bay or inlet of any lake or reservoir, and to any river or stream, a marginal strip shall be reserved by subsection (1) or subsection (2) of this section on all land of the Crown, and on all land the title to which is subject to this Part of this Act, and on no other land.
- (4) Every marginal strip reserved by subsection (1) or subsection (2) of this section shall be of such dimensions and be situated as if the marginal strip had been reserved under section 24 of this Act, and shall extinguish either in whole or in part, as the case may require, the existing reservation of the existing marginal strip which would have continued but for the alterations referred to in those subsections.
- (5) Nothing in this section shall affect any right, title, or interest any person may have in respect of any assets or improvements existing on any marginal strip at the time such marginal strip is reserved by subsection (1) or subsection (2) of this section.
- (6) Subject to this section, the provisions of this Act shall apply to every marginal strip reserved by subsection (1) or subsection (2) of this section as if such marginal strip had been reserved by section 24 of this Act.
- (7) Nothing in this section shall apply to any marginal strip reserved by section 24(3) of this Act.

**24H Management of marginal strips**

- (1) The Minister may from time to time appoint suitable persons to be managers of marginal strips.
- (2) Subject to subsection (6)(c) of this section, the Minister may appoint one of the following persons to be the manager of any marginal strip:
  - (a) the owner for the time being of the land adjoining that strip:

- (b) some other suitable person, if the Minister considers that person to be more suitable than the adjoining owner.
- (3) The Crown shall manage all marginal strips around controlled lakes and reservoirs; but any costs relating to any such strip that are costs arising out of electricity generation in the area of the strip shall be payable by the person or body responsible for that electricity generation.
- (4) Subject to this section, the manager of a marginal strip shall—
  - (a) manage the strip in a way that best serves the purposes specified in section 24C of this Act; and
  - (b) enable members of the public to have access along the strip.
- (5) Subject to this section, the manager of a marginal strip may make improvements to the strip, and the improvements may include such planting or harvesting of crops or trees as may be provided for in any Crown forestry licence under the Crown Forest Assets Act 1989 affecting or relating to the strip or in any agreement between the manager and the Crown.
- (6) In the case of the holder of a Crown forestry licence under the Crown Forest Assets Act 1989, the following provisions shall also apply:
  - (a) the licence holder may manage and harvest exotic plantation trees existing at the time of the grant of the licence on any marginal strip adjoining the land to which the licence relates:
  - (b) the licence holder may carry out one replanting of such trees on the strip:
  - (c) the Minister may appoint either the licence holder or the Director-General to be manager of the strip, but shall not appoint any other person to be the manager.
- (7) The manager of a marginal strip may request the Minister to close temporarily the strip under section 13 of this Act where any operation proposed on the strip will significantly affect public safety or where fire hazard conditions exist.
- (8) The manager of a marginal strip shall comply with any reasonable requirements or restrictions imposed in respect of the strip by the Minister by notice in writing to the manager; and the Minister shall impose such requirements or restrictions, or both, as the Minister considers reasonably necessary or expedient to protect the strip, having particular regard to the maintenance of riparian vegetation, wildlife, water quality, the health of aquatic life, and to maintain access to and the recreational use of the strip.
- (9) The Minister shall not require the manager of any marginal strip to fence off any part of that strip, or to undertake any other works on or relating to that strip, unless the expenses associated with such fencing or other works are borne by the Crown.
- (10) The Minister shall consult the appropriate manager where—

- (a) an application for a licence to mine in a marginal strip is being considered; or
  - (b) any complaint relating to a marginal strip is being investigated; or
  - (c) any requirement or restriction under subsection (8) of this section is being proposed.
- (11) The manager of a marginal strip shall obtain the written consent of the Minister before making any significant change to the management regime of the strip, and before making or erecting any significant improvements to or on the strip.
- (12) Subject to subsection (9) of this section, any expense incurred by a manager under this section shall be borne by the manager.
- (13) Every manager of a marginal strip commits an offence who—
- (a) knowingly damages the marginal strip or causes to be damaged the strip or any part of it; or
  - (b) knowingly uses the marginal strip for any purpose contrary to any provision of or to any requirement imposed under this Part of this Act.

#### **24I Easements**

- (1) The Minister may, after having due regard to section 24C of this Act and after giving notice in writing to the manager of the marginal strip concerned, grant an easement over the strip.
- (2) For the purposes of this section, the Minister shall be deemed to be the registered proprietor of marginal strips.

#### **24J Resumption of marginal strips by Crown**

- (1) On giving 90 days notice in writing to the manager of a marginal strip or such longer period not exceeding 6 months as may be provided for in any agreement between the manager and the Crown, the Minister, on behalf of the Crown, may resume the management of the strip.
- (2) Subject to subsection (3) of this section, where the Crown resumes the management of a marginal strip, it shall be liable to pay to the manager of the strip—
- (a) compensation for any improvements made to the strip by the manager; and
  - (b) the manager's reasonable administration costs associated with the Crown's resumption of the strip.
- (3) A manager shall have no right to be compensated for improvements made to or erected on the marginal strip without the prior consent of the Minister as required by section 24H(11) of this Act.
- (4) If there is any dispute or difference between the manager of any marginal strip and the Crown as to any amount the Crown is liable to pay under subsection (2) of this section, the amount shall be fixed by arbitration in accordance with the Arbitration Act 1908.

- (5) For the purposes of any such arbitration, this section shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1908, and the reference shall be deemed to be to 2 arbitrators, one to be appointed by the Minister, and the other by the manager.
- (6) Notwithstanding subsection (4) of this section, the parties may agree on the amount to be paid under subsection (2) of this section, either before or after the matter is submitted to arbitration, and, if the agreement is made after the date of any award of arbitration, the award shall be deemed to be cancelled.

## **16 Disposal of stewardship areas**

- (1) Section 26(1) of the principal Act is hereby amended—
  - (a) by inserting in subsection (1), after the words “may dispose of”, the words “any stewardship area that is not foreshore or”:
  - (b) by inserting in subsection (2), after the words “shall not dispose of”, the words “any land or”:
  - (c) by inserting in subsection (3), after the words “shall not dispose of”, the words “any land or”:
  - (d) by omitting from subsection (4) the words “an interest in land”, and substituting the words “the land or interest in land”:
  - (e) by inserting in subsection (5), after the words “after disposing of any”, the words “land or”.
- (2) Section 26 of the principal Act is hereby further amended by adding the following subsections:
  - (6) Any disposal under this section may be effected by transfer under the Land Transfer Act 1952.
  - (7) A District Land Registrar shall accept any such transfer as conclusive evidence that the land or interest concerned is no longer required for conservation purposes.

## **17 New Parts 5A and 5B inserted into principal Act**

The principal Act is hereby amended by inserting, after Part 5, the following Parts:

### **Part 5A** **Sports fish and game councils**

#### *Functions of Minister*

#### **26A Functions of Minister**

- (1) The functions of the Minister in relation to the conservation and management of sports fish and game shall be—

- (a) to approve policies and management plans for sports fish and game, and their habitats:
  - (b) to recommend to the Governor-General the making of any necessary Orders in Council under section 2(3) of this Act:
  - (c) to define not more than 12 regions for the purposes of this Part of this Act, by notice in the *Gazette*; and the Minister may in like manner—
    - (i) alter the boundaries of any region by including any defined area in the region, or by excluding any defined area from the region and including that area in any other region:
    - (ii) abolish any region and include any part or parts of that region in any other region:
  - (d) to establish, by notice in the *Gazette*, rules for the conduct of the meetings of the New Zealand Fish and Game Council, and model rules for the conduct of Fish and Game Council meetings; and any such rules may in like manner be amended or revoked:
  - (e) to approve annual operational work plans or provisions in such plans relating to the management of those species of sports fish or game for which there is no management plan.
- (2) The Minister shall have all such powers as are reasonably necessary or expedient to enable the Minister to carry out the Minister's functions under this section.

*New Zealand Fish and Game Council*

**26B New Zealand Fish and Game Council established**

There is hereby established a council to be called the New Zealand Fish and Game Council to represent nationally the interests of anglers and hunters and provide co-ordination of the management, enhancement, and maintenance of sports fish and game.

**26C Functions of New Zealand Fish and Game Council**

- (1) The functions of the New Zealand Fish and Game Council shall be—
- (a) to develop, in consultation with Fish and Game councils, national policies for the carrying out of its functions for sports fish and game, and the effective implementation of relevant general policies established under the Wildlife Act 1953 and this Act:
  - (b) to advise the Minister on issues relating to sports fish and game:
  - (c) to participate, with the Director-General and other interested parties, in the development of a research programme promoting the management of sports fish and game:



- (d) to oversee the electoral system by which members of Fish and Game Councils are elected:
  - (e) to recommend to the Minister an appropriate fee for fishing and hunting licences, after having regard to the views and recommendations of Fish and Game Councils:
  - (f) to determine, in consultation with Fish and Game Councils, the amount of the levy payable by Fish and Game Councils to the New Zealand Fish and Game Council, from licence sales, for—
    - (i) the administration of the New Zealand Fish and Game Council; and
    - (ii) redistribution between Fish and Game Councils; and
    - (iii) advocacy and research:
  - (g) to advocate generally and in any statutory planning process the interests of the New Zealand Fish and Game Council and, with its agreement, of any Fish and Game Council in the management of sports fish and game, and habitats:
  - (h) to provide regular reports to Fish and Game Councils:
  - (i) to liaise with the New Zealand Conservation Authority:
  - (j) to audit the activities of Fish and Game Councils:
  - (k) to perform such other sports fish and game functions as the Minister may require.
- (2) The New Zealand Fish and Game Council shall have such other functions as are conferred on it by or under this Act or any other Act.

#### **26D Membership**

- (1) The New Zealand Fish and Game Council shall consist of persons appointed as members of the New Zealand Fish and Game Council by Fish and Game Councils.
- (2) Each Fish and Game Council shall be entitled, in accordance with any regulations made under section 48 of this Act, to appoint one of its members to be a member of the New Zealand Fish and Game Council, and any person so appointed may from time to time be reappointed.

#### **26E Co-opted members**

- (1) The New Zealand Fish and Game Council may co-opt for such term as it thinks fit any suitable person or persons to be a member or members of the Council.
- (2) A co-opted member of the Council shall be entitled to attend and speak at any meeting of the Council, but shall not be entitled to vote on any question.

**26F Powers of New Zealand Fish and Game Council**

- (1) The New Zealand Fish and Game Council shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.
- (2) Without limiting the generality of subsection (1) of this section, the New Zealand Fish and Game Council may—
  - (a) makes rules for the conduct of its business and financial requirements:
  - (b) appoint a manager and other staff for the efficient and economic administration of the affairs of the Council:
  - (c) expend money received by it from any source arising under this Act for the purposes of carrying out its functions under this Act:
  - (d) enter into contracts to provide services.
- (3) For the purposes of section 26C(1)(g) of this Act, the New Zealand Fish and Game Council shall be entitled to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Council's functions.

**26G Employment principles**

The New Zealand Fish and Game Council shall operate a personnel policy that complies with the principle of being a good employer by following, as closely as possible and as if it were a chief executive of a Department, the provisions of sections 56 and 58 of the State Sector Act 1988.

**26H Annual report and financial statement**

As soon as practicable after the 31st day of December in every year, the New Zealand Fish and Game Council shall furnish the Minister with—

- (a) a report of its operations for the period of 12 months ending on that day; and
- (b) financial statements of the kinds specified in section 41(2) of the Public Finance Act 1989, accompanied by an audit opinion issued by the Audit Office.

**26I Financial statements to be audited by Audit Office**

- (1) The Audit Office shall audit the financial statements of the New Zealand Fish and Game Council.
- (2) For the purposes of issuing an audit opinion under section 26H(b) of this Act, the Audit Office shall have and may exercise all such powers as it has under Part II of the Public Finance Act 1977.

**26J Chairperson of New Zealand Fish and Game Council**

- (1) The members of the New Zealand Fish and Game Council shall from time to time appoint one of their number to be Chairperson of the New Zealand Fish and Game Council.

- (2) The Chairperson shall preside at all meetings of the New Zealand Fish and Game Council at which he or she is present.
- (3) If the Chairperson is absent from any meeting of the New Zealand Fish and Game Council, the members present shall appoint one of their number to be the Chairperson of that meeting.

**26K Meetings of New Zealand Fish and Game Council**

- (1) Meetings of the New Zealand Fish and Game Council shall be held at least twice a year at such times and places as the New Zealand Fish and Game Council or the Chairperson from time to time appoints.
- (2) A special meeting shall be called by the Chairperson whenever 3 or more members so request in writing.
- (3) At any meeting of the New Zealand Fish and Game Council, a majority of the members in office shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.
- (4) Every question before any meeting of the New Zealand Fish and Game Council shall be determined by a majority of the members present and voting on the question, and proper minutes shall be kept of proceedings.
- (5) At any meeting of the New Zealand Fish and Game Council, the Chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.
- (6) The powers of the New Zealand Fish and Game Council shall not be affected by any vacancy in its membership, nor shall the proceedings of the New Zealand Fish and Game Council be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.
- (7) Subject to the provisions of this Act, the New Zealand Fish and Game Council may regulate its procedure in such manner as it thinks fit.

**26L Director-General entitled to attend meetings of New Zealand Fish and Game Council**

Notice in writing of every meeting of the New Zealand Fish and Game Council and of the business proposed to be transacted at that meeting shall be given by the Council to the Director-General, and the Director-General or the Director-General's nominee shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

**26M No remuneration payable to members**

Except as otherwise provided by this Act or any regulations made under it, no member of the New Zealand Fish and Game Council shall be entitled to receive any remuneration or expenses in respect of his or her service as a member of the Council.

*Transitional councils***26N Transitional Councils**

- (1) The Minister shall, by notice in the *Gazette*, establish—
  - (a) a Transitional New Zealand Fish and Game Council; and
  - (b) a Transitional Fish and Game Council for each region defined under section 26A(1)(c) of this Act.
- (2) Each Transitional Fish and Game Council shall consist of not more than 12 members appointed by the Minister.
- (3) The Transitional New Zealand Fish and Game Council and each Transitional Fish and Game Council shall be established for the period specified in the notice by which it is established.

**26O Functions and powers of Transitional Councils**

- (1) The Transitional New Zealand Fish and Game Council shall have all the functions and powers of the New Zealand Fish and Game Council under this Act.
- (2) Each Transitional Fish and Game Council shall have all the functions and powers of a Fish and Game Council under this Act.
- (3) Without limiting the generality of subsection (2) of this section, each Transitional Fish and Game Council shall—
  - (a) conduct a postal ballot for the first election of members of the Fish and Game Council for its region; and
  - (b) develop an annual operational work plan for its region and submit for the approval of the Minister those provisions of it that relate to the management of those species of sports fish and game for which there is no management plan; and
  - (c) provide a report of its operations, and financial statements audited by the Audit Office and complying with section 26H(b) of this Act.
- (4) The Transitional Fish and Game Councils concerned shall engage the Department for a period of not less than 6 months, on terms and conditions to be mutually agreed, to manage—
  - (a) the area formerly known as the Rotorua Acclimatisation District (except those parts that constitute the Taupo fishery in that District); and
  - (b) the area formerly known as the Southern Lakes Acclimatisation District.

*Fish and game councils***26P Fish and Game Councils established**

There is hereby established for the purposes of the management, maintenance, and enhancement of sports fish and game a Fish and Game Council for each region defined by the Minister under section 26A(1)(c) of this Act.

## **26Q Functions of Fish and Game Councils**

- (1) The functions of each Fish and Game Council shall be to manage, maintain, and enhance the sports fish and game resource in the recreational interests of anglers and hunters, and, in particular,—
- (a) to assess and monitor—
    - (i) sports fish and game populations; and
    - (ii) the success rate and degree of satisfaction of users of the sports fish and game resource; and
    - (iii) the condition and trend of eco-systems as habitats for sports fish and game:
  - (b) to maintain and improve the sports fish and game resource—
    - (i) by maintaining and improving access; and
    - (ii) by maintaining the hatchery and breeding programmes, where required for stocking or restocking the sports fisheries and game habitat; and
    - (iii) by formulating and recommending to the Minister conditions for fishing and game seasons; and
    - (iv) by ensuring that there are sufficient resources to enforce fishing and hunting season conditions; and
    - (v) by undertaking such works as may be necessary to maintain and enhance the habitat of sports fish and game, subject to the approval of the Minister, the land owner, or the administering authority, as the case may require:
  - (c) to promote and educate—
    - (i) by defining and promoting ethical standards of behaviour to be followed by anglers and hunters; and
    - (ii) by promoting recreation based on sports fish and game; and
    - (iii) by keeping anglers and hunters informed on matters affecting their interests:
  - (d) in relation to costs,—
    - (i) to assess the costs attributable to the management of sports fish and game; and
    - (ii) to develop and recommend to the New Zealand Fish and Game Council appropriate licence fees to recover costs; and
    - (iii) to represent the region's interests with the New Zealand Fish and Game Council in the determination and distribution of levies on licences:
  - (e) in relation to planning,—

- (i) to represent the interests and aspirations of anglers and hunters in the statutory planning process; and
  - (ii) to formulate and adopt an annual operational work plan; and
  - (iii) to prepare draft sports fish and game management plans in accordance with this Act; and
  - (iv) to identify and recommend to the New Zealand Fish and Game Council the region's sports fish and game requirements for research; and
  - (v) to implement national policy determined by the New Zealand Fish and Game Council; and
  - (vi) to liaise with local Conservation Boards; and
  - (vii) to advocate the interests of the Council, including its interests in habitats:
- (f) to issue—
- (i) licences to hunt or kill game, in accordance with the Wildlife Act 1953 and any regulations made under it; and
  - (ii) licences to take sports fish, in accordance with this Part of this Act and any regulations made under this Act.
- (2) Each Fish and Game Council shall have such other functions as are conferred on it by or under this Act or any other Act.
- (3) The following provisions shall apply in respect of operational work plans:
- (a) each Fish and Game Council shall prepare such a plan annually;
  - (b) such plans shall be submitted to the Minister for the Minister's approval if there is no sports fish and game management plan for the time being in force for the area;
  - (c) the Minister shall approve or amend plans submitted under paragraph (b) of this subsection;
  - (d) subject to paragraph (e) of this subsection, such plans shall have effect on and from the date of their completion by a Council but shall be subject to any amendments made by the Minister;
  - (e) if there is no management plan for any species of sports fish or game for the time being in force for the region of a Council, those provisions of the Council's operational work plan that relate to the management of those species for which there is no management plan shall not have effect until approved by the Minister.

#### **26R Fish and Game Council responsibilities**

- (1) In the performance of their responsibilities, Fish and Game Councils shall abide by the requirements of this Act and the Wildlife Act 1953 and any regulations made under either of those Acts.

- (2) Fish and Game Councils shall not, within their areas of jurisdiction, engage in any activity that has as its predominant purpose the making of a commercial gain from that activity.
- (3) Subject to this Act and to any regulations made under it, each Fish and Game Council shall, from time to time, prepare and submit to the Minister for approval and publish by notice in the *Gazette*, and have available for sale to the public, District Anglers Notices applying within its area of jurisdiction.
- (4) A District Anglers Notice shall set out the conditions under which a current licence holder may fish for sports fish in the area to which the notice relates, being conditions relating to—
  - (a) the size and limit bag for any species of sports fish:
  - (b) any open or closed season in any specified waters in the area, and the sports fish in respect of which they are open or closed:
  - (c) any requirements, restrictions, or prohibitions on fishing tackle, methods, or the use of any gear, equipment, or device:
  - (d) the hours of fishing:
  - (e) the handling, treatment, or disposal of any sports fish.
- (5) A District Anglers Notice may also declare any waters within the area of jurisdiction of the Fish and Game Council to be fisheries experimental waters, and to make such provision for the protection of fish in those waters as in the opinion of the Minister are necessary or desirable for fish research purposes.
- (6) Every person commits an offence and is liable to a fine not exceeding \$5,000 who takes any sports fish from any waters at any time or place, or with any device or in any manner, if such taking is not permitted by any District Anglers Notice in force in respect of those waters.

Compare: 1983 No 14 s 71

## **26S Powers of Fish and Game Councils**

- (1) Each Fish and Game Council shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.
- (2) Without limiting the generality of subsection (1) of this section but subject to subsection (3) of this section, any Fish and Game Council may, by agreement,—
  - (a) acquire and dispose of land or any interest in land for such purposes as are reasonably necessary to enable the Council to carry out its functions, including the provision of office premises:
  - (b) acquire any land or interest in land formerly held by an acclimatisation society:
  - (c) enter into contracts for the provision of services by it.

- (3) Every agreement under subsection (2) of this section is subject to the following conditions:
- (a) in the case of an acquisition (other than for administrative purposes), the land or interest in land shall be acquired for use for the purposes of the management of sports fish or game, and the protection of their habitat:
  - (b) no disposal (other than for administrative purposes) shall be made if the land or interest in land is required for the management of sports fish or game, or the protection of their habitat:
  - (c) any land acquired under this section (other than for administrative purposes) shall be open to the public, and may be closed in order to protect the sports fish and game habitat only after public notice of the closure has been given in the region:
  - (d) the land use shall comply with the provisions of this Act and any other Act, and any freshwater fisheries management plan or sports fish and game management plan for the region in which the land is situated.
- (4) Subsection (3)(c) of this section shall also apply to any land that is transferred to a Fish and Game Council under any other Act, as if that land had been acquired under this section.
- (5) All land held under this section shall be subject to this Act.
- (6) Each Fish and Game Council may expend money received by it from any source arising under this Act for the purposes of carrying out its functions under this Act.
- (7) For the purposes of section 26Q(1) of this Act, a Fish and Game Council shall be entitled to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Council's functions.
- (8) Nothing in this section or in section 26Q of this Act shall enable any person to enter any land (other than land vested in a Fish and Game Council) without the consent of the owner or occupier.

#### **26T Appointment of staff**

- (1) Without limiting section 26S of this Act, a Fish and Game Council may appoint a manager and other staff for the efficient and economic administration of the affairs of the Council.
- (2) Every Fish and Game Council shall operate a personnel policy that complies with the principle of being a good employer by following, as closely as possible and as if it were a chief executive of a Department, the provisions of sections 56 and 58 of the State Sector Act 1988.

#### **26U Membership**

- (1) Each Fish and Game Council shall consist of not more than 12 members elected in accordance with section 26Z of this Act.



- (2) A person shall be qualified to be a member of a Fish and Game Council only if that person holds a current adult whole season licence to hunt game or fish for sports fish.
- (3) Each region defined by the Minister under section 26A(1)(c) of this Act shall comprise not more than 6 subregions, which shall be determined by the Fish and Game Council for that region and notified in some newspaper circulating in the areas affected.
- (4) No person who is a bankrupt or has been convicted of an offence involving sports fish and game (being an offence under this Act or any other Act) shall be eligible to be a member of a Fish and Game Council.

**26V Co-opted members**

- (1) Any Fish and Game Council may co-opt for such term as it thinks fit any suitable person or persons to be a member or members of the Council.
- (2) A co-opted member of a Council shall be entitled to attend and speak at any meeting of that Council, but shall not be entitled to vote on any question.

**26W Annual report and financial statement**

As soon as practicable after the 31st day of August in every year, every Fish and Game Council shall furnish the Minister and the New Zealand Fish and Game Council with—

- (a) a report of its operations for the period of 12 months ending with that day; and
- (b) financial statements of the kinds specified in section 41(2) of the Public Finance Act 1989, accompanied by an audit opinion issued by the Audit Office.

**26X Financial statements to be audited by Audit Office**

- (1) The Audit Office shall audit the financial statements of each Fish and Game Council.
- (2) For the purposes of issuing an audit opinion under section 26W(b) of this Act, the Audit Office shall have and may exercise all such powers as it has under Part II of the Public Finance Act 1977.

**26Y Eligibility to vote**

- (1) Every New Zealand resident who purchases an adult whole season licence that entitles that person to hunt game or fish for sports fish in a particular region in the season immediately preceding the next election of members of the Fish and Game Council for that region shall be entitled to vote at that election.
- (2) A person may choose to participate in any such election either at the time when he or she purchases a licence to hunt or fish or at any subsequent time before, but not later than one month before, the next election is held.

- (3) For the purposes of this section, each Fish and Game Council shall maintain a register or roll of persons who indicate their wish to vote at an election of members of the Council.

#### **26Z Conduct of elections**

- (1) Voting at the election of members of Fish and Game Councils shall be by postal ballot and in accordance with regulations made under section 48 of this Act.
- (2) Each Transitional Fish and Game Council shall, as soon as practicable after it is established, conduct an election to elect not more than 12 persons to be members of the Fish and Game Council for the area for which that Transitional Council is established.
- (3) The second election of members of each Fish and Game Council shall be held by that Council 3 years after the date of the first election of members of that Council, and subsequent elections shall be held every third year thereafter.
- (4) At every election of members of a Fish and Game Council at least one member shall be elected for each subregion of the Council.

#### **26ZA Term of office of members of Fish and Game Councils**

- (1) Subject to subsections (2) to (5) of this section, every member of a Fish and Game Council shall hold office for a term of 3 years and may be re-elected.
- (2) Any member of a Fish and Game Council may at any time be removed from office by the Minister for bankruptcy, disability, neglect of duty, or misconduct, or a conviction for an offence involving sports fish and game (being an offence under this Act or any other Act).
- (3) A Fish and Game Council may at any time be discharged and any member of a Fish and Game Council may at any time be removed, by the Minister for failure to carry out any of its or his or her functions under this Act or the Wildlife Act 1953.
- (4) Any member of any Fish and Game Council may at any time resign his or her office by writing addressed to the Minister.
- (5) If any member of any Fish and Game Council dies, resigns, or is removed from office earlier than 6 months before his or her term of office is due to expire, the following provisions shall apply:
  - (a) if a majority of the eligible voters request that an election be held to fill the vacancy, an election shall be held accordingly:
  - (b) in any other case, the Council may appoint a person to fill the vacancy after giving public notice of its intention to do so.
- (6) Where the Minister discharges a Fish and Game Council under subsection (3) of this section,—
  - (a) elections shall be held to fill the vacancies thereby created; and

- (b) the Minister shall, in consultation with the New Zealand Fish and Game Council, make such arrangements as are necessary for the management of sports fish and game in the region pending the election of a new Council.
- (7) Unless a member sooner dies, resigns, or is removed from office, every member of any Fish and Game Council shall continue in office until that member's successor comes into office, notwithstanding that the term for which that member was appointed may have expired.

**26ZB Members not personally liable**

No member of a Fish and Game Council shall be personally liable for any default made by the Council or by any member of it, in good faith in the course of its operations.

**26ZC Chairpersons of Fish and Game Councils**

- (1) The members of each Fish and Game Council shall appoint one of their number to be the Chairperson of the Fish and Game Council for the term of that member's appointment or for such lesser period as the members think fit.
- (2) The Chairperson shall preside at all meetings of the Fish and Game Council at which he or she is present.
- (3) If the Chairperson is absent from any meeting of the Fish and Game Council, the members present shall appoint one of their number to be the Chairperson of that meeting.

**26ZD Meetings of Fish and Game Councils**

- (1) Meetings of any Fish and Game Council shall be held on at least 6 occasions in the period commencing on the 1st day of February and ending on the 31st day of December in each year at such times and places as the Council or the Chairperson from time to time appoints.
- (2) A special meeting shall be called by the Chairperson whenever 3 or more members so request in writing.
- (3) At any meeting of a Fish and Game Council, a majority of the members in office shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.
- (4) Every question before any meeting of a Fish and Game Council shall be determined by a majority of the members present and voting on the question.
- (5) At any meeting of a Fish and Game Council, the Chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.
- (6) The powers of a Fish and Game Council shall not be affected by any vacancy in its membership, nor shall the proceedings of the Council be invalidated

merely because of the subsequent discovery that some defect existed in the appointment of any member.

- (7) As soon as practicable after the commencement of the 31st day of August and not later than the 30th day of November in every year of its operation, each Fish and Game Council shall call a public annual general meeting at which the Council shall present its annual report and financial statement for the period of 12 months that ended on that day.
- (8) Subject to the provisions of this Act, a Fish and Game Council may regulate its procedure in such manner as it thinks fit.

#### **26ZE Director-General entitled to attend meetings of Fish and Game Councils**

Notice in writing of every meeting of a Fish and Game Council and of the business proposed to be transacted at that meeting shall be given by the Council to the Director-General, and the Director-General or the Director-General's nominee shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question.

#### **26ZF No remuneration payable to members**

Except as otherwise provided by this Act or any regulations made under this Act, no member of any Fish and Game Council shall be entitled to receive any remuneration, allowances, or expenses in respect of his or her service as a member of that Council.

### **Part 5B Freshwater fisheries**

#### **26ZG Application of Part**

- (1) Subject to subsection (2) of this section, this Part of this Act shall apply only in relation to freshwater fisheries.
- (2) Nothing in this Part of this Act shall apply to—
  - (a) any person using a landing net or gaff to secure freshwater fish lawfully taken with a rod and line; or
  - (b) any person who, having unintentionally taken any freshwater fish contrary to the provisions of this Act or any regulations made under it, immediately returns the fish with as little injury as possible, to the water; or
  - (c) the taking, holding, possession, sale, or disposal of any freshwater fish under the authority of the Fisheries Act 1983 or any regulations made under it.

Compare: 1983 No 14 s 88(1); 1986 No 34 s 22

*Maori fishing rights*

**26ZH Maori fishing rights unaffected by this Part**

Nothing in this Part of this Act shall affect any Maori fishing rights.

*Sports fisheries*

**26ZI Taking sports fish without licence prohibited**

- (1) Subject to this Act, every person commits an offence and is liable to a fine not exceeding \$5,000 who—
  - (a) takes sports fish from any freshwater at any time, unless that person is the holder of a licence issued under this Act authorising him or her to take such fish from such waters at such time; or
  - (b) has in his or her possession any sports fish taken from any freshwater, unless the fish have been taken lawfully.
- (2) Nothing in subsection (1) of this section shall apply to the taking of sports fish for the purposes of scientific investigation or data collection, under a permit or authority under this Act, and in accordance with any conditions imposed by such permit or authority.
- (3) Every person commits an offence and is liable to a fine not exceeding \$5,000 who establishes, manages, or operates any fish hatchery for sports fish except pursuant to regulations made under this Act; but nothing in this subsection shall apply in relation to any hatchery for sports fish that is established or is being established at the commencement of this Part of this Act.
- (4) No person shall establish, manage, or operate a fish farm for trout.

Compare: 1983 No 14 s 68; 1986 No 34 s 14

**26ZJ Offences relating to spawning fish**

- (1) Every person commits an offence who—
  - (a) disturbs or damages the spawning ground of any freshwater fish:
  - (b) disturbs or injures the eggs or larvae of any freshwater fish:
  - (c) is in possession of the eggs or larvae of any freshwater fish:
  - (d) with any spear, gaff, speargun, net, trap, or similar device takes any sports fish from any river or stream where sports fish are congregating or have congregated for spawning:
  - (e) while in the vicinity of any river or stream where sports fish are congregating or have congregated for spawning, has possession or control of any spear, gaff, speargun, trap, or similar device or material suitable for the taking of any sports fish, in circumstances likely to result in the taking of sports fish.
- (2) Nothing in subsection (1) of this section shall apply to—

- (a) the taking of freshwater fish or the eggs or larvae of such fish for the purposes of scientific investigation or data collection, under a permit or authority under this Act, and in accordance with any conditions imposed by such permit or authority:
- (b) the taking of freshwater fish subsequently found to contain eggs or larvae.

Compare: 1983 No 14 s 68A; 1986 No 34 s 15

### **26ZK Fishing competitions relating to sports fish**

No competition involving the taking of sports fish shall be held unless it conforms in all respects with any regulations made under this Act.

Compare: 1983 No 14 s 69A; 1986 No 34 s 17

### **26ZL Restrictions on fishing**

- (1) The Director-General, by notice in the *Gazette*, for such period as may be specified in the notice, may, notwithstanding that it is otherwise lawful under this Act,—
  - (a) declare any specified waters to be spawning grounds for freshwater fish, and prohibit or impose restrictions and conditions on entry into any such waters or on to any land within a specified distance of any such waters:
  - (b) prohibit or impose restrictions and conditions on entry into any waters within a specified distance of any device erected in those waters for the purpose of preventing or controlling the movement of fish upstream or downstream or on entry to any land within a specified distance of any such device:
  - (c) prohibit or impose restrictions or conditions on fishing in any waters or in any specified part or parts thereof, or on the taking of any species of fish therein, or on the methods of fishing in such waters:
  - (d) in the case of freshwater fish (other than sports fish) exempt communities either wholly, partially, or conditionally, or in respect of any specified waters, from the operation of any such prohibition, restriction, or other condition in the notice.
- (2) Any Fish and Game Council may request the Minister to issue a notice under subsection (1) of this section.
- (3) Notwithstanding subsection (1) of this section, the Director-General shall not impose any prohibition, restriction, or other condition that relates to the taking of sports fish from any waters in any area within the jurisdiction of a Fish and Game Council without prior consultation with that Council, nor restrict entry to any area without prior consultation with the appropriate Catchment Authority (being any public body established for the purpose of soil conservation and

water management under any enactment) or any Government agency that has statutory control over the land involved.

Compare: 1983 No 14 s 70

**26ZM Transfer or release of live aquatic life**

- (1) No person shall transfer live aquatic life or release live aquatic life into any freshwater, except in accordance with this section.
- (2) The prior approval of the Minister of Fisheries shall be required for the following:
  - (a) the movement of live aquatic life between sites where the species already exists:
  - (b) the movement of live aquatic life between the islands of New Zealand.
- (3) The prior approval of the Minister of Conservation shall be required for the following:
  - (a) the transfer of live aquatic life to or the release of live aquatic life in a new location where the species does not already exist (including the transfer of a new species to or the release of a new species in an existing or a new fish farm):
  - (b) the transfer of a species of live aquatic life to any land or water managed or administered under this Act or any other Act specified in the First Schedule to this Act.
- (4) The following provisions shall apply where the approval of the Minister of Conservation is required under subsection (3) of this section:
  - (a) the applicant shall advertise, on at least 2 consecutive Saturdays in at least one newspaper circulating in the area concerned, the intention to transfer or release live aquatic life:
  - (b) every advertisement under paragraph (a) of this subsection shall state that submissions or objections in respect of its subject-matter should be sent to the Director-General:
  - (c) the Director-General may require an applicant to provide an environmental impact assessment report before granting approval.
- (5) Nothing in this section shall apply to the transfer of any existing species to any existing fish farm.
- (6) Except where the Director-General or the Director-General of Agriculture and Fisheries requires it to comply with this section, nothing in this section shall apply to the transfer by a Fish and Game Council of sports fish to another location within the same island in New Zealand where the species is already present.

**26ZN Fishing rights not to be sold or let**

- (1) Every person commits an offence against this Act who sells or lets the right to fish in any freshwater.
- (2) Subsection (1) of this section shall not apply to the selling or letting of fishing rights on any licensed fish farm to the general public.

**26ZO Occupier may fish without licence**

- (1) Subject to this Act, any person who is the lawful occupier of any land may fish on such land or waters within such land without a licence or payment of fee, within the period and upon such terms and conditions, as may be specified in any notice issued pursuant to section 26ZL of this Act, or in any District Anglers Notice applying, or in any regulations made under section 48 or section 48A of this Act, without being liable to any penalty for so doing.
- (2) For the purposes of this section, the term **lawful occupier** includes the owner of the land and any person who has the right to occupy the land pursuant to a written agreement for a period of not less than 6 months; but does not include the manager of a marginal strip.
- (3) Every person who claims to be the lawful occupier of any land pursuant to an agreement referred to in subsection (2) of this section shall produce the agreement on demand by a warranted officer or at any office of the Department or Fish and Game Council within 7 days of a demand by a warranted officer.

Compare: 1983 No 14 s 74; 1986 No 34 s 18

*Miscellaneous provisions***26ZP Determination of closed seasons for fishing**

- (1) In respect of any freshwater fish other than sports fish, the Director-General may, from time to time, by notice in the *Gazette*, determine a closed season for the whole or any part or parts of the area for such period or periods in any year, month, week, or day that may be most suitable.
- (2) The Director-General may, in like manner, extend or vary any closed season so determined or vary any closed season so extended.
- (3) During the period of any closed season determined, varied, or extended pursuant to this section for any species of fish it shall be unlawful for any person to take or have in possession any such fish, or in any way injure or disturb any such fish, and every person so doing commits an offence against this Act.
- (4) Every person who commits an offence against this section is liable to a fine not exceeding \$5,000, and to a further fine not exceeding \$20 in respect of every fish in relation to which the offence was committed.



- (5) Any person who, during any closed season, is found in possession of any sports fish shall be deemed to have taken or obtained that fish during such closed season until the contrary is proved.

Compare: 1983 No 14 s 85(2)-(7)

#### **26ZQ Buying, selling, or possessing fish, contrary to Act**

- (1) Every person commits an offence who buys, sells, or has in his or her possession for the purpose of sale any freshwater fish taken in New Zealand in contravention of this Part of this Act, or any regulation made or notice given under this Act.
- (2) For the purpose of this section, fish shall be deemed to be sold if it forms part of a meal for which payment for that meal or any part of the meal is made, or which is supplied to any person (whether in accordance with the terms of a contract of service or otherwise) who is employed by the person by whom the meal is supplied:

Provided that nothing in this subsection applies to sports fish taken legally pursuant to a current licence and served to the angler who took the fish and the angler's immediate guests.

- (3) Nothing in this section applies to the purchase, sale, or possession for sale of sports fish where the sale or intended sale is between Fish and Game Councils, or between a Fish and Game Council and the Crown acting for conservation purposes, where the fish have been bred or reared by the seller.

Compare: 1983 No 14 s 69; 1986 No 34 s 16

#### **26ZR Using explosives, etc, to catch or destroy fish**

- (1) Every person commits an offence who for the purpose of taking or destroying any freshwater fish uses in any water any explosive or toxic gas, or toxic, poisonous, or narcotic substance or any electric fishing device.
- (2) Subsection (1) of this section shall not apply to actions taken by a warranted officer, or any person authorised in writing by the Director-General.
- (3) In this section, the term **explosive** has the same meaning as in the Explosives Act 1957.

Compare: 1983 No 14 s 98; 1986 No 34 s 27

### **18 Covenants**

The principal Act is hereby amended by repealing section 27, and substituting the following section:

27

- (1) Notwithstanding any enactment or rule of law,—
- (a) there may be granted or reserved over any land any covenant for conservation purposes in favour of the Minister; and

- (b) every such covenant shall run with and bind the land that is subject to the burden of the covenant, and shall be deemed to be an interest in land for the purposes of the Land Transfer Act 1952.
- (2) Where a covenant is granted or reserved under this section, the District Land Registrar of the land registration district affected, on the application of the Director-General, shall, without fee, enter in the appropriate registers a notification that the land affected by the covenant is subject to the burden of the covenant.

### 19 Taking of plants

- (1) Section 30(1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraphs:
  - (c) in accordance with the conservation management strategy or conservation management plan for that area; or
  - (ca) pursuant to subsection (5) or subsection (6) of section 24H of this Act; or
- (2) Section 30(4) of the principal Act is hereby amended by inserting, immediately before the words “management plan”, the words “conservation management strategy or conservation”.
- (3) *[Repealed]*
- (4) Section 30 of the principal Act is hereby further amended by adding the following subsection:
  - (6) Every person commits an offence who acts in contravention of or fails to comply with any provision of this section.

Section 19(3): repealed, on 1 July 1996, by section 32(3) of the Conservation Amendment Act 1996 (1996 No 1).

### 20 Removal of shingle, etc

*[Repealed]*

Section 20: repealed, on 1 July 1996, by section 15(2)(a) of the Conservation Amendment Act 1996 (1996 No 1).

### 21 Trespassing livestock

Section 36 of the principal Act is hereby amended by inserting, after subsection (5), the following subsection:

- (5A) Any reasonable costs incurred by the Department in rounding up, destroying, or otherwise disposing of, in accordance with this section, any branded livestock shall be recoverable in any court of competent jurisdiction from the owner by the Director-General.

### 22 Other offences

Section 39 of the principal Act is hereby further amended by adding the following subsections:

- (4) Every person commits an offence who disturbs, injures, poisons, kills, or detrimentally affects any freshwater fishery, fish spawning ground, or food of freshwater fish in any river, stream, lake, or any other water, by allowing any substance to enter into any such water or refuses to remove as much as may be practicable of the material in respect of which the breach arose immediately upon having been ordered to do so by a warranted officer.
- (5) For the purposes of this section, a person shall be deemed to discharge waste into water if that person places or discharges or causes or permits to be placed or discharged any waste or water containing waste, in a position where that waste or any other waste emanating as a result of a natural process from that waste is liable to fall or descend into, or to be washed or percolate into, or to be carried by wind, tide, or current into, any water.
- (6) Where any person is convicted of an offence under subsection (4) of this section that person shall be liable to a fine not exceeding \$30,000, and to a further fine of \$3,000 per day if the offence is a continuing one; but it shall be a defence to the charge if the defendant can show that the effluent was discharged in terms of the conditions of a current discharge permit granted under the Resource Management Act 1991 or was a permitted activity in the relevant regional plan under that Act, and for this purpose it shall be a sufficient defence to produce a certificate to that effect from the regional council in the area of which the permit was purported to be granted or activity otherwise permitted.
- (7) Subsection (4) of this section shall apply in respect of all foreshore and seabed administered or managed by the Department, and all freshwater in New Zealand.

Section 22: amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

### **23 Powers of warranted officers**

- (1) Section 40(1) of the principal Act is hereby amended—
  - (a) by inserting in paragraph (a), after the word “plant,”, the words “freshwater fish, freshwater fish product,”;
  - (b) by inserting in paragraph (b), after the word “device,”, the words “fishing gear,”;
  - (c) by inserting in paragraph (c), after the word “plant,”, the words “freshwater fish, freshwater fish product,”.
- (2) Section 40 of the principal Act is hereby further amended by inserting, after subsection (4), the following subsections:
  - (4A) A power of entry under this section shall be exercised only at times that are reasonable in the circumstances.
  - (4B) When exercising a power of entry under this section, a warranted officer shall produce evidence of his or her identity and authority whenever reasonably requested to do so.

- (3) Section 40(5) of the principal Act is hereby amended by inserting, after the words “animal product,”, the words “freshwater fish, freshwater fish product,”.
- (4) Section 40 of the principal Act is hereby further amended by adding the following subsection:
- (6) In the case of every warranted officer, the provisions of this section are subject to any restrictions or limitations specified in the warrant issued to that person under section 59 of this Act.

#### **24 Proceedings for offences**

Section 43(3) of the principal Act is hereby amended by omitting the word “shall”, and substituting the word “may”.

#### **25 New sections relating to offences inserted into principal Act**

The principal Act is hereby amended by inserting, after section 43, the following sections:

##### **43A Evidence in proceedings**

- (1) Subject to subsection (3) of this section, in any proceedings in respect of an offence against Part VB of this Act or any regulation made under section 48A of this Act a certificate purporting to be signed by the Director-General or any officer authorised by the Director-General for that purpose to the effect that, on a date specified in the certificate, the defendant or other named person was not the holder of a fishing permit, shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.
- (2) A copy of any licence or other document granted or issued under this Act which is certified correct by the Director-General or any officer of the Department duly authorised by the Director-General in that behalf, shall be sufficient, in the absence of proof to the contrary, to prove that licence or other document.
- (3) The production of any certificate or copy of any document for the purpose of this section purporting to be signed by any person authorised under this section to sign it shall be prima facie evidence of the certificate or copy without proof of the signature of the person appearing to have signed it.

Compare: 1983 No 14 s 106(1), (7), (10); 1986 No 34 s 27

##### **43B Strict liability**

- (1) In any prosecution for any offence against any provision of Part VB of this Act or any regulation made under section 48A of this Act it shall not be necessary for the prosecution to prove that the defendant intended to commit an offence.
- (2) It shall be a defence in any such prosecution if the defendant proves—
  - (a) that the defendant did not intend to commit the offence; and
  - (b) that—

- (i) in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or
- (ii) in any case where it is alleged that anything prohibited was done, that the defendant took all reasonable steps to ensure that it was not done.

Compare: 1983 No 14 s 105; 1986 No 34 s 27

## **26 Forfeiture of property**

- (1) Section 46 of the principal Act is hereby amended—
    - (a) by inserting in subsection (5)(a), after the word “equipment,”, the words “fishing gear,”;
    - (b) by inserting in subsection (5)(b), after the words “animal product,”, the words “freshwater fish, freshwater fish product,”.
  - (2) Section 46 of the principal Act is hereby further amended by inserting, after subsection (7), the following subsection:
- (7A) Notwithstanding anything in this section, the following provisions shall apply where a prosecution is commenced on the information of an officer of a Fish and Game Council:
- (a) the forfeited property shall be disposed of by the Minister to that Council for the purposes of sale and may be sold by that Council, and the proceeds of sale shall be paid into its funds and applied for the purposes of the Council;
  - (b) subject to section 73(2) of the Public Finance Act 1989, all fines imposed and recovered in proceedings taken by a Fish and Game Council for any breach of this Act or any regulations or notice made under this Act shall be paid to the Council of the district in which the fines were received, for the purpose of the distribution, rearing, cultivation, and protection of fish in the district of that Council.

## **27 New sections substituted in principal Act**

The principal Act is hereby amended by repealing section 48, and substituting the following sections:

### **48 Regulations**

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
  - (a) prescribing forms of application and the conditions and mode of applying for leases, licences, or permits to be issued under this Act;
  - (b) providing for any proceedings, forms of leases, licences, or permits and other instruments, and for the execution of any other matter or thing aris-

ing under and not inconsistent with this Act, and not expressly provided for in it:

- (c) regulating the protection of natural or historic resources or conservation areas, or conservation areas of any class or description, and the prevention of fires in them:
- (d) in fulfilment of the conditions of the deed of cession of Stewart Island dated the 29th day of June 1864, and after consultation with the Maori owners, securing to the Maori the Titi Islands and other islands adjacent to Stewart Island mentioned in the deed, and protecting the islands from trespassers, and the birds frequenting them from destruction:
- (e) providing for the care, management, and protection of any natural or historic resource or any conservation area or areas:
- (f) prohibiting, restricting, or regulating, the entry of aircraft, ships, or vehicles of any class or description, into any conservation area:
- (g) prohibiting, restricting, or controlling the entry of the public into any conservation area:
- (h) prohibiting, restricting, or controlling, actions of the public on or in relation to any conservation area:
- (i) prohibiting members of the public from allowing animals under their control to enter or remain in, or restricting or controlling the extent to which they may allow such animals to enter or remain in, any conservation area:
- (j) prescribing conditions applying and charges payable in respect of the use of huts and other buildings, camping sites, picnic places, parking areas, and other facilities in any conservation area, and providing for the removal of any motor vehicle or boat parked in any conservation area in breach of any such conditions:
- (k) prescribing, or providing for the fixing of, fees and levies payable in respect of any matter under this Act:
- (l) prescribing the procedure for the election of members of the New Zealand Fish and Game Council, and the nomination and election of members of Fish and Game Councils:
- (m) authorising any conservation organisation to reimburse travelling expenses incurred by any of its members in the course of their duties as members of the organisation, if no such provision is made elsewhere in this Act:
- (n) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act or any lawful direction or requirement made under this Act or any such regulations, and the amount of the fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$5,000 and, where the

offence is a continuing one, a further amount not exceeding \$50 for every day on which the offence has continued:

- (o) providing for such matters as may be contemplated by or necessary for giving full effect to this Act and for its due administration.
- (2) Any regulations made under subsection (2)(k) of this section may—
- (a) specify the person by whom any fees or levies prescribed under this Act are payable:
  - (b) prescribe specific fees or levies for specific purposes:
  - (c) prescribe a scale of fees or levies or a rate based on the time involved in carrying out the work or services:
  - (d) provide for the refund or waiver of any fee or levy by the Minister or the Director-General, in whole or in part, in any specified case or class of cases.
- (3) Regulations made under this section may apply to all conservation areas, conservation areas of a specified class or description, or any specified conservation area or conservation areas or any specified part of any conservation area.
- (4) For the purposes of this section, the term **conservation organisation** includes the New Zealand Conservation Authority, any Conservation Board, the New Zealand Fish and Game Council, and any Fish and Game Council.

#### **48A Special regulations relating to freshwater fisheries**

- (1) Without limiting section 48 of this Act, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
- (a) providing for the establishment of an advisory user group for the Taupo Fishery, and prescribing its functions, powers, proceedings, and other necessary matters:
  - (b) prescribing a total allowable catch in respect of any freshwater fish, freshwater fishery, or method of fishing for freshwater fish:
  - (c) prescribing the forms and classes of licence to fish for freshwater fish or sports fish, and providing for the issue of such licences and for the disposal of fees for such licences and of fines recovered under this Act:
  - (d) providing for the Minister to appoint agents and authorise such agents and Fish and Game Councils to issue, on such conditions as may be prescribed in the regulations, licences authorising the holder to fish for sports fish, and providing for licence fees to be paid to such agents and such Councils:
  - (e) prescribing the scope and effect of licences to fish for freshwater fish or sports fish or any specified class of licences, and providing for licences issued in respect of any region to be available in any other region or regions or in all regions:

- (f) regulating or prohibiting the taking or possession or sale of any specified freshwater fish:
- (g) providing for the issue, refusal, renewal, suspension, revocation, modification, and imposition by the regulations or the Director-General of conditions on licences for persons who wish to acquire or be in possession in prescribed circumstances of fish taken for the purposes of sale:
- (h) providing for the recognition of licences granted under any other Act as licences for the purposes of this Act:
- (i) providing for the variation, renewal, and revocation of licences to fish for freshwater fish or sports fish and for the refusal of the issue of licences in certain cases:
- (j) providing for the payment to a Fish and Game Council of any fines or licence fees for the purposes of the distribution, rearing, cultivation, or protection of sports fish in the area under the jurisdiction of that Council, or, with the approval of the Minister given upon or subject to such conditions as the Minister thinks fit, for the purpose of applying the same or any part thereof either alone or jointly with any other Council for any such purpose in the area of any Council, or for any related purpose approved by the Minister:
- (k) providing for the payment to the Director-General of any fines or licence fees for the purposes of the distribution, rearing, cultivation, or protection of freshwater fish in any area, or, with the approval of the Minister given upon or subject to such conditions as the Minister thinks fit, for any related purpose:
- (l) authorising the Director-General, subject to such conditions as may be prescribed in the regulations, to regulate the use of electric fishing devices for the taking of freshwater fish or sports fish:
- (m) regulating, restricting, or imposing conditions on the canning, smoking, freezing, or other preserving of trout or other specified freshwater fish and the possession thereof when canned, smoked, frozen, or otherwise preserved; and providing for the inspection of canneries, smokehouses, freezing chambers, refrigerating works, and any premises (not being a dwellinghouse) where freshwater fish are canned, smoked, frozen, preserved, treated, dressed, or stored:
- (n) requiring and authorising the provision of devices and facilities to permit or control the passage of freshwater fish or sports fish through or around any dam or other structure impeding the natural movement of fish upstream or downstream:
- (o) authorising the establishment of fish hatcheries by Fish and Game Councils, or the Department, and regulating the management and operation of such establishments:



- (p) to prohibit or impose conditions and restrictions on the possession, or the retention in captivity, or the transfer to or release into any waters, of any live aquatic life:
- (q) prescribing the conditions of, and rentals payable in respect of, fishing competitions.
- (2) Any such regulations—
  - (a) may apply generally throughout New Zealand or New Zealand freshwaters or be made to apply only within such area or areas as may be defined in that behalf:
  - (b) may apply special conditions or confer special rights in relation to fishing by specified communities.
- (3) Subject to subsection (4) of this section, for the purpose of ensuring compliance with the requirements of any regulations made under subsection (1)(j) of this section, any person authorised in that behalf by the Controller and Auditor-General may, during the usual working hours of the Council, enter upon the premises of any Fish and Game Council and there inspect any books or papers belonging to or in the possession of the Council.
- (4) Before entering any premises pursuant to subsection (3) of this section, a person referred to in that section shall produce evidence of his or her appointment, if requested to do so by the person appearing to be in charge of those premises.

## **28 Errors of description in notices may be corrected**

The principal Act is hereby amended by inserting, after section 50, the following section:

### **50A**

- (1) Where in any notice published in the *Gazette* under this Act there has been made any error of description (whether with respect to the boundaries of an area of land or otherwise), the Minister may revoke the notice and issue in its place a fresh notice with amended particulars and descriptions, or may by a further notice amend the original notice to correct any such errors.
- (2) Every fresh notice or amending notice under this section shall, according to its tenor, take effect as from the date on which the original notice was intended to take effect or as from such other date as may be specified in that behalf in the fresh or amending notice.

## **29 Powers of Director-General**

Section 53 of the principal Act is hereby amended by adding the following subsections:

- (3) Without limiting the generality of subsection (1) of this section, the Director-General—

- (a) may enter into agreements or arrangements with any person for the purposes of joint research and development work on freshwater fishery resources, and any such agreement or arrangement may include the use of facilities owned by that person:
  - (b) may prepare and carry out, or commission the carrying out of, research, surveys, and investigations, or any of them, into freshwater fisheries:
  - (c) may issue plans and publications relating to freshwater fish:
  - (d) shall advocate the conservation of aquatic life and freshwater fisheries generally:
  - (e) shall manage the Taupo Fishery:
  - (f) shall acquire by means of purchase or otherwise and protect habitats:
  - (g) shall control any introduced species causing damage to any indigenous species, habitat, property, or interests.
- (4) In relation to the Taupo Fishery, the Director-General shall have all the powers of a Fish and Game Council under this Act.
- (5) Any agreement or arrangement entered into under subsection (3)(a) of this section may permit any person to take freshwater fish that the person would not otherwise be entitled to take and may permit the person to retain those fish or any other fish taken by the person under the agreement or arrangement.

### **30 Delegation of powers by Minister**

- (1) Section 57 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:
- (1) Subject to subsection (1A) of this section, the Minister may from time to time, by writing under the Minister's hand, either generally or particularly, and either unconditionally or subject to any conditions the Minister thinks fit, delegate to the Director-General, the Conservation Authority, and any Conservation Board, or any of them, all or any of the Minister's powers and functions under this Act or any other enactment, other than the power of delegation conferred on the Minister by this subsection.
- (1A) The Minister shall not delegate to the Conservation Authority or to any Conservation Board any of the Minister's powers and functions under Part VA of this Act.
- (2) Section 57(2) of the principal Act is hereby amended by inserting, after the words "Director-General", in both places where they occur, the words ", the Authority, or the Board, as the case may be,".
- (3) This section shall be deemed to have come into force on the 1st day of April 1987.

### **31 Warranted officers**

- (1) Section 59 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:
- (3A) Any warranted officer may be appointed for the particular or general purposes of this Act specified in the warrant issued to that person.
- (2) Section 59(9) of the principal Act is hereby amended by inserting, after the words “the National Parks Act 1980,”, the words “or any person who is a Fishery Officer or an Honorary Fishery Officer appointed under Part VI of the Fisheries Act 1983 to exercise powers in relation to freshwater fisheries,”.
- (3) Every warrant under Part 6 of the Fisheries Act 1983 that is held by a Fishery Officer or an Honorary Fishery Officer who becomes a warranted officer by virtue of subsection (2) of this section shall expire with the close of the 30th day of June 1991, unless that person ceases to be a warranted officer before that date.

### **32 Director-General may recover certain costs**

Section 60B of the principal Act (as inserted by section 3 of the Conservation Amendment Act 1988) is hereby amended by adding the following subsection:

- (8) Notwithstanding subsection (2) of this section, nothing in this section shall apply to any application or inquiry made under the Ombudsmen Act 1975 or the Official Information Act 1982.

### **33 Existing leases, licences, etc**

Section 64 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsections:

- (4) Where, at the commencement of this subsection, any person has under a lease or licence of any land of the Crown a right to acquire the freehold title for that land, the following provisions shall apply:
- (a) that person may, subject to the provisions of the lease or licence under which the right is conferred, exercise that right at any time during the currency of the lease or licence:
- (b) the exercise of that right shall not constitute a disposition for the purposes of section 16 or section 24 of this Act.
- (4A) Where a lessee or licensee of any land vested in Land Corporation of New Zealand Limited, being land that was acquired from the Crown, exercises under that person’s lease or licence a right to acquire the freehold title for that land, the exercise of that right shall not constitute a disposition for the purposes of section 16 or section 24 of this Act.

**34 Powers under forestry and Crown leases, etc, exercisable by Minister or Director-General**

The principal Act is hereby amended by inserting, after section 64A (as inserted by section 4 of the Conservation Amendment Act (No 2) 1988), the following section:

64B

- (1) This section shall apply to—
  - (a) land in any conservation area;
  - (b) land to which section 61 of this Act applies;
  - (c) land to which section 62 of this Act applies.
- (2) Subject to subsection (3) of this section, the Minister or the Director-General may exercise any power that—
  - (a) is conferred by any provision in any lease, licence, permit, consent, or other authority for the time being in force in respect of any land to which this section applies; and
  - (b) at the time it was conferred was expressed to be exercisable by—
    - (i) the Minister of Forests; or
    - (ii) the Minister of Lands; or
    - (iii) the Director-General of Forests, or any other specified office holder in the New Zealand Forest Service; or
    - (iv) the Director-General of Lands, or any other specified office holder in the Department of Lands and Survey; and
  - (c) would have been exercisable by one of the persons referred to in paragraph (b) of this subsection, on the 31st day of March 1987.
- (3) The Minister or the Director-General, as the case may be, shall consult the Minister of Energy before exercising any such power if it relates to or affects any mining privilege.
- (4) Where a lease, licence, permit, consent, or other authority contains a power to which subsection (2) of this section applies, the Minister may take all necessary proceedings—
  - (a) to enforce any conditions of the lease, licence, permit, consent, or other authority;
  - (b) in respect of breaches of the conditions;
  - (c) in respect of any act or omission contrary to the terms upon which the lease, licence, permit, consent, or other authority was granted.
- (5) Notwithstanding section 32(1) of the State-Owned Enterprises Act 1986 but subject to subsections (2) and (3) of this section, every lease, licence, permit, consent, and other authority granted under the Forests Act 1949 in respect of

any land to which this section applies, that is for the time being in force, shall have effect and be construed as if sections 14, 30, 33, 36, 37, and 40 to 44 of the Forests Act 1949 were still in force; and every such authority shall be deemed to have had such effect on and from the 1st day of April 1987 and shall be construed accordingly.

### **35 Amendments and savings**

(1) Section 65 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

(5) The State Forest Parks and Forest Recreation Regulations 1979 are hereby deemed to have been made under section 48 of this Act, and may be amended or revoked accordingly.

(2) Section 65 of the principal Act is hereby further amended by repealing subsection (12), and substituting the following subsection:

(12) The following provisions shall apply in respect of every management plan approved under any former Act in relation to the management of any area that, on or after the commencement of this Act, became or becomes a conservation area or an area subject to section 61 or section 62 of this Act:

- (a) except to the extent that it is inconsistent with this Act, every such plan shall have effect as if it were a conservation management plan;
- (b) any such plan may be replaced under this Act by a conservation management plan prepared under this Act;
- (c) any such plan or any part of any such plan that is inconsistent with any provision of this Act may, with the agreement of the appropriate Conservation Board, be declared by the Minister to have been withdrawn; and any plan or part declared to have been withdrawn under this paragraph shall cease to have effect;
- (d) where the objectives of any such plan are generally consistent with this Act, and the Director-General and the appropriate Conservation Board agree, the plan may be reviewed under section 17H or amended under section 17I of this Act.

#### *Transitionals, consequential amendments, and savings*

### **36 Bodies abolished**

The following bodies are hereby abolished:

- (a) the Nature Conservation Council;
- (b) the Hauraki Gulf Maritime Park Board;
- (c) the Queen Elizabeth Park Domain Board;
- (d) the Waipoua Forest Sanctuary Advisory Committee established under the Waipoua Forest Sanctuary Advisory Committee Regulations 1952:

- (e) the National Recreational Hunting Advisory Committee established under section 29 of the Wild Animal Control Act 1977:
- (f) every State Forest Park Advisory Committee established under the State Forest Parks and Forest Recreation Regulations 1979.

### **37 Amendments**

The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

### **38 Schedule 1 amended**

Schedule 1 to the principal Act is hereby consequentially amended by omitting the items “The Hauraki Gulf Maritime Park Act 1967” and “The Nature Conservation Council Act 1962”.

### **39 Freshwater Fisheries Regulations 1983**

- (1) The Freshwater Fisheries Regulations 1983 are hereby deemed to have been made under sections 48 and 48A of the principal Act, and shall be read with the following modifications:
  - (a) every reference to acclimatised fish shall be read as a reference to sports fish:
  - (b) every reference to acclimatisation societies shall be read as a reference to Fish and Game Councils within the meaning of the principal Act:
  - (c) every reference to an acclimatisation district shall be read as a reference to the area of jurisdiction of the Fish and Game Council for that area.
- (2) *[Repealed]*
- (3) The Freshwater Fisheries Regulations 1983 may be amended or revoked under section 48 or section 48A of the principal Act.

Section 39(1): amended, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

Section 39(2): repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

Section 39(3): amended, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

### **40 Regulations relating to whitebait**

- (1) The Fisheries (West Coast Whitebait Fishing) Regulations 1985 and regulation 16 of the Fisheries (Amateur Fishing) Regulations 1986 are hereby deemed to have been made under section 48A of the principal Act, and may be amended or revoked accordingly.
- (2) Every reference in the Fisheries (West Coast Whitebait Fishing) Regulations 1985 to a Fishery Officer shall be read as a reference to a warranted officer under the principal Act.

#### **41 Repeals**

The following enactments are hereby repealed:

- (a) section 10 of the Reserves and Other Lands Disposal Act 1954:
- (b) the Nature Conservation Council Act 1962:
- (c) the Hauraki Gulf Maritime Park Act 1967:
- (d) section 5 of the Reserves and Other Lands Disposal Act 1972:
- (e) section 2 of the Reserves and Other Lands Disposal Act 1975:
- (f) section 4 of the Reserves and Other Lands Disposal Act 1983:
- (g) so much of Schedule 2 to the principal Act as relates to the Reserves and Other Lands Disposal Act 1954.

#### **42 Revocations**

(1) The following regulations are hereby revoked:

- (a) the Waipoua Forest Sanctuary Advisory Committee Regulations 1952:
- (b) the Council of North Island Acclimatisation Societies Regulations 1959:
- (c) the Council of South Island Acclimatisation Societies Regulations 1978:
- (d) Part 1 (comprising regulations 3 to 12) of the State Forest Parks and Forest Recreation Regulations 1979:
- (e) the Central North Island Wildlife Conservancy Council Regulations 1980.

(2) The Acclimatisation Societies Rules Notice 1956 is hereby revoked.

#### **43 Transitional provisions in respect of Queen Elizabeth Park Domain Board**

- (1) As soon as practicable after the commencement of this Act, the Minister of Conservation shall, in accordance with section 28 of the Reserves Act 1977, appoint the Wellington Regional Council to control and manage Queen Elizabeth Park.
- (2) The appointment of the Wellington Regional Council to control and manage the park shall take effect on and from the commencement of section 41 of this Act.
- (3) All proceedings pending by or against the Queen Elizabeth Park Domain Board immediately before the commencement of section 41 of this Act may be carried on, completed, and enforced by or against the Wellington Regional Council.
- (4) On the appointment of the Wellington Regional Council to control and manage Queen Elizabeth Park, all of the assets and liabilities of the Board (including all real and personal property, money, contracts, and engagements) shall become the assets and liabilities of the Council.

**44 Transitional provisions in respect of Nature Conservation Council**

- (1) Notwithstanding section 41 of this Act, the Nature Conservation Council shall, as soon as practicable, prepare and submit to the Minister of Conservation a report as to its operations and recommendations for the period commencing on the 1st day of April 1989 and ending with the commencement of this Act.
- (2) A copy of the report referred to in subsection (2) of this section shall, as soon as practicable after its receipt by the Minister of Conservation, be laid by that Minister before the House of Representatives.
- (3) All proceedings pending by or against the Nature Conservation Council immediately before the commencement of section 41 of this Act may be carried on, completed, and enforced by or against the New Zealand Conservation Authority.

**45 Transitional provisions in respect of Hauraki Gulf Maritime Park Board**

- (1) Notwithstanding section 41 of this Act, every utilisation plan approved under section 9 of the Hauraki Gulf Maritime Park Act 1967 and in force immediately before the commencement of section 41 of this Act shall have effect as a conservation management plan; and paragraphs (a) to (d) of section 65(12) of the principal Act shall apply to every such plan.
- (2) All proceedings pending by or against the Hauraki Gulf Maritime Park Board immediately before the commencement of section 41 of this Act may be carried on, completed, and enforced by or against the Director-General of Conservation.

**46 Certain public notices to have legal effect**

Every public notice given by or on behalf of the Minister of Conservation before the commencement of this Act, being a notice calling for nominations for appointment to the New Zealand Conservation Authority or any Conservation Board, shall be as valid and effectual as if the provisions of sections 6D and 6P of the principal Act (as inserted by section 5 of this Act) were in force when that notice was given.

**47 Transitional**

All such things as may be necessary for the purpose of bringing into force any of sections 6A, 6L, 26B, and 26P of the principal Act, including the making of any appointment under that Act to any body that is to be established by or under any of those sections, may be done at any time after the commencement of this Act; but no such appointment to any such body shall have effect until the section that establishes or provides for the establishment of that body comes into force.



## Part 2 Amendments to Marine Reserves Act 1971

### 48 Part to be read with Marine Reserves Act 1971

This Part of this Act shall be read together with and deemed part of the Marine Reserves Act 1971 (in this Part of this Act referred to as the principal Act).

### 49 Interpretation

Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

**Board** means a Conservation Board established under section 6L of the Conservation Act 1987

**Conservation Authority** means the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987

**conservation management plan** means a conservation management plan approved under section 8 of this Act

**conservation management strategy** means a conservation management strategy approved under section 17F of the Conservation Act 1987

### 50 Marine reserves to be maintained in natural state and public to have right of entry

Section 3 of the principal Act is hereby amended by repealing subsection (3) (as added by section 2 of the Marine Reserves Amendment Act 1977), and substituting the following subsection:

- (3) For the purposes of this section but subject to any authorisation given under section 11(b) of this Act, no person shall fish in a marine reserve except—
- (a) persons (not being persons holding a permit issued under Part IV of the Fisheries Act 1983) authorised by notice in the *Gazette* given by the Minister after having regard to the purpose specified in subsection (1) of this section; and
  - (b) in accordance with such conditions as to time, place, species of fish, methods, and gear to be used in fishing, as may be specified in the notice; and
  - (c) where not inconsistent with any conditions imposed under paragraph (b) of this subsection, in compliance with restrictions imposed on fishing by the Fisheries Act 1983 and any regulations made under it.

### 51 Governor-General may declare an area to be a marine reserve

Section 4(4) of the principal Act is hereby amended by omitting the words “or in any bylaws”.

**52 Procedure for declaring a marine reserve**

Section 5 of the principal Act is hereby amended by repealing subsection (9), and substituting the following subsection:

- (9) If, after consideration of all objections, the Minister is of the opinion that no objection should be upheld and that to declare the area a marine reserve will be in the best interests of scientific study and will be for the benefit of the public, and it is expedient that the area should be declared a marine reserve, either unconditionally or subject to any conditions (including any condition as to providing the cost of marking the boundaries of the marine reserve under section 22 of this Act, and any condition permitting fishing within the reserve by persons not holding a permit issued under Part IV of the Fisheries Act 1983), the Minister shall, if the Ministers of Transport and Fisheries concur, recommend to the Governor-General the making of an Order in Council accordingly.

**53 New sections relating to management substituted in principal Act**

The principal Act is hereby amended by repealing sections 6 to 16, and substituting the following sections:

**6 General policy**

- (1) The Minister may approve statements of general policy for the implementation of this Act in any area or areas; and may from time to time amend any such statement in the light of changing circumstances or increased knowledge.
- (2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.
- (3) For the purposes of this section, sections 17B(3), 17B(4), and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies, subject to the following provisions:
- (a) in addition to the consultation required by section 17B(3)(a) of that Act, the Director-General shall also consult the Director-General of Agriculture and Fisheries, the Secretary for Transport, and the Secretary for the Environment before preparing any such policy;
- (b) as soon as practicable after a draft policy is prepared under section 17B(3) of that Act, the Director-General shall send a copy of it to each of the persons referred to in paragraph (a) of this subsection;
- (c) before sending a draft policy to the Conservation Authority, the Director-General shall consider any comments made by the persons referred to in paragraph (a) of this subsection.

**7 Conservation management strategies**

- (1) Every conservation management strategy shall establish objectives for the integrated management of marine reserves under this Act.

- (2) For the purposes of this section, the following provisions shall apply in addition to those in section 17F of the Conservation Act 1987:
- (a) the Director-General shall consult the Director-General of Agriculture and Fisheries before notifying a draft strategy under section 17F(a) of that Act:
  - (b) as soon as practicable after the draft strategy has been prepared, the Director-General shall send a copy of the draft strategy to the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all affected regional councils constituted under the Local Government Act 1974:
  - (c) before sending the draft strategy to the Conservation Boards affected, the Director-General shall consider any comments made by the Director-General of Agriculture and Fisheries, the Secretary for Transport, and such regional councils.

## **8 Conservation management plans**

- (1) The purpose of a conservation management plan under this section is to establish objectives for the management of a marine reserve or reserves.
- (2) For the purposes of this section, sections 17E (except subsections (1), (4), (6), and (7)), 17G, and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to conservation management plans under this section, subject to the following provisions:
- (a) in addition to the consultation required by section 17F(a) of that Act (as applied by section 17G(1) of that Act), the Director-General shall also consult the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all affected regional councils constituted under the Local Government Act 1974:
  - (b) in addition to the notification required by section 17F(a) of that Act (as so applied), the Director-General shall also send a copy of the draft plan to the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such affected regional councils:
  - (c) before sending the draft plan to the Boards affected, the Director-General shall consider any comments made by the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such affected regional councils.

## **9 Control and management of reserves**

Subject to this Act, the Director-General shall administer, manage, and control marine reserves in accordance with approved general policies, conservation management strategies, and conservation management plans.

**10 Particular functions of Director-General in relation to marine reserves**

The Director-General shall—

- (a) inquire into and report to the Minister on any matter arising out of or relating to marine reserves or marine life within or outside reserves that the Minister may refer to the Director-General for a report:
- (b) advise the Minister on matters relating to the administration, management, control, protection, and regulation of marine reserves and to make recommendations on those matters as the Director-General thinks fit.

**11 Particular powers of Director-General in relation to marine reserves**

Without limiting the generality of section 9 of this Act, the Director-General may do all or any of the following:

- (a) manage reserves in the interests of the conservation, propagation, and preservation of species, and ensure the protection and wellbeing of marine life of reserves:
- (b) authorise the taking for scientific purposes of any specimens of marine life or material in any reserve, and prescribe the conditions of such taking and retention or disposal of those specimens or for their return to any reserve:
- (c) take such steps as may be necessary to ensure the continued welfare of any reserve in the interests of scientific study of marine life and for the enjoyment of the reserve by the public.

**12 Conservation objectives to be considered by Director-General**

In the exercise of any of the powers conferred on the Director-General by this Act, the Director-General shall have regard to the desirability of preserving the natural features and marine life of reserves, and, in particular, shall ensure that—

- (a) reserves are maintained so far as possible in a state of nature; and
- (b) reserves are available for the purposes of scientific research.

**13 Conservation function of New Zealand Conservation Authority**

The New Zealand Conservation Authority shall bring to the attention of the Director-General such matters concerning the welfare of marine reserves as it considers necessary to promote the continued welfare of marine reserves.

**54 Rangers**

Section 17 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsection:

- (7) Every member of the police, every person appointed as a Fishery Officer under subsection (1) or deemed to have been appointed as a Fishery Officer by subsection (4) of section 76 of the Fisheries Act 1983, and every person appointed

as a warranted officer under subsection (1) or deemed to have been appointed as a warranted officer by subsection (9) of section 59 of the Conservation Act 1987, shall by virtue of that person's office be deemed to be a ranger appointed by the Director-General to exercise the duties of a ranger under this Act generally in marine reserves throughout New Zealand.

## **55 Powers of rangers**

Section 18(1) of the principal Act is hereby amended—

- (a) by omitting from paragraph (a) the words “management committee”, and substituting the words “Director-General”;
- (b) by omitting from paragraph (f) the words “has reason to suspect”, and substituting the words “reasonably believes”.

## **56 Offences within a reserve**

(1) Section 19 of the principal Act is hereby amended—

- (a) by omitting from subsection (1) the words “management committee for that reserve”, and substituting the words “Director-General”;
- (b) by omitting from subsections (1)(j), (3), (6), and (7) the words “management committee”, and substituting in each case the words “Director-General”.

(2) Section 19 of the principal Act is hereby further amended by repealing subsection (8), and substituting the following subsection:

- (8) Any marine life found illegally in the possession of any person in or in the vicinity of a reserve may be seized by any ranger for that reserve, and shall, if alive and likely to survive, be returned to the reserve, or, if survival is unlikely, shall be disposed of as may be directed by the Director-General in any specific instance or according to any regulations made under this Act, if provided for by such regulations.

## **57 Time within which information may be laid**

Section 20 of the principal Act is hereby amended by omitting the words “or bylaw”.

## **58 Boundaries of marine reserves to be marked**

The principal Act is hereby amended by repealing section 22, and substituting the following section:

22

- (1) Subject to subsection (2) of this section, the Director-General may cause to be marked and at all times to be kept marked, by means of such beacons, lights, buoys, or marks as the Director-General considers may be necessary, the boundaries of the marine reserve.

- (2) The Director-General shall act under this section only with the concurrence of the Secretary for Transport.

### **59 Rights of access and navigation**

Section 23 of the principal Act is hereby amended—

- (a) by omitting from subsection (1) the word “bylaw”, and substituting the word “regulations”;
- (b) by omitting from subsection (2) the words “or bylaws”.

### **60 Regulations**

Section 24 of the principal Act is hereby amended by adding the following subsection:

- (2) Without limiting the generality of subsection (1) of this section, any such regulations may—
- (a) provide for the management, safety, and preservation of reserves, the conduct and control of scientific study within reserves, and the safety and preservation of the marine life in reserves;
  - (b) provide for the keeping of order in any reserve;
  - (c) authorise the Director-General to exclude the public from any specified part or parts of any reserve;
  - (d) prescribe the conditions on which persons shall have access to or be excluded from any reserve or part of any reserve;
  - (e) prescribe the conditions on which persons may remain within any reserve;
  - (f) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section, and the amount of the fines that may be imposed on summary conviction in respect of any such offences, which fines shall be an amount not exceeding \$200.

### **61 Management committees abolished**

Every management committee established under section 7 of the principal Act is hereby abolished.

### **62 Cape Rodney-Okakari Point Marine Reserve Bylaws 1989**

- (1) The Cape Rodney-Okakari Point Marine Reserve Bylaws 1989 are hereby deemed to be regulations made under section 24 of the principal Act, and may be amended or revoked accordingly.
- (2) References in the Cape Rodney-Okakari Point Marine Reserve Bylaws 1989 to the Committee shall be read as if they were references to the Director-General of Conservation.

- (3) The Cape Rodney-Okakari Point Marine Reserve Bylaws 1989 are hereby deemed to have come into force on the 7th day of December 1989.
- (4) Every person who commits a breach of the Cape Rodney-Okakari Point Marine Reserve Bylaws 1989 commits an offence and is liable on conviction to a fine not exceeding \$200.
- (5) Clause 17 of the Cape Rodney-Okakari Point Marine Reserve Bylaws 1989 is hereby revoked.

Section 62(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### **63 Poor Knights Islands Marine Reserve Bylaws 1989**

- (1) The Poor Knights Islands Marine Reserve Bylaws 1989 are hereby deemed to be regulations made under section 24 of the principal Act, and may be amended or revoked accordingly.
- (2) References in the Poor Knights Islands Marine Reserve Bylaws 1989 to the Committee shall be read as if they were references to the Director-General of Conservation.
- (3) The Poor Knights Islands Marine Reserve Bylaws 1989 are hereby deemed to have come into force on the 7th day of December 1989.
- (4) Every person who commits a breach of the Poor Knights Islands Marine Reserve Bylaws 1989 commits an offence and is liable on conviction to a fine not exceeding \$200.
- (5) Clause 17 of the Poor Knights Islands Marine Reserve Bylaws 1989 is hereby revoked.

Section 63(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **Part 3**

### **Amendments to Wildlife Act 1953**

#### **64 Part to be read with Wildlife Act 1953**

This Part of this Act shall be read together with and deemed part of the Wildlife Act 1953 (in this Part of this Act referred to as the principal Act).

#### **65 Interpretation**

Section 2(1) of the principal Act is hereby amended by repealing the definitions of the terms “district” and “society”, and substituting, in their appropriate alphabetical order, the following definitions:

**conservation management plan** means a conservation management plan approved under section 14E of this Act

**conservation management strategy** means a conservation management strategy approved under the Conservation Act 1987

**Fish and Game Council** means a Fish and Game Council established under section 26P of the Conservation Act 1987

**66 Alteration of Schedules**

Section 8(3) of the principal Act is hereby amended by omitting the words “acclimatisation district under the control of a society”, and substituting the words “area under the jurisdiction of a Fish and Game Council”.

**67 Wildlife management reserves**

Section 14A of the principal Act (as inserted by section 6(1) of the Wildlife Amendment Act 1980) is hereby amended by repealing paragraph (c) of the proviso to subsection (1), and substituting the following paragraph:

- (c) no Proclamation issued under this subsection shall affect any land owned or leased by a Fish and Game Council without the consent of that Council:

**68 New sections relating to planning substituted in principal Act**

The principal Act is hereby amended by repealing the heading above section 14B, and sections 14B and 14C (as inserted by section 6(1) of the Wildlife Amendment Act 1980), and substituting the following heading and sections:

*Management planning*

**14B Wildlife areas to be managed by Department**

Subject to this Act, the Department shall manage all wildlife sanctuaries, wildlife refuges, and wildlife management reserves in accordance with—

- (a) any statements of general policy approved under section 14C of this Act; and  
(b) any conservation management strategy and any conservation management plan for the time being in force for the area concerned.

**14C General policy**

- (1) The Minister may approve statements of general policy for the implementation of this Act in any area or areas; and may from time to time amend any such statement in the light of changing circumstances or increased knowledge.  
(2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.  
(3) For the purposes of this section, sections 17B (except subsections (1) and (2)) and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies.



**14D Conservation management strategies**

- (1) Every conservation management strategy shall establish objectives for the management of wildlife, including any species and any wildlife sanctuary, wildlife refuge, and wildlife management reserve in the area to which it relates.
- (2) No work (other than necessary work associated with the day to day administration and management of the wildlife sanctuary, wildlife refuge, or wildlife management reserve) shall be undertaken on any wildlife sanctuary, wildlife refuge, or wildlife management reserve before a conservation management strategy or conservation management plan for that area is approved.

**14E Conservation management plans**

- (1) The purpose of a conservation management plan under this section is to establish objectives for the management of any wildlife sanctuary, wildlife refuge, or wildlife management reserve, or any combination of them.
- (2) Nothing in section 41 of the Reserves Act 1977 shall apply in respect of the subject-matter of any conservation management plan.
- (3) Subject to subsection (4) of this section, for the purposes of this section, sections 17E (except subsections (1), (4), and (6)), 17G, and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to conservation management plans.
- (4) Where a draft conservation management plan under this section relates to a wildlife sanctuary, wildlife refuge, or wildlife management reserve established on land other than land of the Crown, the Director-General may determine that the provisions of paragraphs (a) to (j) of section 17F of the Conservation Act 1987 (as applied by section 17G(1) of that Act) shall not apply in respect of that plan.
- (5) All management plans approved under this Act before the commencement of this section shall be deemed to have been approved under this section.

**69 Notification as to conditions on which open season declared**

Section 16 of the principal Act is hereby amended by omitting from paragraph (c) of the proviso to subsection (2) (as substituted by section 5(2) of the Wildlife Amendment Act 1959) the word “society”, and substituting the words “Fish and Game Council”.

**70 Hunting or killing in game areas**

Section 17 of the principal Act (as substituted by section 2(1) of the Wildlife Amendment Act 1972) is hereby amended—

- (a) by omitting from subsection (4) the word “society”, and substituting the words “Fish and Game Council”;
- (b) by omitting from subsection (4) the words “a district”, and substituting the words “the area concerned”:

- (c) by omitting from subsection (5) the word “society”, wherever it occurs, and substituting in each case the words “Fish and Game Council”.

#### **71 Licence to hunt or kill game**

- (1) Section 19 of the principal Act is hereby amended—
  - (a) by omitting from subsection (1) the words “in any district”, and substituting the words “in any area”;
  - (b) by omitting from subsection (1) the words “that district”, and substituting the words “that area”;
  - (c) by omitting from subsection (4)(b) the words “acclimatisation society for the district”, and substituting the words “Fish and Game Council for the area concerned”;
  - (d) by omitting from subsection (5) the word “society”, in both places where it occurs, and substituting in each case the words “Fish and Game Council”.
- (2) Section 19 of the principal Act is hereby further amended by inserting, after subsection (4), the following subsection:
  - (4A) In subsection (3) of this section the term **occupier**, in relation to any land, does not include a person appointed under the Conservation Act 1987 to be the manager of a marginal strip.

#### **72 Holder of licence not to enter on land without consent**

Section 21(2) of the principal Act (as substituted by section 6 of the Wildlife Amendment Act 1983) is hereby amended—

- (a) by omitting from paragraph (b) the word “society”, in both places where it occurs, and substituting in each case the words “Fish and Game Council”;
- (b) by omitting from paragraph (c) the word “society”, and substituting the word “body”.

#### **73 Acclimatisation districts abolished**

- (1) Acclimatisation districts are hereby abolished.
- (2) The heading immediately above section 24, and section 24, of the principal Act are hereby repealed.

#### **74 Acclimatisation societies abolished**

- (1) All acclimatisation societies registered or deemed to be registered under the principal Act are hereby abolished.
- (2) Sections 25 to 36 of the principal Act are hereby repealed.

## 75 Wildlife districts

The principal Act is hereby amended by repealing section 37, and substituting the following section:

37

- (1) The Governor-General may from time to time, by Proclamation, declare any portion of New Zealand to be a wildlife district for the purposes of this Act, subject to such conditions as may be specified in the Proclamation or as may be prescribed by regulations made under this Act, and may in like manner revoke or vary any such Proclamation.
- (2) Without limiting the general power conferred by subsection (1) of this section, any Proclamation or regulations made under or pursuant to that subsection may provide for any of the following matters:
  - (a) the vesting in the Department or a Fish and Game Council of the control of all species or of any specified species of wildlife (other than game) in the wildlife district:
  - (b) where no part of the wildlife district forms part of an area under the jurisdiction of a Fish and Game Council, the vesting in the Department of the control of game in the wildlife district:
  - (c) where a part of the wildlife district also forms part of an area under the jurisdiction of a Fish and Game Council, the vesting in the Department of the control of game in such part of the wildlife district as does not form part of that area:
  - (d) the prohibition in the wildlife district of the hunting, killing, taking, or disturbing in any manner whatever of wildlife other than game by any person without the express written consent of the Director-General.
- (3) Where the control of game in any part of a wildlife district is vested in the Department under this section, the provisions of this Act relating to game shall apply with respect to game in that part of the district as if that part were an area under the jurisdiction of a Fish and Game Council; and for that purpose the Director-General shall in that part have all the powers of a Fish and Game Council under this Act.

## 76 Rangers

- (1) Section 38(2)(c) of the principal Act is hereby amended by omitting the words “an acclimatisation society”, and substituting the words “a Fish and Game Council”.
- (2) Section 38(4) of the principal Act is hereby amended by inserting, after the word “constable”, the words “, and every warranted officer appointed under subsection (1) or deemed to have been appointed by subsection (9) of section 59 of the Conservation Act 1987,”.

**77 Minister's general powers**

- (1) Section 41(1)(c) of the principal Act is hereby amended by omitting the words “acclimatisation societies,”.
- (2) Section 41(1) of the principal Act is hereby further amended by inserting, after paragraph (f), the following paragraph:
  - (fa) protect and preserve wildlife that are absolutely protected under this Act:

**78 Tenancies**

Section 43 of the principal Act is hereby amended by omitting the words “acclimatisation society”, and substituting the words “Fish and Game Council”.

**79 Delegation of Minister's powers**

Section 44(1A) of the principal Act (as inserted by section 8 of the Wildlife Amendment Act 1980) is hereby amended by omitting the words “any society, or body, or person”, and substituting the words “any body or person”.

**80 Director-General may authorise taking or killing of wildlife for certain purposes**

The principal Act is hereby amended by repealing section 53, and substituting the following section:

53

- (1) The Director-General may from time to time in writing authorise any specified person to catch alive or kill for any purpose approved by the Director-General any absolutely protected or partially protected wildlife or any game or any other species of wildlife the hunting or killing of which is not for the time being permitted.
- (2) The Director-General may from time to time in writing authorise any specified person—
  - (a) to catch alive or otherwise obtain alive any absolutely protected or partially protected wildlife or any game or any other species of wildlife the taking of which is not for the time being permitted; or
  - (b) to take or otherwise obtain the eggs of any such wildlife or game, for the purpose of distributing or exchanging the same in any other country or in some other part of New Zealand, or for any scientific or other purpose approved by the Director-General, or for the purpose of rearing any such wildlife or game, or for the purpose of hatching any such eggs and of rearing any progeny arising from that hatching,—

and may in any such authority authorise the holder to have any such wildlife or game or eggs or progeny in his or her or its possession for any of the purposes specified in this subsection, and may in any such authority authorise the holder

- to liberate any such wildlife or game or progeny in such area and during such period as may be specified in the authority.
- (3) The Director-General may give to any Fish and Game Council any written authority that may be given under subsection (1) or subsection (2) of this section in respect of game.
- (4) Where any such authority is given to a Fish and Game Council, the powers that may be exercised by the Council pursuant to that authority may be exercised on its behalf by any officer or employee of the Council or by any other person authorised in writing by the Council.
- (5) Any authority granted under any of the foregoing provisions of this section may contain such conditions as the Director-General may impose. Without limiting the general power of the Director-General to impose any conditions, the Director-General may in any such authority impose all or any of the following conditions:
- (a) prescribing the means by which any such wildlife or game or eggs may be caught or killed or taken:
  - (b) prescribing the areas in which any such wildlife or game or eggs may be caught or killed or taken:
  - (c) providing for the sale or other disposal of any such wildlife or game or eggs:
  - (d) prescribing the duration of the authority:
  - (e) providing for the revocation of the authority and for the issue of any other authority in its place:
  - (f) providing for the furnishing of returns of the numbers of any such wildlife or game or eggs caught, killed, or taken:
  - (g) in respect of any authority issued pursuant to subsection (2) or subsection (3) of this section,—
    - (i) prescribing the areas in which any such wildlife or game may be kept or any such eggs may be hatched and any such progeny reared:
    - (ii) prescribing the types of cages, runs, or other enclosures in which any such wildlife or game or progeny may be kept:
    - (iii) providing for the planting of any plants or of any specified kind of plants in or adjacent to any such cage, run, or other enclosure:
    - (iv) prescribing the areas where any such wildlife or game or progeny may be liberated:
    - (v) providing for inspection by officers or servants of the Department at all reasonable times.
- (6) Notwithstanding anything in any other provision of this Act, any authority issued under this section may contain conditions authorising the holder to use,

for the purpose of catching alive or killing any wildlife or game, any live decoys or any net or noose or trap or any firearm or any other method the use of which is otherwise expressly prohibited by this Act or by any regulations made under this Act.

- (7) Every person to whom any authority is granted under or pursuant to this section or, where the authority is given to a Fish and Game Council, the Council and every officer or employee of the Council or other person exercising the powers of the Council pursuant to that authority who commits a breach of or fails to comply with any condition on which the authority was granted commits an offence against this Act.

### **81 Director-General may authorise hunting or killing of wildlife causing damage**

- (1) Section 54(1) of the principal Act is hereby amended by omitting the words “or the society for the district in which the land is situated,”.
- (2) Section 54 of the principal Act is hereby further amended by repealing subsection (2), and substituting the following subsections:
- (2) The Director-General may give to any Fish and Game Council any written authority that may be given under subsection (1) of this section in respect of game.
- (3) The provisions of subsections (4), (6), and (7) of section 53 of this Act shall apply with respect to any authority granted under this section.

### **82 Ownership of animals**

Section 57 of the principal Act is hereby amended—

- (a) by repealing subsection (1):
- (b) by omitting from subsection (3) the words “Subject to the provisions of subsection (1) of this section,”.

### **83 Person in pursuit of wildlife to comply with demand by authorised officer**

Section 61(3) of the principal Act is hereby amended by repealing paragraph (c).

### **84 Evidence of boundaries, etc.**

Section 69(1) of the principal Act is hereby amended by omitting the words “or acclimatisation district or wildlife district” (as inserted by section 11 of the Wildlife Amendment Act 1959), and substituting the words “or wildlife district”.

### **85 Forfeitures**

Section 70(4) of the principal Act (as added by section 3 of the Wildlife Amendment Act 1971) is hereby amended—

- (a) by omitting the words “an acclimatisation society other than a department of State”, and substituting the words “a Fish and Game Council”;
- (b) by omitting the word “society”, where it secondly, thirdly, and fourthly occurs, and substituting in each case the word “Council”.

## **86 Regulations**

Section 72 of the principal Act is hereby amended—

- (a) by repealing paragraphs (p), (q), (r), and (s) of subsection (2);
- (b) by repealing subsection (4).

## **87 Repeals, savings, and consequential amendments**

Section 73(3) of the principal Act is hereby repealed.

## **88 Repeals**

The following enactments are hereby consequentially repealed:

- (a) sections 4 and 5 of the Wildlife Amendment Act 1956;
- (b) section 11 of the Wildlife Amendment Act 1959;
- (c) section 6 and paragraph (9) of section 7(2) of the Wildlife Amendment Act 1964.

## **89 Assets and liabilities of acclimatisation societies**

(1) Notwithstanding section 74 of this Act, the following provisions shall apply with respect to acclimatisation societies in existence and registered or deemed to be registered under the Wildlife Act 1953 immediately before the commencement of that section, and to those assets of any former acclimatisation society that are being held in trust or otherwise held at the commencement of this Act:

- (a) by the 31st day of August 1990, each society shall forward to the Minister of Conservation—
  - (i) a report of its operations since the end of the previous financial year; and
  - (ii) an audited statement of accounts showing in detail its receipts and expenditure since the end of the previous financial year; and
  - (iii) such other information relating to its assets and liabilities as the Minister may require:
- (b) the Minister shall identify the assets and liabilities of each society and transfer those assets and liabilities (including all real and personal property, money, contracts, and engagements) to the Transitional New Zealand Fish and Game Council and Transitional Fish and Game Councils, as the Minister considers appropriate; and those assets and liabilities shall vest in the Transitional Councils to which they are so transferred:

- (c) the Minister may transfer to an appropriate Transitional Council any assets of a former acclimatisation society that are being held in trust at the commencement of this Act:
  - (d) on the disestablishment of Transitional Councils, the Minister shall transfer their assets and liabilities to the New Zealand Fish and Game Council and Fish and Game Councils, as the Minister considers appropriate; and those assets and liabilities shall vest in the Councils to which they are so transferred:
  - (e) all proceedings pending by or against any society may be carried on, completed, and enforced by or against the Fish and Game Council for the area in which that society formerly operated before the commencement of this Act:
  - (f) district Land Registrars are hereby directed and empowered to do all such things as are reasonably necessary to give effect to the transfer of any land under this subsection.
- (2) Subject to subsection (3) of this section, any person who, immediately before the commencement of section 74 of this Act, was an employee of any acclimatisation society, shall be offered employment by the Transitional Fish and Game Council established for the area in which that society operated for a period of not less than 6 months commencing from the date of the commencement of this Act, on terms and conditions of employment no less favourable than the terms and conditions of employment applying immediately before the commencement of that section to that person's employment with that society.
- (3) Any person who, immediately before the commencement of section 74 of this Act, was an employee of either the Council of North Island Acclimatisation Societies or the Council of South Island Acclimatisation Societies, shall be offered employment by the Transitional New Zealand Fish and Game Council for a period of not less than 6 months commencing from the date of the commencement of this Act, on terms and conditions of employment no less favourable than the terms and conditions of employment applying immediately before the commencement of that section to that person's employment with that Council.
- (4) Every person who accepts employment under subsection (2) of this section shall, if so requested in writing by the Minister, provide the Minister with such assistance as the Minister may reasonably require for the purposes of paragraphs (b) and (c) of subsection (1) of this section.
- (5) Notwithstanding section 74 of this Act, all fish and game licences issued under any enactment by acclimatisation societies or conservancy councils, and District Anglers Notices issued by acclimatisation societies under the Fisheries Act 1983, shall continue in force according to their tenor until revoked or cancelled or replaced.



- (6) Notwithstanding anything in subsection (1) of this section, the Minister may transfer to the New Zealand Fish and Game Council or any Fish and Game Council all or any of the following:
- (a) the assets of the Council of North Island Acclimatisation Societies:
  - (b) the assets of the Council of South Island Acclimatisation Societies:
  - (c) the assets of the National Executive of Acclimatisation Societies:
  - (d) the assets vested in or held by the Minister or any department of State in his or her or its capacity as the person having control of an acclimatisation district under the Wildlife Act 1953;—

and, upon such transfer, the following provisions apply:

- (e) the assets so transferred shall vest in the New Zealand Fish and Game Council or the Fish and Game Council, as the case may be:
- (f) nothing in the Public Works Act 1981 or in Part 4A of the Conservation Act 1987 shall apply in respect of any such transfer of assets:
- (g) all proceedings pending by or against the Council or Executive whose assets are so transferred, or by or against the Minister or a department of State in his or her or its capacity as the person having control of such a district, may be carried on, completed, and enforced by or against the body to whom the assets are so transferred:
- (h) District Land Registrars are hereby directed and empowered to do all such things as are reasonably necessary to give effect to the transfer of any land under this subsection.

Section 89(6): added, on 13 March 1996, by section 10 of the Wildlife Amendment Act 1996 (1996 No 2).

## **Part 4**

### **Amendments to Reserves Act 1977**

#### **90 Part to be read with Reserves Act 1977**

This Part of this Act shall be read together with and deemed part of the Reserves Act 1977 (in this Part of this Act referred to as the principal Act).

#### **91 Interpretation**

Section 2(1) of the principal Act is hereby amended by repealing the definitions of the terms “National Parks and Reserves Authority” (as substituted by section 80(1) of the National Parks Act 1980) and “Nature Conservation Council”, and substituting, in their appropriate alphabetical order, the following definitions:

**Authority** means the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987

**Conservation Board** means a Conservation Board established under section 6L of the Conservation Act 1987

**conservation management plan** means a conservation management plan approved under section 40B of this Act

**conservation management strategy** means a conservation management strategy approved under section 17F of the Conservation Act 1987

## 92 Rangers

Section 8 of the principal Act is hereby amended by adding the following subsection:

- (12) Every warranted officer within the meaning of the Conservation Act 1987 shall by virtue of that person's office be deemed to be a ranger appointed by the Minister to exercise duties generally throughout New Zealand.

## 93 Committees

Section 9 of the principal Act is hereby amended by repealing subsection (3) (as substituted by section 80(1) of the National Parks Act 1980), and substituting the following subsection:

- (3) The Minister may appoint the Authority or any Conservation Board to be a committee for the purposes of this section.

## 94 New Part 2A inserted into principal Act

The principal Act is hereby amended by inserting, after Part 2, the following Part:

### Part 2A Policy

#### 15A General policy

- (1) The Minister may approve statements of general policy for the implementation of this Act and for any reserve or reserves of any class or description; and may from time to time amend any such statement in the light of changing circumstances or increased knowledge.
- (2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.
- (3) The administering body shall in the exercise of its functions comply with general policies under this section.
- (4) For the purposes of this section, sections 17B (except subsections (1) and (2)) and 17N (except subsection (2)) of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies, subject to the following provisions:

- (a) where the draft policy relates solely to the implementation of this Act in relation to reserves administered by bodies other than the Department, the Minister may approve the draft without consulting the Authority; and, in that case,—
  - (i) the Director-General shall send the draft and the summary prepared under section 17B(3)(i) of that Act directly to the Minister; and
  - (ii) paragraphs (j) to (l) of section 17B(3) of that Act shall not apply:
- (b) no such general policy shall restrict or affect the exercise of any legal right or power by any person other than the Minister or the Director-General or an administering body.

**95 Functions of administering body**

Section 40 of the principal Act is hereby amended by adding the following subsection:

- (2) Every administering body of a reserve that includes any part of the Whanganui River shall, in carrying out its functions, have regard to the spiritual, historical, and cultural significance of the river to the Whanganui iwi.

**96 New sections relating to management planning inserted into principal Act**

The principal Act is hereby amended by inserting, after section 40, the following sections:

**40A Conservation management strategies**

- (1) Every conservation management strategy shall implement statements of general policy and establish objectives for the management of reserves administered by the Department under this Act.
- (2) Nothing in any conservation management strategy shall derogate from the relevant provisions of this Act or the purpose for which a reserve is held.
- (3) The Department shall manage such reserves in accordance with conservation management strategies.
- (4) While any conservation management strategy affecting a reserve administered by the Department is in force, conservation management plans in respect of that reserve—
  - (a) shall not be required to be reviewed:
  - (b) may be revoked by the Director-General, after giving notice in accordance with section 119 of this Act; and section 120 of this Act shall, with any necessary modifications, apply with respect to every such notice.

**40B Conservation management plans in respect of reserves administered by Department**

- (1) The purpose of a conservation management plan under this section is to implement conservation management strategies and to establish objectives for the management of a reserve or reserves administered by the Department, according to the purpose or purposes for which that reserve is classified or those reserves are classified.
- (2) Nothing in section 41 of this Act shall apply in respect of any conservation management plan under this section.
- (3) Any such plan may relate to any reserve or reserves of any classification.
- (4) The Department shall manage such reserves in accordance with conservation management plans.
- (5) Nothing in any conservation management plan shall derogate from any provision in—
  - (a) this Act or any other Act; or
  - (b) any general policy approved under section 15A of this Act; or
  - (c) any conservation management strategy.
- (6) Every management plan in force at the commencement of this section, that has been approved under section 41 of this Act in respect of a reserve administered by the Department, is hereby deemed to be approved as a conservation management plan under this section, and shall have effect accordingly.
- (7) Every draft management plan that, at the commencement of this section, is proposed to be approved under section 41 of this Act in respect of a reserve administered by the Department, is hereby deemed to be a draft conservation management plan prepared under this section, and may be approved accordingly.
- (8) For the purposes of this section, sections 17E (except subsections (1), (4), and (6)), 17G, and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to management plans under this section.

**97 Use of reserve for communications station**

Section 48A(4) of the principal Act (as inserted by section 2 of the Reserves Amendment Act 1981) is hereby amended by omitting the words “the approved management plan for the reserve”, and substituting the words “a conservation management strategy or an approved conservation management plan or other management plan approved for the reserve”.

**98 Leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases)**

*[Repealed]*

Section 98: repealed, on 1 July 1996, by section 8(2) of the Reserves Amendment Act 1996 (1996 No 3).

**99 Leasing powers in respect of scenic reserves**

*[Repealed]*

Section 99: repealed, on 1 July 1996, by section 9(2) of the Reserves Amendment Act 1996 (1996 No 3).

**100 Powers in respect of nature reserves**

Section 57(8) of the principal Act (as substituted by section 6 of the Reserves Amendment Act 1983) is hereby amended by inserting, after the word “approved”, the words “conservation management strategy, conservation management plan, or”.

**101 Leasing powers in respect of historic reserves**

*[Repealed]*

Section 101: repealed, on 1 July 1996, by section 10(2) of the Reserves Amendment Act 1996 (1996 No 3).

**102 Powers in respect of scenic reserves**

Section 59(8) of the principal Act (as added by section 8 of the Reserves Amendment Act 1983) is hereby amended by inserting, after the word “approved”, the words “conservation management strategy, conservation management plan, or”.

**103 Commissioner may authorise person to carry on trade, business, or occupation within reserve**

Section 59A of the principal Act (as inserted by section 2 of the Reserves Amendment Act 1988) is hereby amended—

- (a) by omitting from subsection (2) the words “the management plan of the reserve concerned”, and substituting the words “a conservation management strategy, conservation management plan, or management plan applicable to the reserve concerned”;
- (b) by omitting from subsection (7) the words “the reserve’s management plan”, and substituting the words “any conservation management strategy, conservation management plan, and management plan applicable to the reserve,”.

**104 Bylaws**

Section 106(1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

- (c) prescribing the conditions on which persons shall have access to or be excluded from any reserve or any part of a reserve, or on which persons may use any facility (including any building) in a reserve, and fixing charges for the admission of persons to any part of a reserve and for the use of any such facility:

## Part 5

### Amendments to Marine Mammals Protection Act 1978

#### 105 Part to be read with Marine Mammals Protection Act 1978

This Part of this Act shall be read together with and deemed part of the Marine Mammals Protection Act 1978 (in this Part of this Act referred to as the principal Act).

#### 106 Interpretation

Section 2(1) of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

**Board** means a Conservation Board established under section 6L of the Conservation Act 1987

**Conservation Authority** means the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987

**conservation management plan** means a conservation management plan approved under section 3D of this Act

**conservation management strategy** means a conservation management strategy approved under section 17F of the Conservation Act 1987

#### 107 New sections relating to management planning inserted into principal Act

The principal Act is hereby amended by inserting, after section 3, the following sections:

##### 3A Department of Conservation to administer marine mammals and sanctuaries

The Department of Conservation shall administer and manage marine mammals and marine mammal sanctuaries in accordance with—

- (a) any statements of general policy approved under section 3B of this Act; and
- (b) any conservation management strategy and any conservation management plan for the time being in force for the area concerned.

##### 3B General policy

- (1) The Minister may approve statements of general policy for the implementation of this Act in any area or areas; and may from time to time amend any such statement in the light of changing circumstances or increased knowledge.

- (2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.
- (3) For the purposes of this section, sections 17B (except subsections (1) and (2)) and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies, subject to the following provisions:
  - (a) in addition to the consultation required by section 17B(3)(a) of that Act, the Director-General shall also consult the Director-General of Agriculture and Fisheries, the Secretary for Transport, and the Secretary for the Environment before preparing any such policy:
  - (b) as soon as practicable after a draft policy is prepared under section 17B(3) of that Act, the Director-General shall send a copy of it to each of the persons referred to in paragraph (a) of this subsection:
  - (c) before sending a draft policy to the Conservation Authority, the Director-General shall consider any comments made by the persons referred to in paragraph (a) of this subsection.

### **3C Conservation management strategies**

- (1) Every conservation management strategy shall establish objectives for the integrated management of marine mammals under this Act.
- (2) For the purposes of this section, the following provisions shall apply in addition to those in section 17F of the Conservation Act 1987:
  - (a) in addition to the consultation required by section 17F(a) of that Act, the Director-General shall consult the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all affected regional councils constituted under the Local Government Act 1974:
  - (b) in addition to the notification required by section 17F(a) of that Act, the Director-General shall also send a copy of the draft strategy to the Director-General of Agriculture and Fisheries and the Secretary for Transport:
  - (c) before sending the strategy to the Boards affected, the Director-General shall consider any comments made by the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such affected regional councils.

### **3D Conservation management plans**

- (1) The purpose of a conservation management plan under this section is to establish objectives for the management of a marine mammal sanctuary or sanctuaries.
- (2) For the purposes of this section, sections 17E (except subsections (1), (4), (6), and (7)), 17G, and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to conservation management plans under this section, subject to the following provisions:

- (a) in addition to the consultation required by section 17F(a) of that Act (as applied by section 17G(1) of that Act), the Director-General shall also consult the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all affected regional councils constituted under the Local Government Act 1974:
- (b) in addition to the notification required by section 17F(a) of that Act (as so applied), the Director-General shall also send a copy of the draft plan to the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such affected regional councils:
- (c) before sending the plans to the Boards affected, the Director-General shall consider any comments made by the Director-General of Agriculture and Fisheries, the Secretary for Transport, and all such affected regional councils.

## Part 6

### Amendments to National Parks Act 1980

#### 108 Part to be read with National Parks Act 1980

This Part of this Act shall be read together with and deemed part of the National Parks Act 1980 (in this Part of this Act referred to as the principal Act).

#### 109 Interpretation

- (1) Section 2 of the principal Act is hereby amended—
  - (a) by repealing the definition of the terms **National Parks and Reserves Authority** and **Authority**;
  - (b) by repealing the definition of the terms **National Parks and Reserves Board** and **Board**.
- (2) Section 2 of the principal Act is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:

**Authority** means the New Zealand Conservation Authority established under section 6A of the Conservation Act 1987

**Board** means a Conservation Board established under section 6L of the Conservation Act 1987

**conservation management strategy** means a conservation management strategy approved under section 17F of the Conservation Act 1987

#### 110 Wilderness areas

*[Repealed]*

Section 110: repealed, on 25 November 1994, by section 5(2) of the National Parks Amendment Act 1994 (1994 No 112).



### **111 Functions of Authority**

Section 18 of the principal Act is hereby amended—

- (a) by omitting from paragraph (b) the word “changes”, and substituting the word “amendments”;
- (b) by repealing paragraph (f).

### **112 National Parks and Reserves Authority abolished**

- (1) The National Parks and Reserves Authority is hereby abolished.
- (2) The heading above section 17, section 17, and sections 19 to 27 of the principal Act are hereby repealed.
- (3) Notwithstanding subsections (1) and (2) of this section, the National Parks and Reserves Authority shall, as soon as practicable, prepare and submit to the Minister a report on the exercise of its powers and functions in the period commencing on the 1st day of April 1989 and ending with the commencement of this Act.
- (4) A copy of the report referred to in subsection (3) of this section shall, as soon as practicable after its receipt by the Minister, be laid by the Minister before the House of Representatives.
- (5) All proceedings pending by or against the National Parks and Reserves Authority immediately before the commencement of this Act may be carried on, completed, and enforced by or against the New Zealand Conservation Authority.

### **113 Functions of Boards**

- (1) Section 30 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:
  - (a) to recommend management plans, and the review or amendment of such plans, for parks within the jurisdiction of the Board in accordance with sections 45 to 47 of this Act:
- (2) Section 30 of the principal Act is hereby further amended by repealing paragraph (e).
- (3) Section 30 of the principal Act is hereby further amended by adding the following subsection:
  - (2) The Board having jurisdiction in respect of the Whanganui National Park shall, in carrying out its functions,—
    - (a) have regard to the spiritual, historical, and cultural significance of the Whanganui River to the Whanganui iwi; and
    - (b) seek and have regard to the advice of the Whanganui River Maori Trust Board on any matter that involves the spiritual, historical, and cultural significance of the park to the Whanganui iwi.

**114 National Parks and Reserves Boards abolished**

- (1) Every National Parks and Reserves Board established under section 29 of the principal Act is hereby abolished.
- (2) The heading above section 29, section 29, and sections 31 to 38 of the principal Act are hereby repealed.

**115 Rangers**

Section 40(8) of the principal Act is hereby amended by inserting, after the word “constable,”, the words “every warranted officer appointed under subsection (1) or deemed to have been appointed by subsection (9) of section 59 of the Conservation Act 1987.”.

**116 Parks to be administered by Department**

Section 43 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

- (aa) any conservation management strategy for the time being in force in respect of a park; and

**117 New heading and section relating to regional management strategies inserted into principal Act**

The principal Act is hereby amended by inserting, after section 44, the following heading and section:

*Conservation Management Strategies*

**44A Conservation management strategies**

- (1) Every conservation management strategy shall establish objectives for the management of national parks and any areas within any such parks, in the area to which it relates.
- (2) Nothing in any management plan shall derogate from the provisions of any conservation management strategy.

**118 Amendment and review of management plans**

The principal Act is hereby amended by repealing section 46, and substituting the following section:

46

- (1) The Director-General and the Board affected shall amend or review the management plan so that it takes account of increased knowledge or changing circumstances.
- (2) A management plan may be reviewed in whole or in part.
- (3) Every such plan shall be reviewed and that review approved as a whole at intervals of not more than 10 years in accordance with section 47 of this Act.

- (4) Subject to subsection (5) of this section, every amendment under this section shall be made in accordance with sections 47 (except subsection (1)) and 48 of this Act.
- (5) Where any such amendment is of such a nature that the Director-General and the Board affected consider that it will not materially affect the objectives or policies expressed in the plan or the public interest in the area concerned, the amendment shall be dealt with in accordance with sections 47 (except subsections (1) to (3)) and 48 of this Act.

### **119 Procedure for preparing and reviewing management plans**

- (1) Section 47(1) of the principal Act is hereby amended by omitting the words “and shall, on the direction of that Board,” and substituting the words “, and shall”.
- (2) Section 47(2) of the principal Act is hereby amended—
  - (a) by omitting the words “, on the direction of the Board,”;
  - (b) by omitting from paragraph (c) the words “at places decided by the Board, and” (as substituted by section 65(1) of the Conservation Act 1987), and substituting the words “at places decided by the Director-General, and”.
- (3) Section 47 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:
  - (3) The Board and the Director-General shall give every person or organisation who or which, in making any comments under subsection (2) of this section, asked to be heard in support of his or her or its comments a reasonable opportunity of appearing before a meeting of the representatives of the Board and the Director-General in support of his or her or its comments.
- (4) Section 47 of the principal Act is hereby further amended by repealing subsections (4) and (5), and substituting the following subsections:
  - (4) The Director-General may, after considering all comments and submissions made under subsections (2) and (3) of this section, amend any draft management plan in such manner as the Director-General thinks fit, and shall send it to the Board.
  - (5) The Board shall consider the amendments made by the Director-General under subsection (4) of this section, and shall either—
    - (a) send the draft back to the Director-General for further consideration and revision and after such consideration send the draft to the Authority for approval; or
    - (b) send the draft to the Authority for approval.
  - (6) With every recommendation made under subsection (5) of this section, the Board shall also send to the Authority—

- (a) a summary of the comments received and a statement of the extent to which they have or have not been accepted; and
- (b) statements of any matters relating to the management plan on which the Director-General and the Board have been unable to reach agreement.

## 120 Particular powers of Minister

*[Repealed]*

Section 120: repealed, on 1 July 1996, by section 5(2)(b) of the National Parks Amendment Act 1996 (1996 No 4).

## 121 Accommodation within parks

- (1) Section 50(1) of the principal Act is hereby amended—
  - (a) by inserting in paragraph (a), after the words “accommodation houses,”, the word “hotels,”;
  - (b) *[Repealed]*
- (2) Section 50 of the principal Act is hereby further amended by adding the following subsections:
  - (3) Notwithstanding subsection (1) of this section, where there is no management plan for a park, the Minister may, in relation to that park, grant leases and licences under paragraphs (b) and (d) of that subsection for a period not exceeding 2 years, if the Minister is satisfied that no significant national park values are likely to be affected by the grant of any such lease or licence.
  - (4) Notwithstanding subsection (1) or subsection (3) of this section, the Minister may grant a lease or licence of any hotel, accommodation house, or facility that was established in any park before the commencement of this subsection, whether or not the grant of any such lease or licence is authorised by either of those subsections.
  - (5) While a lease or licence granted under subsection (4) of this section is in force, the following provisions shall apply:
    - (a) the person or body carrying out any review of the management plan for the park shall have regard to the provisions of that lease or licence;
    - (b) before granting a new lease or licence in place of that lease or licence, or a renewal of that lease or licence, the Minister shall have regard to the provisions of the management plan (if any) that is for the time being in force for the park.

Section 121(1)(b): repealed, on 1 July 1996, by section 5(2)(b) of the National Parks Amendment Act 1996 (1996 No 4).

**122 Application of section 11 and Part 10 of the Resource Management Act 1991 to sale of certain hotels**

- (1) Subject to subsection (2) of this section, nothing in section 11 and Part 10 of the Resource Management Act 1991 shall apply to the sale or transfer of the leasehold interest in any of the following Tourist Hotel Corporation hotels:
  - (a) the Milford Hotel in Fiordland National Park:
  - (b) the Hermitage Hotel in Mount Cook National Park:
  - (c) the Glencoe Lodge in Mount Cook National Park:
  - (d) the Chateau Hotel in Tongariro National Park.
- (2) The exemptions conferred by subsection (1) of this section shall not apply to the granting of any other leases of National Park land or to any subsequent subdivision by the lessee of that land upon which the hotels currently exist.

Section 122(1): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 122(2): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991.

**123 Application of section 14(3) of Conservation Act 1987 to certain leases and licences**

Notwithstanding section 52 of the principal Act, nothing in section 14(3) of the Conservation Act 1987 shall apply to the grant of any lease or licence under section 49 or section 50 of the principal Act in respect of any hotel referred to in section 122 of this Act.

**124 Bylaws**

Section 56(1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

- (d) prescribing the conditions on which persons shall have access to or be excluded from any park or any part of any park, or on which persons may use any building or facility in a park, and fixing charges for the admission of persons to any part of any park set apart for any specified purpose of public recreation and for the use of any such building or facility:

**125 Ranger may stop and search boats, vehicles, premises, and possessions in park**

- (1) Section 65 of the principal Act is hereby amended by inserting, after the words “within any park,”, the words “at any time that is reasonable in the circumstances,”.
- (2) Section 65 of the principal Act is hereby further amended by adding the following subsection:
  - (2) When exercising any power conferred by this section, a ranger shall produce evidence of his or her identity and authority whenever reasonably requested to do so.

**126 Stopping and searching boats outside parks**

- (1) Section 66(1) of the principal Act is hereby amended by inserting in paragraph (a), before the word “Stop”, the words “At any time that is reasonable in the circumstances,”.
- (2) Section 66 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:
- (3) When exercising any power conferred by subsection (1) of this section, an authorised officer shall produce evidence of his or her identity and authority whenever reasonably requested to do so.

**127 Schedule 1 amended**

Schedule 1 to the principal Act is hereby amended—

- (a) by repealing so much of that Schedule as relates to the Petroleum Act 1937:
- (b) by repealing so much of that Schedule as relates to the Nature Conservation Council Act 1962:
- (c) by repealing so much of that Schedule as relates to section 26(8)(a) of the Mining Act 1971:
- (d) by repealing so much of that Schedule as relates to the Ombudsmen Act 1975:
- (e) by repealing so much of that Schedule as relates to the Reserves Act 1977.

**Part 7****Amendments to Fisheries Act 1983**

*[Repealed]*

Part 7: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**128 Part to be read with Fisheries Act 1983**

*[Repealed]*

Section 128: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**129 Interpretation**

*[Repealed]*

Section 129: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**130 Fishery management plan**

*[Repealed]*

Section 130: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**131 Procedure in relation to plans**

*[Repealed]*

Section 131: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**132 Emergency amendments to plan**

*[Repealed]*

Section 132: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**133 Minister may impose emergency restrictions before introduction of plan**

*[Repealed]*

Section 133: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**134 Minister may restrict fishing**

*[Repealed]*

Section 134: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**135 Restrictions on purchase or acquisition of fish by certain persons**

*[Repealed]*

Section 135: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**136 Repeal**

*[Repealed]*

Section 136: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**137 Issue of warrants**

*[Repealed]*

Section 137: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**138 Powers of seizure**

*[Repealed]*

Section 138: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**139 Pollution of marine waters**

*[Repealed]*

Section 139: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**140 Determination of closed seasons for fishing**

*[Repealed]*

Section 140: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**141 Closed season in exclusive economic zone**

*[Repealed]*

Section 141: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**142 Repeal**

*[Repealed]*

Section 142: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**143 Ownership and possession of fish**

*[Repealed]*

Section 143: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**144 Penalties**

*[Repealed]*

Section 144: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**145 Provisions relating to forfeited property and quota**

*[Repealed]*

Section 145: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**146 Repeals**

*[Repealed]*

Section 146: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).

**147 Amendment to Conservation Act 1987**

*[Repealed]*

Section 147: repealed on 1 October 2001, by section 314(2)(k) of the Fisheries Act 1996 (1996 No 88).



## Schedule Enactments amended

Section 37

Schedule **Local Government Act 1974**: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

Schedule **Local Government Official Information and Meetings Act 1987**: repealed, on 1 October 1991, pursuant to section 7(2)(e) of the Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54).

Schedule **Mining Act 1971**: repealed, on 1 October 1991, pursuant to section 121 of the Crown Minerals Act 1991 (1991 No 70).

Schedule **Ministry of Agriculture and Fisheries Amendment Act 1972**: repealed, on 1 July 1995, by section 4(1)(g) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

Schedule **Petroleum Act 1937**: repealed, on 1 October 1991, pursuant to section 121 of the Crown Minerals Act 1991 (1991 No 70).

Schedule **Town and Country Planning Act 1977**: repealed, on 1 October 1991, pursuant to section 362 of the Resource Management Act 1991 (1991 No 69).

### **Forest and Rural Fires Act 1977 (1977 No 52)**

By omitting from paragraph (j) of the definition of the term **State area** in section 2 (as substituted by section 2(4) of the Forest and Rural Fires Amendment Act 1989) the words “section 58(1) of the Land Act 1948”, and substituting the words “Part IVA of the Conservation Act 1987”.

By omitting from section 32 the words “section 58 of the Land Act 1948”, and substituting the words “Part IVA of the Conservation Act 1987”.

### **Land Act 1948 (1948 No 64)**

By repealing section 58.

### **Maori Purposes Act 1959 (1959 No 90)**

By repealing section 14 (as substituted by section 108(5) of the Fisheries Act 1983), and substituting the following section:

#### **14 Modification of provisions of Conservation Act 1987**

The operation of the Conservation Act 1987, in its application to the Lake, is hereby modified as follows:

- (a) Section 26ZO of that Act shall not apply:
- (b) Section 26R(4)(b) of that Act shall apply as if the Trustees were a Fish and Game Council established under that Act, and the words “the area” in that provision were the words “the Lake”.

**Official Information Act 1982 (1982 No 156)**

By omitting from Schedule 1 the items “National Parks and Reserves Boards” (as inserted by section 57(1) of the Local Government Official Information and Meetings Act 1987) and “Nature Conservation Council”.

By inserting in Schedule 1, in their appropriate alphabetical order, the following items:

Conservation Boards  
Fish and Game Councils  
Transitional Fish and Game Councils.

**Ombudsmen Act 1975 (1975 No 9)**

By omitting from Part 2 of Schedule 1 the item “National Parks and Reserves Authority” (as substituted by section 80(1) of the National Parks Act 1980).

By inserting in Part 2 of Schedule 1, in their appropriate alphabetical order, the following items:

The New Zealand Fish and Game Council.  
The New Zealand Conservation Authority.  
The Transitional New Zealand Fish and Game Council.

By omitting from Part 3 of Schedule 1 the item “National Parks and Reserves Boards” (as substituted by section 80(1) of the National Parks Act 1980).

By inserting in Part 3 of Schedule 1, in their appropriate alphabetical order, the following items:

Conservation Boards.  
Fish and Game Councils.  
Transitional Fish and Game Councils.

**Public Works Act 1981 (1981 No 35)**

By adding to the definition of the term **government work** in section 2 (as substituted by section 2(2) of the Public Works Amendment Act (No 2) 1987) the words “; and includes land held or to be acquired for the purposes of the Conservation Act 1987 or any of the Acts specified in the First Schedule to that Act, even where the purpose of holding or acquiring the land is to ensure that it remains in an undeveloped state”.

**State-Owned Enterprises Act 1986 (1986 No 124)**

By omitting from section 24(2)(b) the words “section 58 of the Land Act 1948”, and substituting the words “Part IVA of the Conservation Act 1987”.

**State-Owned Enterprises Amendment Act 1987 (1987 No 117)**

By repealing so much of Part A of Schedule 1 as relates to section 6(2)(b) of the Fisheries Act 1983.

**State-Owned Enterprises Amendment Act 1987 (1987 No 117)—continued**

By repealing so much of Part A of Schedule 1 as relates to the definition of the term **acclimatisation district** in section 2 of the Fisheries Act 1983.

By repealing so much of Part A of Schedule 1 as relates to section 75A of the Fisheries Act 1983.

**Wild Animal Control Act 1977 (1977 No 111)**

By inserting in section 2, after the definition of the term **commercial**, the following definition:

**conservation management strategy** means a conservation management strategy approved under the Conservation Act 1987

By inserting in section 5(1), after paragraph (c), the following paragraph:

- (ca) approve statements of general policy for the implementation of this Act, and approve amendments to such statements in the light of changing circumstances or increased knowledge:

By inserting, after section 5, the following sections:

**5A General provisions relating to general policies and wild animal control plans**

- (1) Nothing in any wild animal control plan or statement of general policy under section 5 of this Act shall derogate from-
- (a) any provision in this Act or other enactment; or
  - (b) any provision in any conservation management strategy.
- (2) For the purposes of section 5(1)(ca) of this Act, sections 17B (except subsections (1) and (2)) and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies.

**5B Management of wild animals-The Minister shall administer and manage wild animals in accordance with**

- (a) statements of general policy under section 5(1)(ca) of this Act; and
- (b) wild animal control plans under section 5(1)(d) of this Act; and
- (c) conservation management strategies.

**Contents**

- 1 General
- 2 About this eprint
- 3 List of amendments incorporated in this eprint (most recent first)

**Notes****1 General**

This is an eprint of the Conservation Law Reform Act 1990. The eprint incorporates all the amendments to the Act as at 1 July 2013. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint (most recent first)**

Criminal Procedure Act 2011 (2011 No 81): section 413

Local Government Act 2002 (2002 No 84): section 266

Fisheries Act 1996 (1996 No 88): section 314(2)(k)

National Parks Amendment Act 1996 (1996 No 4): section 5(2)(b)

Reserves Amendment Act 1996 (1996 No 3): sections 8(2), 9(2), 10(2)

Wildlife Amendment Act 1996 (1996 No 2): section 10

Conservation Amendment Act 1996 (1996 No 1): sections 7(5)(b), 15(2)(a), 32(3)

Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31): section 4(1)(g)

National Parks Amendment Act 1994 (1994 No 112): section 5(2)

Electricity Act 1992 (1992 No 122): section 173(2)

Crown Minerals Act 1991 (1991 No 70): section 121

Resource Management Act 1991 (1991 No 69): section 362

Local Government Official Information and Meetings Amendment Act 1991 (1991 No 54): section 7(2)(e)