

Version  
as at 28 October 2021



## Forests (West Coast Accord) Act 2000

Public Act      2000 No 45  
Date of assent      20 October 2000  
Commencement      see section 2

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry for Primary Industries.**

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## 1 Title

This Act is the Forests (West Coast Accord) Act 2000.

## 2 Commencement

- (1) Except as provided in subsection (2), this Act comes into force on the day after the date on which it receives the Royal assent.
- (2) Part 1 is deemed to have come into force on 15 May 2000.

## 3 Interpretation

In this Act, unless the context otherwise requires,—

**concession, Conservation Board, and conservation management strategy** have the same meanings as in section 2(1) of the Conservation Act 1987

**existing encumbrance** means an easement, licence, lease, permit, or other right or authority for the time being in force

**new Minister** means the Minister responsible for the administration of the Act to which the land is subject as a result of a declaration under section 8(1)

**responsible Ministers** has the same meaning as in section 2(1) of the Crown Forest Assets Act 1989

**West Coast Accord** means—

- (a) the agreement dated 6 November 1986 and executed by the Minister for the Environment on behalf of the Crown and by the West Coast United Council, Native Forests Action Council, Royal Forest and Bird Protection Society of New Zealand, Federated Mountain Clubs of New Zealand, West Coast Timber Association, and Westland Timber Workers' Union; and
- (b) any express or implied term in the agreement; and
- (c) any amendment to the agreement.

**4 Act to bind the Crown**

This Act binds the Crown.

**Part 1**

**Cancellation of West Coast Accord**

**5 Cancellation of West Coast Accord**

The West Coast Accord is cancelled on 15 May 2000.

**6 Effect of cancellation**

The effect of cancelling the West Coast Accord is that, on and from the cancellation,—

- (a) to the extent that the West Coast Accord remains unperformed at the time of the cancellation, no party is obliged or entitled to perform it further; and
- (b) to the extent that the West Coast Accord has already been performed at the time of the cancellation, no party is, merely because of the cancellation, to be divested of any property transferred or money paid under it.

**7 No compensation**

No compensation is payable by the Crown to any person for any loss or damage arising from the enactment or operation of this Part.

**Part 2**

**Enabling change of status of West Coast indigenous production forest land**

**8 Land status may be changed by declaration**

- (1) The responsible Ministers may jointly, by notice in the *Gazette* describing the relevant land, declare any land (or part of land) identified in Schedule 1 to be—

- (a) held under the Conservation Act 1987 for conservation purposes and any other purposes specified in the notice; or
  - (b) set apart as a reserve, or added to an existing reserve, and classified under the Reserves Act 1977 for any purposes specified in the notice; or
  - (c) added to a national park under the National Parks Act 1980; or
  - (d) Crown land subject to the Land Act 1948.
- (2) Before making a declaration under subsection (1), the responsible Ministers must consult with the Minister of Conservation, the Minister of Forestry, and the Minister for Land Information.
- (3) The following provisions apply in relation to a proposal to add land to a national park under subsection (1)(c):
- (a) the responsible Ministers must not make a declaration under that provision unless the Minister of Conservation recommends that they do so:
  - (b) the Minister of Conservation must not make a recommendation under paragraph (a) except on the recommendation of the New Zealand Conservation Authority made after consultation with the appropriate Conservation Board:
  - (c) an investigation of the proposal may occur under section 8 of the National Parks Act 1980 as if it were a proposal to add land to a national park under section 7(1)(b) of that Act:
  - (d) during an investigation (if any) under section 8 of the National Parks Act 1980, a declaration may be made under subsection (1)(a) or (b) of this section, and the proposal may continue to be dealt with under sections 7(1)(b), 7(2), and 8 of the National Parks Act 1980.

## **9 Effect of declaration under section 8(1)**

- (1) On the day after the date on which it is published in the *Gazette* or on any later date specified in the notice,—
- (a) a declaration under section 8(1)(a) has effect as if it were made by notice in the *Gazette* under section 7 of the Conservation Act 1987 and, if other purposes are specified in the notice, section 18 of that Act; and
  - (b) a declaration under section 8(1)(b) has effect as a reservation and classification under the Reserves Act 1977 for the purposes specified in the notice as if it were made by notice in the *Gazette* under section 16 of that Act; and
  - (c) a declaration under section 8(1)(c) has effect to add the land to a national park under the National Parks Act 1980 as if it were added by an Order in Council made by the Governor-General under section 7 of that Act; and
  - (d) a declaration under section 8(1)(d) has effect to make the land Crown land subject to the Land Act 1948.

- (2) On a declaration taking effect,—
  - (a) the land described in the notice ceases to be Crown forest land within the meaning of section 2(1) of the Crown Forest Assets Act 1989; and
  - (b) section 8(1) ceases to apply to that land.

#### **10 Change of status of land to be noted**

The Registrar-General of Land or the Chief Surveyor, as the case requires, must register a copy of a notice of a declaration under section 8(1) changing the status of land against the relevant title or record and do anything else needed to record the change of status, on receipt of a copy of the notice from either of the responsible Ministers.

#### **11 Effect of change of status of land on draft West Coast conservation management strategy**

- (1) If the West Coast conservation management strategy is in draft when a declaration is made under section 8(1)(a), (b), or (c) changing the status of land, the Director-General of Conservation may, after consulting with the West Coast Conservation Board, initiate a review of, or an amendment to, all or part of the most recent draft conservation management strategy.
- (2) The review or amendment of the draft conservation management strategy must be carried out as if the conservation management strategy had been approved under section 17F(p) of the Conservation Act 1987. Section 17H or section 17I of that Act, as the case requires, applies with all necessary modifications to the review or amendment.

#### **12 Effect of change of status of land on North Westland regional management plan**

- (1) The North Westland regional management plan (which has effect under section 65(12) of the Conservation Act 1987) does not apply to land that has its status changed by a declaration under section 8(1).
- (2) If a draft conservation management strategy is approved under section 17F(p) of the Conservation Act 1987 in relation to land that has had its status changed by a declaration under section 8(1), the North Westland regional management plan must be treated as having been withdrawn and ceases to have any effect.

#### **13 New Minister may grant easements required to comply with Ngāi Tahu deed of settlement**

- (1) The new Minister may grant any easement relating to access over land identified in Schedule 1 that the new Minister is required to grant to enable the Crown to comply with clauses 4.5 to 4.8 of attachment 7.6 of the deed of settlement (as defined in section 8 of the Ngāi Tahu Claims Settlement Act 1998).

- (2) An easement granted under subsection (1) is enforceable in accordance with its terms despite Part 3B of the Conservation Act 1987, section 59A of the Reserves Act 1977, and section 49 of the National Parks Act 1980.

#### **14 Saving of existing encumbrances in force or being negotiated at 15 May 2000**

- (1) Land that has its status changed by a declaration under section 8(1) continues to be subject to an existing encumbrance that relates to that land until the existing encumbrance expires, or is terminated or cancelled, if—
- (a) the existing encumbrance was in force on 15 May 2000 or negotiations for the existing encumbrance were entered into on or before that date; and
  - (b) the existing encumbrance is still in force immediately before the declaration takes effect.
- (2) The terms of an existing encumbrance saved by subsection (1) are enforceable despite Part 3B of the Conservation Act 1987, section 59A of the Reserves Act 1977, and section 49 of the National Parks Act 1980.
- (3) This section is subject to sections 15 to 20.

#### **15 When saving provision applies**

- (1) Section 14 applies only to the terms of the existing encumbrance as at 15 May 2000 or the date on which the existing encumbrance first came into force (whichever is later), and to any variation of those terms—
- (a) that is of a minor and technical nature; or
  - (b) that does not materially increase the adverse effects of the activity authorised by the existing encumbrance on that date or materially increase the duration of that activity or materially change the location of that activity; or
  - (c) that will result in a reduction of the adverse effects or the duration of that activity; or
  - (d) negotiations for which were entered into on or before 15 May 2000.
- (2) Section 14 continues to apply to—
- (a) an existing encumbrance that is renewed for a further term under a right of renewal conferred by the existing encumbrance:
  - (b) an existing encumbrance that is transferred to another person.

#### **16 Time limit on saving of existing encumbrances**

- (1) On the expiry of the period of 10 years after the status of land is changed by a declaration under section 8(1),—
- (a) section 14 ceases to apply to an existing encumbrance that is in force for an unspecified period in relation to that land; and

- (b) that existing encumbrance is cancelled.
- (2) To avoid doubt, if an existing encumbrance is granted in perpetuity, it is not in force for an unspecified period.
- (3) This section does not apply to existing encumbrances granted by an enactment or by the exercise of a power contained in an enactment.

#### **17 Powers under existing encumbrances to be exercised by new Minister**

If, before a declaration under section 8(1) takes effect, an existing encumbrance conferred a power on a responsible Minister or on any person appointed by the Crown to manage the land,—

- (a) the power may be exercised by the new Minister after the declaration takes effect; and
- (b) the new Minister may take all necessary proceedings to enforce the existing encumbrance, or relating to breaches of, or any act or omission contrary to, the existing encumbrance.

#### **18 Exemptions if existing encumbrances exchanged for concessions**

- (1) The purpose of this section is to provide exemptions from the concession regime under the Conservation Act 1987 for conservation areas, reserves, or national parks, so as to enable a person to exchange an existing encumbrance saved by section 14 for a concession during the life of the existing encumbrance.
- (2) If a person applies to the Minister of Conservation for a concession under the Conservation Act 1987, the Reserves Act 1977, or the National Parks Act 1980 in exchange for an existing encumbrance saved by section 14, the following provisions apply in relation to that application:
  - (a) section 17T(4) and (5) of the Conservation Act 1987 (public notice) does not apply;
  - (b) section 17U(1)(f) of the Conservation Act 1987 (Minister to have regard to submissions) and section 17U(3) of that Act (Minister not to grant application contrary to Act or purposes for which land held) do not apply;
  - (c) section 17W of the Conservation Act 1987 (relationship between concessions and conservation management strategies and plans) does not apply;
  - (d) section 17T(2) of the Conservation Act 1987 (Minister to decline application within 20 working days) does not apply to the extent that it requires the Minister of Conservation to decline an application for non-compliance or inconsistency with provisions of that Act that are excluded by this subsection or with a conservation management strategy or conservation management plan:

- (e) Part 3B of the Conservation Act 1987 is subject to the modifications in this subsection for the purposes of that Act and also section 59A of the Reserves Act 1977, section 49 of the National Parks Act 1980, and any other enactment.
- (3) If the concession is granted by the Minister of Conservation in exchange for the existing encumbrance, the existing encumbrance is cancelled.
- (4) This section is subject to section 19.

### 19 Limits on exemptions

- (1) The exemptions in section 18 apply only—
- (a) if the application for the concession is made before the existing encumbrance expires or is terminated or cancelled; and
- (b) to the extent that the activity to be authorised by the concession is an activity already authorised by the existing encumbrance saved by section 14.
- (2) Section 18 does not apply to—
- (a) an application to renew an existing encumbrance (except if the existing encumbrance is being renewed for a further term under a right of renewal conferred by the existing encumbrance); or
- (b) an application to vary an existing encumbrance.

### 20 Cancellation of existing encumbrances to be noted

The Registrar-General of Land or the Chief Surveyor, as the case requires, must record the cancellation of an existing encumbrance under section 16 or section 18 on written application by the new Minister.

### 21 Power to amend Schedule 1

- (1) The Governor-General may, by Order in Council, on the recommendation of the responsible Ministers, amend Schedule 1—
- (a) to add descriptions of West Coast indigenous production forest land owned by the Crown and managed by Timberlands West Coast Limited at the commencement of this section:
- (b) to correct descriptions of land (or parts of land).
- (2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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#### Legislation Act 2019 requirements for secondary legislation made under this section

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 21(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## **22 Consequential amendments to other Acts**

The Acts specified in Schedule 2 are amended in the manner indicated in that schedule.

## Schedule 1

### West Coast indigenous production forest land

ss 8(1), 13, 21

Land District	Forest	Description
<b>Nelson</b>	Charleston	sections 1 and 2 SO 15151 and section 1 SO 15152
	Mokihinui	sections 1, 2, 3, and 4 SO 15021, sections 1, 2, 3, 4, 5, and 6 SO 15149, and sections 1 and 2 SO 15150
	North Karamea	section 1 SO 15020
	Orikaka	section 1 SO 15014
	Te Wharau and Ohikanui	sections 1, 2, 3, 4, and 5 SO 15024, section 1 SO 15025, section 1 SO 15026, and sections 1 and 2 SO 15181
	Victoria	section 1 SO 14981, section 1 SO 14989, sections 1, 2, and 3 SO 14992, sections 1 and 2 SO 15008, sections 1 and 2 SO 15011, sections 1, 2, 3, and 4 SO 15012, section 1 SO 15015, sections 1 and 2 SO 15016, sections 1 and 2 SO 15018, sections 1 and 2 SO 15019, sections 1 and 2 SO 15022, section 1 SO 15023, sections 1, 2, 3, 4, and 5 SO 15048, section 1 SO 15051, sections 1, 2, 3, and 4 SO 15133, and sections 1, 2, and 3 SO 15148
<b>Westland</b>	Granville	section 1 SO 12034, sections 1 and 2 SO 12134, and sections 1, 2, 3, 4, 5, 6, 7, and 8 SO 12136
	Hochstetter	sections 1, 2, 3, 4, and 5 SO 12149
	Hohonu	sections 1, 2, and 3 SO 12048 and sections 1, 2, and 3 SO 12049
	Ianthe	section 1 SO 12160, section 1 SO 12161, section 1 SO 12162, and section 1 SO 12245
	Kakapotahi	sections 1 and 2 SO 12090
	Kaniere	section 1 SO 12042, section 1 SO 12043, and sections 1, 2, 3, 4, and 5 SO 12055
	Kawhaka	sections 1 and 2 SO 12023, section 1 SO 12024, sections 1 and 2 SO 12025, and section 1 SO 12151
	Kumara	R1980 on SO 4351
	Mawhera	section 1 SO 12112 and sections 1, 2, 3, 4, 5, and 6 SO 12170
	Mikonui	section 1 SO 12027, section 1 SO 12032, section 1 SO 12094, section 1 SO 12102, section 1 SO 12117, and sections 1, 2, 3, and 4 SO 12167
Nemona	sections 1, 2, 3, 4, 5, 6, and 7 SO 12140 and sections 1, 2, 3, and 4 SO 12141	
Okarito	section 1 SO 12103 and sections 1 and 2 SO 12168	

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<b>Land District</b>	<b>Forest</b>	<b>Description</b>
	Omoto	sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 SO 12145
	Otira-Kopara	sections 1 and 2 SO 12109 and section 1 SO 12143
	Paparoa	section 1 SO 12150, section 1 SO 12158, section 1 SO 12242, and RS 6256
	Poerua	sections 1, 2, and 3 SO 12135, section 1 SO 12148, sections 1, 2, 3, 4, 5, 6, and 7 SO 12169, and section 1 SO 12243
	Saltwater	section 1 SO 12113
	Toaroha	sections 1 and 2 SO 12030 and section 1 SO 12146
	Totara	sections 1 and 2 SO 12041, section 1 SO 12133, sections 1, 2, 3, and 4 SO 12165, and sections 1 and 2 SO 12241
	Tutaekuri	sections 1, 2, 3, and 4 SO 12159
	Waimea	sections 1 and 2 SO 12035 and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 SO 12171
	Wanganui	sections 1, 2, and 3 SO 12166

**Schedule 2**  
**Consequential amendments to other Acts**

s 22

**Conservation Act 1987 (1987 No 65)***Amendment(s) incorporated in the Act(s).***Crown Minerals Act 1991 (1991 No 70)***Amendment(s) incorporated in the Act(s).***National Parks Act 1980 (1980 No 66)***Amendment(s) incorporated in the Act(s).***Reserves Act 1977 (1977 No 66)***Amendment(s) incorporated in the Act(s).*

## Notes

### **1** *General*

This is a consolidation of the Forests (West Coast Accord) Act 2000 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3