

**CONSERVATION AMENDMENT BILL (NO. 3)**  
AS REPORTED FROM THE PLANNING AND DEVELOPMENT  
COMMITTEE

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THIS Bill was formerly part of the Conservation Amendment Bill (No. 2) which was introduced and referred to the Planning and Development Committee in the last Parliament on 10 June 1993 and carried over to this Parliament.

The committee has divided this Bill from the Conservation Amendment Bill (No. 2) to allow the more urgent measures comprising the Bill to be passed as soon as possible. The remaining clauses, indicated where points of ellipsis appear in the analysis and body of the Bill, have been retained by the committee for further consideration.

Amendments to the clauses of this Bill being recommended by the select committee are indicated in the usual manner. Many of the recommended amendments result from the committee's consideration of Supplementary Order Papers Nos. 246 and 262 (referred to the committee for consideration by the House on 11 and 12 August, respectively).

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## A BILL INTITULED

**An Act to amend the Conservation Act 1987 and certain other enactments**

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 Amendment Act (No. 3) 1994, and shall be read together with and deemed part of the Conservation Act 1987\* (in Part I of this Act referred to as the principal Act). 5
- (2) Except as provided in section 74 (2) of this Act, this Act shall come into force on the day on which it receives the Royal assent. 10

\*1987, No. 65

Amendments: 1988, No. 131; 1988, No. 237; 1990, No. 31, ss. 2-47; 1990, No. 106; 1993, No. 9; 1993, No. 97

New

PART I

AMENDMENTS TO PRINCIPAL ACT

5 **A3. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “Deputy Director-General”, the following definition:

“‘Director’ means the manager of the New Zealand Fish and Game Council.”

10 (2) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “Fish and Game Council”, the following definition:

“‘Fish and game ranger’ means a fish and game ranger appointed pursuant to section 26FA of this Act or deemed to be appointed under that section.”

15 (3) Section 2 (1) of the principal Act is hereby amended by omitting from the definition of the term “livestock” the words “deer” and “goat,”, and inserting, after the words “not being”, the words “a deer or goat or”.

20 **3. Land may be acquired and held for conservation purposes**—Section 7 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

25 “(1A) Notwithstanding subsection (1) of this section, in the case of any land or foreshore to which section 61 or section 62 of this Act applies, the Minister may, by notice in the *Gazette* describing it, declare that the land or foreshore is held for conservation purposes; and, subject to this Act, it shall thereafter be so held.”

30 **6. Disposal of conservation areas**—Section 16 of the principal Act is hereby amended by adding the following subsection:

“(3) Nothing in section 42 of the Public Works Act 1981 applies to the disposal of any conservation area or interest in a conservation area.”

35 **7. Exchanges of stewardship areas**—Section 16A of the principal Act (as inserted by section 11 of the Conservation Law Reform Act 1990) is hereby amended by inserting, after subsection (7), the following subsection:

“(7A) Nothing in section 40 of the Public Works Act 1981 applies to the exchange of land under this section.”

**9. Conservation management plans**—Section 17E(5)(c) of the principal Act (as inserted by section 13(1) of the Conservation Law Reform Act 1990) is hereby amended by omitting the word “regional”, and substituting the word “conservation”. 5

**10. Amendments to conservation management strategies and conservation management plans**—Section 17I(4) of the principal Act (as inserted by section 13(1) of the Conservation Law Reform Act 1990) is hereby amended by omitting the word “draft” in both places where it occurs. 10

**11. Wilderness areas**—(1) Section 20(1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph: 15

“(d) No livestock, vehicles, or motorised *(aircraft or motorised vessels (including hovercraft and jet boats) shall be allowed to be taken into or used in it)* vessels (including hovercraft and jet boats) shall be allowed to be taken into or used in it and no helicopter or other motorised aircraft shall land or take off or hover for the purpose of embarking or disembarking passengers or goods in it.” 20

(2) Section 20 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection: 25

“(3) If satisfied that the undertaking of any scientific test or study in a wilderness area is necessary or desirable for the preservation of indigenous natural resources, the Minister may authorise it.” 30

*New*

**11A. Establishment and powers of New Zealand Fish and Game Council**—Section 26B of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by adding, as subsections (2) and (3), the following subsections: 35

*New*

“(2) The New Zealand Fish and Game Council shall be a body corporate with perpetual succession and a common seal, and, except as provided in this Act, shall have—

5 “(a) The rights, powers, and privileges of a natural person; and

“(b) The power to do anything it is authorised to do by or under—

10 “(i) This Act; or

“(ii) Any other enactment; or

“(iii) Any rule of law.

“(3) The New Zealand Fish and Game Council shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.”

15 **11B. Powers of New Zealand Fish and Game Council—**Section 26F of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by adding the following subsections:

20 “(4) Any money that belongs to the New Zealand Fish and Game Council and that is not immediately required for expenditure by the Council may be invested pursuant to section 25 of the Public Finance Act 1989.

25 “(5) Notwithstanding anything in section 26B (2) of this Act, the New Zealand Fish and Game Council shall not borrow or contract to borrow any money, or renew any loan made to the Council, without the prior written consent of the Minister of Finance.”

30 **11c. New sections inserted—**(1) The principal Act is hereby amended by inserting, after section 26F, the following sections:

35 “26FA. **Appointment of fish and game rangers—**(1) The Director may from time to time appoint employees of the New Zealand Fish and Game Council or employees of any Fish and Game Council to be fish and game rangers for the purposes of this Act.

“(2) The Director may from time to time appoint other suitable persons to be fish and game rangers in an honorary capacity for the purposes of this Act.

“(3) A fish and game ranger may be appointed—

## New

“(a) For a particular region or area or areas or to act generally throughout New Zealand:

“(b) For a particular purpose or general purposes specified in the warrant issued to that person. 5

“(4) Every fish and game ranger appointed under **subsection (2)** of this section shall be appointed for a term not exceeding 3 years specified by the Director; but may be reappointed.

“(5) Any fish and game ranger appointed under **subsection (2)** of this section may at any time be removed from office by the Director for incapacity, neglect of duty, or misconduct proved to the satisfaction of the Director, or may at any time resign office by writing addressed to the Director. 10

“(6) Every person shall, on ceasing to be a fish and game ranger, surrender to the Director the warrant of appointment, any badge of office, and any article of uniform issued to that person. 15

“(7) No fish and game ranger shall be regarded as an employee of the New Zealand Fish and Game Council by reason only of the appointment of that person under this section. 20

“(8) The Director shall give every fish and game ranger a written warrant, signed by or on behalf of the Director, evidencing the appointment; and the production of the warrant shall, in the absence of proof to the contrary, be conclusive evidence of the appointment. 25

“(9) Every person who is a member of the Police shall be deemed to be a fish and game ranger.

“(10) There may be paid to any fish and game ranger appointed under **subsection (2)** of this section, by the New Zealand Fish and Game Council or any Fish and Game Council, reimbursement of the actual and reasonable expenses incurred in the course of acting as a fish and game ranger, if the Director has given prior authorisation and has subsequently approved the amount of the expenses. 30 35

“**26FB. Powers of fish and game rangers**—(1) Subject to this Act and the terms of the warrant of appointment of any fish and game ranger, a fish and game ranger shall have and may exercise all the powers exercisable by a warranted officer under this Act or the Wildlife Act 1953, or under any regulations or notices made under either of those Acts. 40

## New

“**26FC. Provisions relating to Director and fish and game rangers**—(1) Sections 37, 40, 42, 43, 43A, 46, and 47 of this Act shall apply in respect of fish and game rangers as if—

- 5 “(a) References in those provisions to the Director—  
General were references to the Director:  
“(b) References in those provisions to the Department were references to the New Zealand Fish and Game Council or a Fish and Game Council:  
10 “(c) References in those provisions to a warranted officer were references to a fish and game ranger:  
“(d) References to money appropriated by Parliament were references to money belonging to the New Zealand Fish and Game Council or a Fish and Game Council.  
15 “(2) The Director may in writing delegate to any employee of the New Zealand Fish and Game Council or of any Fish and Game Council all or any of the Director’s functions and powers under this Act or any other Act, except the power to appoint fish and game rangers under **section 26FA** of this Act.”  
20 (2) Every person who, at the close of the 31st day of August 1994,—  
(a) Is employed by the New Zealand Fish and Game Council or a Fish and Game Council; and  
(b) Holds a warrant of appointment issued under section  
25 59 (2) of the principal Act—  
shall, on the 1st day of September 1994, cease to be a warranted officer under the principal Act and be deemed to be appointed as a fish and game ranger under **section 26FA (2)** of that Act.

- 30 **11D. New sections substituted**—The principal Act is hereby amended by repealing sections 26H and 26i (as inserted by section 17 of the Conservation Law Reform Act 1990), and substituting the following sections:

35 “**26H. Crown entity**—(1) The New Zealand Fish and Game Council shall be a Crown entity for the purposes of the Public Finance Act 1989.

40 “(2) The annual financial statements of the Council shall be audited by the Audit Office, which, for that purpose, shall have and may exercise all such powers as it has under Part II of the Public Finance Act 1977.



*New*

“26i. **Annual report**—(1) The New Zealand Fish and Game Council shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on its operations for that financial year. 5

“(2) The Minister shall lay a copy of the report before the House of Representatives in accordance with section 44A of the Public Finance Act 1989.”

**11E. Establishment and powers of Fish and Game Councils**—Section 26P of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by adding, as subsections (2) and (3), the following subsections: 10

“(2) Each Fish and Game Council shall be a body corporate with perpetual succession and a common seal, and, except as provided in this Act, shall have— 15

“(a) The rights, powers, and privileges of a natural person; and

“(b) The power to do anything it is authorised to do by or under— 20

“(i) This Act; or

“(ii) Any other enactment; or

“(iii) Any rule of law.

“(3) A Fish and Game Council shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.” 25

**11F. Powers of Fish and Game Councils**—Section 26s of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by adding the following subsections: 30

“(9) Any money that belongs to a Fish and Game Council and that is not immediately required for expenditure by the Council may be invested pursuant to section 25 of the Public Finance Act 1989.

“(10) Notwithstanding anything in section 26P (2) of this Act, a Fish and Game Council shall not borrow or contract to borrow any money, or renew any loan made to the Council, without the prior written consent of the Minister of Finance.” 35

*New*

5 **11c. New sections substituted**—The principal Act is hereby amended by repealing sections 26w and 26x (as inserted by section 17 of the Conservation Law Reform Act 1990), and substituting the following sections:

“26w. **Crown entity**—(1) Each Fish and Game Council shall be a Crown entity for the purposes of the Public Finance Act 1989.

10 “(2) The annual financial statements of each Council shall be audited by the Audit Office, which, for that purpose, shall have and may exercise all such powers as it has under Part II of the Public Finance Act 1977.

15 “26x. **Annual report**—(1) Each Fish and Game Council shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on its operations for that financial year.

“ (2) The Minister shall lay a copy of the report before the House of Representatives in accordance with section 44A of the Public Finance Act 1989.”

20 **11h. Meetings of Fish and Game Councils**—Section 26zD (7) of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by omitting the words “commencement of the 31st day of August and not later than the 30th day of November”, and substituting  
25 the words “end of its financial year and not later than 3 months thereafter,”.

30 **11i. Occupier may fish without licence**—Section 26zO (3) of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by inserting, after the words “warranted officer” in both places where they occur, the words “or fish and game ranger”.

35 **11j. Using explosives, etc., to catch or destroy fish**—Section 26zR of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Subsection (1) of this section shall not apply to actions taken by—

*New*

- “(a) A warranted officer or a fish and game ranger; or  
 “(b) Any person authorised in writing for the purpose by the  
 Director-General or the Director.”

**11k. Offences in respect of warranted officers and fish and game rangers**—Section 41 of the principal Act is hereby amended—

- (a) By inserting, after the words “warranted officer” wherever they occur, the words “or fish and game ranger”;  
 (b) By inserting in paragraph (a), after the words “officer’s”, the words “or ranger’s”;  
 (c) By inserting in paragraph (d), after the words “warranted officer’s” in both places where they occur, the words “or fish and game ranger’s”.

**32. Covenants**—(1) Section 27 (2) of the principal Act (as substituted by section 18 of the Conservation Law Reform Act 1990) is hereby amended by omitting the word “Where”, and substituting the words “Subject to **subsection (3)** of this section, where”.

*Struck Out*

(2) Section 27 of the principal Act (as so substituted) is hereby amended by adding the following subsection:

“(3) Where the burden of a covenant under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar shall not enter in any register a notification of the covenant unless the document incorporating the covenant is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the covenant is adequately described and properly defined—

- “(a) For the nature of the covenant; and  
 “(b) In relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and

*Struck Out*

“(c) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or Chief Surveyor, as the case may be.”

5

*New*

(2) Section 27 of the principal Act (as so substituted) is hereby amended by adding the following subsection:

“(3) Where the burden of a covenant under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar shall not enter in any register a notification of the covenant unless—

“(a) The land to which the covenant relates is defined on an existing plan approved under the Land Transfer Act 1952 or a new plan approved under that Act; or

“(b) The document incorporating the covenant is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the covenant is adequately described and properly defined—

“(i) For the nature of the covenant; and

“(ii) In relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and

“(iii) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or the Chief Surveyor, as the case may be.”

*Struck Out*

**33. Nga Whenua Rahui kawenata**—(1) Section 27<sup>A</sup> of the principal Act (as inserted by section 3 of the Conservation Amendment Act 1993) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Where the burden of a Nga Whenua Rahui kawenata under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar

*Struck Out*

shall not enter in any register a notification of the Nga Whenua Rahui kawenata unless the document incorporating it is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the Nga Whenua Rahui kawenata is adequately described and properly defined—

- “(a) For the nature of the covenant; and
- “(b) In relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and
- “(c) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or Chief Surveyor, as the case may be.”

*New*

**33. Nga Whenua Rahui kawenata**—Section 27A of the principal Act (as inserted by section 3 of the Conservation Amendment Act 1993) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Where the burden of a Nga Whenua Rahui kawenata under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar shall not enter in any register a notification of the Nga Whenua Rahui kawenata unless—

- “(a) The land to which the Nga Whenua Rahui kawenata relates is defined on an existing plan approved under the Land Transfer Act 1952 or a new plan approved under that Act; or
- “(b) The document incorporating the Nga Whenua Rahui kawenata is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the Nga Whenua Rahui kawenata is adequately described and properly defined—
  - “(i) For the nature of the Nga Whenua Rahui kawenata; and
  - “(ii) In relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and

*New*

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“(iii) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or the Chief Surveyor, as the case may be.”

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**36. Regulations**—Section 48 (2) of the principal Act (as substituted by section 27 of the Conservation Law Reform Act 1990) is hereby amended by omitting the expression “subsection (2) (k)”, and substituting the expression “subsection (1) (k)”.

*New*

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**36A. Royalties, etc., may be required in certain circumstances**—Section 60D (1) (a) (i) of the principal Act (as inserted by section 3 of the Conservation Amendment Act 1988) is hereby amended by omitting the words “(other than this Act)”.

PART II

AMENDMENTS TO OTHER ENACTMENTS

*Wildlife*

20

**A44. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

25

“‘Director’ means the manager of the New Zealand Fish and Game Council:

“‘Fish and game ranger’ means a fish and game ranger appointed pursuant to **section 26FA** of the Conservation Act 1987 or deemed to be appointed under that section:”.

30

(2) Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term “ranger” the words “; and includes a fish and game ranger”.

**44. Conservation management plans**—Section 14E (3) of the principal Act (as substituted by section 68 of the

Conservation Law Reform Act 1990) is hereby amended by inserting, after the expression “17G”, the expression “17H, 17I.”.

*New*

**44A. Fish and game rangers to be rangers under this Act**—The principal Act is hereby amended by inserting, after section 38, the following section: 5

“38A. Every fish and game ranger shall, by virtue of his or her office, be deemed to be a ranger appointed under this Act to exercise the duties of a ranger generally throughout New Zealand.” 10

**44B. Other offences**—Section 65 of the principal Act is hereby amended—

- (a) By inserting, after the word “Department” wherever it occurs, the words “or the New Zealand Fish and Game Council or any Fish and Game Council”: 15
- (b) By inserting in paragraph (j), after the words “this Act”, the words “or of any regulation or notice made under this Act,”.

**44c. Offences to be tried summarily**—Section 68 (2) of the principal Act is hereby amended by inserting, before the words “may appear”, the words “and any fish and game ranger,”. 20

**44d. Evidence of boundaries, etc.**—Section 69 (1) of the principal Act is hereby amended— 25

- (a) By inserting, before the words “shall be sufficient evidence”, the words “, or of the Director or of any person to whom the Director has delegated powers vested in him or her under this section,”; 30
- (b) By inserting, before the words “as aforesaid”, the words “, or the Director or other person,”.

**44E. Forfeitures**—Section 70 of the principal Act is hereby amended—

- (a) By inserting in subsection (2), after the words “Director-General” (as substituted by section 65 (1) of the Conservation Act 1987), the words “(or, in the case of any such animal or part of any animal or egg or nest seized by a fish and game ranger, to the Director)”: 35

*New*

- (b) By inserting in subsection (3), after the words “Director-General” (as so substituted) wherever they occur, the words “or the Director, as the case may be,”:
- 5 (c) By inserting in subsection (4), after the words “Director-General” (as so substituted), the words “or the Director”.

*New*

*Reserves*

10 **A53. Sections to be read with Reserves Act 1977**—This section and the next 6 succeeding sections shall be read together with and deemed part of the Reserves Act 1977\* (in those sections referred to as the principal Act).

\*1977, No. 66

Amendments: 1978, No. 121; 1979, No. 63; 1980, No. 35; 1980, No. 139; 1981, No. 30; 1983, No. 43; 1985, No. 188; 1988, No. 137; 1990, No. 31, ss. 90–104; 1992, No. 26; 1993, No. 8; 1993, No. 42; 1993, No. 75

15 **53. Exchange of reserves for other land**—Section 15 of the principal Act is hereby amended by adding the following subsection:

“(8) Nothing in section 40 of the Public Works Act 1981 applies to the exchange of land under this section.”

*Struck Out*

20 **55. Conservation management plans in respect of reserves administered by Department**—Section 40B (8) of the principal Act (as inserted by section 96 of the Conservation Law Reform Act 1990) is hereby amended by inserting, after the expression “17G,”, the expression “17H, 17I,”.



## New

**A59. Wilderness areas**—The principal Act is hereby amended by repealing section 47, and substituting the following section:

“47. (1) Subject to **subsections (2) and (3)** of this section, the Minister (in the case of a reserve in respect of which there is no administering body) or the administering body with the consent of the Minister (in the case of a reserve in respect of which there is an administering body), may from time to time, by notice in the *Gazette*, set apart the whole or any specified part of a reserve as a wilderness area, and may in like manner revoke or vary any such setting apart. 5 10

“(2) Before any reserve or any part of a reserve is set apart as a wilderness area,—

“(a) The administering body shall give public notice of the proposal in accordance with section 119 of this Act,— 15

“(i) Stating that a plan of the proposal is available for inspection at a place and at times specified in the notice; and 20

“(ii) Calling upon persons or organisations interested to lodge with the administering body written objections to, or written submissions in support of, or suggestions on, the proposal before a specified date, being not less than 3 months after the date of publication of the notice; and 25

“(b) The Minister shall give full consideration in accordance with section 120 of this Act to all objections and submissions in relation to the proposal received pursuant to the said section 120. 30

“(3) No part of a Government purpose reserve shall be set apart as a wilderness area without the consent of the Minister appointed under section 22 or section 36 of this Act to control and manage that reserve.

“(4) Subject to **subsections (5) to (7)** of this section, while any reserve or part of a reserve is set apart as a wilderness area,— 35

“(a) Its indigenous natural resources shall be preserved:

“(b) No building or machinery shall be erected on the area:

“(c) No building, machinery, or apparatus shall be constructed or maintained on the area: 40

*New*

- 5 “(d) No livestock, vehicles, or motorised vessels (including hovercraft and jet boats) shall be allowed to be taken into or used in the area and no helicopter or other motorised aircraft shall land or take off or hover for the purpose of embarking or disembarking passengers or goods in the area:
- “(e) No roads, tracks, or trails shall be constructed on the area.
- 10 “(5) If—
- “*(a)* The doing of anything in a wilderness area is in conformity with the conservation management strategy or conservation management plan or other management plan for the area; and
- 15 “*(b)* The Minister is satisfied that its doing is desirable or necessary for the preservation of the indigenous natural resources,—
- the Minister may authorise it.
- 20 “(6) If satisfied that the undertaking of any scientific test or study in a wilderness area is necessary or desirable for the preservation of indigenous natural resources, the Minister may authorise it.
- 25 “(7) Nothing in **subsection (4)** of this section prevents the doing of anything necessary for any person’s protection, or because of some emergency involving any person’s property.”

**59. Introduction of biological control organisms**—The principal Act is hereby amended by inserting, after section 51, the following section:

- 30 “51A. (1) Notwithstanding anything in this Act or any other enactment, but subject to **subsections (2) and (3)** of this section, the Minister may authorise the introduction of any biological control organism to control (*pests or weeds*) wild animals or animal pests or plant pests in any reserve vested in the Crown or in any other reserve if so requested by the administering
- 35 body of that reserve.
- “*(2)* Before granting an approval under **subsection (1)** of this section, the Minister shall—
- “*(a)* Consult the New Zealand Conservation Authority; and
- 40 “*(b)* Have regard to whether—
- “*(i)* Any introduced organism will itself become a problem or adversely affect any other indigenous

organisms, or have a negative impact on any ecosystem; and

“(ii) There is sufficient scientific advice, supported by research, to indicate that none of these will occur.

“(3) An authority granted under **subsection (1)** of this section shall not be inconsistent with any provision in—

“(a) Any other Act applicable to the import, genetic modification, or use of the organism or organisms concerned; or

“(b) Any general policy approved under section 15A of this Act; or

“(c) Any conservation management strategy or conservation management plan or other management plan approved for the reserve.”

*Struck Out*

**66. Conservation covenants**—Section 77 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

“(5) Where the burden of a covenant under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar shall not enter in any register a notification of the covenant unless the document incorporating the covenant is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the covenant is adequately described and properly defined—

“(a) For the nature of the covenant; and

“(b) In relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and

“(c) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or Chief Surveyor, as the case may be.”

**67. Nga Whenua Rahui kawenata**—(1) Section 77A of the principal Act (as inserted by section 3 of the Reserves Amendment Act 1993) is hereby amended by repealing subsection (4), and substituting the following subsection:

*Struck Out*

- “(4) Where the burden of a Nga Whenua Rahui kawenata under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar shall not enter in any register a notification of the Nga Whenua Rahui kawenata unless the document incorporating it is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the Nga Whenua Rahui kawenata is adequately described and properly defined—
- 5 “(a) For the nature of the covenant; and  
 “(b) In relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and  
 10 “(c) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or Chief Surveyor, as the case may be.”

*New*

- 66. Conservation covenants**—Section 77 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:
- 20 “(5) Where the burden of a covenant under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar shall not enter in  
 25 any register a notification of the covenant unless—
- “(a) The land to which the covenant relates is defined on an existing plan approved under the Land Transfer Act 1952 or a new plan approved under that Act; or  
 “(b) The document incorporating the covenant is  
 30 accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the covenant is adequately described and properly defined—
- 35 “(i) For the nature of the covenant; and  
 “(ii) In relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and

*New*

“(iii) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or Chief Surveyor, as the case may be.”

5

**67. Nga Whenua Rahui kawenata**—Section 77A of the principal Act (as inserted by section 3 of the Reserves Amendment Act 1993) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Where the burden of a Nga Whenua Rahui kawenata under this section applies to land comprising part of the land in a certificate or instrument of title, a District Land Registrar shall not enter in any register a notification of the Nga Whenua Rahui kawenata unless—

10

“(a) The land to which the Nga Whenua Rahui kawenata relates is defined on an existing plan approved under the Land Transfer Act 1952 or a new plan approved under that Act; or

15

“(b) The document incorporating the Nga Whenua Rahui kawenata is accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the Nga Whenua Rahui kawenata is adequately described and properly defined—

20

“(i) For the nature of the Nga Whenua Rahui kawenata; and

25

“(ii) In relation to existing surveys made in accordance with regulations for the time being in force for the purpose; and

“(iii) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or Chief Surveyor, as the case may be.”

30

**69. Trespassing animals**—Section 96 of the principal Act is hereby amended by adding the following subsection:

35

“(4) Nothing in this section applies to wild animals (as defined in section 2 of the Wild Animal Control Act 1977).”

*Marine Mammals Protection*

5 **72. Sections to be read with Marine Mammals Protection Act 1978**—This section and the next 3 succeeding sections shall be read together with and deemed part of the Marine Mammals Protection Act 1978\* (in those sections referred to as the principal Act).

\*1978, No. 80

Amendments: 1979, No. 98; 1990, No. 31, ss. 105–107

10 **73. Conservation management plans**—Section 3D (2) of the principal Act (as inserted by section 107 of the Conservation Law Reform Act 1990) is hereby amended by inserting, after the expression “17G,”, the expression “17H, 17I,”.

*Struck Out*

15 **74. Restrictions on taking marine mammals**—(1) Section 4 (1) of the principal Act is hereby amended by adding the words “Notwithstanding any other enactment, no person shall hold a marine mammal in captivity unless authorised to do so by a permit under this Act.”

(2) Section 4 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

20 “(1A) The Minister may, from time to time by notice in the *Gazette*, prescribe criteria and standards in respect of permits referred to in subsection (1) of this section; and the prescribed criteria and standards shall be deemed to form part of the permit and shall be complied with accordingly.”

25 **75. Application for permits**—Section 5 (5) of the principal Act is hereby amended by adding the following proviso:

“Provided that nothing in this subsection applies to an application for a permit to take whalebone from dead whales.”

*New*

30 **74. Restrictions on holding or taking marine mammals**—(1) Section 4 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

“(1) Notwithstanding anything in any other enactment, but subject to this Act, no person shall—

35 “(a) Hold a marine mammal in captivity; or

*New*

- “(b) Take any marine mammal, whether alive or dead, in or from its natural habitat or in or from any other place—  
without first obtaining a permit to do so from the Minister or from any person or persons authorised in that behalf by the Minister. 5
- “(1A) The Minister may from time to time, by notice in the *Gazette*, prescribe criteria and standards in respect of any kind of permit referred to in **subsection (1)** of this section; and the prescribed criteria and standards shall be deemed to form part of permits of that kind and shall be complied with accordingly.” 10
- (2) **Subsection (1)** of section 4 of the principal Act (as substituted by **subsection (1)** of this section) shall come into force 6 months after the commencement of this Act. 15

- 75. Application for permits**—(1) Section 5 (1) of the principal Act is hereby amended by inserting, after the words “obtain a permit to”, the words “hold or”. 20
- (2) Section 5 (5) of the principal Act is hereby amended by adding the following proviso: 20
- “Provided that nothing in this subsection applies to an application for a permit to take whalebone from dead whales.”

*National Parks*

- A78. Sections to be read with National Parks Act 1980**— 25
- This section and the next 5 succeeding sections shall be read together with and deemed part of the National Parks Act 1980\* (in those sections referred to as the principal Act).

\*1980, No. 66

Amendments: 1982, No. 86; 1988, No. 135; 1990, No. 108-127

- AA78. Interpretation**—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “foreshore”, the following definition: 30
- “‘Indigenous animal’ means a native animal.”
- (2) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “national park”, the following definition: 35
- “‘Native plants and animals’ means flora and fauna that are indigenous to New Zealand.”

**78. Introduction of biological organisms**—The principal Act is hereby amended by inserting, after section 5, the following section:

5 “5A. (1) Notwithstanding anything in this Act or any other enactment, but subject to **subsections (2) and (3)** of this section, the Minister may authorise the introduction of any biological control organism to control ~~(pests or weeds)~~ wild animals or animal pests or plant pests in any national park.

10 “(2) Before granting an approval under **subsection (1)** of this section, the Minister shall—

“(a) Consult the New Zealand Conservation Authority; and

“(b) Have regard to whether—

15 “(i) Any introduced organism will itself become a problem or adversely affect any other indigenous organisms, or have a negative impact on any ecosystem; and

“(ii) There is sufficient scientific advice, supported by research, to indicate that none of these will occur.

20 “(3) An authority granted under **subsection (1)** of this section shall not be inconsistent with any provision in—

“**(a)** Any other Act applicable to the import, genetic modification, or use of the organism or organisms concerned; or

25 “**(b)** Any general policy adopted under section 44 of this Act; or

“**(c)** Any conservation management strategy or management plan.”

30 **79. Exclusion of land from national park**—(1) Section 11 (2) of the principal Act (as amended by section 65 (1) of the Conservation Act 1987) is hereby amended by omitting the words “deemed to be a conservation area”, and substituting the words “disposed of in the manner specified in that Act”.

35 (2) The Second Schedule to the Conservation Act 1987 is hereby amended by repealing so much of that Schedule as relates to section 11 (2) of the principal Act.

**80. Wilderness areas**—(1) The principal Act is hereby amended by repealing section 14, and substituting the following section:

40 “14. (1) The Minister may, on the recommendation of the Authority made in accordance with a conservation management strategy or management plan, by notice in the



*Gazette*, set apart any area of a park as a wilderness area, and may in like manner revoke any such setting apart.

“(2) Subject to this section, while any area is set apart as a wilderness area,—

*Struck Out*

5

“(a) It shall be kept and maintained in a state of nature:

“(b) No buildings of any description, ski-lifts, or other apparatus shall be erected or constructed in the area, except that the Minister may, on such conditions as he or she thinks fit, authorise the erection of huts essential for the destruction or eradication of introduced plants and animals in the park or for the purposes of scientific study:

10

*New*

“(a) Its indigenous natural resources shall be preserved:

15

“(b) No building or machinery shall be erected on the area:

“(ba) No building, machinery, or apparatus shall be constructed or maintained on the area:

“(c) No animals, vehicles, or motorised vessels (including hovercraft and jet boats) shall be allowed to be taken into or used in the area and no helicopter or other motorised aircraft shall land or take off or hover for the purpose of embarking or disembarking passengers or goods in a wilderness area:

20

“(d) No roads, tracks, or trails shall be constructed in the area, *except such tracks for the use of persons entering the area on foot as are contemplated by the management plan*.

25

“(3) The Minister may authorise any person to liberate any species of indigenous animal in a wilderness area where—

30

“(a) The Minister is satisfied that there is sufficient evidence that the species was previously present in the area; and

“(b) The proposed liberation is not inconsistent with any general policy statement, conservation management strategy, or management plan having effect in relation to the area.

35

“(4) Subject to **subsection (3)** of this section, if—

“(a) The doing of anything in a wilderness area is in conformity with the conservation management strategy or management plan for the area; and

5 “(b) The Minister is satisfied that its doing is desirable or necessary for the preservation of the area’s indigenous natural resources,—  
the Minister may authorise it.

10 “(5) If satisfied that the undertaking of any scientific test or study in a wilderness area is necessary or desirable for the preservation of indigenous natural resources, the Minister may authorise it.

15 “(6) Nothing in subsection (2) of this section prevents the doing of anything necessary for any person’s protection or because of some emergency involving any person’s property.”

(2) Section 110 of the Conservation Law Reform Act 1990 is hereby consequentially repealed.

**85. Trespassing animals**—Section 62 of the principal Act is hereby amended by adding the following subsection:

20 “(8) Nothing in this section applies to wild animals (as defined in section 2 of the Wild Animal Control Act 1977).”

*Foreshore and Seabed Endowment Revesting*

**87. Sections to be read with Foreshore and Seabed Endowment Revesting Act 1991**—This section and the next succeeding section shall be read together with and be deemed part of the Foreshore and Seabed Endowment Revesting Act 1991\* (hereinafter referred to as the principal Act).

\*1991, No. 103

*New*

**87A. Foreshore and seabed to be land of the Crown**—  
30 (1) The principal Act is hereby amended by inserting, after section 9, the following section:

“9A. (1) All land that—

“(a) Either—

35 “(i) Is foreshore and seabed within the coastal marine area (within the meaning of the Resource Management Act 1991); or

## New

- “(ii) Was foreshore, seabed, or both, within the coastal marine area (within the meaning of that Act) on the 1st day of October 1991 and has been reclaimed (whether lawfully or otherwise) on or after that date; and 5
- “(b) Is for the time being vested in the Crown, but for the time being is not set aside for any public purpose or held by any person in fee simple,—
- shall be land of the Crown to which this section applies and shall be administered by the Minister of Conservation, but the provisions of the Land Act 1948 shall not apply to such land. 10
- “(2) All land of the Crown to which this section applies shall be held by the Crown in perpetuity and shall not be sold or otherwise disposed of except— 15
- “(a) Pursuant to the Resource Management Act 1991; or
- “(b) By the authority of a special Act of Parliament; or
- “(c) By a transfer to the Crown, where the land will not be land to which the Land Act 1948 applies.
- “(3) Subject to **subsection (4)** of this section,— 20
- “(a) The Minister shall have and may exercise, in relation to land of the Crown to which this section applies, all the functions, duties, and powers that the Crown has as owner of the land; and
- “(b) In exercising such functions, duties and powers, the Minister shall manage all land of the Crown to which this section applies so as to protect, as far as is practicable, the natural and historic resources of the land. 25
- “(4) Nothing in this section derogates from the Forest and Rural Fires Act 1977 or the Resource Management Act 1991. 30
- “(5) The provisions of this section shall apply notwithstanding anything in section 4 of this Act.”
- (2) Notwithstanding anything in **section 9A** of the principal Act (as inserted by **subsection (1)** of this section), in relation to any land of the Crown to which that section applies, nothing in that section shall limit or affect— 35
- (a) Any agreement to sell, lease, licence, or otherwise dispose of that land that was entered into before the date of commencement of that section, where the disposal has not been completed before that date; or 40

*New*

(b) Any interest in that land held by any person other than the Crown.

5 **88. Certain existing reclamation authorities required to be confirmed**—Section 7 (1) of the principal Act shall be read, and be deemed always to have read, as if—

(a) There were inserted, after the words “reclamation authority”, the words “(whether it relates to land referred to in section 4 of this Act or any other land that is foreshore or seabed)”:

10 (b) The period of 12 months referred to in paragraphs (a) and (b) ended 12 months before the date of commencement of this section.

*New*

15 **88A. Enactments amended**—The enactments specified in the **Schedule** to this Act are hereby amended in the manner indicated in that Schedule.

*Wild Animal Control*

20 **89. Sections to be read with Wild Animal Control Act 1977**—This section and the next 6 succeeding sections shall be read together with and deemed part of the Wild Animal Control Act 1977\* (in those sections referred to as the principal Act).

\*1977, No. 111

Amendments: 1978, No. 135; 1979, No. 146; 1982, No. 26; 1985, No. 100

25 **90. Interpretation**—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “recreation”, the following definitions:

“‘Regulated deer farm’ means a deer farm regulated under section 12A (2) of this Act; and ‘regulated area’ has a corresponding meaning;

30 “‘Safari park’ means a farm where income is derived from wild animals being hunted on the farm.”.

*Struck Out*

(2) Section 2 of the principal Act is hereby amended by inserting in paragraph (a) of the definition of the term “wild animal”, after subparagraph (iii), the following subparagraph:

“(iii) Any goat that is not—

“(A) Held behind effective fences or otherwise constrained; and

“(B) Branded under Part V of the Animals Act 1967:”.

5

*New*

(2) Section 2 of the principal Act is hereby amended by repealing subparagraph (iii) of paragraph (a) of the definition of the term “wild animal”, and substituting the following subparagraph:

10

“(iii) Any goat that is not—

“(A) Held behind effective fences or otherwise constrained; and

“(B) Identified in accordance with an identification system registered under section 3 of the Animal Identification Act 1993 or, if no such system is for the time being in force, in accordance with any provisions having effect by virtue of section 11 of that Act:”.

15

20

**90A. Ownership of wild animals**—Section 9 (2) of the principal Act is hereby amended by omitting the words “branded in accordance with Part V of the Animals Act 1967”, and substituting the words “identified in accordance with an identification system registered under section 3 of the Animal Identification Act 1993 or, if no such system is for the time being in force, in accordance with any provisions having effect by virtue of section 11 of that Act”.

25

30

**91. Keeping of specified wild animals in captivity—***Struck Out*

5 (1) Section 12 (5) of the principal Act (as amended by section 4 (4) of the Wild Animal Control Amendment Act 1979) is hereby amended by omitting the words “or, unless for the purposes of farming, capture or convey or keep in captivity or export alive any deer”, and substituting the words “or export alive any deer”.

*New*

10 (1) Section 12 (2) of the principal Act is hereby amended by omitting the words “in Part V of the Animals Act 1967”, and substituting the words “pursuant to section 3 of the Animal Identification Act 1993”.

15 (2) Section 12 (11) of the principal Act is hereby amended—  
 (a) By omitting the words “within any dwellinghouse, garden, or curtilage”:

(b) By omitting the word “therein”, and substituting the words “any dwellinghouse, garden, or curtilage”.

20 (3) Section 12 of the principal Act is hereby amended by repealing subsection (11A) (as inserted by section 3 (3) of the Wild Animal Control Amendment Act 1982).

(4) Section 3 (3) of the Wild Animal Control Amendment Act 1982 is hereby consequentially repealed.

25 **92. New sections substituted—**(1) The principal Act is hereby amended by repealing section 12A (as inserted by section 5 of the Wild Animal Control Amendment Act 1979), and substituting the following sections:

30 “12A. **Deer farms—**(1) Any person may, without a permit or licence issued under section 12 of this Act, but subject to this section, capture, convey, or keep deer in captivity for the purposes of farming anywhere in New Zealand except—

“(a) On any land where such farming is (*prohibited under or pursuant to the provisions of*) controlled by or under this Act or any other Act; or

35 “(b) Where prohibited pursuant to **subsection (2)** of this section or any other Act.

“(2) Subject to **subsection (3)** of this section, the Minister may from time to time, by notice in the *Gazette*,—

- “(a) Specify those areas or places in which deer farming generally is prohibited:
- “(b) Specify those areas or places in which the farming of any particular species of deer is prohibited:
- “(c) Specify those areas or places in which deer farming generally is permitted: 5
- “(d) Specify those areas or places in which the farming of any particular species of deer is permitted:
- “(e) Specify the fencing requirements for deer farming generally or for deer farming in any specified areas or places: 10
- “(f) Regulate deer farming permitted under **paragraph (c)** or **paragraph (d)** of this subsection, subject to any provisions prescribed by regulations made under section 40 (1) (e) of this Act. 15

*Struck Out*

- “(3) Before giving a notice under **subsection (2)** of this section, the Minister shall (where appropriate) have regard to the following matters:
- “(a) Whether feral deer of the same species are already established in the area concerned: 20
- “(b) Whether deer-induced modification of the environment is likely to differ from the modification of the environment caused by introduced animal species that are already present: 25
- “(c) Whether the presence of that species of deer is likely to cause additional control costs.

*New*

- “(3) Before giving a notice under **subsection (2)** of this section, the Minister shall,— 30
- “(a) In any case where the notice does anything specified in any of **paragraphs (a)** to **(d)** of that subsection, publicly notify the intention to give the notice; and, in that case, section 49 of the Conservation Act 1987 shall apply with any necessary modifications: 35
- “(b) In every case, have regard to—
- “(i) Whether feral deer of the same species are already established in the area concerned; and

*New*

5                   “(ii) Whether deer-induced modification of the environment is likely to differ from the modification of the environment caused by introduced animal species that are already present; and  
                      “(iii) Whether the presence of that species of deer is likely to cause additional control costs.

10                   “(4) Where the farming of any deer on any land is regulated under **subsection (2)** of this section, the occupier of the land shall ensure that the enclosures on the land—

                      “(a) Are suitable to contain the deer and prevent their escape; and

                      “(b) Comply with any specifications prescribed by the Minister under that subsection.

15                   “(5) After complying with **subsection (4)** of this section (in the case of a deer farm in a regulated area), the occupier of the relevant land shall then notify the Director-General of the occupier’s intention to begin keeping deer in captivity on that land, and upon acknowledgment in writing from the Director-  
20                   General, may begin to do so.

                      “(6) The notice given to the Director-General under **subsection (5)** of this section shall be in writing, and shall include the following particulars:

25                   “(a) The location, the legal description, and the nature and tenure of the land:

                      “(b) The species of deer proposed to be (*carried*) kept on the land:

*New*

30                   “(c) Such other particulars as the Director-General may specify in writing.

                      “(7) For the purposes of section 9 (2) of this Act and of subsections (9) to (11) of section 12 of this Act, an acknowledgment in writing given by the Director-General under **subsection (5)** of this section shall be deemed to be a  
35                   permit issued under section 12 (3) (a) of this Act.



*Struck Out*

“(8) Any deer that escapes from its enclosure and strays while being lawfully captured, conveyed, or held in captivity for the purposes of farming shall remain the property of the owner if that deer is branded pursuant to Part V of the Animals Act 1967. 5

*New*

“(8) Any deer that—  
 “(a) Escapes from its enclosure; or  
 “(b) Strays while being lawfully captured, conveyed, or held 10  
       in captivity, for the purposes of farming,—  
 shall remain the property of the owner if that deer is identified in accordance with an identification system registered under section 3 of the Animal Identification Act 1993 or, if no such system is for the time being in force, in accordance with any 15  
 provisions having effect by virtue of section 11 of that Act.

“(9) Notwithstanding **subsection (8)** of this section, the following provisions apply in relation to any deer on Crown-owned land:

- “(a) Any person acting in the course of his or her duties as an 20  
       employee of the Department, and any *(person authorised)* other person acting pursuant to a special or general authority conferred for the purpose by the Director-General, may hunt and kill the deer and dispose of the deer: 25
- “(b) No person is required to notify the owner of the deer that it has been killed or disposed of:
- “(c) No person is required to return the deer to the owner:
- “(d) The owner shall not be entitled to receive any 30  
       compensation by reason only of the hunting, killing, or disposal of the deer under the authority of this subsection.

“(10) Every person commits an offence against this Act who, while keeping any deer in captivity on a regulated deer farm for the purposes of farming, fails to maintain the enclosures on the land so as to prevent the escape of the deer or so that the enclosures no longer comply with any prescribed specifications. 35

“12B. **Safari parks**—(1) No person shall operate a safari park, except pursuant to and in accordance with and under the conditions stated in a permit issued for the purpose by the Director-General.

5 “(2) For the purposes of section 9 (2) of this Act and of subsections (9) to (11) of section 12 of this Act, a permit issued under **subsection (1)** of this section shall be deemed to be a permit issued under section 12 (3) (a) of this Act.

10 “(3) The Minister may from time to time, by notice in the *Gazette*, specify those areas or places in which safari parks are prohibited.

15 “(4) Any animal that escapes from its enclosure and strays while being lawfully captured, conveyed, or held in captivity for the purposes of a safari park shall remain the property of the owner if that animal is (*branded pursuant to Part V of the Animals Act 1967*) identified in accordance with an identification system registered under section 3 of the Animal Identification Act 1993 or, if no such system is for the time being in force, in accordance with any provisions having effect by virtue of

20 section 11 of that Act.

“(5) Notwithstanding **subsection (4)** of this section, the following provisions apply in relation to any animal that has escaped from a safari park and is on Crown-owned land:

25 “(a) Any person acting in the course of his or her duties as an employee of the Department, and any (*person authorised*) other person acting pursuant to a special or general authority conferred for the purpose by the Director-General, may hunt and kill the animal and dispose of the animal:

30 “(b) No person is required to notify the owner of the animal that it has been killed or disposed of:

“(c) No person is required to return the animal to the owner:

35 “(d) The owner shall not be entitled to receive any compensation by reason only of the hunting, killing, or disposal of the animal under the authority of this subsection.

40 “(6) Every person commits an offence against this Act who, while keeping any animal in captivity in a safari park, fails to maintain the enclosures on the land so as to prevent the escape of the animal or so that the enclosures no longer comply with any prescribed specifications.

“12C. **Powers of Director-General in relation to deer farms and safari parks**—(1) Any employee of the Department or of the Ministry of Agriculture and Fisheries,

who is authorised for the purpose by the Director-General, may, at any reasonable time, inspect any regulated deer farm or any safari park to ensure that it complies with the requirements prescribed by or under this Act.

“(2) The Director-General may recover from the permit holder the following costs in respect of any deer or other wild animal: 5

“(a) The reasonable costs of any inspection carried out under subsection (1) of this section:

“(b) The reasonable costs incurred by the Department in controlling any deer or other wild animal that escapes from any regulated deer farm or any safari park. 10

*Struck Out*

“(3) Where costs are recoverable under subsection (2) (b) of this section in respect of the escape of any deer or other wild animal, the costs— 15

“(a) Shall not exceed \$10,000 in any case:

“(b) May be waived by the Director-General, if he thinks fit, if the Department is notified of the escape within 48 hours of its occurrence.” 20

*New*

“(3) Where the Director-General is notified of an escape within 48 hours of its occurrence, he or she may waive, in whole or in part, any costs recoverable in that case under subsection (2) (b) of this section.” 25

(2) The Deer Farming Notice No. 4, 1986 (*Gazette*, 1986, p. 3420) shall, on and from the commencement of this section, be deemed to be a valid notice given by the Minister under section 12A (2) of the principal Act (as substituted by subsection (1) of this section); and, subject to the said section 12A, the said notice may in like manner be amended or revoked. 30

**93. Repeal**—Section 20 of the principal Act is hereby repealed.

**94. Penalties**—Section 39 (1) of the principal Act is hereby amended by omitting the expression “\$1,000”, and substituting the expression (“\$10,000”)“\$50,000”. 35

**95. Regulations**—Section 40 (1) (e) of the principal Act is hereby amended by inserting, after the expression “section 12” in both places where it occurs, the expression “or section 12A”.

*New Zealand Walkways*

5     **96. Sections to be read with New Zealand Walkways Act 1990**—This section and the next succeeding section shall be read together with and deemed part of the New Zealand Walkways Act 1990\* (in that section referred to as the principal Act).

\*1990, No. 32

*New*

10    **96A. Walkways over private land**—Section 8 of the principal Act is hereby amended by repealing subsection (8), and substituting the following subsection:

“(8) Where, pursuant to this section, land is leased to the Crown or an easement is obtained over land,—

15    “(a) The land may be defined on a plan in accordance with regulations made under the Survey Act 1986 but, unless the Chief Surveyor otherwise directs, it shall be necessary to define only 1 side boundary of the walkway; or

20    “(b) The lease or easement shall be accompanied by a certificate given by the Surveyor-General, or the Chief Surveyor of the land district in which the land is situated, to the effect that the land is adequately described and properly defined—

25         “(i) For the nature of the walkway; and

       “(ii) In relation to existing surveys made in accordance with regulations for the time being in force under the Survey Act 1986 for the purpose; and

30         “(iii) In accordance with standards agreed from time to time by the Director-General and either the Surveyor-General or the Chief Surveyor, as the case may be.”

35    **97. Savings**—(1) For the avoidance of doubt, but subject to subsection (2) of this section,—

(a) Every contract or deed that was entered into under section 22 of the New Zealand Walkways Act 1975 and had effect immediately before the

commencement of the principal Act is hereby declared to have effect as if it were a contract or deed entered into under section 8 of the principal Act, and is hereby declared always to have had that effect under the principal Act:

5

(b) Every declaration that established a walkway over any public land under section 20 of the New Zealand Walkways Act 1975 and had effect immediately before the commencement of the principal Act is hereby declared to have effect as if it were a declaration made under section 6 of the principal Act, and is hereby declared always to have had that effect under the principal Act:

10

(c) Every declaration that established a walkway over any private land under section 22 of the New Zealand Walkways Act 1975 and had effect immediately before the commencement of the principal Act is hereby declared to have effect as if it were a declaration made under section 8 of the principal Act, and is hereby declared always to have had that effect under the principal Act:

15

20

(d) Every declaration that established a walkway over any private land under section 8 of the principal Act and was made in pursuance of a contract or deed referred to in **paragraph (a)** of this subsection is hereby declared to be and always to have been lawful.

25

(2) Nothing done or omitted to be done by any person before the commencement of this section on, adjacent to, or in respect of any walkway to which **subsection (1)** of this section applies shall constitute an offence against the principal Act.

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## New

## SCHEDULE

Section 88A

## ENACTMENTS AMENDED

Enactment	Amendment
1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)	<p>By repealing subsection (1) of section 167 (as substituted by section 21 (1) of the Land Amendment Act 1965), and substituting the following subsection:</p> <p>“(1) The Minister of Conservation may from time to time, with the prior consent in writing of the Minister of Lands, by notice in the <i>Gazette</i>, set apart as a reserve any Crown land for any purpose which in his or her opinion is desirable in the public interest. Every such notice shall take effect from the date thereof or from such later date as is specified in the notice.”</p>
1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)	<p>By omitting from section 167 (4) the words “or any foreshore” and “or foreshore”.</p> <p>By omitting from section 138 the words “Director-General of Lands” (as substituted by section 65 (1) of the Conservation Act 1987) where they first occur, and substituting the words “the Director-General of Conservation (in the case of any foreshore or seabed) and the Commissioner of Crown Lands (in any other case)”.</p> <p>By omitting from section 138 the words “Director-General of Lands” (as so substituted) where they secondly occur, and substituting the words “Director-General of Conservation or Commissioner of Crown Lands, as the case may be,”.</p> <p>By omitting from section 168 (3) (as substituted by section 35 of the Harbours Amendment Act 1977) the word “In”, and substituting the words “Subject to section 9A of the Foreshore and Seabed Endowment Revesting Act 1991, in”.</p>
1965, No. 48—The Land Amendment Act 1965 (R.S. Vol. 23, p. 725)	By repealing subsections (1) and (2) of section 21.

## New

SCHEDULE— <i>continued</i>	
ENACTMENTS AMENDED— <i>continued</i>	
Enactment	Amendment
1977, No. 52—The Forest and Rural Fires Act 1977 (R.S. Vol. 27, p. 331)	<p>By inserting in section 2 (1), after the definition of the term “firebreak”, the following definition:</p> <p>“‘Foreshore’ means such parts of the bed, shore, or banks of the sea or a river as are covered and uncovered by the flow and ebb of the tide at mean spring tides.”</p> <p>By adding to the definition of the term “State area” (as substituted by section 2 (4) of the Forest and Rural Fires Amendment Act 1989) the following paragraph:</p> <p>“(k) Any foreshore (except to the extent that the fire safety margin of any State area encroaches on that foreshore):”</p>
1981, No. 35—The Public Works Act 1981	<p>By inserting in 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), after the words “specified in the First Schedule to that Act” (as added by section 37 of the Conservation Law Reform Act 1990), the words “(except land to which section 9A of the Foreshore and Seabed Endowment Revesting Act 1991 applies)”.</p>
1987, No. 65—The Conservation Act 1987	<p>By repealing so much of the Second Schedule as relates to section 138 of the Harbours Act 1950.</p>
1989, No. 44—The Public Finance Act 1989	<p>By inserting in the Fourth and Fifth Schedules (as added by section 41 of the Public Finance Amendment Act 1992), in their appropriate alphabetical order, the following items:</p> <p>“New Zealand Fish and Game Council.</p> <p>“Fish and Game Councils.”</p>

*New*

SCHEDULE—*continued*  
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1991, No. 69—The Resource Management Act 1991</p>	<p>By repealing subsection (3) of section 239 (as added by section 126 (3) of the Resource Management Amendment Act 1993), and substituting the following subsection:</p> <p>“(3) Any land vested in the Crown shall, unless this Act provides otherwise,—</p> <p>“(a) In the case of land to which section 9A of the Foreshore and Seabed Endowment Revesting Act 1991 applies, be vested in the Crown subject to that section:</p> <p>“(b) In any other case, be vested under the Land Act 1948.”</p> <p>By inserting in section 354 (3) (as substituted by section 159 of the Resource Management Amendment Act 1993), after the words “the Land Act 1948”, the words “or the Foreshore and Seabed Endowment Revesting Act 1991”.</p>