

## RESERVES AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Reserves Act 1977 by providing for the granting of permits for the construction on reserves of stations for radio, electric, or electronic communication.

*Clause 1* relates to the Short Title.

*Clause 2* adds a new *section 48A* to the principal Act.

*Subclause (1)* authorises the granting of a permit for the construction and use of buildings, dwellings, masts, structures, tracks, plant, machinery, and works for or in connection with any station for the transmission, emission, or reception of any form of radio, electric, or electronic communication.

*Subclause (2)* provides that a permit is not to be issued under *subclause (1)* unless the Minister (in the case of a reserve vested in the Crown) or the Minister and the administering body (in the case of a reserve vested in the administering body) is satisfied that the structures, plant, machinery, or works are necessary for the purposes of the station, and cannot readily be provided outside the reserve.

*Subclause (3)* empowers the Minister (in the case of a reserve vested in the Crown) or the administering body with the approval of the Minister (in the case of a reserve vested in the administering body) to set terms and conditions to which the permit is to be subject.

*Subclause (4)* provides that, where the granting of a permit is not in conformity with and contemplated by the management plan for the reserve, public notice must be given of the proposal to grant a permit, and full consideration must be given to all objections and submissions received.

*Subclause (5)* provides that the requirements of *subclause (4)* are not to apply where the reserve is not likely to be materially altered or permanently damaged, and the rights of the public are not likely to be permanently affected by the granting and exercise of the rights and powers contained in the permit.

*Clause 3* makes consequential amendments.

*Subclauses (1) to (3)* remove the prohibition on entry to nature, scientific, and Government purpose reserves respectively where that entry is under a permit granted under the proposed *section 48A*.

*Subclauses (4) and (5)* permit the cutting of trees and bush in a reserve in accordance with a permit granted under the proposed *section 48A*.

*Subclause (6)* permits the use of a reserve or a building in a reserve for personal accommodation where that use is allowed by a permit granted under the proposed *section 48A*.

*Hon. V. S. Young*

## RESERVES AMENDMENT

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### ANALYSIS

Title  
1. Short Title

2. Use of reserve for communications  
station  
3. Consequential amendments

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### A BILL INTITULED

#### **An Act to amend the Reserves Act 1977**

BE IT ENACTED by the General Assembly of New Zealand  
in Parliament assembled, and by the authority of the same,  
5 as follows:

**1. Short Title**—This Act may be cited as the Reserves Amendment Act 1981, and shall be read together with and deemed part of the Reserves Act 1977\* (hereinafter referred to as the principal Act).

10 **2. Use of reserve for communications station**—The principal Act is hereby amended by inserting, after section 48, the following section:

\*1977, No. 66

Amendments: 1978, No. 121; 1979, No. 63; 1980, No. 35; 1980, No. 139

“48A. (1) The Minister, in the case of a reserve vested in the Crown, and the administering body acting with the consent of the Minister in the case of a reserve vested in the administering body, may grant a permit to any person or Department of State—

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“(a) To erect, maintain, and use buildings, dwellings, masts, and other structures, and plant and machinery; and

“(b) To construct, maintain, and use tracks and engage in other works—

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comprising or in connection with and for the purposes of any station for the transmission, emission, or reception of any form of radio, electric, or electronic communication on any reserve or part of a reserve that is not set apart as a wilderness area under section 47 of this Act.

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“(2) No permit shall be granted under subsection (1) of this section unless the Minister, in the case of a reserve vested in the Crown, or both the administering body and the Minister, in the case of a reserve vested in the administering body, is or are satisfied—

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“(a) That the buildings, dwellings, masts, structures, plant, machinery, tracks, or works are necessary for the purposes of the station; and

“(b) That they cannot readily be provided outside the reserve.

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“(3) Every permit issued under subsection (1) of this section shall be subject to such terms and conditions as to duration, design, materials, situation, use, rental, inspection, maintenance, and public access, or otherwise, as the Minister determines, in the case of a reserve vested in the Crown, or as the administering body determines with the approval of the Minister, in the case of a reserve vested in the administering body.

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“(4) Except as provided in subsection (5) of this section, where the granting of any permit under subsection (1) of this section is not in conformity with and contemplated by the approved management plan for the reserve, the Minister or the administering body, as the case may be, shall give public notice in accordance with section 119 of this Act of the proposal to grant a permit, and shall give full consideration to all objections and submissions received pursuant to section 120 of this Act in relation to the proposal.

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“(5) Subsection 4 of this section shall not apply in any case where—

“(a) The reserve is not likely to be materially altered or permanently damaged; and

5 “(b) The rights of the public in respect of the reserve are not likely to be permanently affected,—

by the granting and lawful exercise of the rights and powers contained in the permit.”

**3. Consequential amendments**—(1) Section 20 (2) (c) of  
10 the principal Act is hereby amended by inserting, before the expression “section 57”, the expression “section 48A or”.

(2) Section 21 (2) (b) of the principal Act is hereby amended by inserting, before the expression “section 59”, the expression “section 48A or”.

15 (3) Section 22 (5) of the principal Act is hereby amended by inserting, after the word “permit”, the words “granted under section 48A of this Act or a permit”.

(4) Section 42 (1) of the principal Act is hereby amended by inserting, after the word “except”, the words “in accordance with a permit granted under section 48A of this Act or”.

(5) Section 42 (2) of the principal Act is hereby amended by inserting, after the words “cut or destroyed”, the words “except in accordance with a permit granted under section 48A of this Act or”.

25 (6) Section 44 (1) of the principal Act is hereby amended by adding to the proviso the expression “; or”, and the following paragraph:

“(f) In any reserve by any permit granted under section 48A of this Act.”