Version
as at 10 July 2026

Reserves Act 1977

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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 Department of Conservation.

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An Act to consolidate and amend certain enactments of the Parliament of New Zealand relating to public reserves, to make further provision for their acquisition, control, management, maintenance, preservation (including the protection of the natural environment), development, and use, and to make provision for public access to the coastline and the countryside

Title: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

1 Short Title and commencement

(1) This Act may be cited as the Reserves Act 1977.

(2) This Act shall come into force on 1 April 1978.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

activity includes a trade, business, or occupation

administering body, in relation to any reserve, means the board, trustees, local authority, society, association, voluntary organisation, or person or body of persons, whether incorporated or not, appointed under this Act or any corresponding former Act to control and manage that reserve or in which or in whom that reserve is vested under this Act or under any other Act or any corresponding former Act; and includes any Minister of the Crown (other than the Minister of Conservation) so appointed

animal means any mammal, bird, reptile, amphibian, fish (including shellfish) or related organism, insect, crustacean, or organism of every kind; but does not include a human being

applicable financial reporting standard has the same meaning as in section 5 of the Financial Reporting Act 2013

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

board means any reserves board, trust, trust board, or other special board appointed under this Act or any corresponding former Act

boat means every description of vessel (including barges, rafts, lighters, and like vessels) used in navigation, however propelled

Commissioner, in relation to any reserve, means an officer designated by the Director-General for the purposes of this Act

concession or **concession document**—

(a) means—

(i) a lease; or

(ii) a licence; or

(iii) a permit; or

(iv) an easement—

granted under section 59A; and

(b) includes any activity authorised by the concession document

concessionaire means a person who is—

(a) a lessee; or

(b) a licensee; or

(c) a permit holder; or

(d) the grantee of an easement—

under section 59A

conservation board means a conservation board established under section 6L of the Conservation Act 1987

conservation management plan means a conservation management plan approved under section 40B

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

Crown land has the same meaning as in the Land Act 1948

Crown lease means any lease or licence granted under the Land Act 1948 or under any former Land Act; and **lessee**, in relation to any Crown land, has a corresponding meaning

Department means the Department of Conservation

Director-General means the Director-General of Conservation

fauna means animals of any kind

financial statements has the same meaning as in section 6 of the Financial Reporting Act 2013

flora means plants of any kind

foreshore means all land lying between the high-water mark of the sea at ordinary spring tides and its low-water mark at ordinary spring tides

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013

Heritage New Zealand Pouhere Taonga means the Crown entity established by section 9 of the Heritage New Zealand Pouhere Taonga Act 2014

infringement fee, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

infringement offence means—

(a) an offence in sections 105B to 105I; or

(b) an offence against regulations or bylaws made under this Act that is declared by regulations to be an infringement offence

Land Settlement Board means the Land Settlement Board established by the Land Act 1948

lease, in relation to a reserve vested in the Crown,—

(a) means—

(i) a grant of an interest in land that—

(A) gives exclusive possession of the land; and

(B) makes provision for any activity on the land that the lessee is permitted to carry out:

(ii) any document purporting to be a lease (whether or not the document gives the lessee exclusive possession of the land concerned) and issued under any enactment passed before the commencement of section 2 of the Reserves Amendment Act 1996:

(iii) any document purporting to be a lease (whether or not the document gives the lessee exclusive possession of the land concerned) and issued under this Act before the commencement of the said section 2; but

(b) does not include a licence referred to in paragraph (b)(ii) of the definition of the term licence;—

and **lessee** has a corresponding meaning

licence, in relation to a reserve vested in the Crown,—

(a) means—

(i) a *profit à prendre* or any other grant that gives a non-exclusive interest in land; or

(ii) a grant that makes provision for any activity on the land that the licensee is permitted to carry out; and

(b) includes—

(i) any document purporting to be a licence (whether or not the licence gives an interest, or makes any provision, referred to in paragraph (a)) and issued under any enactment relating to reserves that was passed before the commencement of section 2 of the Reserves Amendment Act 1996; and

(ii) any document purporting to be a licence and purporting to grant an exclusive interest in land, and issued under this Act before the date of commencement of the said section 2 or issued under any other enactment relating to reserves that was passed before that date; and

(iii) any document purporting to be a licence (whether or not the licence gives an interest, or makes any provision, referred to in paragraph (a)) and issued under this Act before the commencement of the said section 2;—

and **licensee** has a corresponding meaning

local authority means—

(a) a territorial authority, a regional council, a river board, a drainage board, and a regional water board; and

(b) includes any other public body declared by any other enactment to be a local authority for the purposes of this Act or any corresponding former Act; and

(c) includes such other public bodies or classes of public bodies as are from time to time declared by the Minister, by notice in the *Gazette*, to be local authorities for the purposes of this Act; and

(d) where necessary, includes the Corporation of the district governed by any body that is a local authority for the purposes of this Act by virtue of paragraph (a) or paragraph (b) or paragraph (c)

manawhenua means customary authority exercised by an iwi or hapu or individual in an identified area

Maori and **Maori land** have the same meanings as in Te Ture Whenua Maori Act 1993

Maori reservation means a Maori reservation constituted under section 338 of Te Ture Whenua Maori Act 1993 or the corresponding provisions of any former Act

Minister means the Minister of Conservation

Nga Whenua Rahui kawenata means an agreement entered into under section 77A

non-GAAP standard has the same meaning as in section 5 of the Financial Reporting Act 2013

owner, in relation to any land, means the person who is the owner of an estate in fee simple in the land; and, in relation to Crown land that is subject to a lease or licence, means the lessee or licensee

permit, in relation to section 59A,—

(a) means a grant of rights to carry out an activity that does not require an interest in land; and

(b) includes any authorisation or licence granted before the commencement of this definition that granted similar rights;—

and **permit holder** has a corresponding meaning

plant means any angiosperm, gymnosperm, fern, or fern ally; and includes any moss, liverwort, algae, fungus, or related organism

private land means any land which is for the time being held in fee simple by any person other than the Sovereign; and includes any Maori land

protected New Zealand object has the same meaning as in the Protected Objects Act 1975

racecourse reserve means a recreation reserve within the meaning of this Act set apart for racecourse purposes; and includes any reserve within the meaning of this Act set apart as a racecourse reserve under any former Act

racing includes trotting

racing club includes a jockey club, trotting club, hunt club, and polo club

ranger means any person appointed or deemed to be appointed under section 8 as a ranger for the purposes of this Act

regional council means a regional council within the meaning of the Local Government Act 2002

reserve or **public reserve**, except as hereinafter provided in this definition, means any land set apart for any public purpose; and includes—

(a) any land which immediately before the commencement of this Act was a public reserve within the meaning of the Reserves and Domains Act 1953:

(b) any land vested in the Crown which after the commencement of this Act is reserved or set apart under Part 12 of the Land Act 1948 or other lawful authority as a reserve, or alienated from the Crown for the purpose of a reserve:

(c) any land which after the commencement of this Act is vested in the Crown by or under the authority of any Act as a reserve:

(d) any land which after the commencement of this Act is taken, purchased, or otherwise acquired in any manner whatever by the Crown as a reserve or in trust for any particular purpose:

(e) any land acquired after the commencement of this Act in any manner by an administering body as a reserve within the meaning of this Act, and any land vested in any local authority which, not theretofore being a public reserve, is by resolution of the local authority pursuant to section 14 declared to be set apart as a reserve:

(f) any private land set apart as a reserve in accordance with the provisions of any Act:

(g) any land which immediately before the commencement of this Act was a domain or public domain within the meaning of the Reserves and Domains Act 1953:

(h) any land, other than a national park within the meaning of the National Parks Act 1980, administered under the Tourist and Health Resorts Control Act 1908:

(i) any land taken or otherwise acquired or set apart by the Crown under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for the purposes of a reserve, a

recreation ground, a pleasure ground, an agricultural showground, or a tourist and health resort:

but does not include—

(j) any land taken or otherwise acquired or set apart under the Public Works Act 1981 or any corresponding former Act, whether before or after the commencement of this Act, for any purpose not specified in paragraph (i):

(k) any land to which section 167(4) of the Land Act 1948 applies:

(l) any land taken, purchased, or otherwise in any manner acquired, whether before or after the commencement of this Act, by a local authority, unless the land is acquired subject to a trust or a condition that it shall be held by the local authority as a reserve:

(m) any Maori reservation

specified not-for-profit entity has the same meaning as in section 46 of the Financial Reporting Act 2013

territorial authority means a territorial authority within the meaning of the Local Government Act 2002

trustees includes a body corporate

vehicle means a contrivance equipped with wheels or revolving runners upon which it moves or is moved; and includes a contrivance from which the road wheels or revolving runners have been removed

voluntary organisation means any body of persons (whether incorporated or not) not formed for private profit

wharf includes all wharves, quays, piers, and jetties on or from which passengers or goods may be taken on board or landed from boats

wildlife means all animals that are living in a wild state; but does not include any animals of any species for the time being specified in Schedule 6 of the Wildlife Act 1953.

(2) Any land, whether Crown land or not, shall be deemed to be set apart for a public purpose within the meaning of this Act if it is granted, reserved, or set apart or purchased or given or dedicated in any lawful manner, whether by or pursuant to any Act, or by will, or by deed, or by other like instrument, for the use, benefit, enjoyment, safety, or defence of the people of New Zealand or the inhabitants of any district or locality therein.

Compare: 1953 No 69 s 2

Section 2(1) **activity**: inserted, on 1 July 1996, by section 2(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 2(1) **administering body**: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **antiquity**: repealed, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 2(1) **applicable financial reporting standard**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2(1) **Authority**: inserted, on 10 April 1990, by section 91 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **certified aerodrome**: repealed, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **Commissioner**: replaced, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **concession** or **concession document**: inserted, on 1 July 1996, by section 2(3) of the Reserves Amendment Act 1996 (1996 No 3).

Section 2(1) **concessionaire**: inserted, on 1 July 1996, by section 2(3) of the Reserves Amendment Act 1996 (1996 No 3).

Section 2(1) **conservation board**: inserted, on 10 April 1990, by section 91 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **conservation management plan**: inserted, on 10 April 1990, by section 91 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **conservation management strategy**: inserted, on 10 April 1990, by section 91 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **Department**: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **Director-General**: replaced, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **financial statements**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2(1) **generally accepted accounting practice**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2(1) **Heritage New Zealand Pouhere Taonga**: inserted, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 2(1) **infringement fee**: inserted, on 21 December 2018, by section 37 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement offence**: inserted, on 21 December 2018, by section 37 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **lease**: inserted, on 1 July 1996, by section 2(4) of the Reserves Amendment Act 1996 (1996 No 3).

Section 2(1) **licence**: inserted, on 1 July 1996, by section 2(4) of the Reserves Amendment Act 1996 (1996 No 3).

Section 2(1) **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **manawhenua**: inserted, on 24 March 1993, by section 2 of the Reserves Amendment Act 1993 (1993 No 8).

Section 2(1) **Maori** and **Maori land**: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2(1) **Maori reservation**: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2(1) **Minister**: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **National Parks and Reserves Authority**: repealed, on 10 April 1990, by section 91 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **Nature Conservation Council**: repealed, on 10 April 1990, by section 91 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **New Zealand Historic Places Trust**: repealed, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 2(1) **Nga Whenua Rahui kawenata**: inserted, on 24 March 1993, by section 2 of the Reserves Amendment Act 1993 (1993 No 8).

Section 2(1) **non-GAAP standard**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2(1) **permit**: inserted, on 1 July 1996, by section 2(5) of the Reserves Amendment Act 1996 (1996 No 3).

Section 2(1) **protected New Zealand object**: inserted, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 2(1) **ranger**: inserted, on 27 December 1983, by section 2 of the Reserves Amendment Act 1983 (1983 No 43).

Section 2(1) **regional council**: inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **reserve** or **public reserve** paragraph (h): amended, on 1 April 1981, pursuant to section 80(2) of the National Parks Act 1980 (1980 No 66).

Section 2(1) **reserve** or **public reserve** paragraph (i): replaced, on 1 January 1980, by section 2(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 2(1) **reserve** or **public reserve** paragraph (i): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 2(1) **reserve** or **public reserve** paragraph (j): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 2(1) **reserve** or **public reserve** paragraph (j): amended, on 1 January 1980, by section 2(2) of the Reserves Amendment Act 1979 (1979 No 63).

Section 2(1) **specified not-for-profit entity**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2(1) **territorial authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Part 1
Administration

3 General purpose of this Act

(1) It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of—

(a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing—

(i) recreational use or potential, whether active or passive; or

(ii) wildlife; or

(iii) indigenous flora or fauna; or

(iv) environmental and landscape amenity or interest; or

(v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:

(b) ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character:

(c) ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.

(2) In the exercise of its administration of this Act, the Department may take any action approved or directed from time to time by the Minister so far as it is consistent with this Act or is provided for in any other Act and is not inconsistent with this Act.

Section 3(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

4 Minister may require reports as to land to be reserved or otherwise protected

(1) The Minister may from time to time, in order to decide whether any land should be reserved or otherwise protected, cause inquiries or general surveys to be made regarding any land which may possess scenic, historic, cultural, archaeological, biological, geological, or other scientific features or interest, or indigenous flora or fauna, or wildlife, or recreational or natural environment interest:

provided that no excavation or other activities may be made or carried on on any private land or any Crown land subject to a Crown lease without the consent of the owner of the land first being obtained:

provided also that no excavation or other activities shall be made or carried on that would contravene the provisions of the Heritage New Zealand Pouhere Taonga Act 2014.

(2) Where any such land is Crown land, it may be set apart as a reserve under section 167 of the Land Act 1948.

(3) Without limiting the generality of subsection (1), every New Zealand wide—

(a) survey of the sea coast, its bays and inlets and offshore islands, or of lake shores and riverbanks; or

(b) survey of conservation and outdoor-recreation requirements; or

(c) biological survey of scenic, nature, and scientific reserves—

that has been commenced but not completed before the commencement of this Act, shall be continued, completed, and from time to time kept under review.

Compare: 1953 No 69 ss 57, 67

Section 4(1) second proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

5 Restricting application of this Act

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

(2) Except as otherwise specially provided herein, this Act in its application to any reserve shall be read subject to—

(a) any Act (whether passed before or after the commencement of this Act) or any Provincial Ordinance in force at the commencement of this Act making any special provision with respect to that reserve, whether by direct reference thereto or by reason of the reserve being vested in any particular local authority, board, or trustees, or in any local authority of a particular class, or by reason of the reserve being one of any particular class, or authorising the setting apart of any reserve for any purpose:

(b) the provisions of any will, deed, or other instrument creating the trusts upon which the reserve is held.

(3) Nothing in subsection (2) limits—

(a) the power of the Minister—

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

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

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

Compare: 1953 No 69 ss 11, 41, 55(3)

Section 5(1): replaced, on 24 May 2013, by section 4(1) of the Reserves Amendment Act 2013 (2013 No 17).

Section 5(2) proviso: repealed, on 24 May 2013, by section 4(2) of the Reserves Amendment Act 2013 (2013 No 17).

Section 5(3): inserted, on 24 May 2013, by section 4(3) of the Reserves Amendment Act 2013 (2013 No 17).

5A Director-General to administer special leases and grazing permits over certain reserves

(1) Sections 18, 50A to 50F, 56, 60, 60B, 65, 67(1), 67(2), 67(4), 68 to 69, 81 to 105, 111 to 115, 121 to 126, 127, 131 to 151, 153 to 158, 160, 164A, 164B, 170 to 171, 174, and 183 of the Land Act 1948 apply to every special lease and grazing permit in its application (by virtue of subsection (1) or subsection (2) of section 65 of the Crown Pastoral Land Act 1998) to any reserve as if

every reference in those provisions to the Commissioner of Crown Lands, the Land Settlement Board, the Board, or the Department, were a reference to the Director-General.

(2) In subsection (1), the terms **special lease** and **grazing permit** have the meanings given to them by section 2 of the Crown Pastoral Land Act 1998.

Section 5A: inserted, on 23 June 1998, by section 103 of the Crown Pastoral Land Act 1998 (1998 No 65).

6 Powers of Minister in cases of doubt

(1) If in the opinion of the Minister there is any doubt or uncertainty as to whether any land was immediately before the commencement of this Act a reserve within the meaning of section 2 of the Reserves and Domains Act 1953, he or she may, by notice in the *Gazette*, declare either that the land as defined in the notice is a reserve within the meaning of this Act for such purpose or purposes as are stated in the notice, or that it is not a reserve; and every such notice shall have effect according to its tenor.

(2) The Minister may in like manner define the purpose for which any reserve (whether reserved or set apart before or after the commencement of this Act) shall be classified in any case where doubt exists as to that purpose.

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

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

(b) define any reserve as held for the purpose of a nature reserve or a scientific reserve.

(2B) Instead, the Governor-General may, by Order in Council made on the recommendation of the Minister,—

(a) declare that land specified in the order is or is not a nature reserve or a scientific reserve; or

(b) declare that a reserve must be held for the purpose of a nature reserve or a scientific reserve, according to the terms of the order.

(2C) An order under subsection (2B) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Errors of description

(2D) Subsection (3) applies to notices that are—

(a) issued in the *Gazette* under this Act or any Act repealed by this Act; or

(b) made under this Act and published under the Legislation Act 2019.

(3) If there is an error of description in a notice (whether with respect to the boundaries or area of the land to which the notice relates or with respect to classification or nomenclature, or otherwise howsoever), the Minister may revoke the notice, and may thereafter issue in its place a fresh notice with

amended particulars and descriptions, or may by notice amend the original notice.

(3A) A notice under subsection (3) that revokes, replaces, or amends secondary legislation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) Every notice of revocation or amendment issued under subsection (3) shall, according to its tenor, take effect as from the date on which the original notice was intended to take effect or as from such other date as may be therein specified in that behalf.

Compare: 1953 No 69 s 14

Legislation Act 2019 requirements for secondary legislation made under subsection (2B)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation made under subsection (3)		
Publication	The secondary legislation must be published in the same way as the secondary legislation it amends or replaces	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives if the Minister was required to present the notice it amends or replaces	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 6(2A): inserted, on 24 May 2013, by section 5 of the Reserves Amendment Act 2013 (2013 No 17).

Section 6(2B): inserted, on 24 May 2013, by section 5 of the Reserves Amendment Act 2013 (2013 No 17).

Section 6(2C): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 6(2D) heading: inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 6(2D): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 6(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 6(3A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

7 Director of Reserves

There may from time to time be appointed under the Public Service Act 2020 a suitable person to be the Director of Reserves, who shall carry out such

directions and perform such duties for the administration of this Act as may from time to time be given or assigned to him or her by the Director-General.

Compare: 1953 No 69 s 4

Section 7: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

8 Rangers

(1) There may from time to time be appointed under the Public Service Act 2020 suitable persons to be rangers for the purposes of this Act.

(2) The Minister may from time to time appoint—

(a) any suitable person to be a ranger in a part-time capacity for the purposes of this Act:

(b) any suitable person to be a ranger in an honorary capacity for the purposes of this Act.

(3) A ranger may be appointed under subsection (1) or subsection (2) for a particular reserve or reserves or area or to exercise his or her duties generally throughout New Zealand.

(4) The Director-General shall supply to every ranger appointed under this section a written warrant signed by the Director-General or on his or her behalf evidencing the appointment, and the production of that warrant shall be sufficient proof of the appointment.

(5) Any ranger appointed under this section shall, on the expiration of the term of his or her appointment, or on the sooner expiry of his or her appointment by removal from office or resignation, surrender to the Director-General his or her warrant of appointment and any badge of office that may have been issued to him or her.

(6) Every ranger appointed under subsection (2) shall be appointed to hold office during the pleasure of the Minister or for such specified term as the Minister thinks fit.

(7) Any ranger appointed under subsection (2) may at any time be removed from office by the Minister for incapacity, neglect of duty, or misconduct, or may at any time resign his or her office by writing addressed to the Director-General.

(8) No person appointed under subsection (2) to be a ranger shall by virtue of that appointment be deemed to be employed in the service of the Sovereign for the purposes of the Public Service Act 2020 or of the Government Superannuation Fund Act 1956.

(9) The administering body of any reserve may from time to time appoint any officer or servant of that body, or, if the administering body is a local authority, then any suitable person, whether an officer or servant of that body or not, to be a ranger for the purposes of this Act to exercise his or her duties in that reserve, and with respect to every such ranger the following provisions shall apply:

(a) he shall hold office during the pleasure of the administering body and may at any time be removed from office by the administering body, or may at any time resign his or her office by writing addressed to the principal administrative officer or chief executive of the administering body:

(b) the administering body shall supply to him or her a written warrant signed by the principal administrative officer or chief executive of the administering body evidencing the appointment, and the production of that warrant shall be sufficient proof of the appointment:

(c) he shall, on the expiry of his or her appointment by removal from office or resignation, surrender to the principal administrative officer or chief executive of the administering body his or her warrant of appointment and any badge of office that may have been issued to him or her.

(10) Every member of an administering body of a reserve (not being an officer of the Department) shall, by virtue of his or her office, be deemed to be a ranger in an honorary capacity for the purposes of this Act during his or her period of membership of that body, and with respect to every such member the following provisions shall apply:

(a) he shall exercise the duties of a ranger only in or with respect to the reserve controlled by the administering body of which he or she is a member:

(b) the administering body shall supply to him or her a written warrant signed by the principal administrative officer or chief executive of the administering body signifying that he or she is an honorary ranger, and production of that warrant shall be sufficient proof for all purposes that he or she is an honorary ranger for the purposes of this Act:

(c) on the termination of his or her membership of the administering body, he or she shall surrender to the principal administrative officer or chief executive of that body the warrant of office issued to him or her pursuant to paragraph (b).

(11) Every constable shall by virtue of his or her office be deemed to be a ranger appointed by the Minister to exercise his or her duties generally throughout New Zealand.

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

Compare: 1953 No 69 s 5; 1966 No 26 s 2; 1968 No 126 s 2

Section 8(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 8(8): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 8(9)(a): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 8(9)(b): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 8(9)(c): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 8(10)(b): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 8(10)(c): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 8(12): inserted, on 10 April 1990, by section 92 of the Conservation Law Reform Act 1990 (1990 No 31).

9 Committees

(1) The Minister may from time to time appoint 1 or more committees for the purposes of this Act, each such committee to exercise on his or her behalf such powers and functions under this Act as may be delegated to it pursuant to section 10, or to advise him or her either as to matters within his or her jurisdiction generally, or in any particular case or matter or any particular class of cases or matters, or on the administration of any reserves or group of reserves. In the exercise of its powers, every committee shall be under the control of the Minister.

(2) A committee may consist entirely of officers of the Department or partly of officers of the Department and partly of other persons, or may consist entirely of persons who are not officers of the Department.

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

(4) There shall be paid, out of money appropriated by Parliament for the purpose, to the members of any committee who are not members by virtue of being officers of any department of State remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the committee were a statutory board within the meaning of that Act.

Compare: 1953 No 69 s 3; 1960 No 87 s 2

Section 9(3): replaced, on 10 April 1990, by section 93 of the Conservation Law Reform Act 1990 (1990 No 31).

10 Delegation of Minister's powers

(1) The Minister may from time to time delegate any of his or her powers and functions under this Act (not being the power to approve any bylaw) to any individual, committee, body, local authority, or organisation, or to any officer or officers of the Department specified by the Minister, either as to matters within his or her jurisdiction generally, or in any particular case or matter, or any particular class of cases or matters, or in respect of any reserve or reserves.

(2) The officer or officers referred to in subsection (1) may be an officer or officers referred to by name or the officer or officers who for the time being and from time to time hold specified positions in the Department.

(3) Subject to any general or special directions given by the Minister, any person, committee, body, local authority, organisation, or officer to which or to whom any powers have been so delegated may exercise those powers in the same manner and with the same effect as if they had been directly conferred on that person, committee, body, local authority, organisation, or officer by this Act and not by delegation.

(4) Every person, committee, body, local authority, organisation, or officer purporting to act under any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation.

(5) Any such delegation may at any time be revoked by the Minister in whole or in any part, but that revocation shall not affect in any way anything done under the delegated authority.

(6) No such delegation shall prevent the exercise by the Minister himself or herself of any of the powers and functions conferred on him or her by this Act.

Compare: 1953 No 69 s 3

11 Department may engage persons on contract

(1) With the consent of the Minister, the Department may from time to time on behalf of the Crown enter into any contracts with persons, on such terms and conditions as it thinks fit, to provide such services or perform such work for any purpose of this Act as the Department may require.

(2) No person shall, by reason only of his or her entering into a contract with the Department under subsection (1), be regarded as being employed in the State services for the purposes of the Public Service Act 2020 or in the Government service for the purposes of the Government Superannuation Fund Act 1956.

Section 11(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Part 2
Acquisition of land for reserves

12 Minister's powers

(1) Where the Minister considers that any private land or any interest in or over private land or any interest in a Crown lease should be acquired by the Crown for the purposes of a reserve or for the improvement, protection, or extension of or access to an existing reserve, or to establish a public right to wander at will on foot within specified limits in any reserve, or to provide recreational tracks in the countryside,—

(a) the Minister may, in the name and on behalf of the Sovereign, treat and agree for the purchase or taking on lease of the land or any interest therein or the acceptance of the land or interest therein as a gift, and for any such purpose enter into any contract he or she thinks fit; or

(b) the land or interest therein (other than a public right to wander therein) may be taken or otherwise acquired under the Public Works Act 1981:

provided that no Maori land or interest in Maori land may be taken under this paragraph without the consent of the Minister of Maori Affairs:

provided also that, notwithstanding anything in subsection (2) of section 23 of the Public Works Act 1981, where any Maori land in multiple ownership is proposed to be taken under the Public Works Act 1981 for the purposes of a reserve and the title to the land is not registered under the Land Transfer Act 2017, a copy of the notice and description referred to in subsection (1) of the said section 23 shall be served on the Registrar of the Maori Land Court in accordance with Part 10 of Te Ture Whenua Maori Act 1993, and the provisions of that Part shall apply accordingly.

(2) All land or interests in land acquired by way of purchase or gift or taken as aforesaid shall vest in the Sovereign for the purposes of this Act as a reserve or as an addition to or for the purposes of an existing reserve, as the case may require, and all land acquired by the Minister by way of lease under this section shall during the term of the lease be subject to this Act.

(3) The Minister may purchase, take on lease, or acquire any such land or interest therein for cash, or by instalments with or without interest, or by gift, or by way of exchange of Crown land, subject in the last-mentioned case to the approval of the Commissioner of Crown Lands appointed under section 12A of the Survey Act 1986 being first obtained.

(4) Subject to sections 78, 82, 83, 84, 89, 90, 95, 105, and 110, the purchase price of any land, or any interest in land, or any right of way or other easement, or equality of exchange, or rent for land leased, or the compensation money payable in respect of any land or interest in land acquired or taken as aforesaid shall be paid out of money appropriated by Parliament.

(5) The Minister may, with the prior written agreement of a local authority, declare by notice in the *Gazette* that a reserve, or any part of a reserve,—

(a) ceases to be vested in and administered by the local authority and instead vests in the Crown; and

(b) has such classification under this Act as may be specified in the *Gazette* notice, or be included in any existing reserve under this Act; and

(c) be administered in accordance with that classification.

(6) The notice must be registered in the office of the Registrar-General of Land.

Compare: 1953 No 69 s 15

Section 12(1) proviso: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 12(1) proviso: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 12(1) proviso: amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 12(1)(b): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 12(3): amended, on 1 February 1990, pursuant to section 9(2) of the Survey Amendment Act (No 3) 1989 (1989 No 139).

Section 12(5): inserted, on 26 March 2015, by section 4 of the Reserves Amendment Act 2015 (2015 No 32).

Section 12(6): inserted, on 26 March 2015, by section 4 of the Reserves Amendment Act 2015 (2015 No 32).

13 Governor-General may declare reserve to be national reserve

(1) In order to protect values of national or international importance the Governor-General may, by Order in Council made on the recommendation of the Minister, declare that any reserve that has been classified pursuant to section 16 shall be a national reserve.

(2) Where any reserve has been declared to be a national reserve under subsection (1), neither that declaration nor the classification of that reserve under section 16 shall be changed except by Act of Parliament.

(3) Before the Minister recommends to the Governor-General that an Order in Council be made under subsection (1),—

(a) the Minister shall give public notice of the proposal, in accordance with section 119, stating that a plan of the proposal is available for inspection at a place and at times specified in the notice, and calling upon persons or organisations interested to lodge with the administering body written objections to or 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. The Minister shall give full consideration, in accordance with section 120, to all objections and submissions in relation to the proposal received pursuant to the said section 120; and

(b) the Minister shall give to the Minister of Energy not less than 3 months' notice of the proposal.

(4) In any case where a reserve that the Minister considers should be declared a national reserve is one which another Minister of the Crown or Heritage New Zealand Pouhere Taonga has been appointed to control and manage, he or she shall obtain the consent of that other Minister or, as the case may be, of the Trust before making any recommendation to the Governor-General that an Order in Council be made under subsection (1).

(5) When a reserve has been declared by Order in Council to be a national reserve the reserve shall—

(a) retain its classification under section 16; and

(b) be administered—

(i) by the Commissioner; or

(ii) by a reserves board appointed by the Minister under section 30; or

(iii) in such other manner as the Minister directs,—

in order to provide for the application of management policies to protect the values of national or international significance and for the co-ordination of management with other national reserves.

(6) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 13: replaced, on 1 January 1980, by section 3(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 13(1): amended, on 13 January 1981, by section 2 of the Reserves Amendment Act (No 2) 1980 (1980 No 139).

Section 13(2): amended, on 13 January 1981, by section 2 of the Reserves Amendment Act (No 2) 1980 (1980 No 139).

Section 13(4): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 13(5)(a): amended, on 13 January 1981, by section 2 of the Reserves Amendment Act (No 2) 1980 (1980 No 139).

Section 13(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

14 Local authority may declare land vested in it to be a reserve

(1) Subject to this section, any local authority may by resolution declare any land vested in it to be a reserve within the meaning of this Act subject to any conditions specified in the resolution, to be held for any of the purposes specified in sections 17 to 23.

(2) No such resolution shall be passed before the expiration of 1 month after notice of intention to pass the same and calling for objections thereto in writing has been published in 1 or more newspapers circulating in its district, and until it has considered all such objections received within that period:

provided that such a notice of intention shall not be necessary where a district plan makes provision for the use of the land as a reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991.

(3) A copy of the resolution shall be forwarded to the Commissioner for transmission to the Minister, together with all objections (if any) received as aforesaid and the comments of the local authority thereon.

(4) The Minister shall consider the resolution and such objections (if any) as have been received by the local authority and the comments of the local authority thereon, and shall then in his or her discretion either cause the resolution to be gazetted or refuse to do so.

(5) No resolution under this section shall have any force or effect until it is gazetted as aforesaid.

Compare: 1953 No 69 s 13

Section 14(2) proviso: replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 14(2) proviso: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

15 Minister may authorise exchange of reserves for other land

(1) The Minister may, by notice in the *Gazette*, authorise the exchange of the land comprised in any reserve or any part or parts thereof for any other land to be held for the purposes of that reserve:

provided that this power shall not be exercised with respect to any reserve vested in an administering body except pursuant to a resolution of that body requesting the exchange.

(2) No such resolution shall be passed before the expiration of 1 month after notice of intention to pass the resolution and calling for objections thereto in writing has been published in 1 or more newspapers circulating in the district of the administering body or, as the case may be, in the district or locality the inhabitants of which benefit from or enjoy the reserve, and until the administering body has considered all such objections received within that period. A copy of the resolution shall be forwarded to the Commissioner for transmission to the Minister, and shall be accompanied by all objections received as aforesaid and the comments of the local authority thereon:

provided that such a notice of intention shall not be necessary where, in order to enable the exchange to be made, a change has been made in an operative district plan under the Resource Management Act 1991.

(3) The Minister in the name and on behalf of the Sovereign or the administering body, as the case may require, may do all things necessary to effect any exchange authorised as aforesaid, including the payment of or receipt of any money by way of equality of exchange.

(4) Subject to sections 78, 82, 83, 84, 89, 90, 95, 105, and 110, any money payable by the Crown by way of equality of exchange shall be paid out of money appropriated by Parliament.

(5) The land comprised in any reserve or part thereof given by way of exchange pursuant to this section shall upon the exchange being effected be no longer subject to any reservation theretofore affecting it.

(6) The land acquired by the Crown or by the administering body, as the case may be, by way of that exchange shall be held as a reserve under this Act or as part of an existing reserve, as the case may be, subject to the same control and management and for the same objects and purposes as those for which the land given in exchange was held.

(7) *[Repealed]*

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

Compare: 1953 No 69 s 17; 1956 No 35 s 4

Section 15 heading: amended, on 19 April 2017, by section 186(1) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 15(2) proviso: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15(7): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 15(8): inserted, on 25 November 1994, by section 2 of the Reserves Amendment Act 1994 (1994 No 110).

15AA Administering body may authorise exchange of recreation reserve land for other land

(1) A person may apply to the administering body of a recreation reserve to exchange all or part of the land comprised in the reserve (the **recreation reserve land**) for other land to be held for the same purposes if—

(a) the application is made jointly—

(i) with an application for a resource consent under section 88(1) and (1A) of the Resource Management Act 1991 (the **RMA**); or

(ii) with a request for a change to a district plan or a regional plan (including a regional coastal plan) under section 65(4) and (4A) or 73(2) and (2A) of the RMA; and

(b) the recreation reserve land is vested in the administering body for the reserve; and

(c) the administering body of the reserve is also the relevant local authority under the RMA.

(2) If an application is made under subsection (1)(a)(i), subsection (4) applies if—

(a) the application to exchange the recreation reserve land has been—

(i) processed in accordance with section 88(6)(a) of the RMA; and

(ii) publicly notified under section 95A of the RMA; and

(b) the resource consent—

(i) has been granted; but

(ii) is subject to the granting of the application to exchange the recreation reserve land; and

(c) the time allowed under the RMA for appeals against the decision to grant the resource consent has expired and any appeals have been determined.

(3) If an application is made under subsection (1)(a)(ii), subsection (4) applies if—

(a) the application to exchange the recreation reserve land has been—

(i) processed in accordance with clause 21(5)(a) of Schedule 1 of the RMA; and

(ii) publicly notified under clause 26 of Schedule 1 of the RMA; and

(b) the plan change—

(i) has been approved by the local authority; but

(ii) is subject to the granting of the application to exchange the recreation reserve land; and

(c) the time allowed under the RMA for appeals against the decision to change the plan has expired and any appeals have been determined.

(4) If this subsection applies, the administering body must—

(a) make a decision on the application to exchange the recreation reserve land; and

(b) if it decides to grant the application, authorise the exchange of the recreation reserve land by notice in the *Gazette*; and

(c) advise the applicant of the decision.

(5) The administering body must not grant the application unless—

(a) it has had regard to any submissions that were made on the application during the public notification process under the RMA and that relate to the exchange; and

(b) it considers that the exchange would result in a net benefit for recreation opportunities for the community that uses, benefits from, or enjoys the reserve.

(6) If the administering body authorises the exchange, section 15(3) to (8) applies as if the exchange were an exchange effected under section 15.

Section 15AA: inserted, on 19 April 2017, by section 187 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 15AA(1): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15AA(2)(a)(i): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15AA(2)(a)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15AA(2)(c): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15AA(3)(a)(i): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15AA(3)(a)(ii): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15AA(3)(c): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 15AA(5)(a): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Part 2A
Policy

Part 2A: inserted, on 10 April 1990, by section 94 of the Conservation Law Reform Act 1990 (1990 No 31).

15A General policy

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

(2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.

(3) The administering body shall in the exercise of its functions comply with general policies under this section.

(4) For the purposes of this section, sections 17B (except subsections (1) and (2)) and 17N (except subsection (2)) of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies, subject to the following provisions:

(a) where the draft policy relates solely to the implementation of this Act in relation to reserves administered by bodies other than the Department, the Minister may approve the draft without consulting the Authority; and, in that case,—

(i) the Director-General shall send the draft and the summary prepared under section 17B(3)(i) of that Act directly to the Minister; and

(ii) paragraphs (j) to (l) of section 17B(3) of that Act shall not apply:

(b) no such general policy shall restrict or affect the exercise of any legal right or power by any person other than the Minister or the Director-General or an administering body.

Section 15A: inserted, on 10 April 1990, by section 94 of the Conservation Law Reform Act 1990 (1990 No 31).

Part 3
Classification and management of reserves

Classification and purpose of reserves

16 Classification of reserves

(1) To ensure the control, management, development, use, maintenance, and preservation of reserves for their appropriate purposes, the Minister shall, by notice in the *Gazette*, classify according to their principal or primary purpose, as defined in sections 17 to 23,—

(a) all reserves existing immediately before the commencement of this Act:

(b) all reserves created after the commencement of this Act,—

and for the purposes of this section, the Minister may classify part of a reserve for one purpose and the other part or parts of the same reserve for any other purpose or purposes:

provided that, where a reserve is controlled or managed by an administering body, the Minister shall not classify the reserve under this subsection without consulting the administering body.

(2) Notwithstanding subsection (1), where a resolution is gazetted under section 14(4), the reserve shall, without further notice or gazetting, be held and administered for the purpose specified in the resolution, and shall be deemed to be classified accordingly.

(2A) Notwithstanding subsection (1), where any reserve was—

(a) vested in a local authority which did not derive its title to the land from the Crown; or

(b) created under section 17 of the Land Laws Amendment Act 1920; or

(c) created under section 16 of the Land Act 1924; or

(d) created under section 13 of the Land Subdivision in Counties Act 1946; or

(e) purchased out of money paid out of the Land for Settlements Account in accordance with section 14(2) of the Land Subdivision in Counties Act 1946; or

(f) created under Part 20 of the Local Government Act 1974; or

(g) created under Part 10 of the Resource Management Act 1991—

and is or remains vested in a local authority, that local authority shall, by resolution, classify the reserve according to its principal or primary purpose, as defined in sections 17 to 23.

(2B) Any local authority that classifies a reserve in accordance with subsection (2A) shall forthwith give notice of that classification to the Commissioner.

(2C) The Minister may, by notice in the *Gazette*, declare that any land—

(a) identified in the first column of Schedule 4 for protection as an amenity reserve; and

(b) held as a conservation area under section 7 or section 61 or section 62 of the Conservation Act 1987; and

(c) adjacent to any reserve held under this Act as a scenic reserve—

is held under this Act as a reserve and—

(d) classified as a scenic reserve; and

(e) added to the adjacent scenic reserve;—

and, subject to this Act, the land shall therefore be so held.

(2D) The Minister may, by notice in the *Gazette*, declare that any land—

(a) identified in the first column of Schedule 4 for protection as a wildlife corridor or wildlife management reserve; and

(b) held as a conservation area under section 7 or section 61 or section 62 of the Conservation Act 1987; and

(c) adjacent to any reserve held under this Act as a government purpose (wildlife management) reserve—

is held under this Act as a reserve and—

(d) classified as a government purpose (wildlife management) reserve; and

(e) added to the adjacent government purpose (wildlife management) reserve;—

and, subject to this Act, the land shall thereafter be so held.

(2E) Where any boundary of any land identified in Schedule 4 is defined in any document referred to in the third column of that schedule, the boundary defined in the document shall be conclusive for the purposes of this Act.

(2F) Where any boundary of any land identified in the said Schedule 4 is not defined in any document referred to in that schedule, the Minister shall

describe the land in the notice under subsection (2C) or subsection (2D) after having regard—

(a) in the case of any land identified as Category A in Appendix C of the Final Report of the West Coast Forests Working Party dated 31 October 1986, to the maps contained or referred to in that report:

(b) in the case of any land identified as Category B in the said Appendix C, to the maps contained or referred to in the discussion document dated 17 January 1987 issued pursuant to the said Final Report by the Acting Director-General of Forests.

(2G) If the boundary of any land cannot be ascertained in accordance with subsection (2E) or subsection (2F), the Minister shall describe the land in the notice under subsection (2C) or subsection (2D) after consultation with such persons or organisations as the Minister considers appropriate and after having regard to such documents as he or she considers appropriate.

(2H) Notwithstanding subsections (2E), (2F), and (2G), the Minister may, by notice in the *Gazette*, make any necessary or practical or appropriate adjustments to the description of any land under this section.

(3) In classifying any reserve as a government purpose or local purpose reserve, the Minister or the local authority, as the case may be, shall specify as part of that classification the particular purpose or purposes for which the reserve is classified.

(4) Before classifying any reserve under subsection (1), the Minister shall give public notice in accordance with section 119 specifying the classification proposed, and shall give full consideration in accordance with section 120 to all objections against and submissions in relation to the proposal received pursuant to the said section 120.

(5) Notwithstanding subsection (4), no such public notice shall be necessary where—

(a) the classification proposed for any reserve is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of this Act; or

(b) the intended use of the land is in conformity with the relevant operative district plan under the Resource Management Act 1991; or

(c) the classification proposed is a condition subject to which the land was acquired for reserve purposes; or

(d) the land is classified under subsection (2C) or subsection (2D).

(6) Subject to subsection (7), every existing reserve shall be held and administered for the purpose of its existing reservation, and the administering body shall continue to control and manage the reserve under the appropriate provisions of this Act pending its classification under subsection (1).

(7) Where any existing reserve was, immediately before the commencement of this Act, a domain under the Reserves and Domains Act 1953 or any corresponding former Act, it shall be controlled and managed under the provisions of this Act relating to recreation reserves, pending its classification under this Act. Every such reserve shall be controlled and managed, by its domain board, in accordance with the following provisions:

(a) every such domain board that is a local authority shall act in the capacity of a local authority as if it had been appointed under section 28(1), as the administering body of the reserve, and all the provisions of this Act, except section 26A, shall apply accordingly:

(b) every such domain board that is not a local authority shall act in the capacity of a reserves board as if it had been appointed under section 30(1), to be, in that capacity, the administering body of the reserve, and all the provisions of this Act shall apply accordingly.

(8) When classified under this section, each reserve shall be held and administered for the purpose or purposes for which it is classified and for no other purpose.

(9) Classification of a reserve under subsection (1) shall not, unless the Minister in the notice otherwise directs, affect the appointment or term of the administering body controlling and managing the reserve or of any member thereof.

(10) The Minister, or the territorial authority or regional council in the case of a reserve vested in a territorial authority or regional council, may, from time to time, by notice in the *Gazette*, declare that a reserve shall be known by such name as is specified in the notice, and the Minister or the territorial authority or the regional council, as the case may be, may in like manner change the name of any reserve. Any change of name shall not affect the appointment or term of the administering body controlling the reserve or any member thereof:

provided that the Minister shall not change the name of a reserve that is controlled and managed by an administering body without consulting that administering body.

(10A) Before the Minister gives notice in the *Gazette* under subsection (10), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under section 27(2) or 30 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, as the case may be.

(11) Notwithstanding anything in subsections (1) to (10),—

(a) all reserves which immediately before the commencement of this Act were set apart as racecourse reserves or for racecourse purposes under the Reserves and Domains Act 1953 shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as recreation reserves under section 17, subject to sections 65 to 70:

(b) all reserves created before the commencement of this Act pursuant to Part 28 of the Municipal Corporations Act 1933, Part 25 of the Municipal Corporations Act 1954 or Part 2 of the Counties Amendment Act 1961 shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as follows:

(i) as recreation reserves under section 17, if their purpose was recreation:

(ii) as historic reserves under section 18, if their purpose was historic:

(iii) as scenic reserves under section 19, if their purpose was scenic or the preservation of scenery:

(iv) as local purpose reserves under section 23, if their purpose was utility, road, street, access way, esplanade, service lane, playcentre, kindergarten, plunket room, or other like purpose:

(c) all reserves for the preservation of flora and fauna existing immediately before the commencement of this Act shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as nature reserves under section 20:

(d) the reserves described in Schedule 2 of the notice by the Minister of Lands dated 14 December 1972 and published in the *Gazette* on 11 January 1973 at page 8 (being reserves forming part of the Marlborough Sounds Maritime Park) shall, after the commencement of this Act, and without further notice or gazetting, be deemed to be classified as local purpose reserves for sounds foreshore purposes under section 23, but subject to the provisions of section 17 of the Reserves and Other Lands Disposal Act 1955:

(e) all reserves which immediately before the commencement of this Act were set apart for Government railway purposes shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as government purpose reserves for railway purposes under section 22 under the control and management of the Minister of Railways.

(12) This section is subject to section 16A in respect of the classification of nature and scientific reserves.

Compare: 1953 No 69 ss 12, 42

Section 16: replaced (with effect on 1 April 1978), on 1 January 1980, by section 4(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 16(2): replaced, on 27 December 1983, by section 3(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(2A): inserted, on 27 December 1983, by section 3(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(2A)(g): inserted, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 16(2A)(g): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 16(2B): inserted, on 27 December 1983, by section 3(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(2C): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2D): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2E): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2F): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2G): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2H): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(5)(b): replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 16(5)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 16(5)(c): amended, on 13 March 1996, by section 3(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(5)(d): inserted, on 13 March 1996, by section 3(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(8): amended, on 27 December 1983, by section 3(2) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(10): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 16(10A): inserted, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Section 16(11)(b): amended, on 27 December 1983, by section 3(3) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(12): inserted, on 24 May 2013, by section 6 of the Reserves Amendment Act 2013 (2013 No 17).

16A Application of section 16 to nature and scientific reserves after commencement of Crown Minerals Amendment Act 2013

(1) Despite section 16, on and from the commencement of the Crown Minerals Amendment Act 2013,—

(a) all reserves existing immediately before the commencement of that Act and not yet classified in accordance with section 16 must be classified in accordance with this section if the reserve is to be classified as a nature reserve or as a scientific reserve:

(b) all nature and scientific reserves created after the commencement of the Crown Minerals Amendment Act 2013 must be classified in accordance with this section.

(2) The Minister may recommend to the Governor-General that an Order in Council be made to name and classify a reserve as a nature reserve or as a scientific reserve if the principal or primary purpose of the reserve is the same as that specified for—

(a) a nature reserve in section 20; or

(b) a scientific reserve in section 21.

(3) The Governor-General may, by Order in Council made on the recommendation of the Minister, name and classify a reserve as a nature reserve or as a scientific reserve.

(4) Before making a recommendation under subsection (2), the Minister must—

(a) refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under section 27(2) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and

(b) give public notice in accordance with section 119 specifying the name and classification proposed, and must consider in accordance with section 120 all objections and submissions in relation to the proposal, and those sections apply accordingly with any necessary modifications.

(5) When classified under this section, each reserve must be held and administered for the purpose or purposes for which it is classified and for no other purpose.

(6) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 16A: inserted, on 24 May 2013, by section 7 of the Reserves Amendment Act 2013 (2013 No 17).

Section 16A(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

17 Recreation reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of

open spaces and on outdoor recreational activities, including recreational tracks in the countryside.

(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every recreation reserve shall be so administered under the appropriate provisions of this Act that—

(a) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:

(b) where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

(c) those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:

(d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

Compare: 1953 No 69 ss 32, 33; 1964 No 108 s 2

Section 17(2)(b) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

18 Historic reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as historic reserves, for the purpose of protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.

(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every historic reserve shall be so administered and maintained that—

(a) the structures, objects, and sites illustrate with integrity the history of New Zealand:

(b) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 58 and 58A, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:

(c) where scenic, archaeological, geological, biological, or other scientific features, or indigenous flora or fauna, or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

(d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained:

(e) except where the Minister otherwise determines, the indigenous flora and fauna and natural environment shall as far as possible be preserved:

provided that nothing in paragraph (c) shall authorise the doing of anything with respect to fauna or wildlife that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, and nothing in this subsection shall authorise the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014.

Compare: 1953 No 69 ss 63, 64

Section 18(2)(b): amended, on 1 January 1980, by section 19(2) of the Reserves Amendment Act 1979 (1979 No 63).

Section 18(2) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

19 Scenic reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as scenic reserves—

(a) for the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest:

(b) for the purpose of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest.

(2) It is hereby further declared that every scenic reserve classified for the purposes specified in subsection (1)(a) shall be so administered and maintained under the appropriate provisions of this Act that—

(a) except where the Minister otherwise determines, the indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved, and for this purpose, except where the Minister otherwise determines, exotic flora and fauna shall as far as possible be exterminated:

(b) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on administering bodies by sections 55 and 56, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and well-being of the reserve and for the protection and control of the public using it:

(c) to the extent compatible with the principal or primary purposes of the retention and preservation of the natural or scenic values, open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve:

(d) where historic, archaeological, geological, biological, or other scientific features are present in the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

(e) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

(3) It is hereby further declared that every scenic reserve classified for the purposes specified in subsection (1)(b) shall be so administered and maintained under the appropriate provisions of this Act that—

(a) except where the Minister otherwise determines, the flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved:

(b) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on administering bodies by sections 55 and 56, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to

be necessary for the protection and well-being of the reserve and for the protection and control of the public using it:

(c) to the extent compatible with the principal or primary purposes of the retention and preservation of the natural or scenic values, open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve:

(d) where historic, archaeological, geological, biological, or other scientific features are present in the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

(e) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

Compare: 1953 No 69 ss 33, 56

Section 19(2)(d) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 19(3)(d) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

20 Nature reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as nature reserves, for the purpose of protecting and preserving in perpetuity indigenous flora or fauna or natural features that are of such rarity, scientific interest or importance, or so unique that their protection and preservation are in the public interest.

(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every nature reserve shall be so administered and maintained under the appropriate provisions of this Act that—

(a) it shall be preserved as far as possible in its natural state:

(b) except where the Minister otherwise determines, the indigenous flora and fauna, ecological associations, and natural environment shall as far as possible be preserved and the exotic flora and fauna as far as possible be exterminated:

(c) for the better protection and preservation of the flora and fauna in its natural state, no person shall enter the reserve, except under the authority

of a permit granted under section 48A or section 57 or in accordance with a notice given under section 57(2) and, for the purposes of this paragraph, the expression **enter the reserve** shall, in the case of a nature reserve or part of a nature reserve that is an island or that comprises most of an island, be deemed to include any physical contact with the land by a boat; and for this purpose any physical contact with the land shall be deemed to include the attaching (by rope or otherwise) of a boat to the reserve or to a wharf constructed on or partly on the reserve:

(d) where scenic, historic, archaeological, biological, geological, or other scientific features are present on the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

(e) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

(3) For the purposes of subsection (2)(c), where the foreshore of any nature reserve which is an island or part of an island does not form part of the reserve which it adjoins, the foreshore shall be deemed to form part of the reserve.

Section 20(2)(c): amended, on 27 December 1983, by section 6(2) of the Reserves Amendment Act 1983 (1983 No 43).

Section 20(2)(c): amended, on 23 September 1981, by section 3(1) of the Reserves Amendment Act 1981 (1981 No 30).

Section 20(2)(d) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

21 Scientific reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as scientific reserves, for the purpose of protecting and preserving in perpetuity for scientific study, research, education, and the benefit of the country, ecological associations, plant or animal communities, types of soil, geomorphological phenomena, and like matters of special interest.

(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every scientific reserve shall be so administered and maintained under the appropriate provisions of this Act that—

(a) except where the Minister otherwise determines, the indigenous flora and fauna shall as far as possible be preserved and the exotic flora and fauna shall as far as possible be exterminated:

(b) for the adequate protection and management of the reserve, the Minister may from time to time, by notice in the *Gazette*, prohibit access to the whole or any specified part of the reserve, and in that case no person shall enter the reserve or, as the case may be, the part so specified, except under the authority of a permit issued under section 48A or section 59:

(c) where scenic, historic, archaeological, biological, or natural features are present on the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

(d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained:

(e) with the consent of the Minister, the reserve, or any specified part of the reserve, may be manipulated for experimental purposes or to gain further scientific knowledge.

(3) For the purposes of subsection (2)(b), where access to the whole or any specified part of a scientific reserve has been prohibited except under the authority of a permit to enter the reserve or that part of the reserve, the expression "enter the reserve or, as the case may be, the part of the reserve so specified" shall, where the reserve or that part is an island or comprises most of an island, be deemed to include making any physical contact with the land by a boat; and for this purpose any physical contact with the land shall be deemed to include the attaching (by rope or otherwise) of a boat to the reserve or to a wharf constructed on or partly on the reserve.

(4) For the purposes of subsections (2)(b) and (3), where the foreshore of any scientific reserve which is an island or part of an island does not form part of the reserve which it adjoins, the foreshore shall be deemed to form part of the reserve.

Section 21(2)(b): amended, on 23 September 1981, by section 3(2) of the Reserves Amendment Act 1981 (1981 No 30).

Section 21(2)(c) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

22 Government purpose reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as government purpose reserves for the purpose of providing and retaining areas for such government purpose or purposes as are specified in any classification of the reserve.

(2) For the avoidance of doubt, and without limiting the purposes for which a government purpose reserve may be classified, it is hereby declared that a reserve may be classified as a government purpose reserve for wildlife management or for other specified wildlife purposes.

(3) Where any Minister of the Crown other than the Minister of Conservation is appointed to control and manage any government purpose reserve or any part thereof, the reserve or that part, as the case may be, may by that notice be made subject to the provisions of any other Act or Acts administered by the first-mentioned Minister in addition to being subject to this Act, but shall remain a reserve, and that Minister may expend out of the money appropriated by Parliament in respect of the administration of that other Act such sum or sums as he or she thinks fit on the maintenance and improvement and development of the reserve.

(4) It is hereby further declared that, having regard to the general purpose specified in subsection (1), every government purpose reserve shall be so administered and maintained under the appropriate provisions of this Act that—

(a) where scenic, historic, archaeological, biological, cultural, scientific, or natural features or wildlife are present on the reserve, those features or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

(b) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water and forest conservation area shall be maintained.

(5) Subject, in the case of a government purpose reserve for railway purposes, to the Government Railways Act 1949, the administering body of a government purpose reserve or the Minister appointed to control and manage a government purpose reserve or any part thereof may from time to time, by notice in the *Gazette*, prohibit access to the whole or part of the reserve, or, as the case may be, the whole or any specified part of that part of the reserve, and no person shall be entitled to enter the reserve or, as the case may be, the part specified in

the notice, except under the authority of a permit granted under section 48A or a permit issued by the administering body or that Minister.

Section 22(1): replaced, on 1 January 1980, by section 5 of the Reserves Amendment Act 1979 (1979 No 63).

Section 22(3): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 22(4)(a) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 22(5): amended, on 23 September 1981, by section 3(3) of the Reserves Amendment Act 1981 (1981 No 30).

23 Local purpose reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve.

(2) It is hereby further declared that, having regard to the specific local purpose for which the reserve has been classified, every local purpose reserve shall be so administered and maintained under the appropriate provisions of this Act that—

(a) where scenic, historic, archaeological, biological, or natural features are present on the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

provided also that nothing in this paragraph shall authorise the doing of anything with respect to any esplanade reserve created under section 167 of the Land Act 1948, or section 190(3) or Part 25 of the Municipal Corporations Act 1954 or Part 2 of the Counties Amendment Act 1961 and existing at the commencement of this Act, or any local purpose reserve for esplanade purposes created under the said Part 25 or Part 2 or under Part 20 of the Local Government Amendment Act 1978 or under Part 10 of the Resource Management Act 1991 after the commencement of this Act, that would impede the right of the public freely to pass and repass over the reserve on foot, unless the administering body determines that access should be prohibited or restricted to preserve the stability of the land or the biological values of the reserve:

(b) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

(3) Where a local purpose reserve is vested in a local authority or where the administering body is a local authority, it may from time to time, by public notice, prohibit access to the whole or any specified part of the reserve, and in that case no person shall enter the reserve or, as the case may be, that part, except under the authority of a permit issued by the local authority.

(4) Where a local purpose reserve is not vested in a local authority and a local authority has not been appointed to control and manage it, the Minister may from time to time, by public notice, prohibit access to the whole or any specified part of the reserve, and in that case no person shall enter the reserve or, as the case may be, that part, except under authority of a permit issued by the Minister.

Section 23(1): replaced, on 1 January 1980, by section 6(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 23(2): amended, on 1 January 1980, by section 6(2) of the Reserves Amendment Act 1979 (1979 No 63).

Section 23(2)(a) first proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 23(2)(a) second proviso: replaced, on 1 January 1980, by section 7 of the Reserves Amendment Act 1979 (1979 No 63).

Section 23(2)(a) second proviso: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 23(2)(a) second proviso: amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

24 Change of classification or purpose or revocation of reserves

(1) Subject to section 13(2), where—

(a) the Minister considers for any reason that a change of classification or purpose of the whole or part of any reserve is advisable or that the reservation of any land as a reserve should be revoked; or

(b) the local authority within whose district a reserve is situated or the administering body of any reserve notifies the Commissioner in writing that, pursuant to a resolution of the local authority or of the administering body, as the case may be, it considers for any reason, to be stated in the resolution, that the classification or purpose of the whole or part of the reserve should be changed to another classification or purpose, or that the reservation of the whole or part of the land as a reserve should be revoked,—

then, subject to the succeeding provisions of this section, the Minister may, in his or her discretion, by notice in the *Gazette*, change the classification or purpose of the whole or part of the reserve, which thereafter shall be held

and administered for that changed classification or purpose, or revoke the reservation of the whole or part of the land as a reserve:

provided that the classification of any government purpose reserve for railway purposes shall not be changed and the reservation of the land or any part thereof as such a reserve shall not be revoked except with the consent of the Minister of Railways.

(2) Before any classification or purpose is changed or any reservation is revoked pursuant to subsection (1),—

(a) where subsection (1)(a) applies and there is an administering body of the reserve, the Commissioner shall notify the administering body in writing as to the Minister's reasons for considering that a change of classification or purpose is advisable or, as the case may be, that the reservation should be revoked, and shall invite the administering body to comment thereon in writing to the Commissioner:

(b) the administering body of the reserve after consulting the Commissioner, or the Commissioner if there is no administering body, shall publicly notify the proposed change of classification or purpose or proposed revocation of reservation, as the case may be, specifying the reason or reasons for the proposal:

(c) every person claiming to be affected by the proposed change of classification or purpose or revocation shall have a right of objection to the change or revocation, and may, at any time within 1 month after the date of the first publication of the notice of the proposal, give notice in writing of his or her objections to the proposed change or revocation and of the grounds thereof to the Commissioner if there is no administering body, and to the principal administrative officer or chief executive of the administering body in any other case, who shall forward all such objections to the Commissioner with a copy of the resolution of the administering body in relation to those objections, after the administering body has considered those objections:

provided that, where the date of the first publication of the notice of the proposal falls between the period commencing with 10 December in any year and ending with 10 January in the next succeeding year, notice of objection to the proposed change or revocation may be given at any time before 10 February next following that period:

(d) where a local authority which is not the administering body initiates action under subsection (1)(b) to change the classification or purpose of or to revoke the reservation of the whole or part of the land as a reserve, the local authority shall notify the administering body in writing of the resolution of the local authority, and the reasons for it, and the administering body shall notify the Commissioner in writing of the atti-

tude of the administering body to the proposed change of classification or purpose or to the proposed revocation:

(e) the Minister shall as soon as practicable consider the proposed change of classification or purpose or revocation and all objections received thereto and, in the case of objections made to an administering body, the resolution of the administering body thereon, and, in any case where paragraph (d) applies, the attitude of the administering body to the proposal:

(f) the Minister shall have power to receive such submissions and make such inquiries as he or she thinks fit on the proposal:

(g) the procedure to be followed by the Minister in any matter arising under this section shall be as prescribed in regulations made under this Act or, where there are no such regulations or so far as the regulations do not extend, as the Minister determines:

(h) any person who does not lodge an objection in accordance with this subsection shall be deemed to have assented to the change of classification or purpose or the revocation of reservation set forth in the public notification.

(3) No change of classification or purpose of a scenic, nature, or scientific reserve, or any part thereof, to a recreation, historic, government purpose, or local purpose reserve shall be made, except where, in the opinion of the Minister, the reserve or the part thereof is by reason of the destruction of the forest, bush, or other vegetation, or of the fauna or scientific or natural features thereon, or for any other like cause, no longer suitable for the purposes of its classification.

(4) *[Repealed]*

(5) No change of classification or purpose nor any revocation of reservation of an historic reserve or any part thereof shall be made, except where, in the opinion of the Minister, the reserve or the part thereof is by reason of the destruction of the historic features or for any other cause no longer suitable for the purpose of its classification, or where, in the opinion of the Minister, the change of classification or purpose or the revocation is required in the public interest. The Minister shall obtain a report from Heritage New Zealand Pouhere Taonga before making his or her decision.

(6) Subsection (2) shall not apply to any government purpose reserve, but no change of classification or purpose or revocation of the reservation of such a reserve or any part of such a reserve shall be made without the prior approval of the Minister appointed under section 22 or section 36 to control and manage that reserve.

(7) Subsection (2) shall not apply to any local purpose reserve, other than a reserve made on a subdivision of land under section 13 of the Land Subdivision in Counties Act 1946 or a reserve vested in the Corporation of a borough pursuant to the Municipal Corporations Act 1954 or the Corporation of a county

pursuant to Part 2 of the Counties Amendment Act 1961 or section 16 of the Land Act 1924 or section 17 of the Land Laws Amendment Act 1920 or Part 20 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978) or as a condition of any resource consent under the Resource Management Act 1991:

provided that the Minister may, after considering such evidence as may be submitted to him or her, direct that the proposals be publicly notified, and in that case subsection (2) shall apply.

(8) The Minister must not change the classification or purpose, or revoke the reservation status, of the whole or a part of a nature reserve or a scientific reserve under subsection (1).

(9) Instead, a change to the classification or purpose, or the revocation of the reservation status, of the whole or a part of a nature reserve or a scientific reserve must be made by the Governor-General by Order in Council, on the recommendation of the Minister.

(10) The Minister must not make a recommendation under subsection (9) to change the classification or purpose, or to revoke the reservation status, of a nature reserve or a scientific reserve unless—

(a) the Minister is satisfied that the reserve is no longer suitable for the purposes of its classification because of the destruction of its forest, bush, or other vegetation, or of its fauna or natural or scientific features, or for any other similar cause; and

(b) the Minister has complied with subsection (2), with any necessary modifications.

(11) Subsection (10)(a) does not apply if the intended change of classification is from—

(a) nature reserve to scientific reserve or scenic reserve:

(b) scientific reserve to nature reserve or scenic reserve.

(12) An order under subsection (9) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1953 No 69 s 18(1)–(5); 1965 No 108 s 2(1)

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 24(1): amended, on 1 January 1980, by section 3(2) of the Reserves Amendment Act 1979 (1979 No 63).

Section 24(2)(b): amended, on 1 January 1980, by section 8 of the Reserves Amendment Act 1979 (1979 No 63).

Section 24(2)(c): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 24(2)(c) proviso: inserted, on 1 January 1980, by section 9 of the Reserves Amendment Act 1979 (1979 No 63).

Section 24(4): repealed, on 24 May 2013, by section 8(1) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(5): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 24(7): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 24(7): amended, on 17 December 1997, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 24(7): amended, on 1 April 1979, by section 3(5) of the Local Government Amendment Act 1978 (1978 No 43).

Section 24(8): inserted, on 24 May 2013, by section 8(2) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(9): inserted, on 24 May 2013, by section 8(2) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(10): inserted, on 24 May 2013, by section 8(2) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(11): inserted, on 24 May 2013, by section 8(2) of the Reserves Amendment Act 2013 (2013 No 17).

Section 24(12): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

24A Change of purpose of reserve by territorial authority or regional council

(1) Notwithstanding section 24, where any local purpose reserve is vested in a territorial authority or regional council, that territorial authority or regional council may, by notice in the *Gazette*, change the purpose for which that reserve is classified within its classification as a local purpose reserve.

(2) Before the specified purpose of any local purpose reserve is changed pursuant to subsection (1),—

(a) the territorial authority or regional council shall publicly notify the proposed change of purpose, specifying the reason or reasons for the proposal:

(b) every person claiming to be affected by the proposed change of purpose shall have a right of objection to the change, and may, at any time within 1 month after the date of the first publication of the notice of the proposal, give notice in writing of his or her objections to the proposed change and of the grounds thereof to the chief executive of the territorial authority:

provided that, where the date of the first publication of the notice of the proposal falls between the period commencing with 10 December in any year and ending with 10 January in the next succeeding year, notice

of objection to the proposed change may be given at any time before 10 February next following that period:

(c) the territorial authority or regional council shall as soon as practicable consider all objections lodged in accordance with paragraph (b):

(d) any person who does not lodge an objection in accordance with this subsection shall be deemed to have assented to the change of purpose set forth in the public notification.

(3) Nothing in subsection (2) shall apply in any case where the reason for the proposed change of purpose is to bring the specific purpose for which the reserve is classified into conformity with—

(a) the operative district plan in force under the Resource Management Act 1991 for the district in which the reserve is situated:

(b) any resource consent applying to the reserve granted by the territorial authority or regional council in accordance with Part 6 of that Act.

Section 24A: inserted, on 1 January 1980, by section 10 of the Reserves Amendment Act 1979 (1979 No 63).

Section 24A heading: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 24A(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 24A(2)(a): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 24A(2)(b): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 24A(2)(c): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 24A(3)(a): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 24A(3)(b): replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 24A(3)(b): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

25 Effect of revocation of reserve or change of classification or purpose

(1) Upon the revocation of the reservation of any public reserve or of any part thereof pursuant to section 24, the land comprised therein shall, if vested in the Crown or in any local authority or trustees deriving title from the Crown, become Crown land available for disposal under the Land Act 1948, and in any other case may be disposed of in such manner and for such purpose as may be specified by the Minister.

(2) Upon any change of classification or purpose or revocation of reservation in respect of any reserve, the land specified in the *Gazette* notice under section

24(1) shall be held subject to such restrictions, encumbrances, liens, and interests as are specified in the notice.

(3) Notwithstanding anything in subsection (1) or subsection (2), where any land the reservation of which is revoked had been transferred to the Crown by way of gift for the purposes of a reserve, the following provisions shall apply:

(a) in the case of land that immediately before its transfer to the Crown was Maori land, the Minister, unless he or she considers it would not be in the public interest, shall offer the land, on such terms and conditions as he or she thinks fit, to the former owner or, if he or she is deceased, to his or her descendants, those descendants being as determined by order of the Maori Land Court:

(b) in the case of any other land, the Minister, unless he or she considers it would not be in the public interest, shall offer the land, on such terms and conditions as he or she thinks fit, to the former owner or, if he or she is deceased, to his or her personal representative.

(4) For the purposes of subsection (1), where any reserve in any county was vested in the Sovereign under section 13 of the Land Subdivision in Counties Act 1946 or section 16 of the Land Act 1924 or section 17 of the Land Laws Amendment Act 1920 or was purchased out of money in the Land for Settlements Account or the Land Settlement Account under section 14(2)(a) of the Land Subdivision in Counties Act 1946 and was later vested in the Corporation of the county as a reserve, the title of the Corporation to that reserve shall be deemed to have been derived by the Corporation otherwise than from the Crown.

(5) For the purposes of subsection (1), where any land has been vested in the Corporation of a local authority as a reserve for the purposes of this Act or any former Act on the subdivision under any enactment, for residential, commercial, or industrial purposes, of any land of the Crown, the title of the local authority to that reserve shall be deemed to have been derived by the Corporation otherwise than from the Crown.

Compare: 1953 No 69 s 18(5)–(8); 1965 No 108 s 2(2); 1967 No 116 s 2; 1971 No 144 s 3; 1972 No 132 s 8(1)

Management and control of reserves

26 Vesting of reserves

(1) For the better carrying out of the purposes of any reserve (not being a government purpose reserve) vested in the Crown, the Minister may, by notice in the *Gazette*, vest the reserve in any local authority or in any trustees empowered by or under any Act or any other lawful authority, as the case may be, to hold and administer the land and expend money thereon for the particular purpose for which the reserve is classified.

(2) All land so vested shall be held in trust for such purposes as aforesaid and subject to such special conditions and restrictions as may be specified in the said notice.

(3) Before vesting a reserve under this section, the Minister shall—

(a) give public notice of the intention to do so in accordance with section 119; and

(b) in accordance with section 120, give full consideration to relevant objections and submissions received under that section.

(4) Notwithstanding subsection (3), the Minister shall not be required to publicly notify the proposed vesting where—

(a) the body in whom the reserve is to be vested has had the financial or other responsibility for its acquisition; or

(b) the reserve is either a local purpose reserve or a recreation reserve being vested in a local authority; or

(c) the Minister has consulted the relevant conservation board and Fish and Game Council, and those bodies have advised the Minister that—

(i) the proposed vesting does not have any adverse effects on the management of and the interest of the public in the reserve; and

(ii) public notification is considered by them to be unnecessary.

Compare: 1953 No 69 s 19

Section 26(3): inserted, on 13 March 1996, by section 4 of the Reserves Amendment Act 1996 (1996 No 3).

Section 26(4): inserted, on 13 March 1996, by section 4 of the Reserves Amendment Act 1996 (1996 No 3).

26A Vesting of certain reserves

(1) Where any administering body that is a territorial authority has, before 1 January 1980 been appointed to control and manage any reserve classified under section 16 (whether before or after 1 January 1980) as a recreation reserve or local purpose reserve, that reserve shall, without further authority than this section, vest in that administering body.

(2) All land so vested shall be held in trust for the purpose or purposes for which the reserve is classified.

(3) Where any such administering body wishes to have a record of title issued to it in respect of any reserve vested in that administering body pursuant to subsection (1), the administering body shall, if the Registrar-General of Land so requests, provide the Registrar-General of Land with such evidence as he or she may require of the classification of that reserve and the appointment of that administering body to control and manage that reserve.

Section 26A: inserted, on 1 January 1980, by section 11 of the Reserves Amendment Act 1979 (1979 No 63).

Section 26A(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

27 Cancelling vesting of reserves

(1) Any vesting (whether by any Provincial Ordinance, Act, grant, Order in Council, or in any other manner, and whether before or after the commencement of this Act) in an administering body of any reserve which before that vesting was the property of the Crown may, with the consent of the administering body, be cancelled by the Minister, by notice in the *Gazette*, and thereupon the land shall cease to be vested in that administering body and shall revest in the Crown subject to the trusts affecting the land and to any valid leases, rights, or easements subsisting thereover at the date of revesting.

(2) If at any time the Minister is satisfied that a breach of the trusts upon which any such reserve is vested has been committed, or that after the expiration of 5 years from the date of the vesting of the reserve the land is not being used for the purpose for which it is vested, whether that period of 5 years has expired before the commencement of this Act or will thereafter expire, or that the administering body has failed to comply with the provisions of this Act, he or she may cause to be served on the administering body a notice in writing stating that unless cause to the contrary is shown in writing within 2 months he or she will cancel the vesting.

(3) If within that period of 2 months the administering body shows cause as aforesaid, the Minister may in his or her discretion either decide to take no further action or he or she may inquire into the question whether or not the vesting should be cancelled.

(4) If the Minister is of the opinion that the vesting should be cancelled, or if within that period of 2 months the administering body does not show cause as aforesaid, the Minister may, by notice in the *Gazette*, cancel the vesting, and thereupon the reserve shall revest in the Crown subject to the trusts affecting the same and to any valid leases, rights, or easements subsisting thereover at the date of revesting.

(5) On the cancellation of any vesting, any record of title or other instrument of title issued in respect of the reserve must, on the written request of the Commissioner, be noted accordingly by the Registrar-General of Land.

(6) Subsection (1) shall extend and apply with respect to reserves the control of which has been vested in the Minister of Tourism, but subject to the consent of that Minister, and any notice issued cancelling that vesting of control shall have the effect both of removing the land concerned from the control of that Minister and also of removing the land concerned from the operation and provisions of the Tourist and Health Resorts Control Act 1908.

Compare: 1953 No 69 s 20

Section 27(5): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

28 Appointing a local authority to control and manage a reserve

(1) For the better carrying out of the purposes of any reserve vested in the Crown, the Minister may, by notice in the *Gazette*, appoint any local authority to control and manage the reserve for the particular purpose for which the reserve is classified.

(2) Every appointment of a local authority under this section shall be subject to such special conditions and restrictions as may be specified in the notice in the *Gazette*, and shall take effect according to the tenor thereof, and every appointment of a local authority and any special conditions and restrictions attached to that appointment may in like manner, by notice in the *Gazette*, be revoked or amended.

(3) Every local authority appointed under this section shall by virtue of that appointment be authorised to expend and apply money in controlling and managing the reserve in accordance with the particular purpose for which the reserve is classified.

Compare: 1953 No 69 ss 21, 47; 1970 No 101 s 2(2), (3)

29 Appointing a voluntary organisation to control and manage a reserve

For the better carrying out of the purposes of any reserve vested in the Crown, the Minister may, by notice in the *Gazette*, appoint a voluntary organisation to control and manage the reserve for the purpose of its classification and in accordance with the appropriate provisions of this Act, and subject to such additional conditions and restrictions as may be specified in the notice. A notice under this section shall take effect according to its tenor, and may at any time be in like manner amended or revoked.

Compare: 1953 No 69 s 21

30 Appointing a board to control and manage a reserve

(1) For the better carrying out of the purposes of any reserve vested in the Crown, the Minister may, by notice in the *Gazette*, appoint such persons as he or she thinks fit to be a reserves board, trust, trust board, or other special board to control and manage the reserve for the purpose of its classification and in accordance with the appropriate provisions of this Act, and subject to such additional conditions or restrictions as may be specified in the notice. Every such notice shall take effect according to its tenor. Any person so appointed may be appointed by virtue of any office.

(2) Notwithstanding anything in section 10, the Minister may from time to time, by notice in the *Gazette*, authorise the Commissioner to appoint, by instrument under his or her hand publicly notified once in 1 or more newspapers circulating in the locality in which the reserve is situated, such persons as the Commissioner thinks fit, not exceeding 9 in number, to be a reserves board

to control and manage any reserve specified in the *Gazette* notice. A reserves board so appointed shall control and manage the reserve for the purpose of its classification in accordance with the appropriate provisions of this Act, and subject to such additional conditions and restrictions as may be specified in the instrument. Every such notice shall take effect according to its tenor. Any person so appointed may be appointed by virtue of any office.

(3) The Minister, or the Commissioner, as the case may be, may, by the notice appointing those persons or by a subsequent notice under his or her hand, appoint one of them to be chairperson of the board for the term of his or her appointment or for such period as the Minister or the Commissioner, as the case may be, thinks fit:

provided that the Minister or the Commissioner, as the case may be, may from time to time, by notice under his or her hand, remove any chairperson from his or her office as such and appoint a new chairperson in his or her place.

(4) The Minister may from time to time, by notice in the *Gazette*, or, in any case to which subsection (2) applies, the Commissioner may by instrument under his or her hand publicly notified once in 1 or more newspapers circulating in the locality in which the reserve is situated, make such additional appointments of members as he or she thinks necessary, but the appointments made by the Commissioner shall not increase the number of members of the board to more than 9. Those members shall be appointed for the remainder of the term for which the board was originally appointed.

(5) The Minister or the Commissioner, as the case may be, may from time to time by like notice reduce the number of members of any board, and for that purpose may revoke the appointments of such members as may thereby be rendered necessary.

(6) The Minister or the Commissioner, as the case may be, may from time to time by a like notice revoke the appointment of any board or of any member of any board.

(7) Notwithstanding anything in subsection (2) or subsection (4), where there is no newspaper circulating in the locality in which the reserve is situated, an instrument under the said subsection (2) or subsection (4) shall be notified once in the *Gazette*.

(8) There shall be paid, out of money appropriated by Parliament for the purpose, to the members of any reserves board, trust, trust board, or other special board appointed under subsection (1) who are not members by virtue of being officers of any department of State remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the reserves board, trust, trust board, or other special board, as the case may be, were a statutory board within the meaning of that Act.

Compare: 1953 No 69 ss 6, 6A; 1970 No 101 s 2(1)

31 Term of office of members of boards

The following provisions shall apply with respect to every appointed member of any board, namely:

(a) subject to the succeeding provisions of this section and to section 30, he or she shall hold office for such term not exceeding 7 years as may be specified in the notice of his or her appointment, and may from time to time be reappointed:

(b) he shall vacate office on the happening of any of the following events:

(i) if he or she becomes bankrupt; or

(ii) if he or she resigns by writing addressed to the secretary to the board; or

(iii) if he or she is absent from 3 consecutive meetings of the board without the leave of the board; or

(iv) if he or she is absent from New Zealand for 3 consecutive months without the leave of the board:

(c) the Minister may remove from office any appointed member of the board, whether appointed by the Minister or by the Commissioner, who in his or her opinion becomes incapable of acting as a member or is guilty of such neglect of duty or misconduct as in the Minister's opinion makes it expedient that he or she should cease to be a member of the board:

(d) if he or she dies, or vacates his or her office pursuant to paragraph (b) or paragraph (c), the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made:

provided that if the board was originally appointed by the Minister and the Minister has authorised the Commissioner to appoint the board under section 30(2), the Commissioner shall make the appointment. Any person so appointed shall be appointed for the residue of the term for which his or her predecessor was appointed:

(e) unless he or she sooner vacates his or her office as provided in paragraph (d), he or she shall continue in office until his or she successor comes into office, notwithstanding that the term for which he or she was appointed may have expired:

(f) where any member of the board is appointed by virtue of any office, he or she shall vacate his or her appointment on ceasing to hold that office, and shall be replaced by his or her successor in office without any further appointment.

Compare: 1953 No 69 s 8; 1970 No 101 s 2(2)(c); 1972 No 99 s 2

32 Meetings of boards

(1) The first meeting of any board appointed after the commencement of this Act shall be held not later than 2 months after the date of the gazetting or publication of the notice appointing the board.

(2) An annual meeting of the board must be held within 2 months after the end of the financial year.

(3) Other meetings shall be held as the board determines from time to time.

(4) A special meeting of the board may at any time be convened by the chairperson, and the chairperson shall call a special meeting whenever requested to do so in writing by 2 members of the board:

provided that not less than 7 clear days' notice of every special meeting and of the business to be transacted thereat shall be given to each member, and no business other than that specified in the notice shall be transacted at any such meeting.

(5) Where the chairperson of the board has not been appointed by the Minister or by the Commissioner, as the case may be, under section 30(3), then, at the first meeting of the board and at every annual meeting and as often as the office of chairperson becomes vacant, the members shall elect one of their number to be chairperson, who, while he or she continues to be a member of the board, shall hold office as such until the appointment of his or her successor.

(6) The chairperson shall preside at each meeting of the board at which he or she is present, but in his or her absence from any meeting the members present shall elect a member to act as chairperson at that meeting.

(7) The member presiding at any meeting shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(8) No business shall be transacted at any meeting of the board unless at least a quorum of members (whether voting or not) is present thereat during the whole time at which the business is transacted.

(9) A quorum shall consist of half of the whole number of the members of the board (irrespective of any vacancies) when that number is even and a majority of the members when that number is odd.

(10) Every question before the board shall be determined by a majority of the votes of the members present and voting on that question.

(11) Subject to this Part, every board may regulate its own proceedings.

Compare: 1953 No 69 s 9; 1970 No 101 s 2(2)(d)

Section 32(2): replaced, on 17 May 2005, by section 3 of the Reserves Amendment Act 2005 (2005 No 68).

33 Form of contracts of boards

(1) A contract which, if made by private persons, is not enforceable unless made in writing signed by the persons to be charged therewith may be made on behalf

of the board in writing signed by any person acting under its authority, express or implied.

(2) A contract which, if made by private persons, may be made orally, may be made orally on behalf of the board by any person acting under its authority, express or implied.

34 Members of boards not personally liable

The members of any board shall not be personally liable for any act done or omitted to be done in good faith in the course of the operations of the board or for any debt or other liability lawfully incurred by the board.

Compare: 1953 No 69 s 10

35 Appointing trustees to control and manage reserve vested in Crown

For the better carrying out of the purposes of any reserve vested in the Crown, the Minister may, by notice in the *Gazette*, appoint any trustees (being empowered by or under any Act or other lawful authority to administer land and expend money thereon) or any Maori Trust Board to control and manage the reserve for the purpose of its classification and in accordance with the appropriate provisions of this Act, and subject to such additional conditions and restrictions as may be specified in the notice. Every such notice shall take effect according to its tenor, and may at any time in like manner be amended or revoked.

Compare: 1953 No 69 ss 19, 21

36 Appointing Minister of the Crown to control and manage reserve

(1) For the better carrying out of the purposes of any reserve vested in the Crown, the Minister may, by notice in the *Gazette*, appoint any other Minister of the Crown to control and manage the reserve, or any part of the reserve, for the purpose of its classification and in accordance with the appropriate provisions of this Act, and with such powers and subject to such conditions and restrictions as may be specified in the notice. A notice under this subsection shall take effect according to its tenor, and may at any time be in like manner amended or revoked.

(2) Where any Minister of the Crown other than the Minister of Lands is appointed under this section to control and manage any reserve or part thereof, the reserve may by that notice be made subject to any other Act administered by the first-mentioned Minister in addition to being subject to this Act, but shall remain a reserve, and that Minister may expend out of money appropriated by Parliament in respect of the administration of that other Act such sum or sums as he or she thinks fit on the maintenance and improvement and development of the reserve.

Compare: 1953 No 69 s 21

37 Administering body may control and manage more than 1 reserve

An administering body appointed under this Act to control and manage any reserve of a specified classification may be appointed to control and manage any other reserve, whether of the same classification or not.

Compare: 1953 No 69 s 21(3)

38 Control and management of land that is not a reserve

(1) The Minister, or an administering body of a reserve with the consent of the Minister, may also control and manage any land that is not a reserve (including any Maori reservation) for any of the purposes specified in sections 17 to 23:

provided that the administering body shall not control and manage any land under this subsection except with the agreement of the owner, trustee, or controlling authority of the land to the appointment and to the use of the land for that specified purpose, and subject to such terms and conditions as to the use of the land as are approved by the Minister and the owner, trustee, or controlling authority of the land:

provided further that the Minister shall not control and manage any land under this subsection except with the agreement of the owner, trustee, or controlling authority of the land to the use of the land for that specified purpose.

(2) For the better carrying out of the purposes of this Act, the Minister may, by notice in the *Gazette*, appoint such persons, trustees (including trustees appointed under section 438 of the Maori Affairs Act 1953), trust, voluntary organisation, Maori Trust Board, or Maori incorporation as he or she thinks fit to be an administering body to control and manage any land which is not a reserve (including any Maori reservation) for any of the purposes specified in sections 17 to 23:

provided that an administering body shall not be appointed under this subsection except with the agreement of the owner, trustee, or controlling authority of the land to the appointment and to the use of the land for that specified purpose, and subject to such terms and conditions as to the use of the land as are approved by the Minister and the owner, trustee, or controlling authority of the land.

(3) While an arrangement as aforesaid remains in force, sections 93 to 105 shall, as far as they are applicable and with the necessary modifications, apply to that land in all respects as if it were a reserve under this Act:

provided that in their application to any such land sections 93 to 105 shall be read subject to any agreement between the owner, lessee, or licensee of the land and the Minister preserving to the owner, lessee, or licensee the right to do any act or thing forbidden by this Act.

Compare: 1953 No 69 ss 58, 75A; 1966 No 26 s 3; 1971 No 144 s 4

Section 38(1): amended, on 1 January 1980, by section 12(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 38(1) second proviso: inserted, on 1 January 1980, by section 12(2) of the Reserves Amendment Act 1979 (1979 No 63).

39 Provision of technical assistance to administering body

The Minister may provide, with or without charge, advice, guidance, and technical and related assistance or services to—

(a) any administering body in connection with the administration, management, or development of any reserve vested in it or which it has been appointed to control and manage:

(b) any person, trustees (including trustees appointed under section 438 of the Maori Affairs Act 1953), trust, voluntary organisation, Maori Trust Board, or Maori incorporation owning, or appointed under section 38(2) to control and manage, any land that is not a reserve.

39A Annual financial statements

(1) A board may, with the consent of the Minister of Finance, dispense with preparing any of the statements referred to in section 150, section 153, or section 154 of the Crown Entities Act 2004.

(2) The consent may be given on any conditions the Minister thinks fit (which may include a requirement that the financial statements of any board include other statements, figures, or accounts in place of the statements dispensed with).

(3) The Minister must not give a consent unless satisfied on reasonable grounds that in all the circumstances the preparation of all the statements referred to in subsection (1)—

(a) is not essential because any remaining statements for the financial year (including those appended to the Department of Conservation annual report in accordance with section 45O of the Public Finance Act 1989) can fairly reflect the financial position and operations of the board; and

(b) would be unduly onerous on the board.

Section 39A: inserted, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

39B Financial statements may comply with standards rather than generally accepted accounting practice

(1) If a board is not a specified not-for-profit entity,—

(a) section 154(3)(a) of the Crown Entities Act 2004 does not apply; and

(b) the financial statements of the board (if any) must comply with either generally accepted accounting practice or a non-GAAP standard that applies for the purposes of this section.

(2) This section is subject to section 39A.

Section 39B: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Functions of administering body

40 Functions of administering body

(1) The administering body shall be charged with the duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act and in terms of its appointment and the means at its disposal, so as to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve for the purpose for which it is classified.

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

Compare: 1953 No 69 s 7

Section 40(2): inserted, on 10 April 1990, by section 95 of the Conservation Law Reform Act 1990 (1990 No 31).

40A Conservation management strategies

(1) Every conservation management strategy shall implement statements of general policy and establish objectives for the management of reserves administered by the Department under this Act.

(2) Nothing in any conservation management strategy shall derogate from the relevant provisions of this Act or the purpose for which a reserve is held.

(3) The Department shall manage such reserves in accordance with conservation management strategies.

(4) While any conservation management strategy affecting a reserve administered by the Department is in force, conservation management plans in respect of that reserve—

(a) shall not be required to be reviewed:

(b) may be revoked by the Director-General, after giving notice in accordance with section 119; and section 120 shall, with any necessary modifications, apply with respect to every such notice.

Section 40A: inserted, on 10 April 1990, by section 96 of the Conservation Law Reform Act 1990 (1990 No 31).

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

(1) The purpose of a conservation management plan under this section is to implement conservation management strategies and to establish objectives for the management of a reserve or reserves administered by the Department, according to the purpose or purposes for which that reserve is classified or those reserves are classified.

(2) Nothing in section 41 shall apply in respect of any conservation management plan under this section.

(3) Any such plan may relate to any reserve or reserves of any classification.

(4) The Department shall manage such reserves in accordance with conservation management plans.

(5) Nothing in any conservation management plan shall derogate from any provision in—

(a) this Act or any other Act; or

(b) any general policy approved under section 15A; or

(c) any conservation management strategy.

(6) Every management plan in force at the commencement of this section, that has been approved under section 41 in respect of a reserve administered by the Department, is hereby deemed to be approved as a conservation management plan under this section, and shall have effect accordingly.

(7) Every draft management plan that, at the commencement of this section, is proposed to be approved under section 41 in respect of a reserve administered by the Department, is hereby deemed to be a draft conservation management plan prepared under this section, and may be approved accordingly.

(8) For the purposes of this section, sections 17E (except subsections (1), (4), and (6)), 17G, 17H, 17I, and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to management plans under this section.

Section 40B: inserted, on 10 April 1990, by section 96 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 40B(8): replaced, on 22 June 1993, by section 2 of the Reserves Amendment Act (No 2) 1993 (1993 No 42).

41 Management plans

(1) The administering body shall, within 5 years after the date of its appointment or within 5 years after the commencement of this Act, whichever is the later, prepare and submit to the Minister for his or her approval a management plan for the reserve under its control, management, or administration.

(2) The Minister may extend the time within which an administering body is required to submit its management plan to him or her for approval, where he or she is satisfied with the progress the administering body has made with the preparation of its management plan.

(3) The management plan shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified, and shall incorporate and ensure compliance with the principles set out in section 17,

section 18, section 19, section 20, section 21, section 22, or section 23, as the case may be, for a reserve of that classification.

(4) The administering body of any reserve shall keep its management plan under continuous review, so that, subject to subsection (3), the plan is adapted to changing circumstances or in accordance with increased knowledge; and the Minister may from time to time require the administering body to review its management plan, whether or not the plan requires the approval of the Minister under this section.

(5) Before preparing a management plan for any 1 or more reserves under its control, the administering body shall—

(a) give public notice of its intention to do so; and

(b) in that notice, invite persons and organisations interested to send to the administering body at its office written suggestions on the proposed plan within a time specified in the notice; and

(c) in preparing that management plan, give full consideration to any such comments received.

(5A) Nothing in subsection (5) shall apply in any case where the administering body has, by resolution, determined that written suggestions on the proposed plan would not materially assist in its preparation.

(6) Every management plan shall be prepared by the administering body in draft form in the first place, and the administering body shall—

(a) give public notice complying with section 119 stating that the draft plan is available for inspection at a place and at times specified in the notice, and calling upon persons or organisations interested to lodge with the administering body written objections to or suggestions on the draft plan before a specified date, being not less than 2 months after the date of publication of the notice; and

(aa) on giving notice in accordance with paragraph (a), send a copy of the draft plan to the Commissioner; and

(b) give notice in writing, as far as practicable, to all persons and organisations who or which made suggestions to the administering body under subsection (5) stating that the draft plan has been prepared and is available for inspection at the place and during the times specified in the notice, and requiring any such person or organisation who or which desires to object to or comment on the draft plan to lodge with the administering body a written objection or written comments before a specified date, being not less than 2 months after the date of giving of the notice; and

(c) make the draft management plan available for inspection, free of charge, to all interested persons during ordinary office hours at the office of the administering body; and

(d) before approving the management plan, or, as the case may require, recommending the management plan to the Minister for his or her approval, give every person or organisation who or which, in lodging any objection or making any comments under paragraph (a) or paragraph (b), asked to be heard in support of his or her or its objection or comments, a reasonable opportunity of appearing before the administering body or a committee thereof or a person nominated by the administering body in support of his or her or its objection or comments; and

(e) where the management plan requires the approval of the Minister, attach to the plan submitted to him or her for approval a summary of the objections and comments received and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted.

(7) Where under subsection (4) the Minister requires an administering body to review its management plan, he or she may direct that the administering body follow the procedure specified in subsections (5) and (6), and the administering body shall follow that procedure accordingly as if the review were the preparation of a management plan.

(8) Where in terms of its responsibilities under this Act the administering body of any reserve resolves to undertake a comprehensive review of its management plan, the administering body shall follow the procedure specified in subsections (5) and (6) as if the review were the preparation of a management plan.

(9) Where under subsection (4) the administering body considers any change not involving a comprehensive review to its management plan is required, it may, if it thinks fit, follow the procedure specified in subsections (5) and (6).

(10) The administering body or committee or person before which or whom any person appears at any hearing in support of any objection or comments shall determine its or his or her own procedure at the hearing.

(11) The administering body shall in the exercise of its functions comply with the management plan for the reserve and any amendment thereof, being, in the case of a plan or an amendment that requires the approval of the Minister, a plan or an amendment so approved.

(12) No approval by the Minister for the purposes of this section shall operate as an approval or a consent for any other purpose of this Act.

(13) Where a recreation reserve is vested in a local authority or a local authority is appointed to control and manage a recreation reserve, the local authority shall not be required to submit its management plan to the Minister for approval, unless the terms of vesting or of appointment to control and manage the reserve so require:

provided that the local authority shall make its management plan available for inspection by or on behalf of the Minister whenever so required.

(14) The Minister may, by notice to them, require the administering bodies of reserves in any locality to consult with each other in the preparation of their

management plans so that the management plans are integrated for the benefit of the locality.

(15) Where under this Act the approval or consent of the Minister is required to any action by an administering body, the Minister may, at his or her discretion, refuse to grant his or her approval or consent unless and until the administering body has submitted its management plan for approval (whether or not the plan otherwise requires the approval of the Minister under this section) and the plan has been approved by him or her.

(16) This section shall not apply in respect of any government purpose reserve or local purpose reserve unless the reserve is vested in an administering body or an administering body is appointed to control and manage the reserve, and the Minister in the notice of vesting or notice to control and manage directs that this section is to apply in respect of the reserve.

Section 41(5A): inserted, on 1 January 1980, by section 13 of the Reserves Amendment Act 1979 (1979 No 63).

Section 41(6)(aa): inserted, on 1 January 1980, by section 14 of the Reserves Amendment Act 1979 (1979 No 63).

Section 41(16): replaced, on 27 December 1983, by section 4(1) of the Reserves Amendment Act 1983 (1983 No 43).

General powers of Minister and of administering body

42 Preservation of trees and bush

(1) The trees and bush on any historic reserve or scenic reserve or nature reserve or scientific reserve shall not be cut or destroyed, except in accordance with a permit granted under section 48A or with the express consent in writing of the Minister and subject to such terms and conditions as the Minister may determine, including (as appropriate) the method of cutting, extraction, and restoration.

(2) The trees or bush on any recreation reserve, or government purpose reserve, or local purpose reserve shall not be cut or destroyed, except in accordance with a permit granted under section 48A or unless the administering body of the reserve is satisfied that the cutting or destruction is necessary for the proper management or maintenance of the reserve, or for the management or preservation of other trees or bush, or in the interests of the safety of persons on or near the reserve or of the safety of property adjoining the reserve, or that the cutting is necessary to harvest trees planted for revenue producing purposes.

(3) Where in the case of any recreation reserve or government purpose reserve or local purpose reserve the administering body is satisfied that the cutting or destruction of trees or bush is necessary for any of the reasons mentioned in subsection (2), the administering body shall not proceed with the cutting or destruction and extraction except in a manner which will have a minimal impact on the reserve and until, as circumstances warrant, provision is made

for replacement, planting, or restoration; and the administering body shall not proceed to authorise the cutting or destruction, except subject to conditions as to the method of cutting or destruction and extraction which will have minimal impact on the reserve and, as circumstances warrant, replacement, planting, or restoration; and any other conditions which the administering body considers to be appropriate in the circumstances.

Compare: 1953 No 69 ss 34, 54, 62(1), (2)

Section 42(1): amended, on 23 September 1981, by section 3(4) of the Reserves Amendment Act 1981 (1981 No 30).

Section 42(2): amended, on 23 September 1981, by section 3(5) of the Reserves Amendment Act 1981 (1981 No 30).

43 Fencing and maintenance of reserves

(1) The Minister may from time to time take such steps as he or she thinks fit for the fencing and maintenance of any reserve vested in the Crown.

(2) Where any fence within the meaning of the Fencing Act 1978 is erected by authority of the Minister on the common boundary of any reserve vested in the Crown and the adjoining land, the occupier of the adjoining land shall be liable, notwithstanding anything to the contrary in that Act, for half of the cost of the erection and maintenance of the fence, and that half cost may be recovered from him or her in any court of competent jurisdiction by the Commissioner.

Compare: 1953 No 69 s 59

Section 43(2): amended, on 1 April 1979, pursuant to section 28(1) of the Fencing Act 1978 (1978 No 50).

44 Unauthorised use of reserve

(1) Except with the consent of the Minister, no person shall use a reserve, or any building, vehicle, boat, caravan, tent, or structure situate thereon, for purposes of permanent or temporary personal accommodation:

provided that nothing in this subsection shall be deemed to prohibit the use, for purposes of personal accommodation, of any reserve or any building, vehicle, boat, caravan, tent, or structure situate on any reserve, subject to compliance with every term or condition on which such use is permitted,—

(a) in areas set apart under the appropriate provisions of this Act for residences for officers or servants of the administering body or for rangers appointed under section 8(1); or

(b) in camping grounds set apart under the appropriate provisions of this Act; or

(c) in shelters, huts, cabins, lodges, or similar resting or sleeping accommodation approved by the Minister under section 45; or

(d) in a government purpose reserve or local purpose reserve, where living or sleeping accommodation is necessary because of the purposes specified in the classification of the reserve; or

(e) in areas defined on management plans prepared under section 41 and for the time being in force.

(f) *[Repealed]*

(2) Except with the consent of the Minister, the owner of any vehicle, caravan, tent, or removable structure shall not permit it to remain on a reserve for a total period of more than 4 weeks during the period commencing on 1 November in any year and ending with 31 March.

(3) The provisions of this section are in addition to and not in substitution for any other provisions of this Act.

Section 44(1) proviso paragraph (e): amended, on 23 September 1981, by section 3(6) of the Reserves Amendment Act 1981 (1981 No 30).

Section 44(1) proviso paragraph (f): repealed, on 1 July 1996, by section 5(1) of the Reserves Amendment Act 1996 (1996 No 3).

45 Erection of shelters, huts, cabins, and lodges

The administering body may, with the prior approval of the Minister, erect, or authorise any voluntary organisation or educational institution to erect, shelters, huts, cabins, lodges, and similar resting or sleeping accommodation on any recreation reserve or scenic reserve in order to encourage the public to appreciate and enjoy the benefits of the outdoors and nature, where, because of the isolation, rugged contour, or very large area of the reserve, this type of accommodation is necessary and cannot be provided outside and in close proximity to the reserve. Any approval granted under this section shall be on such terms and conditions as to location, structure, custody, use, and otherwise as the Minister approves.

46 Grant of rights to Maori

(1) The Minister may from time to time, by notice, grant to Maori the right to take or kill birds within any scenic reserve which immediately before the reservation or taking thereof was Maori land, provided the taking and killing of the birds would not be in contravention of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act.

(2) Where any scenic or historic reserve includes any ancestral burial grounds of Maori, the Minister may, by notice, grant the right to bury or inter the remains of deceased Maori in a place to be specified therein.

(3) Any rights so granted may at any time in like manner be withdrawn or varied by the Minister.

(4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1953 No 69 s 60

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 46(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 46(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 46(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

47 Wilderness areas

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—

(a) set apart the whole or any specified part of a reserve as a wilderness area:

(b) vary or revoke any order made under this subsection.

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

(a) the Minister (in any case where there is no administering body) or the administering body (if there is one) shall give public notice of the proposal in accordance with section 119,—

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

(ii) calling upon persons or organisations interested to lodge with the Minister or 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

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

(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 to control and manage that reserve.

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

(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:

(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.

(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

(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.

(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.

(7) Nothing in subsection (4) prevents the doing of anything necessary for any person's protection or because of some emergency involving any person's property.

(8) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 47: replaced, on 25 November 1994, by section 3 of the Reserves Amendment Act 1994 (1994 No 110).

Section 47(1): replaced, on 24 May 2013, by section 9(1) of the Reserves Amendment Act 2013 (2013 No 17).

Section 47(2)(a): amended, on 24 May 2013, by section 9(2) of the Reserves Amendment Act 2013 (2013 No 17).

Section 47(2)(a)(ii): amended, on 24 May 2013, by section 9(3) of the Reserves Amendment Act 2013 (2013 No 17).

Section 47(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

48 Grants of rights of way and other easements

(1) Subject to subsection (2) and to the Resource Management Act 1991, in the case of reserves vested in an administering body, the administering body, with the consent of the Minister and on such conditions as the Minister thinks fit, may grant rights of way and other easements over any part of the reserve for—

(a) any public purpose; or

(b) providing access to any area included in an agreement, lease, or licence granted under the powers conferred by this Act; or

(c) the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or

(d) an electrical installation or work, as defined in section 2 of the Electricity Act 1992; or

(e) the provision of water systems; or

(f) providing or facilitating access or the supply of water to or the drainage of any other land not forming part of the reserve or for any other purpose connected with any such land.

(2) Before granting a right of way or an easement under subsection (1) over any part of a reserve vested in it, the administering body shall give public notice in accordance with section 119 specifying the right of way or other easement intended to be granted, and shall give full consideration, in accordance with section 120, to all objections and submissions received in respect of the proposal under that section.

(3) Subsection (2) shall not apply in any case where—

(a) the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and

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

by the establishment and lawful exercise of the right of way or other easement.

(4) The Registrar-General of Land must, on the application of the administering body, register the instrument granting the right or easement against any record of title that may have been issued for the reserve, and, if the reserve is held on registered lease or licence, any such instrument may be registered in the same way as any dealing with the lease or licence.

(5) Where no record of title has been issued for any reserve over which a right or easement has been granted under this section, the instrument granting the right or easement may be registered with the Registrar-General of Land in the same manner and with any necessary modifications as any lease or licence of Crown land may be registered under the Land Act 1948.

(6) Rights of way and other easements may be granted under this section to any person, including, notwithstanding any rule of law to the contrary, the adminis-

tering body in which the reserve is vested, and, where the right of way or other easement is granted to the administering body, covenants and agreements in respect of any such transaction may be entered into by the administering body in the one capacity so as to bind or benefit the administering body in the other capacity as fully and effectually as if the administering body were a separate person in each capacity.

Section 48: replaced, on 1 July 1996, by section 6(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 48(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 48(1)(c): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 48(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 48(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

48A Use of reserve for communications station

(1) The administering body of a reserve vested in the administering body acting with the consent of the Minister may grant a licence to any person or department of State—

(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—

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.

(2) No licence shall be granted under subsection (1) unless the administering body is satisfied—

(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.

(3) Every licence issued under subsection (1) 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 administering body determines with the approval of the Minister.

(4) Except as provided in subsection (5), where the granting of any licence under subsection (1) is not in conformity with and contemplated by a management plan approved for the reserve, the administering body shall give public notice in accordance with section 119 of the proposal to grant a licence, and shall

give full consideration, in accordance with section 120, to all objections and submissions received in respect of the proposal under that section.

(5) Subsection (4) shall not apply in any case where—

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

(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 licence.

(6) *[Repealed]*

Section 48A: replaced, on 1 July 1996, by section 6(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 48A(6): repealed, on 26 March 2015, by section 5 of the Reserves Amendment Act 2015 (2015 No 32).

49 Taking of specimens

The Minister may from time to time, by writing under his or her hand, and subject to such conditions as he or she may impose in that behalf, grant any qualified person who in the Minister's opinion has the necessary credentials a right to take specified specimens of flora or fauna or rock mineral or soil from a reserve for scientific or educational purposes, provided the taking of such specimens does not unduly deplete the number of any species, damage ecological associations, or damage the values of the reserve:

provided that nothing in this section shall authorise the doing of anything with respect to fauna that would contravene anything in the Wildlife Act 1953 or in any regulations or Proclamation or notification under that Act.

50 Taking or killing of fauna

(1) The Minister, in the case of any scenic, historic, nature, or scientific reserve, and the administering body, in the case of any recreation, government purpose, or local purpose reserve, may from time to time, subject to such conditions as may be imposed in that behalf by the Minister or the administering body, as the case may be, authorise any person to take and kill any specified kind of fauna that may be found therein, and may for that purpose, notwithstanding anything to the contrary in this Act, authorise the use of firearms, traps, nets, or other like objects within the reserve:

provided that neither the Minister nor the administering body shall authorise the taking or killing for commercial purposes of any indigenous fauna in any reserve, unless it was a condition of the establishment of that reserve that the donor, vendor, or lessor, as the case may be, of the land has reserved the right to take or kill for commercial purposes that species of fauna in the reserve.

(2) Any authorisation under subsection (1), and any authorisation in any case where the administering body has decided that all or any part of a recreation reserve or government purpose reserve for wildlife management purposes may be used pursuant to bylaws made under this Act for the hunting or killing of game or the catching of acclimatised fish, shall be in writing.

(3) Subsections (1) and (2) shall apply only where the taking and killing of fauna would not be in contravention of Part 5B of the Conservation Act 1987, or of the Wildlife Act 1953, or of any regulations or Proclamation or notification under those Acts.

Compare: 1953 No 69 s 61

Section 50(3): amended, on 13 March 1996, by section 7 of the Reserves Amendment Act 1996 (1996 No 3).

51 Introduction of flora and fauna

(1) For the purpose of—

(a) restoring ecological communities in any historic, scenic, nature, or scientific reserve; or

(b) promoting the survival of any indigenous species of flora or fauna in any nature or scientific reserve; or

(c) developing a scenic reserve of a type specified in section 19(1)(b),—

the Minister may from time to time, by writing under his or her hand, authorise the administering body to introduce indigenous flora or fauna into the reserve, and also, in the case of a scientific reserve or of a scenic reserve to which section 19(1)(b) applies, to introduce exotic flora into the reserve. Any such authorisation may be subject to such conditions as the Minister may impose on that behalf.

(2) Before granting any authorisation under this section, the Minister shall have due regard to the principles set out in sections 18, 19, 20, and 21, as the case may require, and shall also have regard to the possible effects of such introduction on other flora and fauna already within the reserve.

51A Introduction of biological control organisms

(1) Notwithstanding anything in this Act or any other enactment, but subject to subsections (2) and (3), the Minister may authorise the introduction of any biological control organism to control 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 body of that reserve.

(2) Before granting an approval under subsection (1), the Minister shall—

(a) consult the New Zealand Conservation Authority; and

(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) 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; or

(c) any conservation management strategy or conservation management plan or other management plan approved for the reserve.

Section 51A: inserted, on 25 November 1994, by section 4 of the Reserves Amendment Act 1994 (1994 No 110).

52 Union of reserves

(1) The Minister may, in the case of reserves of the same classification, by notice in the *Gazette*, declare that any 2 or more reserves, or parts of 2 or more reserves, or parts of 1 or more reserves and the whole of 1 or more other reserves, shall, as from a date to be specified in that behalf in the notice, be united to form 1 reserve, with such name as he or she thinks fit:

provided that where there is an administering body or bodies of 1 or more of those reserves, the consent of the administering body or bodies shall first be obtained.

(1A) Before the Minister gives notice in the *Gazette* under subsection (1), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under section 27(2) or 30 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, as the case may be.

(2) Where 2 or more reserves, or parts of 2 or more reserves, or parts of 1 or more reserves and the whole of 1 or more other reserves, have been so declared to be united as 1 reserve, the Minister may appoint an administering body to control the reserve, and thereupon the previous administering body or bodies (if any) shall cease to hold office as such, and the new administering body shall have in respect of the united reserve all the rights and liabilities of the several former administering bodies of the several reserves.

Compare: 1953 No 69 ss 46, 48; 1970 No 101 s 2(2)

Section 52(1A): inserted, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Particular powers of Minister and administering body

53 Powers (other than leasing) in respect of recreation reserves

(1) The administering body of a recreation reserve may from time to time, in the exercise of its functions under section 40 and to the extent necessary to give effect to the principles set out in section 17,—

(a) enclose the reserve, or any part thereof, which it may at any time decide is necessary or desirable—

(i) to lay down or renew in grass or to plant or improve; or

(ii) to farm or graze or afforest as a part of a development, improvement, or management programme,—

and may lay down or renew in grass, or plant or improve, or, as the case may be, farm or graze or afforest, the reserve or that part:

provided that the administering body shall not afforest the reserve or any part thereof except in accordance with section 75:

(b) prohibit from time to time the public from entering or encroaching on any part of the reserve so laid down, renewed in grass, planted, improved, grazed, farmed, or afforested:

(c) prescribe the games, sports, or other activities for public recreation or enjoyment which may take place in the reserve or in any specified part thereof, and regulate the use of the reserve for those games, sports, and other activities, and prohibit altogether the playing of any particular game, sport, or other activity therein:

(d) prescribe, as to not more than 40 days in any year as it thinks fit, that the public shall not be entitled to have admission to the reserve or to any part or parts thereof set apart for a particular purpose or purposes unless on payment of a charge or charges as hereinafter mentioned:

provided that with the prior consent of the Minister the number of days that the public shall not be entitled to have admission as aforesaid may be increased:

provided also that this paragraph shall not apply to any part of the reserve to which paragraph (h) applies or to any lease granted under the authority of section 54(1)(a) or a lease or licence granted under the authority of section 54(1)(d):

(e) grant the exclusive use of the reserve or any part thereof on any 1 or more of the days provided for in paragraph (d), but not for more than 6 days consecutively at any time, to any person, body, voluntary organisation, or society (whether incorporated or not) for the purpose of particular games, sports, or other activities or for public recreation or enjoyment, with authority for that person, body, organisation, or society to demand a fee or charge for admission on that day or those days to

the reserve or part thereof so granted and also to any stand or enclosure, not exceeding the amount or amounts from time to time specified by the Minister:

provided that the Minister may from time to time approve with respect to any specified reserve the fixing of such other charges as he or she thinks fit, either generally or with respect to specified occasions:

provided also that the Minister may consent to an increase in the number of consecutive days specified in this paragraph for the purposes of any specified occasion or event:

(f) enter into an agreement with any such person, body, society, or voluntary organisation for the use by him or her or it of the reserve or any specified part thereof on a specified number of days in each year during the term of the agreement, which (save as otherwise authorised by the Minister in any particular case) shall not be for a longer period than 10 years at any one time, subject to—

(i) the limitations imposed by paragraphs (d) and (e); and

(ii) no buildings being permitted under the terms of the agreement other than buildings of a temporary nature required during the period of use in any particular year:

(g) erect on some portion of the reserve stands, pavilions, gymnasiums, or other buildings and structures associated with and necessary for the use of the reserve for outdoor recreation, and (subject to paragraphs (d) and (e) as to the number of days on which a charge may be made for admission to any such building or structure) may fix reasonable charges for the use of and generally regulate the use and custody of and admission to any such buildings or structures:

provided that where the Minister considers it to be in the public interest, the administering body may, with the prior consent of the Minister, erect buildings and structures for public recreation and enjoyment not directly associated with outdoor recreation:

(h) at any time and from time to time set apart any part or parts of the reserve—

(i) for gardens, open spaces, footpaths, driveways, or picnic grounds, or for the provision of any other like facilities for public recreation or enjoyment or for facilities and amenities necessary for the public using the reserve; and construct or develop those gardens, open spaces, footpaths, driveways, picnic grounds, or other facilities for public recreation or enjoyment or facilities and amenities necessary for the public using the reserve; and fix reasonable charges for the use of those picnic grounds, facilities, and amenities:

(ii) with the prior consent of the Minister, for baths, camping grounds, parking places for vehicles, or mooring places for boats, necessary

for the convenience of persons using the reserve, and construct and develop such baths, camping grounds, and parking or mooring places, and fix reasonable charges for the use of such baths, camping grounds, and parking or mooring places:

(iii) with the prior consent of the Minister, for compounds for animals for display to persons using the reserve, and construct and develop such compounds, and fix reasonable charges for viewing the animals therein:

(i) make, stop, divert, widen, or alter any bridges, ways, or watercourses in, upon, through, across, or over any part of the reserve, subject to the payment of compensation for damage thereby to adjacent land:

provided that any such power in relation to watercourses shall be exercised subject to the Resource Management Act 1991:

(j) with the prior consent of the Minister and subject to the Resource Management Act 1991, and having regard to the need to conserve the natural beauty of any sea, lake, river, or stream bounding the reserve or of any lake, river, or stream within the reserve, do all such things on the reserve as it considers necessary, including the erection of buildings and structures on the reserve, to enable the public to obtain the maximum recreational use and enjoyment of that sea, lake, river, or stream:

(k) with the prior consent of the Minister, set apart and use any part of the reserve as sites for residences for officers or servants of the administering body or of rangers or for other buildings considered desirable or necessary for the proper and beneficial management, administration, control, protection, and maintenance of the reserve:

(l) appoint officers and servants, whether paid or unpaid:

(m) with the prior consent of the Minister, erect or authorise the erection of huts for the use of officers of any department of State or other persons engaged under lawful authority in the destruction or eradication of introduced flora and fauna:

(n) subject to any lease or licence granted pursuant to section 54(1)(d), prohibit or regulate the carrying on of any trade, business, or occupation within the reserve:

(o) do such other things as may be considered desirable or necessary for the proper and beneficial management, administration, and control of the reserve.

(2) Notwithstanding anything in subsection (1), but subject to the first proviso to paragraph (d) of that subsection and to the second proviso to paragraph (e) of that subsection, where the administering body is a local authority it shall not be necessary for that administering body to obtain the consent, authority, or

approval of the Minister, and it may exercise any power or discretion vested in the Minister by virtue of that subsection:

provided that the administering body shall not afforest the reserve or any part thereof except in accordance with section 75.

Compare: 1953 No 69 ss 32, 49; 1964 No 108 s 2(1), (3)

Section 53(1)(i) proviso: replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 53(1)(i) proviso: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 53(1)(j): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 53(1)(j): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

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

(1) With the prior consent of the Minister, the administering body, in the case of a recreation reserve that is vested in the administering body, may from time to time, in the exercise of its functions under section 40, to the extent necessary to give effect to the principles set out in section 17,—

(a) lease to any person, body, voluntary organisation, or society (whether incorporated or not) any area set apart under section 53(1)(h) for baths, a camping ground, a parking or mooring place, or other facilities for public recreation or enjoyment. The lease—

(i) may require the lessee to construct, develop, control, and manage the baths, camping ground, parking or mooring place, or other facilities for public recreation or enjoyment, or may require the lessee to control and manage those provided by the administering body; and

(ii) shall be subject to the further provisions set out in Schedule 1 relating to leases of recreation reserves issued pursuant to this paragraph:

(b) lease to any voluntary organisation part of the reserve for the erection of stands, pavilions, gymnasiums, and, subject to sections 44 and 45, other buildings and structures associated with and necessary for the use of the reserve for outdoor sports, games, or other recreational activities, or lease to any voluntary organisation any such stands, pavilions, gymnasiums, and, subject to section 44, other buildings or structures already on the reserve, which lease shall be subject to the further provisions set out

in Schedule 1 relating to leases of recreation reserves issued pursuant to this paragraph:

provided that a lease granted by the administering body may, with the prior consent of the Minister given on the ground that he or she considers it to be in the public interest, permit the erection of buildings and structures for sports, games, or public recreation not directly associated with outdoor recreation:

(c) lease to any voluntary organisation the whole or part of the reserve for the playing of any outdoor sport, games, or other recreational activity where the preparation and maintenance of the area for such sport, games, or other recreational activity requires the voluntary organisation to spend a sum of money that in the opinion of the administering body is substantial. The lease shall be subject to the further provisions set out in Schedule 1 relating to leases of recreation reserves issued pursuant to this paragraph:

(d) grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, subject to the provisions set out in Schedule 1 relating to leases or licences of recreation reserves issued pursuant to this paragraph:

provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve:

provided also that the prior consent of the Minister shall not be required to a lease or licence under this paragraph where the trade, business, or occupation is to be carried on in the reserve only temporarily and the term of the lease or licence does not exceed 6 consecutive days.

(1A) Notwithstanding subsection (1), where—

(a) the administering body of a recreation reserve is a territorial authority or a regional council; and

(b) that reserve is vested in that territorial authority or regional council; and

(c) a management plan for that reserve has been approved in accordance with section 41; and

(d) the lease or licence is in conformity with and contemplated by that management plan,

the prior consent of the Minister shall not be required before the administering body grants a lease or licence under subsection (1).

(2) Before granting any lease or licence under subsection (1) (other than a lease or licence to which the second proviso to paragraph (d) applies), the administering body shall give public notice in accordance with section 119 specifying the lease or licence proposed to be granted, and shall give full consideration in

accordance with section 120 to all objections and submissions in relation to the proposal received pursuant to the said section 120.

(2A) Nothing in subsection (2) shall apply in any case where the proposal—

(a) is in conformity with and contemplated by the approved management plan for the reserve; or

(b) is made following the granting of a resource consent under the Resource Management Act 1991 where the application for the resource consent was notified in accordance with section 93(2) of that Act.

(3) *[Repealed]*

Compare: 1953 No 69 s 27(2)–(9)

Section 54(1): amended, on 1 July 1996, by section 8(1)(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(1)(b) proviso: amended, on 1 July 1996, by section 8(1)(b) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(1)(c): amended, on 1 July 1996, by section 8(1)(c) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(1A): inserted, on 1 January 1980, by section 17 of the Reserves Amendment Act 1979 (1979 No 63).

Section 54(1A)(a): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 54(1A)(b): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 54(2): amended, on 1 July 1996, by section 8(1)(c) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(2A): inserted, on 1 January 1980, by section 18(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 54(2A)(a): amended, on 1 July 1996, by section 8(1)(d) of the Reserves Amendment Act 1996 (1996 No 3).

Section 54(2A)(b): replaced, on 23 July 1993, by section 2 of the Reserves Amendment Act (No 3) 1993 (1993 No 75).

Section 54(2A)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 54(3): repealed, on 1 January 1980, by section 20(2) of the Reserves Amendment Act 1979 (1979 No 63).

55 Powers (other than leasing) in respect of scenic reserves

(1) The administering body of a scenic reserve may from time to time, in the exercise of its functions under section 40 and to the extent necessary to give effect to the principles set out in section 19,—

(a) enclose the reserve or any part or parts thereof which the administering body may at any time decide is necessary or desirable to improve or allow to regenerate, and may improve the reserve or that part or those

parts, or, as the case may be, allow the reserve or that part or those parts to regenerate:

provided that the prior approval of the Minister shall be obtained to any planting of trees or shrubs:

(b) prohibit the public from entering or encroaching on any part of the reserve so improved or being allowed to regenerate:

(c) subject to section 42, lay out and construct footpaths and driveways necessary for the management of the reserve or to enable the public to use and enjoy the reserve:

(d) make, stop, divert, widen, or alter any bridges, ways, or watercourses in, upon, through, across, or over any part of the reserve, subject to the payment of compensation for damage thereby to adjacent lands:

provided that any such power in relation to watercourses shall be exercised subject to the Resource Management Act 1991:

provided also that the exercise of any such power shall not alter or impair the natural water table or any stands of indigenous swamp vegetation or other indigenous vegetation:

(e) appoint officers, servants, and rangers, whether paid or unpaid:

(f) do such other things as may be considered desirable or necessary for the proper and beneficial management, administration, and control of the reserve.

(2) The administering body of a scenic reserve, in the exercise of its functions under section 40 and to the extent necessary to give effect to the principles set out in section 19, may also from time to time on the open portions of the reserve—

(a) with the prior consent of the Minister and having regard to the conservation of natural vegetation and features, enclose any open parts of the reserve which the administering body may at any time decide is necessary or desirable to lay down or renew in grass or graze:

(b) prohibit the public from entering or encroaching on any part so laid down, renewed, or grazed:

(c) subject to any lease or licence granted pursuant to section 56(1)(b), prohibit or regulate the carrying on of any trade, business, or occupation within the reserve:

(d) with the prior consent of the Minister and having regard to the conservation of natural vegetation and features, set apart any areas for gardens, baths, picnic grounds, camping grounds, parking places for vehicles, or mooring places for boats necessary for the convenience of the public using the reserve or for facilities and amenities necessary for the public using the reserve; and construct or develop such gardens, baths, picnic grounds, camping grounds, parking or mooring places, or other facilities

and amenities; and fix reasonable charges for the use of such baths, picnic grounds, camping grounds, parking or mooring places, facilities, and amenities:

(e) with the prior consent of the Minister, erect buildings and other structures on such terms as to plans, size, structure, situation, and otherwise in all respects as the administering body determines:

(f) with the prior consent of the Minister, and subject to the Resource Management Act 1991, and having regard to the need to conserve the natural beauty of any sea, lake, river, or stream bounding the reserve, or of any lake, river, or stream within the reserve, do all such things as it considers necessary, including the erection of buildings and structures for public use, to enable the public to obtain the benefit and enjoyment of that sea, lake, river, or stream:

(g) with the prior consent of the Minister, set apart and use any part of the reserve as sites for residences for officers or servants of the administering body or for rangers, and for other buildings and structures necessary for the proper and beneficial management, administration, and control of the reserve, and for the protection, maintenance, and well-being of the reserve.

(3) The Minister shall not give his or her consent under any provision of paragraphs (d) to (g) of subsection (2), unless he or she is satisfied that the facilities or amenities or buildings or structures referred to in that provision are necessary for the purposes specified in the relevant paragraph and cannot readily be provided outside and in close proximity to the reserve.

Compare: 1953 No 69 ss 61A, 61B, 61C; 1956 No 35 s 14; 1958 No 90 ss 2, 3; 1968 No 126 s 4

Section 55(1)(d) first proviso: replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 55(1)(d) first proviso: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 55(2)(f): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 55(2)(f): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

56 Leasing powers in respect of scenic reserves

(1) With the prior consent of the Minister, the administering body, in the case of a scenic reserve that is vested in the administering body, may from time to time, in the exercise of its functions under section 40, to the extent necessary to give effect to the principles set out in section 19,—

(a) lease to any person, body, voluntary organisation, or society (whether incorporated or not) any area set apart under section 55(2)(d) for baths, a picnic ground, a camping ground, a parking or mooring place, or other

facilities or amenities for public recreation and enjoyment. The lease shall be subject to the further provisions set out in Schedule 1 relating to leases of scenic reserves:

(b) grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, subject in the case of any such lease or licence to the provisions set out in Schedule 1 relating to scenic reserves:

provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve:

provided also that the prior consent of the Minister shall not be required to a lease or licence under this paragraph where the trade, business, or occupation is to be carried on in the reserve only temporarily and the term of the lease or licence does not exceed 6 consecutive days.

(2) Before granting any lease or licence under subsection (1) (other than a lease or licence to which the second proviso to paragraph (b) applies), the administering body shall give public notice in accordance with section 119 specifying the lease or licence proposed to be granted, and shall give full consideration in accordance with section 120 to all objections and submissions in relation to the proposal received pursuant to the said section 120.

(3) Nothing in subsection (2) shall apply in any case where the proposal—

(a) is in conformity with and contemplated by the approved management plan for the reserve; or

(b) is made following the granting of any appropriate resource consent in accordance with Part 6 of the Resource Management Act 1991.

Compare: 1953 No 69 s 27(10A); 1956 No 35 s 9

Section 56(1): amended, on 1 July 1996, by section 9(1)(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 56(2): amended, on 1 July 1996, by section 9(1)(b) of the Reserves Amendment Act 1996 (1996 No 3).

Section 56(3): inserted, on 1 January 1980, by section 18(2) of the Reserves Amendment Act 1979 (1979 No 63).

Section 56(3)(a): amended, on 1 July 1996, by section 9(1)(c) of the Reserves Amendment Act 1996 (1996 No 3).

Section 56(3)(b): replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 56(3)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

57 Powers in respect of nature reserves

(1) The Minister or the administering body of any nature reserve authorised by the Minister may issue permits granting access to a nature reserve subject to any conditions that are specified in any such permit.

(2) The Minister or the administering body of any nature reserve authorised by the Minister may, by notice in the *Gazette*, declare that access to all or part of any nature reserve in the North Island, South Island, Stewart Island, or Chatham Island (but not any other island of the Chatham group) is permitted without a permit during such times or periods as are specified in the notice, and subject to any other conditions that are specified in the notice.

(3) The Minister or the administering body of any nature reserve authorised by the Minister may, where he or she considers it necessary for the purposes specified in section 20(1), by notice in the *Gazette*, prohibit the anchoring or mooring of boats within a specified area not more than half a nautical mile of the shore of any island that is wholly or principally a nature reserve, otherwise than in accordance with a permit granted under subsection (7).

(4) No notice given under subsection (3) shall specify any area that is within a marine reserve constituted under the Marine Reserves Act 1971.

(5) The Minister or the administering body, as the case may be, shall not give any notice under subsection (3) without the consent of the Minister of Fisheries given after consultation with an organisation considered by the Minister of Fisheries to be representative of the classes of persons having an interest in the giving of the notice, the consent of the Minister of Transport, and, where the area proposed to be specified in the notice is within the limits of any harbour, the consent of the appropriate harbour board.

(6) Nothing in any notice given under subsection (3) shall affect any right of navigation or apply in an emergency.

(7) Where any notice has been given under subsection (3), the Minister or the administering body, as the case may be, may issue permits allowing any person to anchor or moor a specified vessel or any vessel within any area to which the notice relates subject to any conditions that are specified in the permit.

(8) Where the giving of any notice under subsection (2) or subsection (3) is not in conformity with and contemplated by the approved conservation management strategy, conservation management plan, or 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 the proposal to give the notice, and shall give full consideration to all objections and submissions received pursuant to section 120 in relation to the proposal.

(9) The administering body of a nature reserve may from time to time, in the exercise of its functions under section 40 and to the extent necessary to give effect to the principles set out in section 20,—

(a) subject to subsection (10), set apart and use any part or parts of the reserve as sites for residences for officers or servants of the administering body or for rangers, and for other buildings and structures necessary for the proper and beneficial management, administration, and control of the reserve and for the protection, preservation, and well-being of the indigenous flora and fauna and other features in the reserve:

(b) appoint officers, servants, and rangers, whether paid or unpaid:

(c) do such other things as may be considered necessary for the proper and beneficial management, administration, and control of the reserve and for the protection, preservation, and well-being of the indigenous flora and fauna and other features in the reserve.

(10) The powers conferred on administering bodies by paragraph (a) of subsection (9) shall not be exercised without the consent of the Minister, which shall not be given unless the Minister is satisfied that the residences, buildings, or structures are necessary for the purposes specified in that paragraph, and cannot readily be provided outside and in close proximity to the reserve.

(11) A notice under subsection (2) that is made by the Minister is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(12) A notice under subsection (2) that is made by an administering body is secondary legislation for the purposes of the Legislation Act 2019, but section 161A of the Local Government Act 2002 applies as if the notice were made by a local authority.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (11)

Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

For requirements for secondary legislation referred to in subsection (12), see section 161A of the Local Government Act 2002

This note is not part of the Act.

Section 57: replaced, on 27 December 1983, by section 6(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 57(5): amended, on 1 October 2002, by section 5(3) of the Fishing Industry Board Repeal Act 2001 (2001 No 34).

Section 57(8): amended, on 10 April 1990, by section 100 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 57(11): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 57(12): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

58 Powers in respect of historic reserves

The administering body of an historic reserve may from time to time, in the exercise of its functions under section 40 and to the extent necessary to give effect to the principles set out in section 18,—

(a) appoint officers, servants, and rangers, whether paid or unpaid:

(b) with the prior consent of the Minister, set apart and use part of the reserve as sites for residences for officers or servants of the administering body or for rangers, and for other buildings necessary for the proper and beneficial management, protection, and maintenance of the reserve, and for the provision of displays and information for visitors to the reserve:

provided that the Minister shall not give his or her consent under this paragraph, unless he or she is satisfied that the residences or buildings are necessary for the purposes specified in this paragraph and cannot readily be provided outside and in close proximity to the reserve:

(c) charge such fees for admission to the whole or any part of the reserve, and for the use of amenities and facilities thereon, as the Minister approves:

(d) do such other things as may be considered necessary or desirable for the proper and beneficial management, administration, and control of the reserve.

Compare: 1953 No 69 ss 68, 69

58A Leasing powers in respect of historic reserves

(1) The administering body with the prior consent of the Minister and in the exercise of its functions under section 40 (in the case of an historic reserve that is vested in an administering body) may from time to time grant leases or licences to any person, body, voluntary organisation, or society (whether incorporated or not) for domestic residential purposes or for the carrying on of any activity, trade, business, or occupation in any building or on any specified site within the reserve and grant leases of any such building or site for any such purpose or purposes.

(2) Before granting any lease or licence under subsection (1), the administering body shall give public notice in accordance with section 119 specifying the lease or licence proposed to be granted, and shall give full consideration in accordance with section 120 to all objections and submissions in relation to the proposal received pursuant to the said section 120.

(3) Nothing in subsection (2) shall apply in any case where the proposal—

(a) is in conformity with and contemplated by the approved management plan for the reserve; or

(b) is made following the granting of any appropriate resource consent granted by the territorial authority or regional council in accordance with Part 6 of the Resource Management Act 1991.

(4) A lease granted pursuant to subsection (1) shall be subject to the following conditions:

(a) it shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines:

(b) it shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

Section 58A: inserted, on 1 January 1980, by section 19(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 58A(1): replaced, on 27 December 1983, by section 7(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 58A(1): amended, on 1 July 1996, by section 10(1)(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 58A(2): amended, on 1 July 1996, by section 10(1)(b) of the Reserves Amendment Act 1996 (1996 No 3).

Section 58A(2): amended, on 27 December 1983, by section 7(2) of the Reserves Amendment Act 1983 (1983 No 43).

Section 58A(3)(a): amended, on 1 July 1996, by section 10(1)(c) of the Reserves Amendment Act 1996 (1996 No 3).

Section 58A(3)(b): replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 58A(3)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 58A(3)(b): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

59 Powers in respect of scientific reserves

(1) Where the Minister has issued a notice under section 21(2)(b) prohibiting entry to a scientific reserve or to any part of such a reserve, he or she may from time to time authorise the administering body, or the Commissioner where there is no administering body, to issue to any person who in the opinion of the administering body or the Commissioner, as the case may be, has the necessary credentials or qualifications a permit affording access to the reserve or to that part for scientific study or for control and management purposes, upon such terms and conditions as the administering body or the Commissioner, as the case may be, may determine.

(2) The administering body of a scientific reserve may from time to time, in the exercise of its functions under section 40 and to the extent necessary to give effect to the principles set out in section 21,—

(a) appoint officers, servants, and rangers, whether paid or unpaid:

(b) do such other things, including the erection of buildings, as may be necessary or desirable for the proper and beneficial management, control, and administration of the reserve:

provided that the administering body shall not erect any building on the reserve unless it cannot readily be provided outside and in close proximity to the reserve.

(3) The Minister or the administering body of any scientific reserve authorised by the Minister may, where he or she considers it necessary for the purposes specified in section 21(1), by notice in the *Gazette*, prohibit the anchoring or mooring of boats within a specified area not more than half a nautical mile of the shore of any island that is wholly or principally a scientific reserve, otherwise than in accordance with a permit granted under subsection (7).

(4) No notice given under subsection (3) shall specify any area that is within a marine reserve constituted under the Marine Reserves Act 1971.

(5) The Minister or the administering body, as the case may be, shall not give any notice under subsection (3) without the consent of the Minister of Fisheries given after consultation with an organisation considered by the Minister of Fisheries to be representative of the classes of persons having an interest in the giving of the notice, the consent of the Minister of Transport, and, where the area proposed to be specified in the notice is within the limits of any harbour, the consent of the appropriate harbour board.

(6) Nothing in any notice given under subsection (3) shall affect any right of navigation or apply in an emergency.

(7) Where any notice has been given under subsection (3), the Minister or the administering body, as the case may be, may issue permits allowing any person to anchor or moor a specified vessel or any vessel within any area to which the notice relates, subject to any conditions that are specified in the permit.

(8) Where the giving of any notice under subsection (3) is not in conformity with and contemplated by the approved conservation management strategy, conservation management plan, or 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 the proposal to give the notice, and shall give full consideration to all objections and submissions received pursuant to section 120 in relation to the proposal.

Section 59(3): inserted, on 27 December 1983, by section 8 of the Reserves Amendment Act 1983 (1983 No 43).

Section 59(4): inserted, on 27 December 1983, by section 8 of the Reserves Amendment Act 1983 (1983 No 43).

Section 59(5): inserted, on 27 December 1983, by section 8 of the Reserves Amendment Act 1983 (1983 No 43).

Section 59(5): amended, on 1 October 2002, by section 5(3) of the Fishing Industry Board Repeal Act 2001 (2001 No 34).

Section 59(6): inserted, on 27 December 1983, by section 8 of the Reserves Amendment Act 1983 (1983 No 43).

Section 59(7): inserted, on 27 December 1983, by section 8 of the Reserves Amendment Act 1983 (1983 No 43).

Section 59(8): inserted, on 27 December 1983, by section 8 of the Reserves Amendment Act 1983 (1983 No 43).

Section 59(8): amended, on 10 April 1990, by section 102 of the Conservation Law Reform Act 1990 (1990 No 31).

59A Granting of concessions on reserves administered by Crown

(1) The Minister may, in accordance with Part 3B of the Conservation Act 1987, grant a concession in respect of any reserve vested in the Crown, including any reserve controlled or managed by an administering body under any of sections 28, 29, 30, 35, and 36; and the said Part 3B shall apply as if references in that Part to a conservation area were references to such a reserve and with any other necessary modifications.

(2) The Minister may impose a reasonable charge for the use of any facilities (other than a path or track) provided by the Minister in or in respect of any such reserve.

(3) In the case of any concession over or in respect of a reserve controlled or managed by an administering body, any reference in the provisions referred to in subsection (1) to any conservation management strategy or conservation management plan shall be read as if it were a reference to a management plan approved under section 41.

(4) A concessionaire of any part of any such reserve may, to the extent that the relevant concession document so provides, impose a reasonable charge for the use of any facility (other than a path or track) provided by the Minister in or in respect of any such reserve.

(5) Any person who—

(a) has, in accordance with any concession or other consent of the Minister, erected any structure or facility in any reserve; or

(b) uses for camping sites or for parking places for vehicles any part of any reserve; or

(c) carries on any activity in any reserve—

may, subject to the relevant conservation management strategy or conservation management plan (if any) and the terms and conditions (if any) of the concession document concerned, impose a reasonable charge in respect of access to or the use of structures, sites, or places, or the carrying on or products of the activity.

(6) Nothing in this section authorises any person to do anything on or in respect of any private land.

(7) This section does not apply to any permit granted under section 57 that authorises a person to enter a nature reserve or a permit granted under section 59 that authorises a person to enter a scientific reserve.

(8) This section does not apply to any reserve vested in an administering body under section 26.

(9) *[Repealed]*

Section 59A: replaced, on 1 July 1996, by section 11(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 59A(9): repealed, on 10 July 2026, by section 294 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

60 Powers in respect of government purpose reserves

Subject to sections 22 and 40, the administering body of a government purpose reserve may do such things as are necessary or desirable for the proper and beneficial administration, management, and control of the reserve and for its use for the purposes specified in its classification.

61 Powers (including leasing) in respect of local purpose reserves

(1) The administering body of a local purpose reserve may, in the exercise of its functions under section 40, do such things as it may from time to time consider necessary or desirable for the proper and beneficial management, administration, and control of the reserve and for the use of the reserve for the purpose specified in its classification.

(2) The administering body, in the case of a local purpose reserve that is vested in the administering body, is hereby declared to be a leasing authority of that reserve for the purposes of the Public Bodies Leases Act 1969.

(2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:

(a) community building, playcentre, kindergarten, plunket room, or other like purposes:

(b) farming, grazing, cultivation, cropping, or other like purposes.

(2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:

(a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to

paragraph (b), shall be on such other conditions as the administering body determines:

(b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

(3) The powers of leasing conferred on an administering body by this section shall, with respect to any local purpose reserve which is not vested in an administering body, be exercised by the Commissioner.

Section 61(2A): inserted, on 20 October 1978, by section 2 of the Reserves Amendment Act 1978 (1978 No 121).

Section 61(2B): inserted, on 20 October 1978, by section 2 of the Reserves Amendment Act 1978 (1978 No 121).

61A Leases in respect of reserves for aerodrome purposes

(1) Nothing in this Act shall prevent any airport authority (as defined in the Airport Authorities Act 1966) from exercising the powers conferred by section 6 of that Act in respect of any reserve vested in that authority as a local purpose reserve for aerodrome purposes.

(2) Nothing in this Act prevents an airport authority (as defined in the Airport Authorities Act 1966) or an airport operator (as defined in section 5 of the Civil Aviation Act 2023) from granting a lease of any land vested in that airport authority or airport operator as a local purpose reserve for aerodrome purposes or from exercising the powers conferred by section 6(3) of the Airport Authorities Act 1966 or section 233 of the Civil Aviation Act 2023, as the case may be, in respect of the reserve.

Section 61A: inserted, on 1 January 1980, by section 20(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 61A(2): inserted, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

62 Powers of Commissioner

(1) The powers, functions, and duties conferred and imposed on an administering body by this Act shall, with respect to any reserve which is not under the control and management of an administering body, be exercised and performed by the Commissioner, who shall have and may exercise over the reserve all the powers of an administering body.

(2) The Commissioner for the land district in which is situated any reserve vested in the Sovereign shall, where not inconsistent with the provisions of this Act, have and may exercise and perform over that reserve all rights, powers, duties, and functions which he or she has over Crown land.

(3) If the Director-General considers that a reserve which is not under the control and management of an administering body or of a Minister of the Crown other than the Minister of Conservation would be better administered by the Commissioner for an adjoining land district, or that the whole of such a reserve which is partly situated in 2 or more land districts would be better administered by the Commissioner for one of those districts, he or she may, by notice in writing, direct that that other Commissioner or, as the case may be, a specified Commissioner shall exercise and perform in respect of that reserve the rights, powers, duties, and functions conferred or imposed by subsections (1) and (2); and he or she may by like notice revoke or from time to time amend that direction.

(4) If the Director-General considers that a reserve which is not under the control and management of an administering body or of a Minister of the Crown other than the Minister of Conservation would be better administered by a committee appointed under section 9, he or she may by notice in writing direct that that committee shall exercise and perform the rights, powers, duties, and functions conferred or imposed on the Commissioner by subsections (1) and (2); and he or she may by like notice revoke or from time to time amend that direction.

(5) If the Director-General considers that a reserve which is not under the control and management of an administering body or of a Minister of the Crown other than the Minister of Lands would be better administered by himself or herself, he or she may, by notice in writing to the Commissioner or Commissioners concerned, assume the rights, powers, duties, and functions conferred or imposed on Commissioners by subsections (1) and (2); and he or she may, by like notice, relinquish those rights, powers, duties, and functions, which shall thereupon be exercised and performed by a Commissioner in accordance with this section.

Compare: 1953 No 69 ss 25, 52

Section 62 heading: amended, on 27 March 2008, by section 4 of the Reserves Amendment Act 2008 (2008 No 17).

Section 62(3): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 62(4): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

63 Reserves not vested in the Crown

(1) The rights, powers, duties, and functions conferred or imposed on Commissioners by section 62(2) shall, in the case of any reserve not vested in the Crown, be had and exercised or performed by the administering body in which the reserve is vested.

(2) The powers vested in any local authority by virtue of this section or of any other provisions of this Act shall be exercised by it in the manner in which it

exercises any like powers conferred on it by the Act by or under which it is constituted.

Compare: 1953 No 69 s 26

64 Administering body may purchase land on deferred payments

(1) Any administering body may enter into a contract for the purchase of land upon terms providing for payment of the whole or part or parts of the purchase money at a future date or dates, and for payment of interest upon any unpaid purchase money at a rate authorised by the Minister:

provided that no such contract shall be valid unless—

(a) the Minister expressly approves the same by writing endorsed thereon; and

(b) it is expressly provided therein—

(i) that the vendor shall have no claim or right of action in respect of any unpaid purchase money or interest against the Crown or upon the Government or public revenues of New Zealand; and

(ii) that upon payment in full of the purchase money the land shall, by conveyance or transfer from the vendor, be vested in the administering body in any case where the reserve administered by it is vested in that body, and be vested in the Crown in any other case.

(1A) Notwithstanding paragraph (a) of the proviso to subsection (1), the approval of the Minister shall not be required in any case where the administering body is a territorial authority or regional council.

(2) All land so purchased shall, on the taking possession thereof by the administering body, be administered in accordance with the appropriate provisions of this Act as if it were part of the reserve controlled by the administering body, and on the conveyance or transfer thereof to the administering body or to the Crown, as the case may be, shall become part of that reserve.

Compare: 1953 No 69 s 50

Section 64(1A): inserted, on 1 January 1980, by section 21 of the Reserves Amendment Act 1979 (1979 No 63).

Section 64(1A): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Special provisions as to recreation reserves set apart for racecourse purposes

65 Bylaws

(1) The administering body of any recreation reserve set apart for racecourse purposes may from time to time, subject to section 108, make bylaws with respect to all or any of the following matters:

(a) regulating its own proceedings:

(b) excluding the public from such parts of the reserve as it may be found necessary and desirable to plant, improve, lay down, or renew in grass:

(c) prescribing the conditions on which persons shall have access to or be excluded from the reserve when it is used for racing purposes, and for regulating the price for admission of persons to the reserve or to any stand erected thereon and for the admission of horses and vehicles of any description to the reserve on those occasions:

(d) granting the exclusive use and control of the reserve, or of any part set apart as a racecourse, to any racing club when the reserve is used for racing purposes, and prescribing the terms and conditions on which that use and control shall be granted:

(e) regulating the charges that may be made for the occupation of portions of the reserve for the erection of booths or stalls for the sale of refreshments, merchandise, goods, or chattels:

(f) the preservation of order on the reserve during race meetings.

(2) All bylaws made under subsection (1) shall be notified once by advertisement as to the nature thereof in 1 or more newspapers circulating in the locality in which the reserve is situate, and by being posted on some conspicuous place on the reserve so that they may be easily read.

(2A) Bylaws made under this section are secondary legislation for the purposes of the Legislation Act 2019, but section 161A of the Local Government Act 2002 applies as if they were made by a local authority.

(3) In this section and in sections 66 to 70 the expression **recreation reserve set apart for racecourse purposes** includes a reserve which immediately before the commencement of this Act was a reserve set apart for racecourse purposes.

Compare: 1953 No 69 s 35

Section 65(2A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

66 Club may use reserve on conditions

Every recreation reserve set apart for racecourse purposes shall be available to any racing club for the purpose of holding race meetings on such terms and conditions as are from time to time advertised by the administering body, and on such dates as that body in every such case appoints:

provided that no such club shall be entitled to use the reserve unless it consists of not fewer than 50 members who each pays an annual subscription of not less than $10 towards the funds of the club.

Compare: 1953 No 69 s 36

67 Leasing

(1) The administering body may from time to time lease the whole or any part of a recreation reserve set apart for racecourse purposes at such rent and on

such conditions, not inconsistent with the purposes of the reserve, as it thinks reasonable—

(a) to any person for any term or terms of years not exceeding 7 years at any one time:

(b) with the prior consent of the Minister and subject to such conditions as he or she prescribes, to any racing club for a term of years not exceeding 33 years, with or without provision for renewal for 1 or more further similar terms.

(2) The powers of leasing conferred by this section are in addition to and not in substitution for the power of leasing conferred by sections 54 and 73.

Compare: 1953 No 69 s 37

68 Application of revenue

(1) All money received by the administering body of a recreation reserve set apart for racecourse purposes as the rents, issues, and profits of the reserve shall, within 7 days after receipt by the Treasurer or other proper officer of the administering body, be paid into such bank as that body from time to time appoints to an account to be called "The [*name of racecourse reserve*] Trustees Account", and, after deducting therefrom all necessary expenses incurred in the management of the reserve, be applied in and towards the fencing of the reserve or any part thereof, the erection of stands and pavilions thereon, the cultivation and improvement thereof, and in rendering any part thereof that may be set apart as a racecourse suitable for that purpose.

(2) The administering body may also, with the prior consent of the Minister, expend such part of its funds, including money to which subsection (1) applies, as it from time to time thinks fit towards the assistance of charitable, educational, or cultural purposes, or for the management, improvement, and maintenance of any reserve of any kind under this Act.

Compare: 1953 No 69 s 38

Section 68(2): amended, on 17 December 1985, by section 2(1) of the Reserves Amendment Act 1985 (1985 No 188).

69 Annual statement of accounts and report

Every administering body of a recreation reserve set apart for racecourse purposes shall, within 5 months after the close of each financial year of that body, prepare and submit to the Auditor-General for audit the statements specified in section 88, together with the report referred to in that section.

Compare: 1953 No 69 s 39

Section 69: amended, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 69: amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

70 Special Acts dealing with racecourse reserves to be read subject to this Act

(1) The provisions of any Act of the Parliament of New Zealand or of any Provincial Ordinance or of any Crown grant dealing with or referring to any racecourse reserve, shall, so far as they may be inconsistent with this Act, be read subject to this Act, and the powers conferred by sections 65 to 69 on the administering body of a recreation reserve set apart for racecourse purposes are hereby likewise conferred on any bodies or persons having control of any such reserve as aforesaid.

(2) Notwithstanding anything to the contrary in any other Act or Provincial Ordinance, the Minister may from time to time, by notice under his or her hand, appoint members of the administering body of a recreation reserve set apart for racecourse purposes to fill any vacancies.

Compare: 1953 No 69 s 40

Section 70(1): amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

Farming and other leases

71 Farming by administering body

(1) Where all or any part of any recreation reserve or any local purpose reserve is not for the time being required for the purpose for which it is classified, or where the administering body of a recreation reserve has decided under section 53(1)(a)(ii) that it is necessary or desirable to farm or graze the reserve or any part of the reserve in a development, improvement, or management programme, the administering body may, with the prior consent of the Minister, and subject to such conditions as the Minister determines, farm or graze the reserve or that part thereof.

(2) The administering body must satisfy the Minister that it has the financial resources and managerial ability to carry out such farming or grazing, and that it has provided or will provide adequate safeguards to prevent the destruction of or damage to any natural, scenic, historic, archaeological, geological, or other scientific features or indigenous flora and fauna.

(3) Where the administering body is a local authority, it shall not be necessary for that administering body to obtain the Minister's consent under subsection (1) or to satisfy the Minister under subsection (2).

72 Farming by another person or body

(1) Where all or any part of any recreation reserve or local purpose reserve is not for the time being required for the purpose specified in its classification, or where the administering body of a recreation reserve has decided under section 53(1)(a)(ii) that it is necessary or desirable to farm or graze any part of the reserve as part of a development, improvement, or management programme, the administering body may enter into an agreement or lease with the Minister providing for the carrying out by another person or body of farming or grazing

operations, including the development and improvement of the land on behalf of the administering body, on such terms and conditions (including the repayment of development costs) as may be agreed upon between the Minister and the administering body:

provided that where in the case of a recreation reserve or local purpose reserve vested in the Crown there is no administering body, the Commissioner may, with the approval of the Minister, enter into an agreement with another person or body to farm or graze the reserve or part thereof as part of any development, improvement, or management programme.

(2) *[Repealed]*

(3) The agreement or lease shall include a condition providing adequate safeguards to prevent the destruction of or damage to any natural, scenic, historic, cultural, archaeological, geological, or other scientific features or indigenous flora and fauna.

Section 72 heading: amended (with effect on 1 April 1987), on 1 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 72(1): amended (with effect on 1 April 1987), on 1 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 72(1) proviso: amended (with effect on 1 April 1987), on 1 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 72(2): repealed (with effect on 1 April 1987), on 1 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

73 Leasing of recreation reserves for farming, grazing, afforestation, or other purposes

(1) Where any recreation reserve or any part of such a reserve is not for the time being required for the purpose for which it was classified, or where the Minister considers it in the public interest, or where the administering body of any recreation reserve has decided under section 53(1)(a)(ii) that it is necessary or desirable to farm or graze the reserve or any part thereof, leases of the reserve or of any part thereof may be granted by the administering body with the prior consent of the Minister in cases where the reserve is vested in such a body, or by the Minister in any other case.

(2) Where the administering body has decided under section 53(1)(a)(ii) that it is necessary or desirable to afforest any part of a recreation reserve, leases of the whole or any part thereof may be granted by the administering body with the prior consent of the Minister in cases where the reserve is vested in such a body, or by the Minister in any other case.

(3) Where any recreation reserve or any part of such a reserve is not being used for the purposes of a recreation reserve and in the opinion of the Minister is not likely to be used for that purpose, but it is inadvisable or inexpedient to revoke the reservation, leases of the whole or any part thereof may be granted by the administering body with the prior consent of the Minister in cases where the reserve is vested in such a body, or by the Minister in any other case.

(3A) Every lease granted under subsection (1) or subsection (2) or subsection (3),—

(a) in the case of a reserve vested in an administering body, shall be subject to the further provisions set out in Schedule 1 relating to leases of recreation reserves issued pursuant to that subsection:

(b) in the case of a reserve vested in the Crown, shall be issued in accordance with the provisions of Part 3B of the Conservation Act 1987 and those provisions shall apply as follows:

(i) in the case of any concession over or in respect of a reserve controlled or managed by an administering body, every reference in the said Part 3B to a conservation management strategy or conservation management plan shall be read as a reference to a management plan approved under section 41 of this Act, but otherwise the said Part 3B shall apply as if every reference to a conservation area were a reference to such a reserve and with any other necessary modifications:

(ii) in the case of any other reserve vested in the Crown, the said Part 3B shall apply as if every reference to a conservation area were a reference to such a reserve and with any other necessary modifications.

(4) Before granting any lease under subsection (1), or subsection (2), or subsection (3), the administering body shall give public notice in accordance with section 119 specifying the lease proposed to be granted, and shall give full consideration in accordance with section 120 to all objections and submissions in relation to the proposal received pursuant to the said section 120.

(5) No member of an administering body may become the lessee of any land under the control of that body without the prior consent in writing of the Minister.

(6) Any lease granted under this section may, with the approval of the administering body, be surrendered on such terms as are agreed upon by the lessee and the administering body.

Compare: 1953 No 69 s 27

Section 73(1): amended, on 1 July 1996, by section 12(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 73(2): amended, on 1 July 1996, by section 12(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 73(3): amended, on 1 July 1996, by section 12(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 73(3A): inserted, on 1 July 1996, by section 12(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 73(4): amended, on 1 July 1996, by section 12(3) of the Reserves Amendment Act 1996 (1996 No 3).

Section 73(6): replaced, on 1 July 1996, by section 12(4) of the Reserves Amendment Act 1996 (1996 No 3).

74 Licences to occupy reserves temporarily

(1) Licences may be granted under subsection (2) for any purpose specified in that subsection, and the conditions thereof and the rents, royalties, and fees payable thereunder shall be fixed—

(a) in the case of a government purpose reserve, by the Minister of the Crown (other than the Minister of Conservation) appointed to control and manage the reserve:

(aa) in the case of a government purpose reserve controlled by the Minister, by the Minister in accordance with the provisions of Part 3B of the Conservation Act 1987:

(b) in the case of any other reserve except a nature reserve—

(i) by the administering body where the reserve is vested in or controlled and managed by such a body:

(ii) by the Commissioner in any other case:

provided that a licence to occupy any historic, scenic, or scientific reserve, or any part thereof, shall not be granted without the consent of the Minister.

(2) Where, in the opinion of the Minister or, as the case may be, the administering body or the Commissioner, it is necessary or desirable for the management of the reserve for the purpose for which it is classified, licences to occupy any recreation, historic, scenic, scientific, government purpose, or local purpose reserve, or any part of any such reserve, may be granted for the following purposes:

(a) grazing, gardening, or other similar purposes:

(b) cutting, felling, or removing timber or flax, or to win and remove timber or flax or to win and remove kauri gum.

(3) Before granting any licence under subsection (2), the administering body or the Minister of the Crown (not being the Minister of Conservation), as the case may be, shall give public notice in accordance with section 119 specifying the licence proposed to be granted, and shall give full consideration in accordance with section 120 to all objections and submissions in relation to the proposal received pursuant to the said section 120.

(3A) Nothing in subsection (3) shall apply—

(a) in the case of any government purpose reserve or local purposes reserve; or

(b) in the case of any recreation, historic, scenic, or scientific reserve, where public notice of the proposal has been given under any other provision of this Act or where the reserve is vested in the Crown.

(3B) The Minister may, in respect of any reserve administered or controlled by him or her, grant a concession in accordance with the provisions of Part 3B of the

Conservation Act 1987 as if the reserve were a conservation area; and that Act shall apply accordingly.

(4) The duration of a licence under this section to occupy a reserve or any part thereof shall not exceed 10 years.

Compare: 1953 No 69 s 29; 1955 No 83 s 3; 1971 No 25 s 245

Section 74(1): amended, on 27 December 1983, by section 9(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 74(1)(a): amended, on 1 July 1996, by section 13(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(1)(aa): inserted, on 1 July 1996, by section 13(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(3): amended, on 1 July 1996, by section 13(3) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(3): amended, on 27 December 1983, by section 9(2) of the Reserves Amendment Act 1983 (1983 No 43).

Section 74(3A): replaced, on 1 July 1996, by section 13(4) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(3B): inserted, on 1 July 1996, by section 13(5) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(4): amended, on 20 April 2010, by section 4 of the Reserves Amendment Act 2010 (2010 No 20).

Afforestation

75 Afforestation by administering body

(1) Where—

(a) any recreation reserve or local purpose reserve, or any part thereof, is not for the time being required for the purpose for which it is classified; or

(b) the administering body of a recreation reserve has decided under section 53(1)(a)(ii) that it is necessary or desirable to afforest the reserve or any part thereof in any development, improvement, or management programme,—

the administering body may, with the prior consent of the Minister, afforest, or enter into a contract for the afforestation of, the reserve or that part thereof:

provided that before commencing to afforest or entering into a contract for the afforestation of the reserve or any part of the reserve, the administering body shall give public notice in accordance with section 119 specifying the afforestation intended to be carried out, and shall give full consideration in accordance with section 120 to all objections against and submissions in relation to the proposed afforestation received pursuant to the said section 120.

(2) The Minister may decline to give his or her consent under this section if for any reason he or she considers it to be in the public interest, and he or she shall not give his or her consent unless he or she is satisfied that the administering body or, as the case may be, the contractor has the financial resources and

managerial ability to carry out the afforestation, and has provided or will provide adequate safeguards to prevent the destruction of or damage to any natural, scenic, historic, cultural, archaeological, biological, geological, or other scientific features or indigenous flora and fauna.

Protected private land, and conservation covenants

76 Declaration of protected private land

(1) The owner of any private land or the lessee of any Crown land may at any time apply to the Minister for his or her land or any part thereof to be declared to be protected private land under and subject to the terms of any agreement entered into between the owner or lessee and the Minister.

(2) The Minister, if satisfied that the land possesses such qualities of natural, scientific, scenic, historic, cultural, archaeological, geological, or other interest that its protection is desirable in the public interest, or that rare species of indigenous flora or fauna are on the land, and the preservation of such flora and fauna is in the public interest, and that the land is sufficiently fenced or is otherwise protected from damage by stock, may, by notice in the *Gazette*, declare the land to be protected private land for nature, scenic, historic, or scientific purposes, having regard to the provisions of sections 18 to 21 relating to the classification of historic, scenic, nature, and scientific reserves, and may in like manner revoke any such declaration.

(3) While that declaration remains in force, sections 93 to 105 shall, as far as they are applicable, and with the necessary modifications, apply to the protected private land in all respects as if it were a nature, scenic, historic, or scientific reserve, as the case may be, notwithstanding that the land comprised therein or, as the case may be, the interest of the lessee or licensee may be sold or otherwise disposed of:

provided that in their application to any protected private land sections 93 to 105 shall be read subject to any agreement between the owner or lessee of the land and the Minister reserving to the owner or lessee or his or her successors in title the right to do any act or thing forbidden by this Act.

(4) Unless the agreement between the Minister and the owner or lessee or licensee of the land specifically provides otherwise, the agreement shall, when the notice under subsection (2) has been recorded against the title, be binding on the successors in title of that owner or lessee.

(5) Where an agreement under this section applies to land comprising part of the land in a record or instrument of title, the Registrar-General of Land may require the deposit of a plan under section 224 of the Land Transfer Act 2017.

(6) On the application of the Commissioner, the Registrar-General of Land must note on the register the declaration that the land is protected private land.

(7) The Minister may, with the consent of the owner or lessee, as the case may be, from time to time take such steps as he or she thinks necessary or desirable for

the management and preservation of any protected private land, and cause such steps to be taken as in the Minister's opinion are necessary to make it readily accessible, under proper conditions, to the public.

Compare: 1953 No 69 ss 58, 65, 68; 1966 No 26 s 3

Section 76(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 76(6): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

77 Conservation covenants

(1) The Minister, any local authority, or any other body approved by the Minister, if satisfied that any private land or any Crown land held under Crown lease should be managed so as to preserve the natural environment, or landscape amenity, or wildlife or freshwater-life or marine-life habitat, or historical value, and that the particular purpose or purposes can be achieved without acquiring the ownership of the land, or, as the case may be, of the lessee's interest in the land, for a reserve, may treat and agree with the owner or lessee for a covenant to provide for the management of that land in a manner that will achieve the particular purpose or purposes of conservation:

provided that in the case of a Crown lease the consent of the Minister or the Minister of Lands, as the case may be, shall be required, and that Minister may give consent subject to the inclusion of any condition in the covenant or conditions, and may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so.

(2) Any covenant under this section may be in perpetuity or for any specific term.

(3) While any conservation covenant under this section remains in force, sections 93 to 105, as far as they are applicable and with the necessary modifications, shall apply to the land affected thereby in all respects as if it were a reserve, notwithstanding that the land or the interest of the lessee may be sold or otherwise disposed of:

provided that in their application to any such land or interest sections 93 to 105 shall be read subject to the terms and conditions set out in the conservation covenant.

(4) Notwithstanding any rule of law or equity to the contrary, every conservation covenant runs with and binds the land that is subject to the burden of the covenant, and is deemed to be an interest in the land for the purposes of the Land Transfer Act 2017.

(4A) On the application of the Commissioner in the case of an agreement to which the Minister is a party, and of the local authority in the case of an agreement to which a local authority is a party, the Registrar-General of Land must note the covenant on the register.

(5) Where the burden of a covenant under this section applies to land comprising part of the land in a record or instrument of title, the Registrar-General of Land 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 2017 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 Chief Surveyor, as the case may be.

(6) Subject to sections 78, 82, 83, 84, 89, 90, 95, 105, and 110, the purchase price of any conservation covenant to which the Minister is a party shall be paid out of money appropriated by Parliament.

(7) The purchase price of any conservation covenant to which a local authority is a party may be paid by the local authority out of its general fund or account or out of a separate account kept for the purchase of land to be held as public reserves, or may be apportioned by the local authority between that fund or account and that separate account.

Section 77(1): amended, on 1 January 1980, by section 22 of the Reserves Amendment Act 1979 (1979 No 63).

Section 77(1) proviso: replaced, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 77(4): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 77(4A): inserted, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 77(5): replaced, on 25 November 1994, by section 5 of the Reserves Amendment Act 1994 (1994 No 110).

Section 77(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 77(5)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

77A Nga Whenua Rahui kawenata

(1) Notwithstanding any enactment or rule of law,—

(a) if satisfied that any Maori land or Crown land held under a Crown lease by Maori should be managed so as to preserve and protect—

(i) the natural environment, landscape amenity, wildlife or freshwater-life or marine-life habitat, or historical value of the land; or

(ii) the spiritual and cultural values which Maori associate with the land,—

the Minister may, subject to subsection (2), treat and agree with the owner or the lessee for a Nga Whenua Rahui kawenata to provide for the management of the land in a manner that will achieve those purposes:

(b) a Nga Whenua Rahui kawenata under this section may be in perpetuity or for any specific term or may be in perpetuity subject to a condition that at agreed intervals of not less than 25 years the parties to the Nga Whenua Rahui kawenata shall review the objectives, conditions, and continuance of the Nga Whenua Rahui kawenata; and on such review the parties may mutually agree that the Nga Whenua Rahui kawenata shall be terminated, or the owner or lessee may terminate the Nga Whenua Rahui kawenata on giving such notice (being not less than 6 months) as may be agreed. The Crown shall have regard to the manawhenua of the owner or lessee in any such review:

(c) while any Nga Whenua Rahui kawenata under this section remains in force, sections 93 to 105, as far as they are applicable and with the necessary modifications, but subject to the terms of the Nga Whenua Rahui kawenata, shall apply to the land affected thereby in all respects as if it were a reserve, notwithstanding that the land or the interest of the lessee may be sold or otherwise disposed of:

(d) every such Nga Whenua Rahui kawenata shall run with and bind the land that is subject to the burden of the Nga Whenua Rahui kawenata, and shall be deemed to be an interest in land for the purposes of the Land Transfer Act 2017:

(e) where a Nga Whenua Rahui kawenata is entered into under this section, the Registrar-General of Land, on the application of the Commissioner, shall, without fee, enter on the appropriate record of title relating to the land that is subject to the burden of the Nga Whenua Rahui kawenata a notification thereof:

(f) subject to sections 78, 82, 83, 84, 89, 90, 95, 105, and 110, any money payable as consideration for a Nga Whenua Rahui kawenata shall be paid out of money appropriated by Parliament; and references in those provisions to a conservation covenant shall be read as references to a Nga Whenua Rahui kawenata.

(2) In the case of a Crown lease other than a lease administered by the Department of Conservation, the consent of the Minister of Lands shall be required before a Nga Whenua Rahui kawenata is entered into, and that Minister may give consent subject to the inclusion of any condition in the Nga Whenua Rahui

kawenata or conditions, and may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so.

(3) In the case of a Crown lease administered by the Department of Conservation, the Minister may agree to a reduction in rent if, having regard to the basis for fixing the rent, it appears fair and equitable to do so.

(4) Where the burden of a Nga Whenua Rahui kawenata under this section applies to land comprising part of the land in a record or instrument of title, the Registrar-General of Land 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 2017 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

(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.

Section 77A: inserted, on 24 March 1993, by section 3 of the Reserves Amendment Act 1993 (1993 No 8).

Section 77A(1)(d): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 77A(1)(e): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 77A(4): replaced, on 25 November 1994, by section 6 of the Reserves Amendment Act 1994 (1994 No 110).

Section 77A(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 77A(4)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Part 4
Financial provisions

78 Application of revenue from reserves

(1) All money received by way of rent, royalty, or otherwise in respect of any dealing with any reserve pursuant to section 42, section 45, section 48, section 53, section 54, section 55, section 56, section 57, section 58, section 58A,

section 59, section 59A, section 61, section 61A, section 71, section 72, section 73, section 74, or section 75 shall—

(a) where the reserve is vested in an administering body or an administering body has been appointed to control and manage the reserve, be held by the administering body and applied for the purposes of this Act:

(b) where the reserve is vested in the Crown and no administering body has been appointed to manage or control the reserve, be paid in accordance with the Public Finance Act 1989 into a Crown Bank Account, the Department's Departmental Bank Account, or a Trust Bank Account and applied, as directed by the Minister, in purchasing, taking on lease, managing, administering, maintaining, protecting, improving, or developing reserves of any classification, or as consideration for a conservation covenant.

(2) Notwithstanding anything in subsection (1),—

(a) in the case of a reserve which a Minister of the Crown other than the Minister of Conservation has been appointed to control and manage pursuant to section 22 or section 36, the money referred to in subsection (1) shall be paid in accordance with the Public Finance Act 1989 into a Crown Bank Account, a Departmental Bank Account, or a Trust Bank Account, and applied in managing, administering, or improving reserves in accordance with this Act, or, shall be paid into a Crown Bank Account, as directed by that first-mentioned Minister:

(b) in the case of a reserve of which Heritage New Zealand Pouhere Taonga is the administering body, the money referred to in subsection (1) shall be applied by that Trust for the purposes of the Heritage New Zealand Pouhere Taonga Act 2014.

(3) All money received by way of gift or legacy or contributed by any local authority out of its general funds in respect of any reserve that is not for the time being under the control and management of an administering body or a Minister of the Crown other than the Minister of Conservation shall be paid into a Trust Bank Account established under section 67 of the Public Finance Act 1989 and applied, as directed by the Minister, in purchasing, taking on lease, managing, administering, maintaining, protecting, improving, or developing reserves of any classification, or as consideration for conservation covenants or as the Minister may direct pursuant to section 84, or otherwise in carrying out in respect of that reserve the objects of this Act.

(4) Where before the commencement of this Act money paid to the credit of the Trust Account pursuant to section 31(a) or section 62, or held by an administering body pursuant to section 31(b), of the Reserves and Domains Act 1953 remains unexpended, subsection (1) of this section shall apply with respect to that unexpended money as if it had been received pursuant to this Act.

Section 78(1): amended, on 30 July 1988, by section 2(2) of the Reserves Amendment Act 1988 (1988 No 137).

Section 78(1): amended, on 1 January 1980, by section 19(3) of the Reserves Amendment Act 1979 (1979 No 63).

Section 78(1): amended, on 1 January 1980, by section 20(3) of the Reserves Amendment Act 1979 (1979 No 63).

Section 78(1)(b): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 78(1)(b): amended (with effect on 1 July 1989), on 26 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 78(2)(a): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 78(2)(a): amended (with effect on 1 July 1989), on 26 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 78(2)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 78(2)(b): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 78(3): amended (with effect on 1 July 1989), on 26 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 78(3): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

79 Funds of administering bodies

(1) The funds of any administering body shall consist of all money received by it under or by virtue of this Act or in any other manner whatever in respect of the reserve or reserves or other land under its control as such.

(2) Except as provided in section 68(1) all such money shall, within 7 days after receipt thereof by the Treasurer or other proper officer of the administering body, be paid into such bank as the administering body from time to time appoints to an account to be called "The [*name of administering body*] Account":

provided that where a local authority is the administering body for more than 1 reserve, it shall not be necessary to establish a separate bank account in respect of each reserve, but the local authority may, if it thinks fit, establish a bank account to be called "The Reserves Account" into which all money received in respect of all the reserves administered by it shall be paid:

provided also that where the administering body is a local authority to which regulations made pursuant to section 223 of the Local Government Act 1974 apply, the administering body shall comply with the provisions of those regulations relating to the banking of money.

(3) No money shall be withdrawn from the bank except by authority of the administering body, and any cheque or other withdrawal notice shall be signed by the Treasurer or other officer of the administering body appointed for the purpose

and countersigned by either a member or an officer of the administering body authorised by the administering body from time to time to do so.

(4) Notwithstanding the provisions of subsections (2) and (3), where a local authority is an administering body appointed under section 28, the local authority as that administering body may pay all such money into the general bank account of the local authority and any such money may be withdrawn from the bank account in such manner as the local authority may lawfully authorise.

(5) Subject to the terms of any trust, any money of an administering body which is not immediately required for expenditure by the administering body may be invested in any manner in which trustees are for the time being authorised to invest trust funds or on deposit with the National Provident Fund.

Compare: 1953 No 69 ss 70, 71; 1963 No 112 s 3

Section 79(2): amended, on 17 December 1985, by section 2(2) of the Reserves Amendment Act 1985 (1985 No 188).

80 Expenditure of funds

(1) The funds of an administering body received under this Act shall, save as otherwise authorised or required by this Act or any other Act, be applied in purchasing, taking on lease, managing, administering, maintaining, protecting, improving, and developing the reserves under its control, and for no other purpose.

(2) Where pursuant to section 37 or section 38 an administering body is appointed to control and manage more than 1 reserve or a reserve and other land, then—

(a) money received from the separate areas may be used for the improvement and benefit of all those areas or any of them:

(b) the administering body shall not be required to keep separate books of account in respect of the separate areas under its control, but it may keep combined accounts and a statement regarding those combined accounts, but showing receipts and payments for each area, shall be sufficient for the purposes of section 88.

Compare: 1953 No 69 ss 72, 73

Section 80(1): amended, on 17 December 1985, by section 3 of the Reserves Amendment Act 1985 (1985 No 188).

81 Unauthorised expenditure

An administering body (not being a local authority) may in any financial year expend for purposes not authorised by this Act or by any other Act or law for the time being in force any sum or sums not exceeding $500 in the aggregate.

Section 81: amended, on 17 May 2005, by section 4 of the Reserves Amendment Act 2005 (2005 No 68).

82 Application of proceeds of land where reservation revoked

(1) Where upon the revocation of the reservation of any reserve the land comprised therein becomes Crown land and the land is subsequently alienated by the Crown, the proceeds of the alienation shall be paid into the Public Account and credited to the Trust Account, and the following provisions shall thereupon apply:

(a) where the land is sold for cash, an amount equal to the proceeds of the sale may, if the Minister so directs, be paid from the Public Account and debited to the Trust Account and applied in the purchasing or taking on lease, managing, administering, maintaining, protecting, improving, and developing of reserves of any classification or as consideration for a conservation covenant:

(b) where the land is sold on deferred-payment licence or is granted on Crown lease, there may, if the Minister so directs, be paid from the Public Account and debited to the Trust Account, and applied in the purchasing or taking on lease, managing, administering, maintaining, protecting, improving, and developing of reserves of any classification or as consideration for a conservation covenant—

(i) subject to any direction given by the Minister of Finance under subparagraph (ii), an amount equal to the purchase price payable under the deferred-payment licence, or, as the case may be, the rental value of the lease; or

(ii) if the Minister of Finance so directs, an amount equal to the instalments (including interest) paid under the deferred-payment licence, or as the case may be, the rent paid under the lease.

(2) Notwithstanding anything in any other Act, all money held in the Works and Trading Account immediately before the commencement of this Act representing the proceeds of the alienation of land the reservation of which had been revoked shall at the commencement of this Act be deemed to have been transferred to the Trust Account, and subsection (1) shall apply with respect to the money so transferred as if it were the proceeds of the alienation after the commencement of this Act of land the reservation of which had been revoked under the provisions of this Act.

(3) Where before the commencement of this Act the land comprised in a reserve became Crown land on the revocation of the reservation thereof under the provisions of any former enactment, then, notwithstanding anything in any other Act, subsection (1) shall apply with respect to the proceeds of any alienation of the land received after the commencement of this Act as if the reservation had been revoked under the provisions of this Act.

Compare: 1953 No 69 s 78; 1956 No 35 s 17; 1960 No 87 s 3; 1966 No 26 s 6

Section 82(1): amended (with effect on 1 April 1978), on 20 October 1978, by section 3(1) of the Reserves Amendment Act 1978 (1978 No 121).

Section 82(2): replaced (with effect on 1 April 1978), on 20 October 1978, by section 3(2) of the Reserves Amendment Act 1978 (1978 No 121).

Section 82(3): inserted (with effect on 1 April 1978), on 20 October 1978, by section 3(2) of the Reserves Amendment Act 1978 (1978 No 121).

83 Application of proceeds from exchange

Where any money is payable to the Crown pursuant to an exchange under section 15, the money shall be paid into the Public Account and credited to the Trust Account and applied in the purchasing or taking on lease, managing, administering, maintaining, protecting, improving, and developing of reserves of any classification, or as consideration for a conservation covenant, as directed by the Minister.

84 Minister may authorise diversion of money

Notwithstanding anything to the contrary in this Part, the Minister may, with the written consent of the administering body—

(a) direct that any money received, whether before or after the commencement of this Act, in respect of that reserve be applied in managing, administering, maintaining, protecting, improving, and developing any other specified reserve or for the acquisition or taking on lease of land for the purpose of a reserve, whether as an addition to that reserve or not, or as consideration for a conservation covenant; or

(b) direct that any money received after the commencement of this Act in respect of any reserve shall be applied as aforesaid for any specified period for the purposes of any other reserve or for the acquisition or leasing of other land as aforesaid or as consideration for any conservation covenant:

provided that where money is received in respect of a reserve which is not under the control and management of an administering body, the Minister may direct that the money be applied for such purposes specified in the foregoing provisions of this section as the Minister in his or her sole discretion directs.

Compare: 1953 No 69 s 75; 1964 No 108 s 3

85 Minister may authorise expenditure of money on land that is not a reserve

(1) Notwithstanding anything to the contrary in this Part, the administering body of any reserve may, with the prior consent of the Minister, determine, or, where there is no administering body of a reserve, the Minister may direct, that any money received, whether before or after the commencement of this Act, in respect of that reserve or any money appropriated by Parliament for the purpose shall be applied in managing, administering, maintaining, improving, protecting, and developing any land that is not a reserve (including any Maori reservation), if the owner, trustee, or controlling authority of that land—

(a) consents to the application of that money for those purposes; and

(b) agrees either—

(i) to permit the land to be used for any of the purposes defined in the classification of reserves in section 16 on such terms and conditions as have been agreed on between himself or herself and the administering body or, as the case may be, the Minister; or

(ii) to co-operate in a scheme for the preservation or restoration of the character or amenity of a district or an environment.

(2) Any agreement under subsection (1) may provide for the payment by the administering body or, as the case may be, the Crown, of all or part of the reasonable legal expenses incurred by the owner, trustee, or controlling authority in connection with the agreement, and for the payment of a reasonable sum, whether by way of annual fee or otherwise, for the use of the land in accordance with the agreement.

Compare: 1953 No 69 s 75A; 1971 No 144 s 4

Section 85(2): replaced, on 1 January 1980, by section 23 of the Reserves Amendment Act 1979 (1979 No 63).

85A Minister may authorise certain administering bodies to spend proceeds from certain reserves for other purposes

Where the administering body of a recreation or local purpose reserve is also a territorial authority or regional council, that administering body may, if the Minister so authorises, apply the whole or part of the revenue derived from trees grown on that reserve for—

(a) any purpose for which that territorial authority or regional council may lawfully apply its funds; or

(b) such specific purpose as the Minister, with the consent of the Minister of Local Government, may direct.

Section 85A: inserted, on 1 January 1980, by section 24 of the Reserves Amendment Act 1979 (1979 No 63).

Section 85A: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 85A(a): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

86 Payment of rates on Maori reservations

Where—

(a) pursuant to subsection (12) of section 439 of the Maori Affairs Act 1953 (as added by section 11(2) of the Maori Purposes Act 1972), the notice constituting a Maori reservation under the said section 439 specifies that the reservation shall be held for the common use and benefit of the people of New Zealand; and

(b) pursuant to subsection (7) of that section, the Maori Land Court has vested the reservation in a body corporate or in trustees to hold and administer the reservation—

the Minister may, by agreement with the body corporate or the trustees, contribute towards the payment, out of money appropriated by Parliament for the purpose, of the whole or part of any rates from time to time levied on the land.

87 Payment of rates on protected private land

Where an agreement under section 76 declares any land to be protected private land, and, in the Minister's opinion,—

(a) the agreement makes reasonable provision for the public to visit and inspect the protected private land; or

(b) the protected private land, if it were a reserve, would be classified as a nature reserve or scientific reserve and the agreement makes reasonable provision for persons with special relevant interest to visit and inspect the protected private land,—

the Minister may, by agreement with the owner, contribute towards the payment, out of money appropriated by Parliament for the purpose, of the whole or part of any rates from time to time assessed on the land.

Section 87: amended, on 1 July 2003, pursuant to section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

88 Financial statements and audit

(1) Every administering body, not being a board, must ensure that, within 5 months after the end of the financial year ending on 30 June, financial statements are—

(a) completed in relation to the administering body and that financial year; and

(b) dated and signed on behalf of the administering body by 2 members or officers of the body; and

(c) submitted to the Auditor-General for audit.

(1A) The financial statements must be prepared in accordance with,—

(a) in the case of a specified not-for-profit entity, generally accepted accounting practice; or

(b) in any other case, either generally accepted accounting practice or a non-GAAP standard that applies for the purposes of this section.

(1B) Subsection (1) is subject to subsection (4).

(2) The Public Audit Act 2001 applies with respect to the audit of the financial statements of every such administering body, as if it were a public entity as defined in section 4 of that Act.

(3) A copy of every such statement shall be submitted to the Commissioner for transmission to the Minister, accompanied by a report as to the operations of the administering body for the year.

(4) If a local authority is the administering body of a reserve, it shall not be required to submit those financial statements and report to the Minister, unless the terms of vesting or control and management so require.

(5) Where a local authority is the administering body, the statements required by this section shall be incorporated in the annual financial statements of the local authority, and the time for preparation and submission of the financial statements required by this section shall be deemed to have been amended accordingly.

(6) For the purposes of this section, the period commencing on 1 April 1992 and ending with 30 June 1993 shall be deemed to be a financial year.

Section 88: replaced, on 21 December 1992, by section 42 of the Public Finance Amendment Act 1992 (1992 No 142).

Section 88 heading: replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 88(1): replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 88(1A): inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 88(1B): inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 88(2): replaced, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

Section 88(2): amended, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 88(4): amended, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 88(5): amended, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

88A Crown entities

(1) Every board is, for the purposes of subpart 2 of Part 5 of the Public Finance Act 1989, an organisation named or described in Schedule 4 of that Act.

(2) Every board is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Section 88A: inserted, on 21 December 1992, by section 42 of the Public Finance Amendment Act 1992 (1992 No 142).

Section 88A(1): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 88A(2): replaced, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

89 Contributions and advances by local authorities

(1) Where—

(a) any local authority is the administering body of any reserve; or

(b) any member of a local authority is by virtue of his or her office a member of the administering body of any reserve; or

(c) any reserve is generally used by the inhabitants of the district of a local authority,—

the local authority may from time to time apply money in its general fund or account, or make advances from that fund or account to the administering body of the reserve upon such terms and conditions as it thinks fit, towards the management, improvement, maintenance, and protection of that reserve or any other reserve, notwithstanding that the reserve may be situate outside the district of the local authority, and neither the local authority nor the administering body shall require further authority to enter into any such arrangement.

(2) Any local authority may from time to time out of its general fund or account contribute such sums as it thinks fit towards the cost of the acquisition by the Crown of any land or interest in land for the purposes of this Act, or in payment for the consideration for any conservation covenant, notwithstanding that the land may be situate outside the district of the local authority.

Compare: 1953 No 69 s 79; 1968 No 126 s 5

90 Borrowing powers of administering body

(1) Notwithstanding anything to the contrary in any Act, any local authority which is the administering body of a recreation reserve may borrow money for the improvement and development of the reserve or the purchase of other land for addition to the reserve or for payment of the consideration for any conservation covenant, and may in its capacity as an administering body expend for those purposes money so borrowed.

(2) Notwithstanding anything to the contrary in any Act, advances by way of loan may from time to time be made out of money appropriated by Parliament, or out of money paid into the Public Account to the credit of the Trust Account pursuant to section 78 or section 82 or section 83 or section 95(7) or section 105 or section 110, to any administering body, whether a local authority or not, for the purpose of improving or developing any reserve under its control or the purchase of other land for addition to any such reserve. Every advance under this subsection shall be made upon such terms and conditions as the Minister of Finance thinks fit.

(3) Where any administering body borrows money pursuant to subsection (2) or to section 89(1), it may use any of its funds for the repayment of the money so borrowed and any interest payable thereon.

(4) Where in the opinion of the Minister there is good and sufficient reason for so doing, the Minister may postpone or remit the payment of interest or principal

in respect of any money borrowed by an administering body under subsection (2).

Compare: 1953 No 69 s 80(1)–(4)

Section 90(1): amended, on 1 July 1998, by section 16(1) of the Local Government Amendment Act (No 3) 1996 (1996 No 83).

91 Administering body may have debit in accounts in anticipation of revenue

Notwithstanding anything to the contrary in any Act, any local authority which is the administering body of a recreation reserve may incur a debit balance in the accounts of a particular recreation reserve by advancing money out of its general fund or account, or out of any separate ward account, in the case of any territorial authority that keeps ward accounts, to meet payments incurred in managing, administering, maintaining, protecting, improving, or developing the reserve, in anticipation of the collection of revenue from that reserve:

provided that every such debit balance shall be cleared within a period of 2 years or such extended term as may be approved by the Minister.

Compare: 1953 No 69 s 80(5); 1963 No 112 s 3

Section 91: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

92 Relief of lessees and licensees of reserves

The administering body, in the case of a reserve vested in that administering body, may in respect of any lease or licence granted under this Act—

(a) from time to time during the currency of the lease or licence, reduce the rent to be paid thereunder during the remainder or any part of the remainder of the term:

(b) from time to time during the currency or after the determination of the lease or licence compromise with the lessee or licensee for any rent due by him or her.

Compare: 1953 No 69 s 81

Section 92: amended, on 1 July 1996, by section 14(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 92 proviso: repealed, on 1 July 1996, by section 14(b) of the Reserves Amendment Act 1996 (1996 No 3).

Part 5
Miscellaneous provisions

Offences

93 Powers of constables, rangers, and other officers

(1) Any officer may summarily interfere to prevent any actual or attempted breach of this Act or of any regulation or bylaw thereunder, and he or she may require any person found offending to desist from the offence. If any person when so

required continues the offence, he or she commits a further offence against this Act.

(2) It shall be lawful for an officer to require any person found offending against this Act or any regulation or bylaw made under this Act to disclose the person's full name, residential address, and date of birth, and to provide evidence, as soon as practicable, of those particulars, and if that person, when so required,—

(a) refuses or fails to disclose information required under this subsection; or

(b) refuses or fails to provide evidence required under this subsection as soon as practicable,—

(c) *[Repealed]*

the person commits an offence against this Act, and may be arrested without warrant by any constable.

(3) Any person arrested under subsection (2) shall be brought before a court, as soon as possible, to be dealt with according to law.

(4) The production by any officer of his or her warrant, instrument of appointment, or other written evidence of identification shall be sufficient evidence of the authority of that officer to exercise the powers conferred by this section.

(5) In this section, **officer** means—

(a) any ranger or constable; and

(b) any officer or employee of an administering body who is authorised by that body to exercise the powers of an officer under this Part.

Compare: 1953 No 69 s 83

Section 93(2): amended, on 21 December 2018, by section 38(1) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 93(2): amended, on 21 December 2018, by section 38(4) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 93(2)(a): replaced, on 21 December 2018, by section 38(2) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 93(2)(b): replaced, on 21 December 2018, by section 38(3) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 93(2)(c): repealed, on 21 December 2018, by section 38(3) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 93(5): replaced, on 1 October 2012, by section 299(2) of the Search and Surveillance Act 2012 (2012 No 24).

94 Offences on reserves

(1) Every person commits an offence against this Act who, without being authorised (the proof of which shall be on the person charged) by the Minister or the Commissioner or the administering body, as the case may require,—

(a) lights any fire on a reserve except in a fireplace in any camping ground or picnic place established by the Minister or the Commissioner or the administering body; or

(b) causes or allows any cattle, sheep, horses, or other animals of any kind whatsoever to trespass on any reserve; or

(c) liberates any animal on any reserve; or

(d) plants any tree, shrub, or plant of any kind, or sows or scatters the seed of any tree, shrub, or plant of any kind, or introduces any substance injurious to plant life, on any reserve; or

(e) wilfully breaks or damages any fence, building, apparatus, or erection on any reserve; or

(f) removes or wilfully damages any, or any part of, any wood, tree, shrub, fern, plant, stone, mineral, gravel, kauri gum, furniture, utensil, tool, protected New Zealand object, relic, or thing of any kind, on any reserve; or

(g) wilfully digs, cuts, or excavates the sod on any reserve; or

(h) not being the lessee or licensee or concessionaire of the reserve or any part thereof, occupies or uses any land in a reserve for cultivation or any other purpose; or

(i) takes or destroys or wilfully injures or in any manner disturbs or interferes with any animal or bird or other fauna or the nest or egg of any bird on any reserve; or

(j) deposits or throws on any reserve (being a reserve which is not a public place within the meaning of section 2 of the Litter Act 1979) any substance or article of a dangerous or offensive nature or likely to be of a dangerous or offensive nature or any rubbish, except in a place or receptacle approved or provided by the Minister or the Commissioner or the administering body; or

(k) erects any building, sign, hoarding, or apparatus on any reserve; or

(ka) carries on within any reserve any activity for which a concession is required under section 59A; or

(kb) carries on within any reserve vested in an administering body any trade, business, or occupation; or

(l) trespasses with any vehicle or boat or aircraft or hovercraft on any reserve, in breach of any prohibition under this Act; or

(m) in any way interferes with a reserve or damages the recreational, scenic, historic, scientific, or natural features or the flora and fauna therein:

provided that nothing in any authorisation by the Minister or the Commissioner or the administering body to do any act which would otherwise be unlawful under paragraph (c) or paragraph (i) shall be deemed to authorise any person to do any act in contravention of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act.

(2) Every person commits an offence against this Act who—

(a) when required by notice from the Minister or the Commissioner or the administering body to remove any animal from a reserve, fails to do so within the period specified in the notice; or

(b) being the driver of any vehicle or the pilot of any aircraft or the person in charge of any boat or hovercraft that is illegally on a reserve, fails or refuses to remove it from the reserve when so requested by any officer as defined in section 93(5); or

(c) without a concession, lease, licence, permit, or other right or authority, does or causes to be done any act, matter, or thing for which a lease, licence, permit, or other right or authority is required by this Act or by any regulations under this Act; or

(d) not being an officer of the Department or a ranger, acting in either case in the course of his or her official duties, enters any nature reserve in breach of section 20(2)(c), or in breach of any condition imposed in any permit granted or notice given under section 57; or

(da) being a person in charge of any boat, anchors or moors that boat in breach of a notice given under section 57(3) or section 59(3) or in breach of any permit granted under section 57(7) or section 59(7); or

(e) while any scientific reserve or any part of such a reserve is subject to a notice under section 21(2)(b) prohibiting entry—

(i) not being an officer of the Department or a ranger, acting in either case in the course of his or her official duties, or not being the holder of a permit issued under section 59, enters the reserve or that part, as the case may be, in breach of the said section 59; or

(ii) being the holder of such a permit, does not comply with any term or condition of the permit; or

(f) counterfeits or without due authority issues any concession, lease, licence, permit, or other authority required by this Act or by any regulations under this Act; or

(g) unlawfully alters, obliterates, defaces, pulls up, removes, interferes with, or destroys any boundary marks, or any stamp, mark, sign, poster, licence, lease, permit, or other right or authority issued by the Minister or the Commissioner or an administering body.

(3) Every person commits an offence against this Act who uses, receives, sells, or otherwise disposes of any wood, timber, bark, flax, mineral, gravel, kauri gum, protected New Zealand object, relic, or other substance or thing whatsoever knowing the same to have been removed unlawfully from any reserve.

(4) Every person commits an offence against this Act who, without being authorised by the Minister, or the Commissioner, or the administering body,—

(a) is in possession of any firearm, weapon, trap, net, or other like object in a reserve; or

(b) discharges any firearm, weapon, or other instrument on a reserve; or

(c) from outside a reserve, shoots at any fauna or any other object or thing inside the reserve with any firearm, weapon, or other instrument,—

and, where any person is found discharging a firearm, weapon, or other instrument in contravention of this subsection, section 95(6) shall apply in respect of that firearm, weapon, or other instrument in all respects as if it were illegally in the possession of that person in the reserve:

provided that nothing in any such authorisation shall be deemed to authorise any person to do any act in contravention of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act.

(5) Where any person commits an offence against subsection (1)(j), the Minister or the Commissioner or the administering body, as the case may be, may cause the removal of any objects deposited or thrown in breach of that subsection, and the cost of that removal shall be assessed by a District Court Judge and shall be recoverable from that person in like manner as a fine.

(6) Any person convicted of an offence under this section shall, in addition to any penalty for which he or she may be liable for the offence, pay twice the full market value of any substance removed from the reserve or pay for the damage done to the reserve, or to any forest, wood, timber, flax, or scrub growing or being thereon; and, in the case of an offence against subsection (1)(a), for the cost of extinguishing the fire and the expenses incurred in investigating the origin of the fire. That value or damage or cost shall be assessed by a District Court Judge, and shall be recoverable in like manner as a fine. The full market value shall be deemed to be that amount which the Crown would have received by way of purchase price if the Crown had removed the substance from the reserve and offered it for sale on reasonable terms.

Compare: 1953 No 69 s 84(1)–(5); 1968 No 134 s 17(2)

Section 94(1)(f): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 94(1)(h): amended, on 1 July 1996, by section 15(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 94(1)(j): amended, on 2 November 1979, by section 22(3) of the Litter Act 1979 (1979 No 41).

Section 94(1)(ka): replaced, on 1 July 1996, by section 15(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 94(1)(kb): inserted, on 1 July 1996, by section 15(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 94(2)(c): amended, on 1 July 1996, by section 15(3)(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 94(2)(d): replaced, on 27 December 1983, by section 11 of the Reserves Amendment Act 1983 (1983 No 43).

Section 94(2)(da): inserted, on 27 December 1983, by section 11 of the Reserves Amendment Act 1983 (1983 No 43).

Section 94(2)(f): amended, on 1 July 1996, by section 15(3)(b) of the Reserves Amendment Act 1996 (1996 No 3).

Section 94(3): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 94(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 94(5): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 94(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 94(6): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

95 Seizure and forfeiture of property

(1) Any animal or bird or the nest or egg of any bird or the body of any animal or bird, or any part thereof, or anything specified in section 94(1)(f), or any boundary mark, sign, or poster, found in the possession of any person in a reserve may be seized by any officer as defined in section 93(5), if he or she has good cause to suspect that that person in obtaining possession thereof has committed an offence against this Act.

(2) If no proceedings are taken in respect of that offence within 6 months after that seizure, or if in proceedings taken within that period the charge is dismissed, then, despite subpart 6 of Part 4 of the Search and Surveillance Act 2012,—

(a) in any case where the property seized is protected wildlife or the nest or egg of any protected wildlife or the body of any protected wildlife, or any part thereof, it shall be dealt with pursuant to the Wildlife Act 1953:

(b) in any case where the property seized is a protected New Zealand object, it shall be dealt with as follows:

(i) where pursuant to the Protected Objects Act 1975 it is the property of the Crown, it shall be delivered to the Secretary for Internal Affairs or, with the consent of the Secretary for Internal Affairs, retained in the custody of the Director-General:

(ii) in any other case, it shall be delivered to the person who is entitled to its custody pursuant to the Protected Objects Act 1975.

(c) *[Repealed]*

(3) Where in proceedings taken within that period in respect of that offence against the person from whom the property was seized the defendant is convicted, then—

(a) in any case where that property is protected wildlife or the nest or egg of any protected wildlife or the body of any protected wildlife, or any part thereof, it shall be deemed to be forfeited to the Crown and shall be dealt with pursuant to the Wildlife Act 1953:

(b) in any case where the property seized is a protected New Zealand object, it shall be dealt with as follows:

(i) where pursuant to the Protected Objects Act 1975 it is the property of the Crown, it shall be delivered to the Secretary for Internal Affairs or, with the consent of the Secretary for Internal Affairs, retained in the custody of the Director-General:

(ii) in any other case, it shall be delivered to the person who is entitled to its custody pursuant to the Protected Objects Act 1975:

(c) in the case of any other property, it shall be deemed to be forfeited to the administering body, or to the Crown if there is no administering body, and shall be disposed of as the administering body or, if there is no administering body, the Commissioner, directs.

(3A) Subsection (3) applies as if a person were convicted of an offence if an infringement notice is issued to the person or a charging document is filed against the person in relation to an infringement offence and any of the following occurs:

(a) the infringement fee for the offence is paid:

(b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed:

(c) the informant and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments:

(d) the person is found guilty, or admits the commission, of the infringement offence.

(4) Where any person is convicted of an offence against this Act, the court may order that any animal or bird or the nest or egg of any bird or the body of any animal or bird, or any part thereof, taken by the defendant in the course of committing the offence and still in his or her possession or in the possession of any other person on his or her behalf shall—

(a) in the case of any protected wildlife or the nest or egg of any protected wildlife or the body of any protected wildlife, or any part thereof, be forfeited to the Crown, and the property shall be deemed to be forfeited to the Crown accordingly and shall forthwith be delivered to the Director-General by the defendant or person holding it on his or her behalf, and shall be dealt with pursuant to the Wildlife Act 1953:

(b) in the case of any other property, be forfeited to the administering body, or to the Crown if there is no administering body, and the property shall be deemed to be forfeited to the administering body or to the Crown,

as the case may be, accordingly, and shall forthwith be delivered to the administering body, or, if there is no administering body, to the Commissioner, by the defendant or person holding it on his or her behalf, and shall be disposed of as the administering body or the Commissioner directs.

(5) All buildings, signs, hoardings, or apparatus erected on any reserve without the consent in writing of the Minister or the administering body shall be deemed to be forfeited to the Crown or, as the case may be, the administering body, and shall be disposed of by the Commissioner or that body in such manner as he or she or it thinks fit.

(6) Any firearm, trap, net, or other like object found illegally in the possession of any person in any reserve, and any tool or instrument or other equipment found in the possession of any person in any reserve and used in committing an offence in the reserve may be seized by any officer (within the meaning of section 93(5)).

(6AA) A court may direct that an item seized under subsection (6) be forfeited to the Crown if—

(a) proceedings for an offence are taken against the person from whom the item was seized within 6 months after the seizure and the court enters a conviction against the person; or

(b) proceedings for an infringement offence are commenced against the person from whom the item was seized by filing a charging document within 6 months after the seizure and the person is found guilty, or admits the commission, of an infringement offence.

(6AB) If proceedings are not commenced within 6 months after the seizure, or if the court does not direct that the item be forfeited to the Crown, the item must be returned to the person from whom it was seized.

(6A) Subject to subsection (2), the provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of the seizure of any thing under this section.

(7) The proceeds of the sale or disposal of anything sold or otherwise disposed of under this section shall, where it is sold or disposed of by the Commissioner, be paid into the Public Account to the credit of the Trust Account, and may be applied, as directed by the Minister, in purchasing, taking on lease, managing, administering, maintaining, protecting, improving, and developing reserves or as consideration for conservation covenants, and, where it is sold or disposed of by an administering body, shall form part of the funds of that body.

(8) In this section the term **protected wildlife** means wildlife that pursuant to section 3 of the Wildlife Act 1953 is absolutely protected throughout New Zealand.

Compare: 1953 No 69 s 84(7)–(9)

Section 95(1): amended, on 1 October 2012, by section 299(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 95(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 95(2): amended, on 1 October 2012, by section 299(4)(a) of the Search and Surveillance Act 2012 (2012 No 24).

Section 95(2)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 95(2)(b): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 95(2)(b)(i): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 95(2)(b)(i): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 95(2)(b)(ii): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 95(2)(c): repealed, on 1 October 2012, by section 299(4)(b) of the Search and Surveillance Act 2012 (2012 No 24).

Section 95(3)(b): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 95(3)(b)(i): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 95(3)(b)(i): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 95(3)(b)(ii): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 95(3A): inserted, on 21 December 2018, by section 39(1) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 95(4)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 95(6): replaced, on 1 October 2012, by section 299(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 95(6AA): inserted, on 21 December 2018, by section 39(2) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 95(6AB): inserted, on 21 December 2018, by section 39(2) of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 95(6A): inserted, on 1 October 2012, by section 299(5) of the Search and Surveillance Act 2012 (2012 No 24).

96 Trespassing animals

(1) All cattle, sheep, horses, or other animals of any kind whatsoever which are unbranded and have no reputed owner and are found trespassing on a reserve—

(a) may be seized by any person generally or specifically authorised in writing in that behalf by the administering body of the reserve or, if the reserve is not under the control and management of an administering body, by any person similarly authorised by the Commissioner; and

(b) shall thereupon be deemed to be forfeited to the administering body or the Crown, as the case may be, and the administering body or the Commissioner may cause them to be destroyed, sold, or otherwise disposed of as it or he or she thinks fit.

(2) Where cattle, sheep, horses, or other animals of any kind whatsoever which are branded or which have a reputed owner are found trespassing on a reserve,—

(a) the administering body of the reserve or, if the reserve is not under the control and management of an administering body, the Commissioner may issue once a week for 2 consecutive weeks, in some newspaper circulating in the locality, a notice calling on the owner or reputed owner to remove the cattle, sheep, horses, or other animals from the reserve, or from any other place to which they may have been transferred pending their removal by the owner or their disposal pursuant to the provisions of this subsection, and giving warning that if they are not removed within 14 days from the date of the first notice they will be destroyed, sold, or otherwise disposed of; and

(b) if any such cattle, sheep, horses, or other animals are not removed within the time mentioned in the notice, the administering body or the Commissioner, as the case may be, may cause them to be destroyed, sold, or otherwise disposed of, and no liability shall attach to the administering body or the Crown or the Commissioner or any other person for any damage occasioned thereby.

(3) Any person convicted of an offence against section 94(1)(b) shall, in addition to any penalty for which he or she may be liable for that offence, pay any costs incurred by the administering body or the Commissioner in advertising or issuing notices calling on the owner or reputed owner of the cattle, sheep, horses, or other animals to remove them from the reserve, and the expenses of mustering, destroying, selling, or otherwise disposing of the said stock and the value of any damage done to the reserve. The costs incurred or value of damage shall be assessed by a District Court Judge, and shall be recoverable in like manner as a fine.

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

Compare: 1953 No 69 s 84(6)

Section 96(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 96(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 96(4): inserted, on 25 November 1994, by section 7 of the Reserves Amendment Act 1994 (1994 No 110).

97 Damage by fire

(1) Every person commits an offence against this Act who, without being authorised (the proof of which shall be on the person charged) by the Minister, or the Commissioner, or the administering body, as the case may require,—

(a) lights on any land (including the foreshore, a public road, or a highway), or permits to be lighted thereon, a fire which spreads into and destroys any bush or natural growth on or damages the reserve in any way; or

(b) being the lessee or licensee of any land in a reserve, lights or permits to be lighted on that land a fire which destroys any bush or natural growth on or damages the reserve in any way.

(2) Every person who commits an offence against this section shall, in addition to the penalty for the offence, pay for all damage done and for the cost of extinguishing the fire and expenses incurred in investigating the origin of the fire. That damage or cost shall be assessed by a District Court Judge, and shall be recoverable in like manner as a fine.

Compare: 1953 No 69 s 85

Section 97(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 97(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

98 Offences with respect to officers or rangers

Every person commits an offence against this Act who—

(a) personates or falsely pretends to be a ranger or an employee of the Crown or of any administering body; or

(b) offers violence to, or assaults, obstructs, or threatens, or attempts to intimidate, or uses abusive or threatening language or behaves in a threatening manner to, any ranger or employee of the Crown or of any administering body while that ranger or employee is acting in the exercise of his or her powers or the discharge of his or her duties under this Act; or

(c) gives, or agrees to give, or offers to any such ranger or employee of the Crown or of any administering body any gift or consideration as an inducement or reward for any act done or to be done or any forbearance observed or to be observed, or any favour shown or to be shown by that ranger or employee, or who, being a ranger or employee of the Crown or a member, ranger, or employee of any administering body, accepts or agrees to accept or solicits any such gift or consideration as aforesaid.

Compare: 1953 No 69 s 86

99 Time for filing charging document

Despite section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act or any regulations made under it ends on the date that is 12 months after the date on which the offence was committed.

Section 99: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

100 Stopping and searching of boats

(1) Any officer who has good cause to suspect that an offence against this Act or any regulations made under section 123 or any bylaw made under section 106 has been committed on or from or in respect of any boat or by any person on any boat, he or she may, while that boat is within the territorial sea of New Zealand (as defined in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977),—

(a) stop, board, and search the boat; and

(b) inspect, seize, and detain any specimens of flora or fauna or rock mineral or soil or protected New Zealand objects on board which he or she has good cause to suspect of having been taken from a reserve; and

(c) arrest without warrant any person whom he or she has good cause to suspect of having committed such an offence.

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of any entry, search, or seizure conducted under this section.

(3) The production by any officer referred to in paragraph (b) or paragraph (c) or paragraph (d) of subsection (7) of his or her warrant, instrument of appointment, or other evidence of identification shall be sufficient evidence of the authority of that officer to exercise the powers conferred by subsection (1).

(4) Where an officer arrests any person under subsection (1)(c), he or she shall cause that person to be brought before a court as soon as possible, to be dealt with according to law.

(5) Without limiting the provisions of section 98, any person who in any way prevents or hinders any officer or any assistant of any officer in exercising any power conferred by this section commits an offence against this Act.

(6) Subsections (2) to (4), (7), and (8) of section 95 shall apply with respect to anything seized under subsection (1)(b) of this section as if it had been seized under section 95(1).

(7) In this section—

boat includes all equipment on board any boat

officer means—

(a) the officer in command of any vessel of the New Zealand Naval Forces:

(b) any ranger:

(c) *[Repealed]*

(d) any constable:

(e) the master of any New Zealand Government ship within the meaning of section 2(1) of the Shipping and Seamen Act 1952.

Section 100(1): amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 100(1)(b): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Section 100(2): replaced, on 1 October 2012, by section 299(6) of the Search and Surveillance Act 2012 (2012 No 24).

Section 100(7)(c): repealed, on 27 December 1983, by section 10(2) of the Reserves Amendment Act 1983 (1983 No 43).

100A Removal of boats in certain circumstances

(1) Where any boat is found in circumstances such that any person who is an officer within the meaning of section 100 (in this section called **the officer**) has good cause to suspect that the person in charge of the boat is committing an offence against paragraph (d) or paragraph (da) of section 94(2) and the officer has good cause to suspect that the person in charge of the vessel is likely to continue to commit the offence or is likely to commit a further offence against those provisions, the officer may, while the boat is within the territorial sea of New Zealand (as defined in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977), seize the boat and remove it to the nearest practicable port or place of safe anchorage, or to a safe position more than half a nautical mile from the shore of the reserve.

(2) Any officer may exercise the powers conferred on him or her by subsection (1) with the aid of such assistants as he or she considers to be necessary for the purpose.

(3) The production by any officer of his or her warrant, instrument of appointment, or other evidence of identification shall be sufficient evidence of the authority of that officer to exercise the powers conferred by subsection (1).

(4) Without limiting the provisions of section 98, any person who in any way prevents or hinders any officer or any assistant of any officer in exercising any power conferred by this section commits an offence against this Act.

Section 100A: inserted, on 27 December 1983, by section 12 of the Reserves Amendment Act 1983 (1983 No 43).

Section 100A(1): amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

101 Proceedings in respect of offences

(1) All charging documents in respect of offences against this Act or any regulations or bylaws under it must be filed in the name of—

(a) the Commissioner, or some person appointed by him or her or by the Minister, in any case where the reserve is vested in the Crown and an

administering body has not been appointed to control and manage the reserve; or

(b) the principal administrative officer or chief executive of any administering body in which any reserve is vested or which has been appointed to control and manage any reserve, or some other person appointed in writing in that behalf by that administering body; or

(c) some person appointed by a Minister of the Crown other than the Minister of Conservation where that other Minister has been appointed to control and manage the reserve under section 22 or section 36.

(2) Any appointment under subsection (1) may be for the purpose of filing a charging document in respect of a particular offence, or may be a general appointment to file charging documents in respect of offences.

(3) Any officer or servant of the Department or of the administering body of the reserve in respect of which the offence is alleged to have been committed, although not the person who filed the charging document, may appear and conduct the prosecution in all proceedings for offences against this Act or any regulations or bylaws under this Act.

Compare: 1953 No 69 s 88

Section 101(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 101(1)(b): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 101(1)(c): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 101(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 101(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

102 Evidence of offences

(1) In every case where under section 94 wilful intent must be shown, that intent shall be presumed until the contrary is shown.

(2) If within a reserve or in its vicinity any person is found in possession of any wood, tree, shrub, fern, plant, stone, mineral, bird, egg, nest, animal, taonga tūturu, relic, or any part of any such thing, and, upon being thereunto required by any constable or ranger or any employee of the Crown or of any administering body employed in the reserve or by any ranger appointed under the Wildlife Act 1953, fails or refuses to give a satisfactory account of the manner in which he or she became possessed of the same, he or she shall be deemed to have wilfully removed or taken the same in breach of this Act, unless he or she satisfies the court to the contrary.

(3) In any proceedings for an offence under this Act or any regulations or bylaws under this Act the averment that any lands in question form part of a reserve

shall be sufficient without proof of that fact, unless the defendant proves to the contrary, and all maps and plans and copies certified as true under the hand of the Commissioner or the Chief Surveyor of the land district in which the land is situated shall be sufficient evidence of their contents without production of the original records and without the personal attendance of those officers or proof of their signatures.

Compare: 1953 No 69 s 89

Section 102(2): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

102A Penalties for certain offences

(1) Every person who commits an offence against any of the provisions listed in subsection (2) is liable on conviction to the penalties prescribed in subsection (3).

(2) The provisions are—

(a) section 94(1)(a) to (k), (l), and (m), which relate to unauthorised acts on reserves:

(b) section 94(2)(a), (b), (d), and (da), which relate to failure to comply with requirements relating to animals, vehicles, aircraft, or boats:

(c) section 94(4)(b) and (c):

(d) section 97(1), which relates to unauthorised fires:

(e) section 98(b), which relates to assaulting or obstructing rangers:

(f) section 100(5), which relates to obstructing officers.

(3) The penalties are,—

(a) in the case of an individual, imprisonment for a term not exceeding 2 years or a fine not exceeding $100,000, or both:

(b) in the case of a body corporate, a fine not exceeding $200,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $10,000 for every day on which the offence continues.

Section 102A: inserted, on 25 October 2013, by section 15 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

102B Penalties for offences committed for commercial gain or reward

(1) If a person is convicted of an offence against this Act and, on sentencing for that offence, the court is satisfied beyond reasonable doubt that the offence was committed for the purpose of commercial gain or reward (whether or not any gain or reward is realised), the person is liable instead of any penalty otherwise prescribed to,—

(a) in the case of an individual, imprisonment for a term not exceeding 5 years or a fine not exceeding $300,000, or both:

(b) in the case of a body corporate, a fine not exceeding $300,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $20,000 for every day on which the offence continues.

(2) Subsection (1) overrides every other provision of this Act to the contrary.

Section 102B: inserted, on 25 October 2013, by section 15 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

103 Penalties

Every person who commits an offence against this Act for which no penalty is prescribed elsewhere in this Act is liable on conviction to,—

(a) in the case of an individual, imprisonment for a term not exceeding 1 year or a fine not exceeding $100,000, or both:

(b) in the case of a body corporate, a fine not exceeding $200,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $10,000 for every day on which the offence continues.

Section 103: replaced, on 25 October 2013, by section 16 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

104 Penalty for breach of bylaws

Every person who commits a breach of any bylaw under this Act commits an offence, and is liable on conviction to—

(a) a fine not exceeding $5,000; and

(b) where the offence is a continuing one, a further fine not exceeding $500 for every day on which the offence continues.

Section 104: replaced, on 25 October 2013, by section 16 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

104A Sentence of community work

A court may sentence any individual who is convicted of an offence against this Act to a sentence of community work, and the provisions of Part 2 of the Sentencing Act 2002 apply with all necessary modifications.

Section 104A: inserted, on 25 October 2013, by section 16 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 104A: amended, on 21 December 2018, by section 40 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105 Application of fines

Subject to section 73 of the Public Finance Act 1989, all fines recovered under this Act shall—

(a) in the case of a fine recovered in respect of a charging document filed in the name of the principal administrative officer or chief executive of the administering body of any reserve (other than a Minister of the Crown) or of any person appointed in that behalf by the administering body of

any reserve (other than a Minister of the Crown), be paid into and form part of the general funds of the administering body; and

(b) in the case of a fine recovered in respect of a charging document filed in the name of the Commissioner or of any Minister of the Crown (where there is no administering body other than a Minister of the Crown) or of any person appointed in that behalf by the Commissioner or by any Minister of the Crown (where there is no administering body other than a Minister of the Crown), shall be paid into the Public Account to the credit of the Trust Account, and shall be applied towards the purchasing or taking on lease, managing, administering, maintaining, protecting, improving, or developing of reserves, or as consideration for conservation covenants, as the Minister of Conservation directs:

provided that any money awarded by a court in respect of loss or damage or the costs of extinguishing any fire or awarded under subsection (5) or subsection (6) of section 94 and recovered as a fine shall be paid or applied in the manner aforesaid, but without any deduction being made.

Compare: 1953 No 69 s 92

Section 105: amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 105(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 105(a): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 105(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 105(b): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Infringement offences

Heading: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105A Relationship between infringement offences and other offences

Nothing in sections 105B to 105I prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under sections 105B to 105I).

Section 105A: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105B Unauthorised actions in reserves

(1) A person must not, without being authorised by the Minister, the Commissioner, or the administering body (as the case may require),—

(a) light a fire in a reserve except in a fireplace in a camping ground or picnic place established by the Minister, the Commissioner, or the administering body; or

(b) cause or allow any animal owned by the person or under the person's control to enter any reserve; or

(c) liberate any animal in any reserve; or

(d) plant any tree, shrub, or plant of any kind in any reserve; or

(e) sow or scatter the seed of any tree, shrub, or plant of any kind in any reserve; or

(f) introduce any substance injurious to plant life in any reserve; or

(g) break or damage any fence, building, apparatus, or erection in any reserve; or

(h) remove or damage any, or any part of any, wood, tree, shrub, fern, plant, stone, mineral, gravel, kauri gum, furniture, utensil, tool, protected New Zealand object, relic, or thing of any kind, in any reserve; or

(i) dig, cut, or excavate the sod in any reserve; or

(j) occupy or use any land in a reserve for cultivation or any other purpose (unless the person is the lessee, licensee, or concessionaire of the land occupied or used); or

(k) take, destroy, injure, disturb, or interfere with any animal, or the nest or egg of any bird, on any reserve; or

(l) erect any building, sign, hoarding, or apparatus in any reserve; or

(m) carry on any trade, business, or occupation within any reserve vested in an administering body; or

(n) use any vehicle, boat, aircraft, or hovercraft in any reserve in breach of any prohibition under this Act; or

(o) in any way interfere with a reserve or damage the recreational, scenic, historic, scientific, or natural features or the flora and fauna within a reserve; or

(p) be in possession of any firearm, weapon, trap, net, or other similar object in a reserve.

(2) A person must not—

(a) conduct in any park any activity for which a concession is required under section 59A without the required concession; or

(b) do or cause to be done any act, matter, or thing for which a lease, licence, permit, or other right or authority is required by this Act or by any regulations under this Act without the required lease, licence, permit, or other right or authority.

(3) A person who fails to comply with this section commits an infringement offence.

Section 105B: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105C Littering

(1) A person must not deposit litter in a reserve.

(2) A person who fails to comply with this section commits an infringement offence.

(3) In this section,—

deposit has a corresponding meaning to the meaning of depositing in section 2(1) of the Litter Act 1979

litter has the meaning given in section 2(1) of the Litter Act 1979.

Section 105C: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105D Using or receiving items removed unlawfully from reserve

(1) A person must not use, receive, or dispose of any wood, timber, bark, flax, mineral, gravel, kauri gum, protected New Zealand object, relic, or other substance removed unlawfully from any reserve.

(2) A person who fails to comply with this section commits an infringement offence.

Section 105D: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105E Altering boundary marks or items issued by Minister, Department, or administering body

(1) A person must not unlawfully alter, obliterate, deface, pull up, remove, interfere with, or destroy any boundary marks, or any stamp, mark, sign, poster, licence, lease, permit, or other right or authority issued by the Minister, the Commissioner, or an administering body.

(2) A person who fails to comply with this section commits an infringement offence.

Section 105E: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105F Failure to remove animal, vehicle, aircraft, or boat

(1) An owner or a person in control of an animal must comply with a notice from the Minister, the Commissioner, or an administering body requiring the person to remove the animal from a reserve.

(2) A driver of any vehicle, the pilot of any aircraft, or the person in charge of any boat that is illegally in a reserve must remove the vehicle, aircraft, or boat from the reserve when required to do so by an officer (as defined in section 93(5)).

(3) A person who fails to comply with this section commits an infringement offence.

Section 105F: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105G Unauthorised entry

(1) A person must not enter any nature reserve in breach of section 20(2)(c), or in breach of any condition imposed in any permit granted or notice given under section 57.

(2) A person must not enter any scientific reserve (or part of a scientific reserve) subject to a notice under section 21(2)(b) prohibiting entry without a permit issued under section 59 or in breach of any condition imposed in any permit granted under section 59.

(3) This section does not apply to an officer of the Department or a ranger who is acting in the course of the officer's or ranger's official duties.

(4) A person who fails to comply with this section commits an infringement offence.

Section 105G: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105H Anchoring or mooring of boat in breach of notice or permit

(1) A person in charge of a boat must not anchor or moor the boat—

(a) in breach of a notice given under section 57(3) or 59(3); or

(b) in breach of any permit granted under section 57(7) or 59(7).

(2) A person who fails to comply with this section commits an infringement offence.

Section 105H: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105I Damage by fire

(1) A person must not, without being authorised by the Minister, the Commissioner, or the administering body (as the case may require), light or permit to be lit on any land (including the foreshore, a public road, or a highway) a fire that spreads into and destroys any bush or natural growth in the reserve or damages the reserve in any way.

(2) A lessee or licensee of any land in a reserve must not without being authorised by the Minister, the Commissioner, or the administering body (as the case may require), light or permit to be lit on that land a fire that destroys any bush or natural growth in the reserve or damages the reserve in any way.

(3) A person who fails to comply with this section commits an infringement offence.

Section 105I: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105J Proceedings for infringement offences

(1) A person who is alleged to have committed an infringement offence may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice under section 105L.

(2) If an infringement notice has been issued under section 105L, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.

Section 105J: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105K Who may issue infringement notices

The Director-General or the chief executive of a local authority may authorise a ranger, in writing, to issue infringement notices under this Act.

Section 105K: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105L Infringement notices

(1) A ranger authorised under section 105K may issue an infringement notice to a person if the ranger believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

(2) The ranger may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.

(3) An infringement notice (or a copy of it) sent by post to a person under subsection (2) is to be treated as having been served on that person when it was posted.

(4) An infringement notice must be in the prescribed form and must contain the following particulars:

(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee; and

(c) the address of the place at which the infringement fee may be paid; and

(d) the time within which the infringement fee must be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement that the person served with the notice has a right to request a hearing; and

(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and

(h) any other particulars that may be prescribed.

Section 105L: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105M Reminder notices

A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.

Section 105M: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105N Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account or a local authority bank account.

Section 105N: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

105O Penalties for infringement offences

A person who commits an infringement offence is liable on conviction to—

(a) the infringement fee prescribed in regulations for that offence; or

(b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.

Section 105O: inserted, on 21 December 2018, by section 41 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Bylaws

106 Bylaws

(1) The Minister may from time to time, by notice in the *Gazette*, prescribe model bylaws for the control of reserves, and those bylaws may make provision for—

(a) the management, safety, preservation, and use of the reserve or any part thereof and the preservation of the flora and fauna and the scenic, historic, archaeological, biological, geological, or other scientific or natural features therein, and for the preservation of the natural environment:

(b) the exclusion of horses, dogs, or other animals therefrom, and their destruction if intruding therein:

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

(d) regulating the times of admission thereto and exclusion therefrom of persons, horses, dogs, or other animals, and vehicles or boats or aircraft or hovercraft of any description:

(e) the control of all persons, horses, dogs, and other animals, and vehicles or boats or aircraft or hovercraft of any description using or frequenting a reserve:

(f) prohibiting the bringing into a reserve or the possession or consumption in a reserve of alcohol (within the meaning of section 5(1) of the Sale and Supply of Alcohol Act 2012), either generally or on specified occasions or during specified periods:

(g) prescribing the safety devices to be fitted to any machinery or devices operating in a reserve under the authority of any agreement, lease, or licence, and regulating the operation and maintenance of such machinery or devices:

(h) prescribing conditions on which persons may be permitted to enter and remain on any wilderness area within a reserve:

(i) prescribing conditions upon which operators and pilots in command of aircraft and persons in charge of hovercraft may set down or pick up or recover within the reserve any person, livestock, carcass, or article of any description:

(j) generally regulating the use of a reserve, and providing for the preservation of order therein, the prevention of any nuisance therein, and for the safety of people using the reserve.

(2) Subject to section 108, every administering body may with respect to the reserve under its control make bylaws for all or any of the purposes specified in subsection (1) in the form prescribed pursuant to that subsection, with such variations of or additions to the prescribed form of bylaws as the Minister considers necessary for the proper control and administration of the reserve.

(2A) For the avoidance of doubt it is hereby declared that the power to make bylaws conferred on administering bodies by this section is in addition to and not in substitution for any power to make bylaws relating to the reserve under any other Act.

(3) The Minister may from time to time, by notice, make bylaws with respect to any reserve that is not under the administration and control of an administering body, and those bylaws may provide for all or any of the matters specified in subsection (1) with such variations of or additions as the Minister considers necessary for the proper administration and control of the reserve.

(4) Bylaws under subsection (3) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(5) *See* section 108(3) for the status under the Legislation Act 2019 of bylaws made under subsection (2).

Compare: 1953 No 69 s 53

Legislation Act 2019 requirements for secondary legislation made under this section that is drafted by the PCO under an agreement with the Agency

Publication	The maker must publish it in the *Gazette*	LA19 ss 67(d)(iii), 73, 74(1)(a), Sch 1 cls 14, 23
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for all other secondary legislation made under this section

Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 106(1)(c): replaced, on 10 April 1990, by section 104 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 106(1)(f): amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 106(2A): inserted, on 27 December 1983, by section 13 of the Reserves Amendment Act 1983 (1983 No 43).

Section 106(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 106(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 106(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

107 Procedure for making bylaws

Where under this Act power to make bylaws is conferred on any administering body, the bylaws shall be made in the following manner:

(a) if the administering body is a local authority, the bylaws shall be made in the same manner as that in which the local authority is authorised by law to make bylaws:

(b) if the administering body is not a local authority, the bylaws shall be made by resolution of the administering body, and shall have the seal of the administering body duly affixed thereto (if the administering body is a corporate body), or (if the administering body is not a corporate body) shall be signed by the chairperson and 1 other member of the administering body, and a notice stating the object or purport of the proposed bylaws shall be published in some newspaper circulating in the district in which the reserve is situated once in each of the 2 weeks immediately preceding the day on which the bylaws are made.

Compare: 1953 No 69 s 93

108 Bylaws to be approved by Minister

(1) No bylaw made under this Act by an administering body shall have any force or effect unless and until it is approved by the Minister.

(2) Approval of any bylaw by the Minister shall be conclusive evidence that it has been duly made under this Act.

(3) Bylaws approved under this section are secondary legislation for the purposes of the Legislation Act 2019, but section 161A of the Local Government Act 2002 applies as if they were made by a local authority.

Compare: 1953 No 69 s 94

Section 108(1): amended, on 27 December 1983, by section 14 of the Reserves Amendment Act 1983 (1983 No 43).

Section 108(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Mining

109 Application of Mining Act 1971 and Coal Mines Act 1925 to reserves

(1) Nothing in this Act shall in any way restrict the operation of any of the provisions of the Mining Act 1971 with respect to dealings under that Act with reserves.

(2) Notwithstanding anything to the contrary in this Act or any other Act, the Governor-General may from time to time, by Order in Council, declare to be subject to the Coal Mines Act 1925 or to any specified provisions of that Act, as if it were Crown land as defined by that Act, any reserve within the meaning of this Act consisting of land vested in the Crown or alienated from the Crown as a reserve which contains coal:

provided that every grant of a coal mining right over any such land so declared to be subject to the Coal Mines Act 1925 or to any specified provisions thereof shall be subject to the consent of the Minister, who may refuse his or her consent or grant it unconditionally or on such conditions as he or she thinks fit to impose:

provided also that in the case of a scenic reserve this subsection shall be read subject to the Coal Mines Act 1925.

(3) No coal mining right under the Coal Mines Act 1925 may be granted over any reserve for soil conservation or river control or other like purposes except with the prior consent in writing of the Minister for the Environment.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1953 No 69 s 96; 1971 No 25 s 245

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 109(3): amended, on 1 April 1988, pursuant to section 52(1) of the Soil Conservation and Rivers Control Amendment Act 1988 (1988 No 48).

Section 109(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

General provisions

110 Removal and disposal of vehicles and boats

(1) Any ranger, any person employed by the administering body of any reserve, or, in the case of a reserve that is not under the management and control of an administering body, any officer of the Department who has reason to believe that any vehicle or boat has been abandoned in a reserve may remove it or cause it to be removed to any place authorised for that purpose by the administering body or, as the case may be, by the Commissioner.

(2) Where the administering body or, in the case of a reserve that is not under the management and control of an administering body, the Commissioner has appropriated any part of a reserve for the parking of vehicles or the mooring of boats, any ranger, any person employed by the administering body, or, as the case may be, any officer of the Department may remove to any place so appropriated any vehicle that is parked or any boat that is moored on any part of the reserve where the parking of vehicles or the mooring of boats is prohibited. In any such case, the owner or other person in charge of the vehicle or boat shall be liable to the administering body or to the Commissioner, as the case may be, for the cost of removing the vehicle or boat and also for the charges that pursuant to bylaws made in respect of that reserve would be payable for the use of that parking or mooring space if the vehicle or boat had been parked or moored there by the owner or other person in charge.

(3) Unless within 2 months after the date on which a vehicle or boat is removed pursuant to subsection (1) or subsection (2) the owner or some other person having an interest therein removes the vehicle or boat from the reserve or other place where it is stored and pays to the administering body or to the Commissioner, as the case may be, the cost of removing and storing it pursuant to subsection (1) or, as the case may be, the cost of removing it pursuant to subsection (2) and the parking or mooring charges payable under that subsection, then,—

(a) in the case of any boat, and in the case of any vehicle if it—

(i) is not a motor vehicle; or

(ii) is a motor vehicle and has no registration plate affixed thereto or is unregistered; or

(iii) is a motor vehicle and no licence to use the vehicle issued for the current licensing year is affixed to it,—

the administering body or the Commissioner, as the case may be, may give not less than 14 days' notice, by advertisement in 2 issues of a daily newspaper circulating in the district in which the reserve is situated, of its or his or her intention to sell or destroy the vehicle or boat, as the case may be:

(b) if in the case of any vehicle—

(i) the vehicle is a motor vehicle; and

(ii) a licence to use the vehicle issued for the current licensing year is attached to it,—

the administering body or the Commissioner, as the case may be, may give not less than 14 days' written notice to the person last registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle of its or his or her intention to sell or destroy the vehicle, by delivering the notice to him or her personally or by posting it to him or her by registered letter addressed to him or her at his or her last-known place of abode or business in New Zealand.

(4) Unless before the expiry of the notice given under subsection (3) the owner of the vehicle or boat—

(a) pays to the administering body or to the Commissioner, as the case may be, the cost of removing and storing the vehicle or boat pursuant to subsection (1), or, as the case may be, the cost of removing it pursuant to subsection (2) and the parking or mooring charges payable under that subsection, and, in either case, the cost of the aforesaid advertisements; and

(b) removes the vehicle or boat from the reserve or other place to which it was removed,—

the administering body or the Commissioner, as the case may be, may, at any time after the expiry of the notice, sell the vehicle or boat to any person, who shall thereupon become the lawful owner of the vehicle or boat, or the administering body or the Commissioner, as the case may be, may cause the vehicle or boat to be destroyed, and in neither case shall any liability attach to the administering body or to the Crown or to the Commissioner or to any other person for any loss or damage occasioned thereby.

(5) The proceeds of the sale of any vehicle or boat sold in accordance with the provisions of this section shall form part of the funds of the administering body in any case where the vehicle or boat has been sold by that body, and in any other case shall be paid into the Public Account to the credit of the Trust Account and may be applied, as directed by the Minister, in purchasing, taking on lease, managing, administering, maintaining, protecting, improving, and developing reserves or as consideration for conservation covenants.

(6) For the purposes of this section, and without limiting the meaning of the term abandoned, a vehicle or boat shall be deemed to have been **abandoned** if it is left unused for a period of more than 1 month without the approval of the administering body or the Commissioner, as the case may be.

(7) In this section—

expressions defined in the Land Transport Act 1998 have, in relation to any motor vehicle, the meanings so defined

moored, in relation to any boat, includes being left aground or on land.

Section 110(3)(b): amended, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

Section 110(7): amended, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

111 Road reserve may be dedicated as a road

(1) Where any land is vested in the Crown or in any local authority for the purposes of a road reserve and the land is required for the purposes of a road, the land may be dedicated as a road by notice under the hand of the Minister or, as the case may be, by resolution of the local authority, and lodged with the Registrar-General of Land.

(2) For the purposes of this section the term **road** includes any road, street, access way, or service lane; and the expression **road reserve** has a corresponding meaning.

Compare: 1953 No 69 s 98; 1968 No 126 s 2

Section 111(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

112 Registrar-General of Land not to give effect to dealings not in conformity with trusts

(1) The Registrar-General of Land must not without special authority of law register or otherwise give effect under the Land Transfer Act 2017 to any dealing with any reserve except in conformity with the trusts upon which the reserve is held for the time being.

(2) Subsections (1), (2), (3), and (5) of section 154 of the Land Transfer Act 2017 shall apply not only to land set apart or reserved by the Crown as reserves, but also to any other land that is a reserve as defined in this Act, and the notification provided for by the said subsection (2) shall in the case of that other land be made by the administering body in which that other land is vested, and may be made by its inclusion in any memorandum of transfer of that other land to the administering body, or in any application to bring that land under the provisions of the Land Transfer Act 2017.

Compare: 1953 No 69 s 99

Section 112 heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 112(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 112(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

113 Form of leases and licences of reserves

(1) Subject to section 59A, every lease granted over any reserve vested in the Crown shall be in such form and subject to such covenants and conditions, not inconsistent with this Act, as the Minister determines, and the lessee shall pay such fee for the preparation of the lease, and for the registration thereof where registration is required, as the Minister prescribes.

(2) Every licence granted by the administering body shall be in such form and subject to such conditions, not inconsistent with this Act, as the administering body determines, and the licensee shall pay such fee for the preparation of the licence as the administering body prescribes.

(3) Every lease or licence granted over any other reserve shall be in such form and subject to such covenants and conditions, not inconsistent with this Act, as the administering body determines, and the lessee or licensee shall pay such fee for the preparation of the lease or licence as the administering body prescribes.

(4) Any lease or licence may be varied to suit the circumstances of any particular case which may arise.

(5) If any person who has been granted a lease or licence fails to sign his or her lease or licence within 1 month after being required by written notice so to do, the administering body may declare the right of that person to obtain a lease or licence to be cancelled, and thereupon the amount paid in terms of the grant and the sum paid for the preparation and registration of the lease or licence shall, unless the administering body otherwise determines, be deemed to be forfeited.

(6) Nothing in the foregoing provisions of this section shall apply with respect to any lease over any government purpose reserve for railway purposes, and the appropriate provisions of the New Zealand Railways Corporation Act 1981 shall apply with respect to such leases.

Compare: 1953 No 69 s 30

Section 113(1): amended, on 1 July 1996, by section 16(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 113(2): replaced, on 1 July 1996, by section 16(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 113(5): amended, on 1 July 1996, by section 16(3)(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 113(5): amended, on 1 July 1996, by section 16(3)(b) of the Reserves Amendment Act 1996 (1996 No 3).

Section 113(6): amended, on 1 April 1982, pursuant to section 120(1) of the New Zealand Railways Corporation Act 1981 (1981 No 119).

114 Variation of covenants, terms, and conditions in leases and licences

(1) Subject to section 17ZC of the Conservation Act 1987 (in the case of a reserve other than a reserve vested in an administering body), the covenants, terms, conditions, and restrictions expressed or implied in any agreement, concession, lease, or licence under this Act may at any time be expressly varied, negatived, or added to by a memorandum of variation containing such particulars as may be necessary in the circumstances of the case.

(2) The memorandum of variation must be executed by the administering body and by the lessee or licensee, and, if the lease or licence is registered with the Registrar-General of Land, the memorandum of variation must be registered with the Registrar-General of Land, who must record it on the relevant record of title.

(3) If the interest of the lessee or licensee is at the time of registration of the memorandum of variation subject to a mortgage, the memorandum shall not be binding on the mortgagee unless he or she has consented in writing thereto in the memorandum.

(4) Nothing in the foregoing provisions of this section shall apply with respect to any lease over any government purpose reserve for railway purposes, and the appropriate provisions of the New Zealand Railways Corporation Act 1981 shall apply with respect to variations of such leases.

(5) *[Repealed]*

Section 114(1): amended, on 1 July 1996, by section 17(1)(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 114(1): amended, on 1 July 1996, by section 17(1)(b) of the Reserves Amendment Act 1996 (1996 No 3).

Section 114(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 114(4): amended, on 1 April 1982, pursuant to section 120(1) of the New Zealand Railways Corporation Act 1981 (1981 No 119).

Section 114(5): repealed, on 26 March 2015, by section 6 of the Reserves Amendment Act 2015 (2015 No 32).

115 Transfers, subleases, and mortgages

(1) Where a lease or licence includes a right to transfer, the lessee or licensee shall not transfer, sublease, mortgage, or otherwise dispose of his or her interest or any part thereof in the lease or licence without the consent of the administering body.

(2) The administering body shall at all times have power in the public interest and in its discretion to refuse any application for consent whatsoever or to grant its consent subject to such conditions as it thinks fit.

(3) The administering body shall not grant its consent to a transfer or sublease of a lease or licence issued under paragraph (b) or paragraph (c) of section 54(1) unless the transferee or sublessee is a voluntary organisation whose aims and objects are similar to those of the lessee or licensee.

(4) *[Repealed]*

(5) Nothing in the foregoing provisions of this section shall apply with respect to any lease over any government purpose reserve for railway purposes, and the appropriate provisions of the New Zealand Railways Corporation Act 1981 shall apply with respect to transfers, subleases, and mortgages of such leases.

(6) *[Repealed]*

Section 115(1): amended, on 1 July 1996, by section 18(1)(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 115(2): amended, on 1 July 1996, by section 18(1)(b) of the Reserves Amendment Act 1996 (1996 No 3).

Section 115(3): amended, on 1 July 1996, by section 18(1)(c) of the Reserves Amendment Act 1996 (1996 No 3).

Section 115(4): repealed, on 1 July 1996, by section 18(1)(d) of the Reserves Amendment Act 1996 (1996 No 3).

Section 115(5): amended, on 1 April 1982, pursuant to section 120(1) of the New Zealand Railways Corporation Act 1981 (1981 No 119).

Section 115(6): repealed, on 26 March 2015, by section 7 of the Reserves Amendment Act 2015 (2015 No 32).

116 Record of title in respect of reserves

(1) The Registrar-General of Land must, on the written request of the Commissioner, issue a record or records of title under the Land Transfer Act 2017 in the name of the Sovereign in respect of any land for the time being comprised in any reserve vested in the Crown.

(2) If the survey of the reserve is inadequate for the purposes of section 224 of the Land Transfer Act 2017, the Registrar-General of Land may issue a record of title qualified as described in section 17(1)(a) of the Land Transfer Act 2017.

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

(6) Every record of title referred to in this section shall include a reference to the purpose for which the land is held. Where an existing record of title does not include such a reference, the Registrar-General of Land shall, without fee, upon receipt of a certificate under the hand of the Commissioner stating the purpose for which the land is held, update the record accordingly.

(7) Any instrument that relates to the land in any such record of title and is duly executed by a person having the proper authority may be registered in accordance with the Land Transfer Act 2017, and the Registrar-General of Land must note the interest on the record of title.

(8) A copy of any resolution gazetted under section 14 or of any notice by the Minister under this Act and published in the *Gazette* or under the Legislation Act 2019 may be forwarded to the Registrar-General of Land or the Registrar of Deeds, as the case may require, who shall thereupon, without payment of any fee, record the copy of the resolution or notice and register it against the appropriate title (if any).

(9) Where upon the revocation of the reservation of any reserve or part of any reserve the land comprised therein or, as the case may be, part of that land becomes Crown land, any record of title or other instrument of title in respect of the land shall, on application by the Commissioner to the Registrar-General of Land or the Registrar of Deeds, as the case may require, be cancelled or, as the case may be, cancelled in so far as it relates to that part of the land.

Compare: 1953 No 69 s 100

Section 116 heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(1): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(3): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(4): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(5): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(7): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(8): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 116(8): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(9): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

117 Commissioner may execute documents on behalf of the Crown

All documents which require to be executed for the purpose of this Act by or on behalf of the Sovereign or by or on behalf of the Minister may, unless otherwise provided by this Act, be executed by the Commissioner, and if so executed shall be as valid and effectual as if executed by or on behalf of the Sovereign or by or on behalf of the Minister, as the case may be.

Compare: 1953 No 69 s 101

118 Commissioner may act in proceedings on behalf of the Crown

All actions and proceedings by or on behalf of the Crown in connection with any breach of contract or any trespass or any damage accruing by reason of trespass or for the recovery of any rent, purchase money, or other money in respect of any reserve or in respect of any damages or wrongs suffered by the Crown in respect of any reserve shall be commenced, prosecuted, and carried on by the Commissioner on behalf of the Crown, and the Commissioner may be plaintiff or defendant, as the case may require, in any such action or proceeding.

Compare: 1953 No 69 s 102

119 Notices

(1) Where this Act requires anything to be publicly notified or refers to public notification, the subject matter shall, unless this Act specifically provides otherwise, be published as follows:

(a) where the notification relates to a national reserve or proposed national reserve, or any part thereof, it shall be published—

(i) once in the *Gazette*; and

(ii) once in a newspaper circulating throughout the area in which the reserve or proposed reserve is situated; and

(iii) once in each of 2 daily newspapers published in the cities of Auckland, Wellington, Christchurch, and Dunedin; and

(iv) in such other newspapers (if any) as the Minister directs:

(b) where the notification relates to any other reserve or proposed reserve, it shall be published—

(i) once in a newspaper circulating in the area in which the reserve or proposed reserve is situated; and

(ii) in such other newspapers (if any) as the administering body decides:

provided that any notification under section 16(4) relating to a nature reserve or scientific reserve or a proposed nature reserve or scientific reserve shall be published in the manner specified in paragraph (a):

provided also that where under this subsection a notification is required to be published in a newspaper circulating in the area in which the reserve or proposed reserve is situated and there is no such newspaper, the notification shall be published once in the *Gazette*.

(2) Subject, in relation to Maori land owned in multiple ownership, to section 181 of Te Ture Whenua Maori Act 1993, a notice required by this Act to be given to any person may be sent by registered post to the last-known place of abode or business of that person, and shall be deemed to have been delivered when in the ordinary course of post it would be delivered. If any such person is absent

from New Zealand, the notice may be sent to his or her agent, and, if he or she has no known agent, the notice may be given to him or her by publishing it in a newspaper circulating in the district in which the land the subject matter of the notice is situated.

(3) Every notice by the Minister under this Act shall come into force on the day of the date thereof or on such later date as may be specified in the notice.

(4) However, if the notice is published under the Legislation Act 2019, section 26 of that Act applies instead of subsection (3).

Compare: 1953 No 69 s 103

Section 119(1): replaced, on 1 January 1980, by section 27 of the Reserves Amendment Act 1979 (1979 No 63).

Section 119(2): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 119(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

120 Rights of objection and of making submissions

(1) Subject to sections 13 and 47, where pursuant to any requirement of this Act (except sections 24, 24A, and 41) the Minister or any administering body gives public notice of his or her or its intention to exercise any power conferred by this Act—

(a) any person or organisation may object to the Minister or administering body, as the case may be, against, or make submissions with respect to, the proposal; and

(b) every such objection or submission shall be made in writing, and shall be sent to the Minister or administering body at the place specified in the notice and before a date specified in the notice, being not less than 1 month after the date of publication of the notice:

provided that, where the date of publication of the notice falls within the period commencing with 10 December in any year and ending with 10 January in the next succeeding year, the date before which objections and submissions shall be made shall be not earlier than 10 February next following that period; and

(c) where the objector or person or organisation making the submission so requests in his or her or its objection or submission, the Minister or administering body, as the case may be, shall give the objector or that person or organisation a reasonable opportunity of appearing before the Commissioner (in the case of a notice given by the Minister) or, as the case may be, before the administering body or a committee thereof or a person nominated by the administering body in support of his or her or its objection or submission; and

(d) the Minister or the administering body, as the case may be, shall give full consideration to every objection or submission received before deciding to proceed with the proposal; and

(e) where the action proposed by an administering body requires the consent or approval of the Minister and is recommended to the Minister for his or her consent or approval under any provision of this Act, the administering body shall send to the Minister with its recommendation a summary of all objections and comments received by it and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted.

(2) Every public notice to which subsection (1) applies shall specify the right to object or make submissions conferred by this section and the place to which and the date by which any objections or submissions are to be sent.

(3) The person or administering body or committee before whom or which any person appears at any hearing in support of any objection or submission shall determine his or her or its own procedure at the hearing.

Section 120(1): amended, on 1 January 1980, by section 28 of the Reserves Amendment Act 1979 (1979 No 63).

Section 120(1)(b): amended, on 1 January 1980, by section 29(a) of the Reserves Amendment Act 1979 (1979 No 63).

Section 120(1)(b) proviso: inserted, on 1 January 1980, by section 29(b) of the Reserves Amendment Act 1979 (1979 No 63).

121 Minister may give conditional consent or approval

Where under any provision of this Act the consent or approval of the Minister is required, he or she may give his or her consent or approval subject to such conditions as he or she thinks fit.

122 Special provisions as to reserves administered under Tourist and Health Resorts Control Act 1908

(1) Section 8 of the Tourist and Health Resorts Control Act 1908 shall, with respect to reserves administered under that Act, be deemed to—

(a) confer on the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Tourist and Health Resorts Control Act 1908 the powers conferred by this Act on the Minister of Conservation for leasing a reserve of that classification:

provided that, notwithstanding anything in section 59A, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Tourist and Health Resorts Control Act 1908 may, where he or she considers that special circumstances exist, grant leases under that section of the whole or any part of any such reserve for

such term not exceeding 30 years including renewals, or in exceptional circumstances for such term not exceeding 60 years including renewals, and upon such terms and conditions, and at such rents, as he or she thinks fit:

provided also that no lease shall be granted for an aggregate term, including renewals, exceeding 30 years without the written consent of the Minister of Conservation:

(b) confer on the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of the Tourist and Health Resorts Control Act 1908—

(i) all powers, duties, and functions which are by this Act conferred and imposed on the Commissioner with respect to a reserve of that classification not controlled by an administering body:

(ii) power to sign any lease, deed, surrender, or other instrument that is required to be executed pursuant to paragraph (a):

provided that it shall not be necessary for the chief executive to obtain any consent or approval or to abide by any specification of the Minister of Conservation in exercising any power, duty, or function provided for by this Act:

(c) apply to those reserves, with such modifications as may be necessary, the provisions of section 59A and sections 93 to 105; and every reference in those sections to the Commissioner shall be deemed to be a reference to the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of the Tourist and Health Resorts Control Act 1908:

(d) apply to those reserves, with such modifications as may be necessary, the provisions of sections 106 to 108; and every reference in those sections to the Minister shall be deemed to be a reference to the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Tourist and Health Resorts Control Act 1908.

(2) Nothing in this section shall be construed to affect or modify the provisions of section 7 of the Tourist and Health Resorts Control Act 1908 as to money received in respect of reserves administered under that Act, and in particular the provisions of section 88 of this Act as to financial statements shall not apply with respect to those reserves.

(3) The powers conferred by this section shall be in addition to and not in substitution for any existing powers in respect of reserves administered under the Tourist and Health Resorts Control Act 1908.

Compare: 1953 No 69 s 105

Section 122(1)(a): amended, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

Section 122(1)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 122(1)(a) first proviso: amended, on 1 July 1996, by section 19(a) of the Reserves Amendment Act 1996 (1996 No 3).

Section 122(1)(a) first proviso: amended, on 1 July 1996, by section 19(b) of the Reserves Amendment Act 1996 (1996 No 3).

Section 122(1)(a) first proviso: amended, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

Section 122(1)(a) second proviso: amended, on 1 July 1996, by section 19(c) of the Reserves Amendment Act 1996 (1996 No 3).

Section 122(1)(a) second proviso: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 122(1)(b): amended, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

Section 122(1)(b) proviso: amended, on 1 July 1996, by section 19(d) of the Reserves Amendment Act 1996 (1996 No 3).

Section 122(1)(b) proviso: amended, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

Section 122(1)(c): amended, on 1 July 1996, by section 19(e) of the Reserves Amendment Act 1996 (1996 No 3).

Section 122(1)(c): amended, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

Section 122(1)(d): amended, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

Section 122(2): amended, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

122A Control of dogs

(1) Nothing in this Act derogates from the provisions of Part 5C of the Conservation Act 1987, which provides for the control of dogs and which, subject to paragraphs (b) and (c) of section 26ZT of that Act, authorises the declaration as either a controlled dog area or an open dog area of any part or parts of any land managed and administered under this Act by the Minister of Conservation or the Department of Conservation.

(2) Paragraphs (b) and (c) of section 26ZT of the Conservation Act 1987 provide that an open dog area may not include—

(a) any part of a reserve classified—

(i) under section 13 as a national reserve; or

(ii) under section 19 as a scenic reserve; or

(iii) under section 20 as a nature reserve; or

(iv) under section 21 as a scientific reserve; or

(b) any part of a reserve set apart under section 47 as a wilderness area.

Section 122A: inserted, on 2 May 1996, by section 9 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

123 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations—

(a) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration:

(b) prescribing offences in respect of the contravention of or non-compliance with the regulations, and prescribing penalties for such offences not exceeding a fine of $5,000 and, where the offence is a continuing one, a further fine not exceeding $500 for every day on which the offence has continued.

(2) Without limiting the general authority to make regulations conferred by subsection (1), regulations may be made under that subsection providing for the expulsion from reserves of persons acting thereon in contravention of any Act relating to betting or gaming.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 123(1)(b): amended, on 25 October 2013, by section 17(a) of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 123(1)(b): amended, on 25 October 2013, by section 17(b) of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 123(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

123A Regulations relating to infringement offences

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—

(a) prescribing infringement offences for the contravention of regulations or bylaws made under this Act:

(b) prescribing penalties for infringement offences, which,—

(i) in the case of infringement fees, must not be more than $1,000; and

(ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:

(c) prescribing information to be included in infringement notices and reminder notices.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 123A: inserted, on 21 December 2018, by section 42 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 123A(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

124 Amendments

(1) Unless the context otherwise requires, every reference in any other Act or in any regulation, rule, order, Proclamation, agreement, deed, instrument, application, notice, lease, licence, or other document whatsoever in force at the commencement of this Act—

(a) to the Minister charged with the administration of the Scenery Preservation Act 1908 shall after the commencement of this Act be read as a reference to the Minister of Conservation:

(b) to a public reserve shall after the commencement of this Act be read as a reference to a reserve as defined in this Act:

(c) to a reserve for the preservation of flora and fauna shall after the commencement of this Act be read as a reference to a nature reserve:

(d) to a racecourse reserve shall after the commencement of this Act be read as a reference to a recreation reserve set apart for racecourse purposes:

(e) to a private scenic reserve or a private historic reserve shall after the commencement of this Act be read as a reference to protected private land declared as such under section 76.

(2) The enactments specified in Schedule 2 are hereby amended in the manner indicated in that schedule.

Section 124(1)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

125 Repeals

(1) The enactments specified in Schedule 3 are hereby repealed.

(2) Any power under this Act which the Minister may exercise by notice in the *Gazette* to revoke any reservation or to change the purpose of any reservation or to revoke any vesting or appointment or setting apart may be so exercised in

respect of any reserve constituted or office held at the commencement of this Act, notwithstanding that the reservation or vesting or appointment or setting apart was originally made by the Governor-General by Order in Council or Proclamation or Warrant.

Schedule 1
Basic provisions applicable to leases or licences of recreation reserves and scenic reserves

ss 54, 56, 73

Lease under section 54(1)(a)—Lease of recreation reserve for baths, camping grounds, etc

	Provisions of lease
Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the terms and conditions of the lease have been complied with and if the lessor is satisfied that the baths, camping grounds, parking places, or other facilities, as the case may be, have been properly constructed, developed, maintained, and controlled, and that there is sufficient need for them, and that some other recreational use should not have priority in the public interest
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	Such charges for admission to and use of the baths, camping grounds, parking or mooring places, or other facilities as the Minister may from time to time approve
Termination	The land leased shall be used solely for such baths, camping grounds, parking or mooring places, or other facilities for public recreation as are specified in the lease, and, if at any time the lessor is of the opinion that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, the lessor, after making such enquiries as the lessor thinks fit and giving the lessee an opportunity of explaining the usage of the land leased, and if satisfied that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, may terminate the lease on such terms as the Minister approves in any case where an administering body is the lessor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease under the termination clause of the lease or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor without compensation payable to the lessee or otherwise
Erection of buildings	The lease shall prohibit the erection of any building without the prior consent in writing of the Minister
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease shall provide that— (a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease, the lessor may require the lessee to remove the whole or some of his or her improvements; or (b) where improvements are of value to the lessor, the lessor may pay to the lessee the value of the improvements as determined by the Minister; or (c) an incoming lessee shall pay to the outgoing lessee the value as determined by the Minister of specified improvements

Lease under section 54(1)(b)—Lease of recreation reserve for stands, pavilions, etc

	Provisions of lease
Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the administering body is satisfied that the terms and conditions of the lease have been complied with and that there is sufficient need for the sports, games, or other recreational activity specified in the lease, and that in the public interest some other sport, game, or recreational activity should not have priority
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	(Refer to other terms and conditions)
Termination	The land leased shall be used solely for such sports, games, or other recreational activities as are specified in the lease, and, if at any time the lessor is of the opinion that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, the lessor, after making such enquiries as the lessor thinks fit and giving the lessee an opportunity of explaining the usage of the land leased, and if satisfied that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, may terminate the lease on such terms as the Minister approves in any case where an administering body is the lessor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease under the termination clause of the lease or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor without compensation payable to the lessee or otherwise
Erection of buildings	The lease shall prohibit the erection of any building without the prior consent in writing of the Minister
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may— (a) include an allocation of the use of a portion of the reserve, to be specified from time to time by the lessor, for the playing of specified sports, games, or other recreational activity. Such allocation may be for a whole year, part of a year, or for certain days in a year: (b) grant the exclusive use of the land in the lease or allocated in terms of the lease on a specified number of days in each year during the term of the lease, but subject to the limitation imposed by section 53 as to the number of days on which a charge for admission to the ground and to any stands, pavilions, gymnasiums, or other buildings or facilities may be made: (c) include a condition requiring the lessee to allow the use of playing facilities by non-members, on the payment of reasonable fees, on any occasion when playing facilities are open for play and the lessee is not exercising any right of exclusive use of the land: (d) include a condition requiring the lessee to make the whole or part of any stands, pavilions, gymnasiums, or other buildings or structures available from time to time at reasonable charges to such other voluntary organisation using the reserve or part of it for outdoor sports, games, or recreational activities, or

	Provisions of lease
	in special circumstances for recreation not directly associated with outdoor recreation:
	(e) provide that, notwithstanding anything to the contrary in the compensation for improvements clause of the lease, the lessor may require the lessee to remove the whole or some of his or her improvements; may provide that, where improvements are of value to the lessor, the lessor may pay to the lessee the value of the improvements as determined by the Minister; or may provide that an incoming lessee shall pay to the outgoing lessee the value as determined by the Minister of specified improvements

Lease under section 54(1)(c)—Lessee of recreation reserve required to make substantial expenditure

	Provisions of lease
Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the lessor is satisfied that the terms and conditions of the lease have been complied with, and that there is sufficient need for the sports, games, or other recreational activity specified in the lease, and that in the public interest some other sport, game, or recreational activity should not have priority
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	(Refer to other terms and conditions)
Termination	The land leased shall be used solely for such sports, games, or other recreational activities as are specified in the lease, and, if at any time the lessor is of the opinion that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, the lessor, after making such enquiries as the lessor thinks fit and giving the lessee an opportunity of explaining the usage of the land leased, and if satisfied that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, may terminate the lease on such terms as the Minister approves in any case where an administering body is the lessor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease under the termination clause of the lease or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor without compensation payable to the lessee or otherwise
Erection of buildings	The lease shall prohibit the erection of any building without the prior consent in writing of the Minister
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease shall— (a) include the right to erect such stands, pavilions, gymnasiums, and other buildings and structures as the lessor determines are associated with and are necessary for the use of that part of the reserve for specified sports, games, or other recreational activity: (b) grant the exclusive use of the land on a specified number of days in each year during the term of the lease, but subject to the limitation imposed by section 53 as to the number of days

	Provisions of lease
	on which a charge for admission to the ground and to any buildings, stands, or facilities may be made:
(c)	include a condition requiring the lessee to allow the use of playing facilities by non-members, on the payment of reasonable fees, on any occasion when playing facilities are open for play and the lessee is not exercising any right of exclusive use of the land:
(d)	include a condition requiring the lessee to make the whole or part of any stands, pavilions, gymnasiums, or other buildings or structures available from time to time at reasonable charges to such other voluntary organisation using the reserve or part of it for outdoor sports, games, or recreational activities, or in special circumstances for recreation not directly associated with outdoor recreation:
(e)	provide that, notwithstanding anything to the contrary in the compensation for improvements clause of the lease, the lessor may require the lessee to remove the whole or some of his or her improvements; may provide that where improvements are of value to the lessor, the lessor may pay to the lessee the value of the improvements as determined by the Minister; or may provide that an incoming lessee shall pay to the outgoing lessee the value as determined by the Minister of specified improvements

Lease or licence under section 54(1)(d)—Lease or licence of recreation reserve for carrying on any trade, business, or occupation

	Provisions of lease or licence
Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with, that some sport, game, or recreational activity should not have priority and that the trade, business, or occupation is still needed to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	Such admission charges, appropriate to the circumstances, as the Minister may from time to time approve
Termination	The land leased or licensed shall be used for the carrying on of such trade, business, or occupation as is specified in the lease or licence, and, if at any time the lessor or licensor is of the opinion that the land leased or licensed is not being used or is not being sufficiently used for the purpose specified in the lease or licence, the lessor or licensor, after making such enquiries as the lessor thinks fit and giving the lessee or licensee an opportunity of explaining the usage of the land leased or licensed, and if satisfied that the land leased or licensed is not being used or is not being sufficiently used for the purpose specified in the lease or licence, may terminate the lease or licence on such terms as the Minister approves in any case where an administering body is the lessor or licensor, and as the Minister thinks fit in any other case

	Provisions of lease or licence
Compensation for improvements	On termination of the lease or licence under the termination clause of the lease or licence or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor or licensor without compensation payable to the lessee or licensee or otherwise
Erection of buildings	The lease or licence shall prohibit the erection of any building without the prior consent in writing of the Minister
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease or licence shall provide that— (a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease or licence, the lessor or licensor may require the lessee or licensee to remove the whole or some of his or her improvements; or (b) where improvements are of value to the lessor or licensor, the lessor or licensor may pay to the lessee or licensee the value of the improvements as determined by the Minister; or (c) an incoming lessee or licensee shall pay to the outgoing lessee or licensee the value as determined by the Minister of specified improvements

Lease under section 56(1)(a)—Lease of scenic reserve for baths, camping grounds, etc

	Provisions of lease
Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the conditions of the lease have been complied with, and if the lessor is satisfied that there is sufficient need for the facilities and amenities, and that some other use should not have priority in the public interest
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	Such charges for admission to and use of the baths, camping grounds, parking or mooring places, or other facilities and amenities as the Minister may from time to time approve
Termination	The land leased shall be used solely for such baths, camping grounds, parking or mooring places, or other facilities as are specified in the lease, and, if at any time the lessor is of the opinion that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, the lessor, after making such enquiries as the lessor thinks fit and giving the lessee an opportunity of explaining the usage of the land leased, and if satisfied that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, may terminate the lease on such terms as the Minister approves in any case where an administering body is the lessor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease under the termination clause of the lease or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor without compensation payable to the lessee or otherwise
Erection of buildings	The lease shall prohibit the erection of any building without the prior consent in writing of the Minister

	Provisions of lease
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease shall provide that— (a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease, the lessor may require the lessee to remove the whole or some of his or her improvements; or (b) where improvements are of value to the lessor, the lessor may pay to the lessee the value of the improvements as determined by the Minister; or (c) an incoming lessee shall pay to the outgoing lessee the value as determined by the Minister of specified improvements

Lease or licence under section 56(1)(b)—Lease or licence of scenic reserve for carrying on any trade, business, or occupation

	Provisions of lease or licence
Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the lessor or licensor is satisfied that the conditions of the lease or licence have been complied with and that there is sufficient need for the facilities and amenities, and that some other use should not have priority in the public interest
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	Such charges for admission appropriate to the circumstances as the Minister may from time to time approve
Termination	The land leased or licensed shall be used for the carrying on of such trade, business, or occupation as is specified in the lease or licence, and, if at any time the lessor or licensor is of the opinion that the land leased or licensed is not being used or is not being sufficiently used for the purpose specified in the lease or licence, the lessor or licensor, after making such inquiries as the lessor thinks fit and giving the lessee or licensee an opportunity of explaining the usage of the land leased or licensed, and if satisfied that the land leased or licensed is not being used or is not being sufficiently used for the purpose specified in the lease or licence, may terminate the lease or licence on such terms as the Minister approves in any case where an administering body is the lessor or licensor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease or licence under the termination clause of the lease or licence or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor or licensor without compensation payable to the lessee or licensee or otherwise
Erection of buildings	The lease or licence shall prohibit the erection of any building without the prior consent in writing of the Minister
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease or licence shall provide that— (a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease or licence, the lessor or licensor may require the lessee or licensee to remove the whole or some of his or her improvements; or

	Provisions of lease or licence
	(b) where improvements are of value to the lessor or licensor, the lessor or licensor may pay to the lessee or licensee the value of the improvements as determined by the Minister; or
	(c) an incoming lessee or licensee shall pay to the outgoing lessee or licensee the value as determined by the Minister of specified improvements

Lease under section 73(1)—Lease of recreation reserve for farming or grazing

	Provisions of lease
Term	Not exceeding 33 years
Renewal	Nil
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Termination	The land leased shall be used solely for such purpose of farming or grazing as is specified in the lease, and, if at any time the lessor is of the opinion that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, or if the lessor considers the land is required for the purpose of public recreation, the lease may be terminated on such terms as the Minister approves in any case where the administering body is the lessor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease under the termination clause of the lease or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor without compensation payable to the lessee or otherwise
Erection of buildings	The lease shall prohibit the erection of any building without the prior consent in writing of the Minister
Protection of natural, etc, features	The lease shall include a condition providing adequate safeguards to prevent the destruction of or damage to any natural, scenic, historic, cultural, archaeological, biological, geological, or other scientific features, or indigenous flora and fauna
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease shall provide that—
	(a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease, the lessor may require the lessee to remove the whole or some of his or her improvements; or
	(b) where improvements are of value to the lessor, the lessor may pay to the lessee the value of the improvements as determined by the Minister; or
	(c) an incoming lessee shall pay to the outgoing lessee the value as determined by the Minister of specified improvements

Lease under section 73(2)—Lease of recreation reserve for afforestation

	Provisions of lease
Term	Not exceeding 40 years
Renewal	Nil
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves

	Provisions of lease
Termination	The land leased shall be used solely for such purpose of afforestation as is specified in the lease, and, if at any time the lessor is of the opinion that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, the lease may be terminated on such terms as the Minister approves in any case where the administering body is the lessor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease under the termination clause of the lease or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor without compensation payable to the lessee or otherwise
Erection of buildings	The lease shall prohibit the erection of any building without the prior consent in writing of the Minister
Protection of natural, etc, features	The lease shall include a condition providing adequate safeguards to prevent the destruction of or damage to any natural, scenic, historic, cultural, archaeological, biological, geological, or other scientific features, or indigenous flora or fauna
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease shall provide that— (a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease, the lessor may require the lessee to remove the whole or some of his or her improvements; or (b) where improvements are of value to the lessor, the lessor may pay to the lessee the value of the improvements as determined by the Minister; or (c) an incoming lessee shall pay to the outgoing lessee the value as determined by the Minister of specified improvements

Lease under section 73(3)—Where recreation reserve not being used, nor likely to be used, as such, but inadvisable or inexpedient to revoke reservation

	Provisions of lease
Term	Not exceeding 33 years
Renewal	May include a provision for renewal terms up to 33 years, perpetual or otherwise
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Termination	The land leased shall be used solely for such purpose as is specified in the lease, and, if at any time the lessor is of the opinion that the land leased is not being used or is not being sufficiently used for the purpose specified in the lease, or if the lessor considers the land is required for the purpose of public recreation, the lease may be terminated on such terms as the Minister approves in any case where the administering body is the lessor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease under the termination clause of the lease or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor without compensation payable to the lessee or otherwise
Erection of buildings	The lease may authorise the erection of buildings, subject to the prior consent of the Minister being obtained

Provisions of lease

Protection of natural, etc, features	The lease shall include a condition providing adequate safeguards to prevent the destruction of or damage to any natural, scenic, historic, cultural, archaeological, biological, geological, or other scientific features, or indigenous flora or fauna
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease shall provide that—

(a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease, the lessor may require the lessee to remove the whole or some of his or her improvements; or

(b) where improvements are of value to the lessor, the lessor may pay to the lessee the value of the improvements as determined by the Minister; or

(c) an incoming lessee shall pay to the outgoing lessee the value as determined by the Minister of specified improvements.

Schedule 2
Enactments amended

s 124(2)

Coal Mines Act 1925 (1925 No 39) (1957 Reprint, Vol 2, p 163)
Amendment(s) incorporated in the Act(s).

Counties Amendment Act 1961 (1961 No 131) (Reprinted 1969, Vol 2, p 1343)
Amendment(s) incorporated in the Act(s).

Hauraki Gulf Maritime Park Act 1967 (1967 No 131)
Amendment(s) incorporated in the Act(s).

Local Authorities Loans Act 1956 (1956 No 63) (Reprinted 1974, Vol 3, p 2301)
Amendment(s) incorporated in the Act(s).

Local Authorities (Members' Interests) Act 1968 (1968 No 147) (Reprinted 1974, Vol 3, p 2399)
Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66)
Amendment(s) incorporated in the Act(s).

Municipal Corporations Act 1954 (1954 No 76) (Reprinted 1969, Vol 4, p 2439)
Amendment(s) incorporated in the Act(s).

Public Bodies Meetings Act 1962 (1962 No 113) (Reprinted 1975, Vol 3, p 2269)
Amendment(s) incorporated in the Act(s).

Schedule 3
Enactments repealed

s 125(1)

Counties Amendment Act 1972 (1972 No 132)

Amendment(s) incorporated in the Act(s).

Litter Act 1968 (1968 No 134)

Amendment(s) incorporated in the Act(s).

Mining Act 1971 (1971 No 25)

Amendment(s) incorporated in the Act(s).

Reserves and Domains Act 1953 (1953 No 69) (1957 Reprint, Vol 13, p 323)

Reserves and Domains Amendment Act 1955 (1955 No 83) (1957 Reprint, Vol 13, p 393)

Reserves and Domains Amendment Act 1956 (1956 No 35) (1957 Reprint, Vol 13, p 393)

Reserves and Domains Amendment Act 1957 (1957 No 69) (1957 Reprint, Vol 13, p 395)

Reserves and Domains Amendment Act 1958 (1958 No 90)

Reserves and Domains Amendment Act 1960 (1960 No 87)

Reserves and Domains Amendment Act 1963 (1963 No 112)

Reserves and Domains Amendment Act 1964 (1964 No 108)

Reserves and Domains Amendment Act 1965 (1965 No 108)

Reserves and Domains Amendment Act 1966 (1966 No 26)

Reserves and Domains Amendment Act 1967 (1967 No 116)

Reserves and Domains Amendment Act 1968 (1968 No 126)

Reserves and Domains Amendment Act 1969 (1969 No 105)

Reserves and Domains Amendment Act 1970 (1970 No 101)

Reserves and Domains Amendment Act 1971 (1971 No 144)

Reserves and Domains Amendment Act 1972 (1972 No 99)

Schedule 4
Land that may be held as reserve

Schedule 4: inserted, on 13 March 1996, by section 20 of the Reserves Amendment Act 1996 (1996 No 3).

Schedule 4 heading: replaced, on 21 October 2000, by section 22 of the Forests (West Coast Accord) Act 2000 (2000 No 45).

Land	Category A or B	Boundary documents
Berlins Amenity Reserve	Category A	Boundaries as shown in the Preliminary Report of the West Coast Forests Working Party
Kakawau Amenity Reserve	Category A	Where no information contained in the maps contained in the Final Report of the West Coast Forests Working Party, the maps contained in the Preliminary Report apply
Lady Lake Amenity Reserve	Category A	
Michells Amenity Reserve	Category A	
Lookout Hill Wildlife Management Reserve	Category B	
Rotokino Wildlife Management Reserve	Category B	
Paynes Gully Extension Wildlife Management Reserve	Category B	

Notes

1 General

This is a consolidation of the Reserves Act 1977 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

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): section 294

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Civil Aviation Act 2023 (2023 No 10): section 486

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

Public Service Act 2020 (2020 No 40): section 135

Conservation (Infringement System) Act 2018 (2018 No 61): Part 5

Land Transfer Act 2017 (2017 No 30): section 250

Resource Legislation Amendment Act 2017 (2017 No 15): Part 2

Reserves Amendment Act 2015 (2015 No 32)

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26): section 107

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 125

Conservation (Natural Heritage Protection) Act 2013 (2013 No 89): Part 3

Reserves Amendment Act 2013 (2013 No 17)

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)

Search and Surveillance Act 2012 (2012 No 24): section 299

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

Reserves Amendment Act 2010 (2010 No 20)

Land Transport Amendment Act 2009 (2009 No 17): section 35(4)

Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60): section 17

New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30): section 38

Reserves Amendment Act 2008 (2008 No 17)
Protected Objects Amendment Act 2006 (2006 No 37): section 35
Reserves Amendment Act 2005 (2005 No 68)
Public Finance Amendment Act 2004 (2004 No 113): section 37(1)
Local Government Act 2002 (2002 No 84): section 262
Local Government (Rating) Act 2002 (2002 No 6): section 137(1)
Fishing Industry Board Repeal Act 2001 (2001 No 34): section 5(3)
Public Audit Act 2001 (2001 No 10): sections 52, 53
Forests (West Coast Accord) Act 2000 (2000 No 45): section 22
Crown Pastoral Land Act 1998 (1998 No 65): section 103
Local Government Amendment Act (No 3) 1996 (1996 No 83): section 16(1)
Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74): section 5(4)
Conservation Amendment Act (No 2) 1996 (1996 No 14): section 9
Reserves Amendment Act 1996 (1996 No 3)
Reserves Amendment Act 1994 (1994 No 110)
Reserves Amendment Act (No 3) 1993 (1993 No 75)
Reserves Amendment Act (No 2) 1993 (1993 No 42)
Reserves Amendment Act 1993 (1993 No 8)
Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)
Public Finance Amendment Act 1992 (1992 No 142): section 42
New Zealand Tourism Board Act 1991 (1991 No 110): section 18(2)
Resource Management Act 1991 (1991 No 69): section 362
Conservation Law Reform Act 1990 (1990 No 31): Part 4
Survey Amendment Act (No 3) 1989 (1989 No 139): section 9(2)
Public Finance Act 1989 (1989 No 44): sections 65R(3), 86(1)
Reserves Amendment Act 1988 (1988 No 137)
Soil Conservation and Rivers Control Amendment Act 1988 (1988 No 48): section 52(1)
State-Owned Enterprises Amendment Act 1987 (1987 No 117): section 11(1)
Conservation Act 1987 (1987 No 65): section 65(1)
Constitution Act 1986 (1986 No 114): section 29(2)
Reserves Amendment Act 1985 (1985 No 188)
Reserves Amendment Act 1983 (1983 No 43)
New Zealand Railways Corporation Act 1981 (1981 No 119): section 120(1)
Public Works Act 1981 (1981 No 35): section 248(1)
Reserves Amendment Act 1981 (1981 No 30)
Reserves Amendment Act (No 2) 1980 (1980 No 139)
National Parks Act 1980 (1980 No 66): section 80(2)
District Courts Amendment Act 1979 (1979 No 125): section 18(2)
Reserves Amendment Act 1979 (1979 No 63)
Litter Act 1979 (1979 No 41): section 22(3)
Reserves Amendment Act 1978 (1978 No 121)
Fencing Act 1978 (1978 No 50): section 28(1)

Local Government Amendment Act 1978 (1978 No 43): section 3(5)

Forests Act 1949 (1949 No 19): section 2(2)(a)

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