

**Reprint
as at 26 April 2005**



**Wildlife Sanctuary (Gannet Island)
Order 1980
(SR 1980/90)**

Keith Holyoake, Governor-General

A Proclamation

Pursuant to section 9 of the Wildlife Act 1953, I, The Right Honourable Sir Keith Jacka Holyoake, the Governor-General of New Zealand, acting on the recommendation of the Minister of Internal Affairs, hereby proclaim as follows:

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Schedule

Gannet Island wildlife sanctuary

Note

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

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

This Proclamation is administered by the Department of Conservation.

1 Title and commencement

- (1) This Proclamation may be cited as the Wildlife Sanctuary (Gannet Island) Order 1980.
- (2) This Proclamation shall come into force on the 14th day after the date of its notification in the *Gazette*.

2 Interpretation

In this Proclamation, unless the context otherwise requires,—

Act means the Wildlife Act 1953

Director-General means the Director-General of Conservation

sanctuary means the area described in the Schedule.

Clause 2 **Director-General**: inserted, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Clause 2 **Secretary**: revoked, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

3 Wildlife sanctuary

The area described in the Schedule is hereby declared to be a wildlife sanctuary for the purposes of the Act, subject to the conditions specified in clauses 4 to 6.

4 Entry on sanctuary

No person shall enter the sanctuary, except—

- (a) any person (hereinafter referred to as **an owner**) who—
 - (i) is shown in the records of the Maori Land Court as the beneficial proprietor of any legal or equitable freehold estate or freehold interest in possession in the sanctuary; or
 - (ii) is entitled, pursuant to the provisions of section 135 of the Maori Affairs Act 1953, to apply to the said court for, and to have made in his favour, a determination by that court that he is entitled to succeed to any beneficial freehold estate or freehold interest in the sanctuary, if such a determination and any consequent order of the said court, made pursuant to the provisions of section 136 or section 137 of the Maori Affairs Act 1953, would entitle him to be shown in the

said records as the beneficial proprietor of any legal or equitable freehold estate or freehold interest in possession in the sanctuary—

and the burden of proving that he is an owner shall be upon any person so claiming:

- (b) the spouse, civil union partner, de facto partner, or any descendant of an owner who is accompanying that owner:
- (c) rangers under the Act while in the lawful execution of their duty:
- (d) seafarers entering through stress of weather:
- (e) any other person authorised in writing by the Director-General.

Clause 4(b): amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Clause 4(e): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

5 Acts prohibited in sanctuary

No person shall, except with the written authority of the Director-General,—

- (a) hunt or kill, take for any purpose, molest, capture, disturb, harry, or worry any living creature in the sanctuary:

provided that an owner and the spouse, civil union partner, de facto partner, or any descendant of an owner who is accompanying that owner, being in each case the holder of an appropriate permit in that behalf, may hunt or kill the young of the grey-faced petrel (*Pterodroma macroptera*), subject to such conditions as the Minister of Conservation may impose in any notification issued under section 6 of the Act:

- (b) take, destroy, or disturb the eggs or spawn of any living creature in the sanctuary:
- (c) take for any purpose or interfere with vegetation of any description in the sanctuary:
- (d) introduce or liberate in the sanctuary any living creature or the eggs or spawn of any living creature:

- (e) introduce or plant in the sanctuary any vegetation of any description or the spores or seeds of any vegetation of any description:
- (f) burn or clear by any means whatsoever any trees, shrubs, grasses, or other plant life on the sanctuary:
- (g) camp in the sanctuary, except an owner and the spouse or any descendant of an owner who is accompanying that owner:
- (h) light any fire or do anything likely to cause a fire on the sanctuary:
provided that an owner and the spouse, civil union partner, de facto partner, or any descendant of an owner who is accompanying that owner may light camp fires in the sanctuary:
- (i) take any firearms or explosives on to the sanctuary or use any firearms or explosives on the sanctuary:
- (j) take into or keep in the sanctuary any domestic animal or domestic bird.

Clause 5: amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Clause 5(a) proviso: amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Clause 5(a) proviso: amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Clause 5(h) proviso: amended, on 26 April 2005, by section 12 of the Relationships (Statutory References) Act 2005 (2005 No 3).

6 Depositing rubbish

No person shall deposit rubbish or leave litter in the sanctuary.

Schedule
Gannet Island wildlife sanctuary

Schedule: amended, on 1 April 1987, pursuant to section 65(7) of the Conservation Act 1987 (1987 No 65).

South Auckland Land District

1.9900 hectares, more or less, being Karewa Block (Gannet Island)—Kawhia shown on ML Plan 21136, being as delineated on the plan marked IA WIL 35/2/15 and thereon edged red, as deposited with the Head Office of the Department of Internal Affairs in Wellington.

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 17th day of April 1980.

D A Hight,
Minister of Internal Affairs.

God Save The Queen!

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 1 May 1980.

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Notes**1 General**

This is a reprint of the Wildlife Sanctuary (Gannet Island) Order 1980. The reprint incorporates all the amendments to the Proclamation as at 26 April 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Relationships (Statutory References) Act 2005 (2005 No 3): section 12
Conservation Act 1987 (1987 No 65): section 65(3), (7)
