



ANALYSIS

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1977, No. 136

An Act to amend the Marine Reserves Act 1971

[14 February 1978]

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

1. Short Title—This Act may be cited as the Marine Reserves Amendment Act 1977, and shall be read together with and deemed part of the Marine Reserves Act 1971 (hereinafter referred to as the principal Act).

2. Marine life of reserves to be as far as possible protected and preserved—Section 3 of the principal Act is hereby amended by adding the following subsection:

“(3) For the purposes of this section but subject to any authorisation given under section 12 (1) (c) of this Act, no person shall fish in a marine reserve except—

“(a) Persons (not being persons holding a permit issued under Part I of the Fisheries Act 1908) authorised by notice in the *Gazette* given by the Minister after consultation with the management committee of the reserve; and

- “(b) In accordance with such conditions as to time, place, species of fish, methods, and gear to be used in fishing, as may be specified in the notice; and
- “(c) Where not inconsistent with any conditions imposed under paragraph (b) of this subsection, in compliance with restrictions imposed on fishing by the Fisheries Act 1908 and any regulations made under it,—

and any notice given under paragraph (a) of this subsection shall be deemed to be a bylaw made under section 14 of this Act.”

3. Procedure for declaring a marine reserve—(1) Section 5 (1) (a) of the principal Act is hereby amended by adding, after the words “natural history”, the words “, or the Director-General”.

(2) Section 5 (6) of the principal Act is hereby amended by adding, after the words “objection by the applicant”, the words “and, if the applicant is the Director-General, any report on the objection and the application the Minister may have obtained from an independent source”.

(3) Section 5 (9) of the principal Act (as amended by section 6 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972) is hereby further amended by inserting, after the words “of this Act”, the words “, and any condition permitting fishing within the reserve by persons not holding a permit issued under Part I of the Fisheries Act 1908 until such time as a management committee for the reserve is appointed and is working and has been consulted as to whether a notice under section 3 (3) of this Act should be given or not”.

(4) Section 5 of the principal Act is hereby further amended by adding the following subsection:

“(12) This section shall bind the Crown.”

4. Increase in size of management committee—(1) Section 7 (2) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) No fewer than 4 and no more than 6 other persons, of whom one shall be qualified in marine research and one shall represent the interests of the public in relation to the reserve.”

(2) Section 8 (2) of the principal Act is hereby consequentially amended by adding, after the word "meeting", the words "unless the committee consists of more than 5 members, in which case a quorum shall be 4 members".

5. Rangers—Section 17 (7) of the principal Act is hereby amended by inserting, after the word "police", the words "and every Inspector of Sea Fishing within the meaning of section 4 of the Fisheries Act 1908".

This Act is administered in the Ministry of Agriculture and Fisheries.
