

HARBOUR BOARDS DRY LAND ENDOWMENT REVESTING BILL

EXPLANATORY NOTE

THIS Bill is a companion measure to the Foreshore and Seabed Endowment Revesting Bill and provides for certain former Harbour Board dry land endowments to be revested in the Crown for conservation or other purposes or held under the Reserves Act 1977.

Clause 1 relates to the Short Title.

Clause 2 defines certain terms used in the Bill.

Clause 3 provides the mechanism for revesting former endowments in the Crown or making them subject to the Reserves Act 1977. The endowments affected by the Bill are specified in the *Schedule* to the Bill. *Parts A and B* of the *Schedule* specify land that may be revested in the Crown. *Part C* of the *Schedule* specifies land presently held by local authorities that may be made subject to the Reserves Act 1977.

Subclause (1) provides for the revesting or reservation to be effected by Order in Council. The order in each case will specify the purpose for which the land is to be held.

Subclause (2) provides for strips of revested land to be held as marginal strips under the Conservation Act 1987.

Subclause (3) gives an Order in Council legal effect for the purposes of the Conservation Act 1987. Once a piece of land is revested for specified purposes under the Conservation Act 1987, the provisions of that Act shall thereafter apply to that land.

Subclause (4) gives legal effect to orders relating to land in *Part B* of the *Schedule*.

Subclause (5) gives an Order in Council legal effect for the purposes of the Reserves Act 1977. Once a piece of land is declared to be reserved and classified for any purpose under that Act, the provisions of that Act shall thereafter apply to that land.

Subclause (6) provides that the Bill does not apply to land that is in the process of being transferred to a port company under the Port Companies Act 1988 or to land that has been transferred to a port company under that Act.

Subclause (7) revokes earlier statutory vestings of land revested in the Crown by an Order in Council under *subclause (1)* and revives the former status of such land.

No. 49—1

Price
incl. GST \$2.20

Subclause (8) requires land to be identified on a plan that is certified as correct by the Chief Surveyor before an Order in Council is made under *subclause (1)*.

Clause 4 relates to the sale or other disposition of any land specified in the *Schedule* that is not for the time being subject to an order under *clause 3 (1)*. This clause prohibits the sale or other disposition of such land without the approval of the Minister of Conservation. It is expected that it will take several years to complete the process authorised by *clause 3* and this provision enables the Minister to protect any areas that have conservation value. The provision is based on section 143A of the Harbours Act 1950.

Clause 5 protects endowment areas from unauthorised destruction, damage, or modification. Any act of that nature requires the approval in writing of the Minister of Conservation and contravention of the clause or of any approval will be an offence. The protection afforded by this clause also extends to the natural resources of the area (as defined in the Conservation Act 1987).

This provision does not apply to an area that has been sold under *clause 4*.

Clause 6 preserves existing leases, licences, permits, consents, and other authorities granted in respect of land that is vested in the Crown or reserved for any specified purpose under *clause 3*.

Clause 7 provides for existing certificates of title in respect of any land vested in the Crown under *clause 3* to be cancelled.

Clause 8 enables the Minister of Conservation to apply for new certificates of title for land vested in the Crown under *clause 3*.

Clause 9 prescribes penalties for offences against *clause 5*. An individual is liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$10,000, and a corporation is liable to a fine not exceeding \$80,000. These penalties are identical to the general penalties for offences against the Conservation Act 1987.

Clause 10 provides for a Court to order an offender who is convicted of an offence against *clause 5* to pay for any loss or damage arising from or caused by the act constituting the offence. This provision is identical to section 45 of the Conservation Act 1987.

Clause 11 makes a consequential amendment to the Conservation Act 1987.

Clause 12 repeals provisions that endowed to the Greymouth Harbour Board revenue from certain Crown land in the Westland area.

The *Schedule* specifies areas of land that may be vested in the Crown or reserved under *clause 3*.
