

## MARINE RESERVES BILL

### EXPLANATORY NOTE

THIS Bill provides for the setting up and management of areas of the sea and foreshore as marine reserves for the purposes of scientific study of marine life and the preservation of areas in their natural state as the habitat of marine life.

*Clause 1* relates to the Short Title.

*Clause 2* defines certain terms used in the Bill. Important among these are the definitions of the terms "area" and "marine life".

*Clause 3, subclause (1)* avows the purpose of the Bill to preserve, as marine reserves for the scientific study of marine life, areas of New Zealand containing marine life or underwater scenery so typical or so distinctive, or so beautiful or so unique, that their continued preservation is in the national interest.

*Clause 3, subclause (2)* declares that marine reserves shall be maintained as far as possible in their natural state, but subject to this, the public shall have freedom of entry so that they may have the opportunity to observe marine life in its natural habitat.

*Clause 4, subclause (1)* provides that the Governor-General may by Order in Council declare any area as defined in *clause 2* to be a marine reserve; but no area in respect of which a lease under the Marine Farming Act 1968, or the Rock Oyster Farming Act 1964, is for the time being in force, shall be declared a marine reserve.

*Clause 4, subclause (2)* provides that no area within the jurisdiction of any harbour board shall be declared a marine reserve without the consent of the harbour board.

*Clause 4, subclause (3)* provides that no public work may be constructed on a marine reserve without the consent of the Minister of Marine and the consent of the Minister in charge of the department in control of the work.

*Clause 5, subclause (1)* prescribes the procedure which must be followed before any Order in Council is made declaring any area a marine reserve. Application must be made by a university, the National Parks Authority, or an incorporated society or other body corporate engaged in or having as one of its objects the scientific study of marine life or natural history. Notice of intention to apply for an Order in Council declaring the area a reserve must be published at least twice in some newspaper circulating at or nearest to the place where the area is situated and at least once in each of four daily newspapers one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin. Notice shall be given to all persons owning land adjoining the proposed reserve. Land shall be deemed to adjoin a proposed marine reserve notwithstanding that it may be separated from it by the foreshore, or by any road, or that it is at a distance of not more than 5 chains from the proposed marine reserve if separated from it by any other reserve or land reserved from sale or other disposition pursuant to section 58 of the Land Act 1948 or the corresponding provision of any former Land Act. Notice shall be given also to any harbour board if the area or any part of the area proposed as a marine reserve is within the jurisdiction of the harbour board, and to any local authority or public body in which the foreshore or control of the foreshore is vested.

*Clause 5, subclause (2)* obliges the Secretary for Marine to have a survey plan prepared showing the boundaries and extent of the area sought to be declared a marine reserve. The plan shall be open for inspection by any person free of charge at the office of the Marine Department nearest to the proposed reserve.

*Clause 5, subclause (3)* provides that all persons wishing to object to the making of an order declaring an area to be a marine reserve shall send their objections in writing to the Secretary for Marine within 2 months from the date of the first publication of the notice of intention to declare the area a reserve.

*Clause 5, subclause (4)* allows the applicant to answer objections if he does so within 3 months from the date of first publication of the notice.

*Clause 5, subclause (5)* provides that the Secretary for Marine shall refer all objections received within the said period of 2 months, and any answer received within the said period of 3 months, to the Minister of Marine.

*Clause 5, subclause (6)* requires the Minister of Marine to uphold any objection if he is satisfied that declaring the area a marine reserve would interfere with navigation, commercial fishing, recreational purposes, or otherwise be contrary to public interest.

*Clause 5, subclause (7)* provides that the decision of the Minister on any objection shall be final.

*Clause 5, subclause (8)* requires the Secretary for Marine to notify the objector and applicant of the Minister's decision.

*Clause 5, subclause (9)* provides that if, after consideration of all objections, the Minister is of the opinion that to declare the area a marine reserve will be in the best interests of scientific study and will be for the benefit of the public, and it is expedient that the area should be declared a marine reserve, either unconditionally or subject to any conditions (including any condition as to providing the cost of marking boundaries), he shall recommend to the Governor-General the making of an Order in Council accordingly.

*Clause 6* provides that every marine reserve shall be controlled and managed by a management committee established in accordance with *clause 7*.

*Clause 7* provides that the Minister may by notice in the *Gazette* appoint a management committee for any marine reserve, consisting of an officer of the Marine Department who shall be chairman and either 3 or 4 other persons, one of whom shall be qualified in marine research. Members of the management committee shall be appointed by and hold office at the pleasure of the Minister, who may appoint a deputy to act for any member in the absence of that member.

*Clause 8* relates to meetings of management committees. Meetings shall be held at such times and places as the committee from time to time appoints. Three members shall form a quorum. Questions shall be decided by a majority of votes. The Chairman shall have a deliberative vote and, in the case of an equality of votes, also a casting vote. Minutes of proceedings shall be kept. Subject to this clause, a management committee may regulate its procedure as it thinks fit.

*Clause 9* enables fees and allowances, including travelling allowances and expenses, to be paid to the members of each management committee in accordance with the Fees and Travelling Allowances Act 1951.

*Clause 10* provides that the functions of every management committee shall be to administer and control the marine reserve in respect of which the management committee is established in accordance with the Act. It shall also be a function of every committee to inquire into and report to the Minister on any matter referred by the Minister to the committee relating to marine life or reserves, and to advise the Minister on such matters relating to the management of marine reserves as the committee thinks fit.

*Clause 11* enables the appointment of a secretary to each management committee.

*Clause 12* empowers management committees to manage the reserve in the interests of the conservation, propagation, and preservation of species, to recommend persons suitable for appointment as rangers, to authorise the taking of specimens of marine life from the reserve, and to take such steps as are within the committees' powers to ensure the continued welfare of the reserve. Those powers shall only be exercised subject to the preservation of the natural features and marine life of the reserve.

*Clause 13* empowers every management committee to make bylaws in respect of the marine reserve under its control for the safety and preservation of the reserve and marine life therein, the conduct and control of scientific study within the reserve, keeping order within the reserve, excluding the public from any specified part or parts of the reserve, and prescribing the conditions on which the public shall have access to the reserve.

*Clause 14* relates to the procedure for making bylaws by a management committee. Bylaws shall be signed by the Chairman and one other member of the management committee. A notice stating the object of the proposed bylaw shall be published once in each of the 2 weeks immediately preceding the day on which the bylaws are made, in a newspaper circulating in the district in which the reserve is situated, and at least once in each of four daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin. Bylaws are of no force until approved by the Minister and gazetted.

*Clause 15* provides that publication of bylaws in the *Gazette* purporting to have been made by a management committee under this Act and to have been approved by the Minister shall be conclusive evidence that the bylaws have been duly made.

*Clause 16* makes anyone committing a breach of any bylaw liable on summary conviction to a fine of \$100.

*Clause 17* empowers the Secretary for Marine to appoint honorary rangers for the purposes of the Act. Every member of the police shall by virtue of his office be deemed to be a ranger appointed by the Secretary to exercise the duties of a ranger generally in marine reserves throughout New Zealand.

*Clause 18, subclause (1)* empowers a ranger in the exercise of his duty within the marine reserve for which he is appointed or deemed to be appointed and upon production of his warrant of appointment (if so required) to require any person to refrain or desist from doing any unlawful act likely to result in damage to or loss of real or personal property under the control of the management committee. The ranger may require any such person to give his full name and address. He may seize any marine life illegally taken and all nets, or firearms used in breach of the Act, and may stop and search any boat or vehicle, and open any parcel, luggage or container if he has reason to suspect that the owner or person in whose possession it is has committed a breach of the Act or any regulation made under the Act.

*Clause 18, subclause (2)* makes it an offence to fail to give one's name and address or to give a fictitious name and address to a ranger when required to give one's name and address under *clause 17 (1)* of the Act. It is an offence also to impersonate a ranger, to assault, threaten, or use abusive language in a threatening manner to a ranger while he is acting in exercise of his powers under the Act, or to give or offer any bribe to a ranger.

*Clause 19, subclause (1)* makes it an offence for any person within the boundaries of a marine reserve, and without authority from the management committee of that reserve, to introduce any marine life, to discharge any toxic or polluting substance, to break any apparatus, to injure the sea-bed or leave stones overturned, to deposit any rubbish, or to interfere with the reserve or its natural features.

*Clause 19, subclause (2)* makes it an offence for anyone to use or sell any seaweed, mineral or gravel knowing it to have been removed unlawfully from a marine reserve.

*Clause 19, subclause (3)* makes it an offence for anyone to discharge a firearm into a reserve.

*Clause 19, subclause (4)* makes any person committing an offence against this clause liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500, or to both.

*Clause 19, subclause (5)* makes an offender against this clause liable also to pay the full market value of the thing removed from the reserve, or injured or destroyed by him.

*Clause 19, subclause (6)* provides that all unauthorised structures erected on the reserve shall be forfeited to the Crown.

*Clause 19, subclause (7)* empowers the management committee of any reserve to retain for the purposes of evidence any article found illegally in the possession of any person in the reserve, pending the trial of that person. Unless proceedings are taken within 6 months of the offence, the article shall be returned to the person.

*Clause 19, subclause (8)* provides that if any marine life is found illegally in the possession of any person in or in the vicinity of a reserve, it shall, on seizure by any ranger and if alive and likely to survive, be returned to the reserve.

*Clause 20* provides that notwithstanding anything in the Summary Proceedings Act 1957 (which requires an information to be laid within 6 months of an alleged offence) any information in respect of an offence against the new Act may be laid within 2 years from the time when the matter of the information arose.

*Clause 21* provides that every person who commits an offence against the Act for which no penalty is elsewhere provided shall be liable on summary conviction to a fine not exceeding \$200, and for every day during which the offence continues a further fine of \$10.

*Clause 22* requires every management committee of a marine reserve to mark the boundaries of that reserve by means of such beacons, lights, buoys, or marks, as may be indicated to the committee by the Secretary for Marine, but the Secretary may exempt any committee from this requirement in respect of any boundary satisfactorily indicated by means of a natural geographical feature.

*Clause 23, subclause (1)* makes it clear that nothing in the new Act, or in any regulation or bylaws made under it, is intended to affect any right of access to or upon any foreshore, or any right of navigation (other than anchorage).

*Clause 23, subclause (2)* provides that in time of stress or emergency any vessel may anchor within a marine reserve, and such measures may be taken to avoid loss of human life or of property or injury to human life or to property as in the circumstances shall be expedient.

*Clause 24* empowers the making of regulations under the Act, either generally or with respect to any specified marine reserve.

*Clause 25* amends the Schedule to the Petroleum Act 1937, by adding the Marine Reserves Act 1970 to that Schedule. The effect of this is to make quite clear that a marine reserve cannot be entered on for mining operations under the Petroleum Act 1937 unless by consent of the Minister of Marine or after making an Order in Council under section 20 (2) of the Petroleum Act 1937.

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*Hon. Mr McCready*

## MARINE RESERVES

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### A BILL INTITULED

**An Act to provide for the setting up and management of areas of the sea and foreshore as marine reserves for purposes of scientific study of marine life and the preservation of areas in their natural state as the habitat of marine life**

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**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 Act 1970.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Area” means—

(a) Any part of the sea bed vertically below an area of the surface of the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Fishing Zone Act 1965; and 5

(b) Any part of the foreshore of the coast of New Zealand that is vested in the Crown—

and includes any water at any material time upon or vertically above any such part: 10

“Firearm” means any kind of weapon or device from which any shot, bullet, arrow, spear, stone, or other missile can be discharged in the air or under water; and “to shoot” has a corresponding meaning: 15

“Hunt or kill”, in relation to any marine life, includes hunting, fishing, killing, taking, trapping, or capturing by any means; and also includes pursuing, disturbing, or molesting, or taking or using a firearm, spear, or other method to hunt or kill whether marine life is thereby killed or captured or not; and also includes every attempt to hunt or kill and every act of assisting any other person to hunt or kill: 20

“Marine life” means any species of the plant or animal kingdoms which at any time of the life of the species inhabits the sea or foreshore; and includes any specimen of the species whether alive or dead, and any part of any specimen, and the seed, spores, eggs, spawn, young, fry, and offspring of the species; but does not include wildlife within the meaning of the Wildlife Act 1953: 25 30

“Marine reserve” or “reserve” means a marine reserve constituted under section 4 of this Act:

“Minister” means the Minister of Marine:

“Ranger” means a ranger appointed or deemed to be appointed under this Act: 35

“Secretary for Marine” means the Secretary for Marine appointed under the Shipping and Seamen Act 1952; and includes his deputy:

- 5 “Taking”, in relation to any marine life, includes taking, catching, fishing, killing, or pursuing by any means or device; and, in relation to any plant, includes uprooting and transplanting; and also includes any attempt at taking; and “to take” has a corresponding meaning:
- “Use” includes any attempt to use or assistance given or attempted to be given in using.

**3. Marine reserves to be maintained in natural state, and public to have right of entry—**(1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest.

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

- 20 (a) They shall be preserved as far as possible in their natural state:
- (b) The marine life of the reserves shall as far as possible be protected and preserved:
- 25 (c) The value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained:
- (d) Subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the marine life or for the welfare in general of the reserves, the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe, and record marine life in its natural habitat.
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**4. Governor-General may declare an area to be a marine reserve—**(1) Subject to section 5 of this Act, the Governor-General may from time to time, by Order in Council, declare that any area described in the Order shall be a marine reserve subject to this Act, and to such conditions as may be recommended to him by the Minister under subsection (9) of section 5 of this Act; but no area in respect of which a lease under the Marine Farming Act 1968, or the Rock Oyster Farming Act 1964, is for the time being in force shall be declared a marine reserve. 5  
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(2) No area within the jurisdiction of any harbour board shall be declared a marine reserve without the consent of the harbour board.

(3) Notwithstanding anything in the Public Works Act 1928 or any other Act, no public work, other than a work authorised by this Act, may be undertaken or constructed on any area included in a marine reserve except with the consent of the Minister of Marine and the Minister in charge of the department in control of the work, and subject to such conditions as those Ministers may jointly impose. 15  
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**5. Procedure for declaring a marine reserve—**(1) No Order in Council shall be made under section 4 of this Act unless—

(a) Application for the Order in Council is made to the Secretary for Marine by any university within the meaning of the Universities Act 1961, or the National Parks Authority, or any incorporated society or other body corporate engaged in or having as one of its objects the scientific study of marine life or natural history: 25

(b) Notice of intention to apply for an Order in Council declaring the area a marine reserve has, after consultation with the Secretary for Marine, been published by the applicant for the order at least twice, with an interval of not less than 5 nor more than 10 days between each publication, in some newspaper circulating at or nearest to the place where the area is situated, and at least once in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin: 30  
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(c) Every notice published pursuant to paragraph (b) of this subsection—

(i) States the date of first publication of that notice:

5 (ii) States the place where the plan referred to in subsection (2) of this section may be inspected:

(iii) Gives a general description of the area proposed to be declared a marine reserve:

(iv) Gives an address for service:

10 (v) Calls upon all persons wishing to object to the making of the order to send their objections in writing, specifying the grounds thereof, to the Secretary for Marine within 2 months from the date of first publication of the notice and to serve a copy of the objections, specifying the grounds thereof, on the applicant within the same time:

15 (d) Notice in writing of the proposed marine reserve is given by the applicant to—

20 (i) All persons owning land or any estate, interest, or licence in land adjoining the proposed reserve. For the purposes of this subparagraph, land shall be deemed to adjoin a proposed marine reserve notwithstanding that it is separated from it by the foreshore or by any road, or that is at a distance of not  
25 more than 5 chains from the proposed marine reserve if separated from it by any other reserve of any kind whatsoever or any land reserved from sale or other disposition pursuant to section 58 of the Land Act 1948 or the corresponding provisions of any former  
30 Land Act:

(ii) Any harbour board if the area or any part of the area proposed as a marine reserve is within the jurisdiction of that harbour board:

35 (iii) Any local authority or public body in which the foreshore or the control of the foreshore is vested if that foreshore or any part of it is within the area proposed as a marine reserve.

(2) The Secretary for Marine shall cause a plan to be prepared on a suitable scale showing all tidal waters coloured  
40 blue, and the boundaries and extent of the area sought to be declared a marine reserve. The plan shall be open for inspection free of charge during ordinary office hours by any person at the office of the Marine Department nearest to the proposed reserve.

(3) All persons wishing to object to the making of the order shall, within 2 months from the date of first publication of the notice published pursuant to paragraph (b) of subsection (1) of this section, send their objections in writing, specifying the grounds thereof, to the Secretary for Marine and shall serve a copy of their objections, specifying the grounds thereof, on the applicant within the same time. 5

(4) The applicant may, on receiving any copy of objections under subsection (3) of this section, answer those objections in writing to the Secretary for Marine within 3 months from the date of first publication of the notice published pursuant to paragraph (b) of subsection (1) of this section, and the Secretary for Marine shall send any such answer he may receive within that time to the Minister for consideration. 10

(5) The Secretary for Marine shall refer to the Minister all such objections received within the said period of 2 months, and any answer received within the said period of 3 months. 15

(6) Where any objection has been made in accordance with subsection (3) of this section, the Minister shall, before considering the application, decide whether or not the objection should be upheld and, in doing so, shall take into consideration any answer made to the objection by the applicant. If the objection is upheld the area shall not be declared a marine reserve. In making any such decision, the Minister shall not be bound to follow any formal procedure, but shall have regard to all submissions made by or on behalf of the objector, and to any answer made by the applicant, and shall uphold the objection if he is satisfied that declaring the area a marine reserve would— 20

(a) Interfere unduly with any existing right of navigation: 30

(b) Interfere unduly with commercial fishing:

(c) Interfere unduly with or adversely affect any existing usage of the area for recreational purposes:

(d) Otherwise be contrary to the public interest. 35

(7) The decision of the Minister shall be final.

(8) The Secretary for Marine shall cause the Minister's decision, together with the grounds therefor, to be notified in writing to the objector and to the applicant.

(9) If, after consideration of all objections, the Minister is of the opinion that no objection should be upheld and that to declare the area a marine reserve will be in the best interests of scientific study and will be for the benefit of the public, and it is expedient that the area should be declared a marine reserve, either unconditionally or subject to any conditions (including any condition as to providing the cost of marking the boundaries of the marine reserve under section 22 of this Act), he shall recommend to the Governor-General the making of an Order in Council accordingly.

**6. Marine reserves to be under control of management committees**—Subject to the provisions of this Act, every marine reserve shall be controlled and managed by a management committee constituted as provided in section 7 of this Act.

**7. Management committee of marine reserves**—(1) The Minister may from time to time, by notice in the *Gazette*, establish a management committee for any marine reserve, to be known as “The (*Name of reserve*) Marine Reserve Management Committee”.

(2) Each management committee shall consist of—

(a) One member being an officer of the Marine Department who shall be Chairman of the committee:

(b) Either three or four other persons of whom one shall be qualified in marine research.

(3) The members of a management committee shall be appointed by the Minister, and shall hold office during the pleasure of the Minister.

(4) The Minister may appoint any person to be the deputy of any member of a management committee to act in the absence of that member from any meeting of the committee.

(5) The fact that any person appointed as the deputy of any member of a committee attends and acts at any meeting of the committee shall be conclusive evidence of his authority to do so.

(6) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the committee, and the deputy of the Chairman shall have all the powers and functions of the Chairman.

**8. Meetings and procedure—**(1) Meetings of a management committee shall be held at such times and places as the committee or the Chairman from time to time appoints.

(2) Three members of the committee shall form a quorum at any meeting. 5

(3) The Chairman shall preside at all meetings of the management committee at which he is present. In the absence of the Chairman and his deputy from any meeting, the members present shall appoint one of their number to preside as Chairman of that meeting. 10

(4) All questions arising at any meeting shall be decided by a majority of the votes recorded thereon.

(5) The Chairman or other member presiding at any meeting shall have a deliberative vote, and in the case of an equality of votes shall have a casting vote. 15

(6) Every management committee shall cause minutes of all its proceedings to be kept.

(7) Subject to the provisions of this section, a management committee may regulate its procedure in such manner as it thinks fit. 20

**9. Fees and travelling allowances—**(1) There may be paid to the members of each management committee remuneration by way of fees 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. 25

(2) For the purposes of subsection (1) of this section, each management committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 30

**10. Functions of management committees—**The functions of each management committee shall be—

- (a) To administer, manage, and control the marine reserve in respect of which the management committee is established, in accordance with this Act and in such a manner as to secure the preservation of the natural features of the reserve, the protection and well-being of its marine life, and the continued availability of the area constituting the reserve for the purposes of scientific research: 35 40

- (b) To inquire into and report to the Minister on any matter arising out of or relating to marine reserves or marine life within or outside reserves which the Minister may refer to the management committee for report:
- 5 (c) To advise the Minister on matters relating to the administration, management, control, protection, and regulation of marine reserves and to make such recommendations on those matters as the committee
- 10 thinks fit.

**11. Appointment of secretary to a management committee**—There may from time to time be appointed a secretary to each management committee being a person employed under the State Services Act 1962.

15 **12. Particular powers of management committees**—

- (1) Each management committee may, in addition to any other powers vested in it by this Act, exercise in respect of the marine reserve under its control all or any of the following powers, that is to say, it may—
- 20 (a) Manage the reserve in the interests of the conservation, propagation, and preservation of species, and ensure the marine life of the reserve being maintained in its natural state:
- 25 (b) Recommend to the Secretary for Marine suitable persons to be appointed rangers for the reserve, and control and direct the activities of persons so appointed:
- 30 (c) Authorise the taking for scientific purposes of any specimens of marine life or material in the reserve, and prescribe the conditions of such taking and retention or disposal of those specimens or for their return to the reserve:
- 35 (d) Take such steps as may lie within its powers to ensure the continued welfare of the reserve in the interests of scientific study of marine life and for the enjoyment of the reserve by the public:
- 40 (e) Bring to the attention of the Minister such matters concerning the welfare of the reserve as the committee considers necessary to promote the continued welfare of the reserve.

(2) In the exercise of any of the powers conferred by this section every management committee shall at all times have full regard to the desirability of preserving the natural features and marine life of the reserve, and in particular shall ensure that the reserve shall be kept and maintained so far as possible in a state of nature, and that no buildings of any description or wharves, jetties, landings, or other structures shall be erected or constructed thereon except such items of equipment authorised by the Secretary for Marine as may be needed for scientific observation.

**13. Bylaws**—Every management committee may from time to time make bylaws in respect of the marine reserve under its control for all or any of the following purposes:

- (a) The management, safety, and preservation of the reserve, the conduct and control of scientific study within the reserve, and the safety and preservation of the marine life therein: 15
- (b) The keeping of order in the reserve:
- (c) Excluding the public from any specified part or parts of the reserve: 20
- (d) Prescribing the conditions on which persons shall have access to or be excluded from the reserve or any part of the reserve:
- (e) Prescribing conditions on which persons may remain within the reserve. 25

**14. Procedure for making bylaws**—(1) Bylaws made by a management committee under this Act shall be signed by the Chairman and one other member of the management committee, and a notice stating the object or purport of the proposed bylaws shall be published in some newspaper circulating at or nearest to the place where the reserve is situated once in each of the 2 weeks immediately preceding the day on which the bylaws are made and at least once in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin. 30 35

(2) Bylaws made by the management committee shall not come into force until they have been approved by the Minister and have been gazetted.

**15. Proof of bylaws**—The publication in the *Gazette* of any bylaws purporting to have been made by a management committee under this Act and to have been approved by the Minister shall be conclusive evidence that the bylaws have  
5 been duly made and approved under this Act.

**16. Penalty for breach of bylaws**—Every person who commits a breach of any bylaw made under this Act commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding \$100.

10 **17. Rangers**—(1) The Secretary for Marine may from time to time appoint any suitable person to be a ranger in an honorary capacity for the purposes of this Act.

(2) Every ranger appointed under this section shall be appointed for such term not exceeding 3 years as the  
15 Secretary for Marine thinks fit.

(3) The Secretary for Marine shall supply to every ranger a written warrant signed by himself or on his behalf evidencing the appointment, and the production of that warrant shall be sufficient proof of the appointment.

20 (4) Any ranger may at any time be removed from office by the Secretary for Marine for incapacity, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Secretary for Marine.

(5) Any ranger shall, on the expiration of the term of his  
25 appointment, or on the sooner expiry of his appointment by removal from office or resignation, surrender to the Secretary for Marine his warrant of appointment and any badge of office that may have been issued to him.

(6) No person appointed by the Secretary for Marine under  
30 this section to be a ranger shall by virtue of that appointment be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or of the Superannuation Act 1956.

(7) Every member of the police shall by virtue of his office  
35 be deemed to be a ranger appointed by the Secretary for Marine to exercise the duties of a ranger under this Act generally in marine reserves throughout New Zealand.

**18. Powers of rangers**—(1) Every ranger may, in the exercise of his duty within the marine reserve for which he is  
40 appointed or deemed to be appointed, and upon production of his warrant of appointment (if so required),—



- (a) Require any person to refrain or desist from any unlawful act resulting in, or which in his opinion appears likely to result in, damage to, or loss or destruction of, any real or personal property in the possession or under the control of, the management committee: 5
- (b) Require any person whom he finds doing or has reason to believe has done any such act to give his full name and address:
- (c) Seize any marine life illegally taken or had in possession, or which he reasonably believes to be illegally taken or had in possession: 10
- (d) Seize all nets, traps, firearms, ammunition, explosives, engines, instruments, appliances, equipment or devices that are being used or are intended to be used or have been used in breach of this Act, or that he reasonably believes are being so used or intended to be so used or have been so used: 15
- (e) Seize any bag, container, or other article that is being used for the purpose of carrying any animal or plant or any part of any animal or plant, or any soil, stones, gravel, or other material illegally taken or had in possession or that he reasonably believes is being so used: 20
- (f) Stop any vehicle, or any riding or pack animal, or any boat, launch, or other vessel, or any aircraft while on the ground or on the water, or any other device for carriage or transportation, or stop in transit any parcel, package, case, bag, luggage, or other container that is or that he reasonably believes to be in the possession of the owner or of any other person (including any carrier or forwarding agent, whether by land, sea, or air), if he has reason to suspect that any breach of this Act or of any regulation under this Act has been committed by the owner or by the person in possession thereof or by any other person, and, in the presence of the owner or other person as aforesaid or of any servant of any of them, enter and search any such vehicle, search any riding or pack animal, enter and search any boat, launch, or other vessel, or aircraft, or other device for carriage or transportation, and in such presence as aforesaid open and search any such parcel, package, case, bag, luggage, or other container. 30 35 40 45

(2) Every person commits an offence against this Act who—

- (a) Fails to comply with any requirement of a ranger under subsection (1) of this section;
- 5 (b) After being required pursuant to paragraph (b) of subsection (1) of this section to give his full name and address, gives an untrue or fictitious name or address, or gives such a general description of his place of abode as is illusory for the purposes of discovery;
- 10 (c) Impersonates or falsely pretends to be a ranger;
- (d) Affords violence to, or assaults, obstructs, threatens, or attempts to intimidate, or uses abusive or threatening language or behaves in a threatening manner to, any ranger while that ranger is acting in the exercise of his powers or the discharge of his duties under this Act;
- 15 (e) Gives, or agrees to give, or offers to any such ranger 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 being a ranger accepts or agrees to accept or solicits any such gift or consideration as aforesaid.
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25 **19. Offences within a reserve**—(1) Every person commits an offence against this Act who, within the boundaries of any marine reserve, and without being authorised by the management committee for that reserve,—

- (a) Introduces any living organism; or
- 30 (b) Discharges or causes to be discharged, directly or indirectly, any toxic or polluting substance of any kind injurious to plant or animal life; or
- (c) Wilfully breaks or injures any fence, building, apparatus, or erection; or
- 35 (d) Wilfully breaks, cuts, injures, or removes any or any part of any tree, shrub, fern, plant, seaweed, weed, stone, mineral, fixture, furniture, utensil, tool, apparatus, or thing of any kind; or
- (e) Wilfully digs, cuts, or injures the sea-bed, or leaves any rock, stone, or boulder overturned; or
- 40 (f) Uses any explosive or discharges any firearm; or

- (g) Shoots at or spears any species of marine life or any other object or thing with any firearm; or
- (h) Takes or destroys or wilfully injures or in any manner disturbs or interferes with any plant or animal; or
- (i) Takes or removes from the reserve any seaweed, mineral, gravel, or other substance or thing whatsoever; or 5
- (j) Deposits or throws any rubbish or any substance or article of a dangerous or offensive nature, except in a place or receptacle approved or provided by the management committee for the purpose; or 10
- (k) Erects any building, sign, hoarding, or apparatus; or
- (1) In any way interferes with the reserve or damages the scenic or natural features of the reserve.
- (2) Every person commits an offence who uses, sells, or otherwise disposes of any seaweed, mineral, gravel, or other substance or thing whatsoever knowing the same to have been removed unlawfully from any marine reserve. 15
- (3) Every person commits an offence who, without being authorised by the management committee, discharges any firearm into a marine reserve or who, from outside a reserve, shoots at any thing inside a reserve with any firearm. Where any person is found discharging a firearm in contravention of this subsection, the provisions of subsection (7) of this section shall apply in respect of that firearm in all respects as if it were illegally in the possession of that person in the reserve. 20 25
- (4) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$500, or to both. 30
- (5) Any person convicted of an offence against this section shall, in addition to any penalty for which he may be liable under this section, pay to the Crown the full market value of any substance removed from, or for the damage done to, the reserve or to any marine life growing or being thereon. That value or damage or cost shall be assessed by a Magistrate, and shall be recoverable in the same manner as a fine. 35
- (6) All buildings, structures, signs, hoardings, or apparatus erected on the reserve without the permission in writing of the management committee shall be deemed to be forfeited to the Crown. 40

(7) Any article other than marine life found illegally in the possession of any person in the reserve may be seized by any ranger for that reserve and shall be retained by the management committee pending the trial of the person for the  
5 offence in respect of which it was seized. If proceedings are not taken within 6 months against the person from whom the article was seized it shall, at the expiration of that period, be returned to him. Where proceedings are taken against  
10 the person from whom the article was seized, the article shall, when the proceedings are completed, be returned to that person, unless the Court, where it enters a conviction, directs that the article be forfeited to the Crown, in which case the article shall be forfeited to the Crown accordingly, and shall be disposed of as the Minister directs.

15 (8) Any marine life found illegally in the possession of any person in or in the vicinity of a reserve may be seized by any ranger for that reserve, and shall, if alive and likely to survive, be returned to the reserve, or, if survival is unlikely, shall be disposed of as may be directed by the Chairman  
20 of the management committee in any specific instance or according to the bylaws of the management committee for the reserve, if provided for by those bylaws.

**20. Time within which information may be laid**—Notwithstanding anything in the Summary Proceedings Act 1957,  
25 any information in respect of any offence against this Act or any regulation or bylaw made under this Act may be laid at any time within 2 years from the time when the matter of the information arose.

**21. Penalties**—Every person who commits an offence  
30 against this Act for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine not exceeding \$200 and, if the offence is a continuing one, to a further fine not exceeding \$10 for every day during which the offence has continued.

**22. Boundaries of marine reserves to be marked**—The  
35 management committee of every marine reserve shall cause to be marked and at all times to be kept marked, by means of such beacons, lights, buoys, or marks as may be indicated to the committee by the Secretary for Marine, the boundaries  
40 of the marine reserve:

Provided that the Secretary for Marine may exempt the management committee of any marine reserve from the requirements of this subsection in respect of any boundary satisfactorily indicated by means of a natural geographical feature. 5

**23. Rights of access and navigation**—(1) Nothing in this Act, or in any regulations or bylaws made under this Act, shall affect any right of access to or upon any foreshore or part of the foreshore comprised in any marine reserve or any right of navigation (other than anchorage) through or across any water at any material time comprised in any marine reserve. 10

(2) Notwithstanding anything in this Act, or in any regulations or bylaws made under this Act, in time of stress or emergency any vessel may anchor within a marine reserve and such measures may be taken by any person to avoid loss of human life or of property or injury to human life or to property as in the circumstances shall be expedient. 15

**24. Regulations**—The Governor-General may from time to time, by Order in Council, make, either generally or with respect to any specified marine reserve, all such regulations as are necessary for the due administration of, and for giving full effect to, the provisions of this Act. 20

**25. Consequential amendment**—The Schedule to the Petroleum Act 1937 is hereby amended by adding the words “1970, No. 00—The Marine Reserves Act 1970”. 25