



## THE POOR KNIGHTS ISLANDS MARINE RESERVE BYLAWS 1989

PURSUANT to section 14 of the Marine Reserves Act 1971, the Minister of Conservation hereby approves the Poor Knights Islands Marine Reserve Bylaws 1989 which were made by the Poor Knights Islands Marine Reserve Management Committee on the 11th day of November 1989, and of which a copy is set out in the Schedule hereto.

### SCHEDULE

#### THE POOR KNIGHTS ISLANDS MARINE RESERVE BYLAWS 1989

PURSUANT to section 13 of the Marine Reserves Act 1971, the Poor Knights Islands Marine Reserve Management Committee hereby makes the following bylaws.

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#### BYLAWS

**1. Title and commencement**—(1) These bylaws may be cited as the Poor Knights Islands Marine Reserve Bylaws 1989.

(2) These bylaws shall come into force on the 10th day of December 1989.

SCHEDULE—*continued*

**2. Interpretation**—In these bylaws, unless the context otherwise requires,—

“Act” means the Marine Reserves Act 1971:

“Committee” means the Poor Knights Islands Marine Reserve Management Committee:

“Reserve” means the Poor Knights Islands Marine Reserve constituted by the Marine Reserve (Poor Knights Islands) Order 1981\*:

“Secretary” means the person appointed as Secretary to the Committee under section 11 of the Act.

## PART I

## CONDUCT WITHIN RESERVE

**3. Diving**—(1) Except as provided in subclause (2) of this bylaw, any person may dive in any part of the reserve.

(2) Every person commits a breach of this bylaw who dives in any area that has been closed to the public under bylaw 13 of these bylaws.

**4. Anchoring**—(1) Except as provided in subclause (2) of this bylaw, any person may anchor any vessel in any part of the reserve in such manner that damage to the reserve does not occur or is kept to the minimum practicable level.

(2) Every person commits a breach of this bylaw who anchors any vessel in any area that has been closed to the public under bylaw 13 of these bylaws, or within 100 metres of any buoy moored in accordance with that bylaw.

**5. Use of vessels within reserve**—(1) Every person commits a breach of this bylaw who operates or is in charge of any vessel that is being operated in the reserve at a speed in excess of 5 knots, if the vessel—

(a) Is within 30 metres of any other vessel or person in the water; or

(b) Is within 200 metres of the shore; or

(c) Is within 200 metres of any vessel that is flying flag “A” of the international code of signals (being the flag to indicate that a diver is below).

(2) Every person commits a breach of these bylaws who operates or is in charge of any vessel within the reserve from which a proper watch is not being kept for persons who may be diving in the reserve.

**6. Exclusion of public from areas closed for scientific study**—Every person commits a breach of this bylaw who enters any area of the reserve that has been closed to the public under bylaw 13 of these bylaws.

**7. Defence by reason of emergency**—(1) It shall not be a breach of any of bylaws 3 to 6 of these bylaws to act in breach of any of those bylaws by reason of an emergency.

(2) In any prosecution for a breach of the provisions of any of bylaws 3 to 6 of these bylaws, the onus shall lie on the defendant to prove that, by virtue of subclause (1) of this bylaw, the act complained of was not an offence.

**8. Proceedings under Acts in respect of offences**—Nothing in these bylaws shall limit or prevent the taking of proceedings under any Act in respect of any offence committed within the reserve.

SCHEDULE—*continued*

## PART II

## SCIENTIFIC STUDIES

**9. Certain scientific study prohibited without approval of Committee**—No person shall undertake in the reserve scientific study—

- (a) That may involve conduct that could constitute an offence against the Act if it were not authorised by the Committee; or
- (b) That may require the closure of any specified part of the reserve to the public—

without the approval of the Committee.

**10. Application for scientific study**—(1) Any person wishing to undertake any scientific study referred to in bylaw 9 of these bylaws shall make an application for approval to do so in writing to the Secretary, not later than 2 months before the intended date of commencement of the study, specifying—

- (a) The name of the applicant and the address where he or she can be contacted;
- (b) The name of the person who will supervise the study, and the name of the organisation authorising or sponsoring the study (if any);
- (c) A descriptive title of the study and a description of how it is to be undertaken;
- (d) The intended date of commencement of the study and its estimated duration;
- (e) Whether there is likely to be caused any disturbance to the environment, the nature of the disturbance, and the time it is likely to take to overcome the disturbance;
- (f) The name of every other person or persons participating in the study with the applicant in the reserve.

(2) The Committee may require any applicant to provide further details of the scientific study proposed and his or her ability to conduct the study.

**11. Approval for scientific study**—(1) In considering any application for scientific study, the Committee shall have regard to the following matters:

- (a) Maintaining the general wellbeing of the reserve and preserving with the minimum of disturbance the marine life and natural features of the reserve;
- (b) Co-ordination of the study to be undertaken with previously approved studies;
- (c) The time required to correct by natural processes any disturbance to the reserve or the marine life in the reserve;
- (d) The contribution that the study would make to a better understanding of marine processes or the scientific discipline appropriate to the study.

(2) The Committee shall consider each application for scientific study and advise the applicant whether or not the application is approved.

(3) Any approval given by the Committee under this bylaw may be subject to any conditions the Committee thinks fit to impose in the particular case having regard to the functions, powers, and obligations of the Committee, and shall be in writing signed by the Secretary and the Chairman.

SCHEDULE—*continued*

**12. Reports to Committee**—(1) It shall be a condition of every approval given under bylaw 11 of these bylaws that the applicant furnish progress reports on the study to the Secretary at such intervals as are specified by the Committee.

(2) The applicant shall furnish a final report or a copy of any published paper on the study to the Secretary.

**13. Protection for areas under scientific study**—(1) The Committee may close to public access any area within the reserve for the purposes of scientific study if it considers that closure is desirable because of the nature of the study.

(2) Where an area is closed under subclause (1) of this bylaw, the Committee shall issue a permit for the study to the person responsible for the study, and shall direct him or her to advise the public by notice in whatever manner the Committee considers reasonable and practicable in the circumstances, including notification in a newspaper circulating in the vicinity of the reserve, that access to the area where the study is taking place is not permitted.

(3) Any such advice or notice shall specify—

(a) The location of the area involved;

(b) The reason why access is not permitted to the public;

(c) The dates between which access is not permitted to the public.

(4) Where a permit issued under this bylaw expires or is surrendered, the person to whom the permit was issued shall remove or withdraw any notice given by him or her under subclause (2) of this bylaw.

(5) The Committee may, at any time, cancel any permit issued under this bylaw, and may require the person to whom a permit was issued to remove or withdraw any notice given by him or her under subclause (2) of this bylaw.

(6) Any area of the reserve closed to the public in accordance with this bylaw shall be four-sided and marked at each corner by a bright yellow moored buoy not less than 1 metre in diameter.

**14. Participants in scientific study to carry identification**—(1) Every person participating in a scientific study approved by the Committee shall, while engaged on the study in the reserve, carry such form of identification as shall be specified by the Committee.

(2) On completion of any scientific study or on being notified of any withdrawal of approval under bylaw 15 of these bylaws, any form of identification issued by the Committee shall be returned to the Secretary by the person responsible for the study.

**15. Withdrawal of approval for scientific study**—(1) The Committee may withdraw any approval given under this bylaw at any time if it is satisfied in any particular case that any person participating in the study has committed an offence under the Act, or a breach of these bylaws, or has not complied fully with any conditions of the approval to undertake the study.

(2) Where the Committee has withdrawn its approval for any particular study under subclause (1) of this bylaw, the Committee may refuse, for a period specified by the Committee, to consider any further applications for approval for scientific study within the reserve by or involving any person who was involved in the reserve in the study for which approval was withdrawn.

SCHEDULE—*continued*

**16. Register of scientific study**—(1) The Committee shall cause to be kept a register in which shall be entered particulars of scientific studies undertaken in the reserve.

(2) The register shall include details of—

(a) The title and a brief description of the study and its objectives:

(b) When the study was commenced and completed:

(c) The name of the person or persons responsible for the study.

(3) The register shall be available for public inspection at the office of the Department of Conservation at Auckland during ordinary office hours on the days when the office is open for business.

**17. Expiry of bylaws**—These bylaws shall expire with the close of the 30th day of November 1994.

**18. Revocation**—The Poor Knights Islands Marine Reserve Bylaws 1982\* are hereby revoked.

Dated at Whangarei this 11th day of November 1989

J. C. HALKETT, Chairman.

A. V. FOWLER, Member.

Dated at Wellington this 23rd day of November 1989.

PHILIP WOOLLASTON,  
Minister of Conservation.

\*S.R. 1982/26

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EXPLANATORY NOTE

*This note is not part of the bylaws, but is intended to indicate their general effect.*

These bylaws, which come into force on 10 December 1989, substantially re-enact the Poor Knights Islands Marine Reserve Bylaws 1982.

The former bylaws expired in 1987 and the new bylaws re-enact provisions that regulate the conduct of persons within the Poor Knights Islands Marine Reserve, and the conduct of scientific study in the reserve. The new bylaws expire on 30 November 1994.

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Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 7 December 1989.  
These bylaws are administered in the Ministry of Conservation.