

A. V. FOWLER, Member.

Dated at Wellington this 23rd day of November 1989.

PHILIP WOOLLASTON, Minister of Conservation.

*S.R. 1981/16

†S.R. 1982/26

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 11 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 10 December 1994.

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The Cape Rodney-Okakari Point Marine Reserve Bylaws 1989

Pursuant to section 14 of the Marine Reserves Act 1971, the Minister of Conservation hereby approves the Cape Rodney-Okakari Point Marine Reserve Bylaws 1989 which were made by the Cape Rodney-Okakari Point Marine Reserve Management Committee on the 17th day of November 1989, and of which a copy is set out in the Schedule hereto.

Schedule

The Cape Rodney-Okakari Point Marine Reserve Bylaws 1989

Pursuant to section 13 of the Marine Reserves Act 1971, the Cape Rodney-Okakari Point Marine Reserve Management Committee hereby makes the following bylaws.

Bylaws

1. Title and commencement—(1) These bylaws may be cited as the Cape Rodney-Okakari Point Marine Reserve Bylaws 1989.

(2) These bylaws shall come into force on the 11th day of December 1989.

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

“Act” means the Marine Reserves Act 1971:

“Committee” means the Cape Rodney-Okakari Point Marine Reserve Management Committee:

“Reserve” means the Cape Rodney-Okakari Point Marine Reserve constituted by Order in Council dated the 28th day of October 1975 and published in the *Gazette* of 1975 at page 2427:

“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.

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 well-being of the reserve and