

# Conservation Amendment Act 1996

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**An Act to amend the Conservation Act 1987**

**BE IT ENACTED by the Parliament of New Zealand as follows:****1 Short Title and commencement**

- (1) This Act may be cited as the Conservation Amendment Act 1996, and shall be read together with and deemed part of the Conservation Act 1987 (hereinafter referred to as the principal Act).
- (2) Sections 2(2), 2(5), 3, 4, 5, 6, 7, 14, 15, 32, 33, 34(1), 34(3), 34(4), 37, 39, 40, 41, 42, 43, and 47 of this Act shall come into force on the 1st day of July 1996.
- (3) Section 24 of this Act shall come into force on a date to be fixed by the Governor-General by Order in Council.
- (4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the day on which it receives the Royal assent.

**2 Interpretation**

- (1) This subsection repealed the definition of the term **District Anglers Notice** in s 2(1) of the principal Act.
- (2) This subsection substituted the definitions of the terms **lease**, and **licence**, and repealed the definitions of **lessee**, and **licensee**, in s 2(1) of the principal Act.
- (3) This subsection inserted the definitions of the terms **Anglers Notice**, **Contaminant**, **Game hunting guide**, **Sports fishing guide** and **Wildlife** in s 2(1) of the principal Act.
- (4) This subsection inserted the definitions of the terms **Activity**, **Certified aerodrome**, **Concession** or **concession document**, **Concessionaire**, **Effect** and **Permit** in s 2(1) of the principal Act.

**3 Access to conservation areas**

- (1) This subsection substituted s 17 of the principal Act.
- (2) The following enactments are hereby consequentially repealed:
  - (a) Section 2(1) of the Conservation Amendment Act 1988:
  - (b) Section 12 of the Conservation Law Reform Act 1990.

**4 Conservation management strategies**

Section 17D(8) of the principal Act (as inserted by section 13(1) of the Conservation Law Reform Act 1990) is hereby amended by inserting, after the words “have regard to”, the words “any relevant concessions for the time being in force and to”.

**5 Conservation management plans**

Section 17E(9) of the principal Act (as inserted by section 13(1) of the Conservation Law Reform Act 1990) is hereby amended by inserting, after the words “have regard to”, the words “any relevant concessions for the time being in force and to”.

**6 Effect of general policies, conservation management strategies, and management plans**

Section 17N of the principal Act (as inserted by section 13(1) of the Conservation Law Reform Act 1990) is hereby amended by repealing subsection (3).

**7 New Part 3B inserted**

- (1) This subsection inserted Part 3B (comprising ss 17O to 17ZJ) of the principal Act.
- (2) Where any person lawfully occupied any conservation area at the commencement of this Act in accordance with any right lawfully granted on or before 1 April 1987 under any Act or any contract made on or before 1 April 1987 then, notwithstanding sections 17U or 17W of the principal Act, as inserted by subsection (1) of this section, the Minister may grant a concession to that occupant for the area lawfully occupied by the occupant, but the extent of the activities authorised by any such concession shall be no greater than was lawfully exercised by the occupant.
- (3) Where any concession is granted under subsection (2) of this section to the occupant, any prior right given to the occupant to occupy the land shall be void and of no effect.

- (4) The provisions of section 17T(4) and (5) of the principal Act (as so inserted) shall not apply to any concession granted under subsection (2) of this section.
- (5) The following enactments are hereby consequentially repealed:
  - (a) Sections 14 and 15 of the principal Act:
  - (b) Sections 8 and 9 of the Conservation Law Reform Act 1990.
- (6) The policy approved by the Minister of Conservation on 20 October 1994 under section 17B of the principal Act as the **Policy of the Minister of Conservation on Concessions for Recreation and Tourism Business Operations in Reserves and Conservation Areas** is hereby consequentially revoked.

**8 New sections inserted**

This section inserted ss 23A and 23B of the principal Act.

**9 Marginal strips reserved**

This section amended s 24 of the principal Act.

**10 Power to reduce width of marginal strip**

This section amended s 24A of the principal Act.

**11 Power to increase width of marginal strip**

This section inserted s 24AA of the principal Act.

**12 Notification of intention to reduce marginal strip**

This section inserted s 24BA of the principal Act.

**13 Reservation of marginal strips to be recorded**

This section amended s 24D of the principal Act.

**14 Application of Part 3B to disposal of stewardship areas**

This section inserted section 26(8) of the principal Act.

**15 Repeals**

- (1) This subsection repealed sections 24I (as inserted by section 15 of the Conservation Law Reform Act 1990), 31, and 32 of the principal Act.
- (2) The following enactments are hereby consequentially repealed:
  - (a) Section 20 of the Conservation Law Reform Act 1990:
  - (b) So much of Part 1 of Schedule 8 to the Resource Management Act 1991 as relates to section 31 of the principal Act.

**16 Functions of New Zealand Fish and Game Council**

This section amended s 26C of the principal Act.

**17 Functions of Fish and Game Councils**

This section amended s 26Q of the principal Act.

**18 Fish and Game Council responsibilities**

This section amended s 26R of the principal Act.

**19 Membership**

This section amended s 26U of the principal Act.

**20 Eligibility to vote**

This section substituted s 26Y(1) of the principal Act.

**21 Term of office of members of Fish and Game Council**

This section amended s 26ZA(2) of the principal Act.

**22 No remuneration payable to members**

This section inserted s 26ZF of the principal Act.

**23 Application of Part**

This section amended s 26ZG of the principal Act.

**24 New sections inserted**

The principal Act is hereby amended by inserting, after section 26ZJ (as inserted by section 17 of the Conservation Law Reform Act 1990), the following sections:

**“26ZJA Sports fishing guides**

- “(1) No person shall act as a sports fishing guide unless he or she holds a current sports fishing guide licence.
- “(2) Every person commits an offence and is liable to a fine not exceeding \$5,000 who contravenes subsection (1) of this section.

**“26ZJB Use of gaffs prohibited**

- “(1) No person shall use a gaff to take any freshwater fish unless permitted to do so by an Anglers Notice.
- “(2) Every person commits an offence and is liable to a fine not exceeding \$5,000 who contravenes subsection (1) of this section.”

**25 Restrictions on fishing**

This section amended s 26ZL of the principal Act.

**26 Transfer or release of live aquatic life**

This section amended s 26ZM of the principal Act.

**27 Fishing rights not to be sold or let**

This section substituted s 26ZN of the principal Act.

**28 Occupier may fish without licence**

This section amended s 26ZO of the principal Act.

**29 Buying, selling, or possessing fish, contrary to Act**

This section inserted s 26ZQ(1A) of the principal Act.

**30 Using explosives, etc, to catch or destroy fish**

This section amended s 26ZR of the principal Act.

**31 Resources other than land**

This section amended s 28(3) of the principal Act.

**32 Taking of plants**

- (1) This subsection substituted s 30(1)(a) and inserted s 30(1)(aa) of the principal Act.
- (2) This subsection repealed s 30(1)(c) and (5) of the principal Act.
- (3) Section 19(3) of the Conservation Law Reform Act 1990 is hereby consequentially repealed.

**33 Production of concession, etc, on demand**

This section amended s 37 of the principal Act.

**34 Other offences in respect of conservation areas**

- (1) This subsection amended s 39(1) of the principal Act.
- (2) This subsection amended s 39(1) of the principal Act.
- (3) This subsection inserted s 39(1)(ba) of the principal Act.
- (4) This subsection inserted s 39(1)(ca) of the principal Act.
- (5) This subsection amended s 39 of the principal Act.
- (6) This subsection amended s 39 of the principal Act.
- (7) This subsection amended s 39 of the principal Act.
- (8) This subsection amended s 39 of the principal Act.
- (9) This subsection amended s 39 of the principal Act.
- (10) Section 2(2) of the Conservation Amendment Act 1988 is hereby consequentially repealed.

**35 Forfeiture of property**

This section amended s 46(7A)(b) of the principal Act.

**36 Special regulations relating to freshwater fisheries**

This section amended s 48A(1) of the principal Act.

**37 Consent or approval may be conditional**

This section substituted s 51 of the principal Act.

**38 Powers of Director-General**

This section amended s 53 of the principal Act.



- 39 Director-General may recover certain costs**  
This section amended s 60B(1) and (4)(a) of the principal Act.
- 40 Indirect applications**  
This section amended s 60C(b) and (c) of the principal Act.
- 41 Royalties, etc, may be required in certain circumstances**  
This section amended s 60D(1)(a) and (b)(i) of the principal Act.
- 42 Certain former State forest land to become protected area on commencement of Act**  
This section amended s 61(10) of the principal Act.
- 43 Certain land to be managed as if it is stewardship area**  
This section amended s 62(2) of the principal Act (as added by section 2(8) of the Conservation Amendment Act 1988).
- 44 Certain land may become protected area without public notification**  
This section inserted s 63(2) to (9) of the principal Act.
- 45 Existing leases, licences, etc**  
This section amended s 64 of the principal Act.
- 46 New Schedule 4 added**  
This section inserted Schedule 4 of the principal Act.
- 47 Transitional provisions relating to existing leases, etc**  
Every application made before the commencement of Part 3B of the principal Act (as inserted by section 7 of this Act) for a lease, licence, permit, or easement under that Act shall,—
- (a) Where the application has been publicly notified in accordance with section 14 or section 15 of the principal Act, continue to be dealt with as if this Act had not been enacted:
  - (b) Where the application has not been publicly notified in accordance with section 14 or section 15 of the principal Act, be dealt with under the said Part 3B:

- (c) Where the application is for a permit, or the application is for a lease or licence or easement but does not require public notification under the principal Act, be dealt with under the said Part 3B.

2Except as provided in section 17W of the principal Act, Part 3B of the principal Act (as so inserted) does not affect any lease, licence, permit, or easement granted before the commencement of that Part, but that Part shall apply to every renewal of such a lease, licence, permit, or easement.

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### **Schedule**

Section 46

### **New Schedule 4 added to principal Act**