

**Reprint
as at 24 May 2013**



Reserves Amendment Act 2013

Public Act 2013 No 17
Date of assent 19 April 2013
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of Conservation.

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Reserves Amendment Act 2013.

2 Commencement

This Act comes into force on the earlier of the following:

- (a) the date appointed by the Governor-General by Order in Council;
- (b) the date that is 2 years after the date on which the Act receives the Royal assent.

Section 2(a): this Act brought into force, on 24 May 2013, by the Reserves Amendment Act 2013 Commencement Order 2013 (SR 2013/124).

3 Principal Act

This Act amends the Reserves Act 1977 (the **principal Act**).

4 Section 5 amended (Restricting application of this Act)

(1) Replace section 5(1) with:

“(1) This Act does not apply to any land that is subject to the Forests Act 1949.”

(2) Repeal the proviso to section 5(2).

(3) After section 5(2), insert:

“(3) Nothing in subsection (2) limits—

“(a) the power of the Minister—

“(i) to classify, or change the classification of, any reserve other than a nature reserve or a scientific reserve; or

“(ii) to recommend to the Governor-General that an Order in Council be made to classify, or change the classification of, a nature reserve or a scientific reserve; or

“(b) the power of the Governor-General to make an Order in Council under section 16A(3).”

5 Section 6 amended (Powers of Minister in cases of doubt)

After section 6(2), insert:

- “(2A) Despite subsections (1) and (2), the Minister must not act under those provisions to—
- “(a) declare any land to be a nature reserve or a scientific reserve or to be included in an existing nature reserve or scientific reserve; or
 - “(b) define any reserve as held for the purpose of a nature reserve or a scientific reserve.
- “(2B) Instead, the Governor-General may, by Order in Council made on the recommendation of the Minister,—
- “(a) declare that land specified in the order is or is not a nature reserve or a scientific reserve; or
 - “(b) declare that a reserve must be held for the purpose of a nature reserve or a scientific reserve, according to the terms of the order.”

6 Section 16 amended (Classification of reserves)

After section 16(11), insert:

- “(12) This section is subject to section 16A in respect of the classification of nature and scientific reserves.”

7 New section 16A inserted (Application of section 16 to nature and scientific reserves after commencement of Crown Minerals Amendment Act 2013)

After section 16, insert:

“16A Application of section 16 to nature and scientific reserves after commencement of Crown Minerals Amendment Act 2013

- “(1) Despite section 16, on and from the commencement of the Crown Minerals Amendment Act 2013,—
- “(a) all reserves existing immediately before the commencement of that Act and not yet classified in accordance with section 16 must be classified in accordance with this section if the reserve is to be classified as a nature reserve or as a scientific reserve:
 - “(b) all nature and scientific reserves created after the commencement of the Crown Minerals Amendment Act 2013 must be classified in accordance with this section.

- “(2) The Minister may recommend to the Governor-General that an Order in Council be made to name and classify a reserve as a nature reserve or as a scientific reserve if the principal or primary purpose of the reserve is the same as that specified for—
- “(a) a nature reserve in section 20; or
 - “(b) a scientific reserve in section 21.
- “(3) The Governor-General may, by Order in Council made on the recommendation of the Minister, name and classify a reserve as a nature reserve or as a scientific reserve.
- “(4) Before making a recommendation under subsection (2), the Minister must—
- “(a) refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under section 27(2) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and
 - “(b) give public notice in accordance with section 119 specifying the name and classification proposed, and must consider in accordance with section 120 all objections and submissions in relation to the proposal, and those sections apply accordingly with any necessary modifications.
- “(5) When classified under this section, each reserve must be held and administered for the purpose or purposes for which it is classified and for no other purpose.”

8 Section 24 amended (Change of classification or purpose or revocation of reserves)

- (1) Repeal section 24(4).
- (2) After section 24(7), insert:
 - “(8) The Minister must not change the classification or purpose, or revoke the reservation status, of the whole or a part of a nature reserve or a scientific reserve under subsection (1).
 - “(9) Instead, a change to the classification or purpose, or the revocation of the reservation status, of the whole or a part of a nature reserve or a scientific reserve must be made by the Governor-General by Order in Council, on the recommendation of the Minister.

- “(10) The Minister must not make a recommendation under subsection (9) to change the classification or purpose, or to revoke the reservation status, of a nature reserve or a scientific reserve unless—
- “(a) the Minister is satisfied that the reserve is no longer suitable for the purposes of its classification because of the destruction of its forest, bush, or other vegetation, or of its fauna or natural or scientific features, or for any other similar cause; and
 - “(b) the Minister has complied with subsection (2), with any necessary modifications.
- “(11) Subsection (10)(a) does not apply if the intended change of classification is from—
- “(a) nature reserve to scientific reserve or scenic reserve:
 - “(b) scientific reserve to nature reserve or scenic reserve.”

9 Section 47 amended (Wilderness areas)

- (1) Replace section 47(1) with:
- “(1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—
- “(a) set apart the whole or any specified part of a reserve as a wilderness area:
 - “(b) vary or revoke any order made under this subsection.”
- (2) In section 47(2)(a), replace “administering body” with “Minister (in any case where there is no administering body) or the administering body (if there is one)”.
- (3) In section 47(2)(a)(ii), after “lodge with the”, insert “Minister or the”.
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Notes**1 *General***

This is a reprint of the Reserves Amendment Act 2013. The reprint incorporates all the amendments to the Act as at 24 May 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Reserves Amendment Act 2013 Commencement Order 2013 (SR 2013/124)
