

Reprint  
as at 1 July 2013



**Titi (Muttonbird) Islands  
Regulations 1978**  
(SR 1978/59)

Keith Holyoake, Governor-General

**Order in Council**

At the Government Buildings at Wellington this 13th day of March  
1978

Present:

The Right Hon R D Muldoon presiding in Council

Pursuant to sections 23(2) and 184 of the Land Act 1948 and after consultation as required by the said section 23(2), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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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.

**These regulations are administered by the Department of Conservation.**

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## Regulations

### 1 Title, commencement, and application

- (1) These regulations may be cited as the Titi (Muttonbird) Islands Regulations 1978.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.
- (3) These regulations shall apply to the Titi Islands and other islands adjacent to Stewart Island mentioned in the deed of cession of Stewart Island dated 29 June 1864.

### 2 Interpretation

In these regulations, unless the context otherwise requires,—

**beneficial island** means any one of the following Titi Islands, namely Herekopare or Te Marama, Horomamae or Owen, Huirapa, Kaihuka, Kaimohu, Mokoiti or Little Moggy, Mokonui or Big Moggy, Pikomamaku or Women, Pomatakiarehua (Te Pohomatakiarehua), Potuatua (Pohotuatua), Pohowaitai, Poutama, Rerewhakaupoko or Solomon, Taimaitemioka, Tia or Entrance, Timore or Chimneys, Wharepuaitaha (Te Wharepuaitaha), and Taukihepa or Big South Cape; and includes those parts of Taukihepa or Big South Cape known as Hapatoto, Heretatua, Hinekuha, Horomanu Patu, Kaikaiawara, Manuaroto, Paopoko, Parakiore, Pohinewaru, Puketakohe, Puwai, Rahui, Taketu, Te Awaohunu, Timaru, Tukoroua, Upokomatihia, Upokopotete, Waikatua, and Waitakua

**beneficiary** means a Rakiura Maori who holds a succession order from the Maori Land Court entitling him to any beneficial interest in any beneficial island

**birding season** means a period commencing on 1 April in any year and ending with 31 May in the same year

**Committee** means the Rakiura Titi Committee elected pursuant to regulation 7(1)(c)

**Director-General** means the Director-General of Conservation

**muttonbird** means a bird of the muttonbird (*Puffinus griseus*) species known as the Titi or Sooty Shearwater

**non-Rakiura Maori** means a person other than a Rakiura Maori

**permit** means a written permit, issued by the Committee under regulation 3(2A), that allows a person to enter onto—

- (a) the beneficial islands generally; or
- (b) any beneficial island or islands specified in the permit

**Rakiura Maori** means a person who is a member of the Ngaitahu Tribe or Ngatimamoe Tribe and is a descendant of the original Maori owners of Stewart Island

**supervisor** means a supervisor appointed under regulation 6(1)

**take**, and all references thereto, include taking, catching, killing, or pursuing, by any means or device; and include also an attempt to take

**the said land** means the beneficial islands described in these regulations.

Regulation 2 **Commissioner**: revoked, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 2 **Crown island**: revoked, on 5 March 2005, by section 337(1)(a) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Regulation 2 **Director-General**: inserted, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 2 **European**: revoked, on 3 January 2008, by regulation 4(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 2 **non-Rakiura Maori**: inserted, on 3 January 2008, by regulation 4(2) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 2 **permit**: inserted, on 3 January 2008, by regulation 4(2) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 2 **the said land**: amended, on 5 March 2005, by section 337(1)(b) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

### **3 Persons who may enter islands and conditions of entry**

- (1) A non-Rakiura Maori—
- (a) must not enter onto a beneficial island without first obtaining a permit to enter onto that island:
  - (b) must not, at any time, search for, pursue, or take muttonbirds or their eggs from that island.
- (1A) However, subclause (1) does not apply to a non-Rakiura Maori who is a family member of a beneficiary if—
- (a) the beneficiary has issued the family member with an authorisation to enter onto a beneficial island; and
  - (b) the authorisation has been issued in accordance with the traditional customs and practices associated with the island.
- (2) Notwithstanding any other provision of these regulations, no person shall enter the said land earlier than 15 March in any year, or such earlier date as the Committee may approve in writing.
- (2A) The Committee may—
- (a) issue a permit to any person; and
  - (b) impose conditions on that permit.
- (3) A beneficiary shall not require a permit to enter any beneficial island in which he has a beneficial interest, but no other Rakiura Maori shall enter any beneficial island in any year without the consent of the majority of beneficiaries entitled to a beneficial interest in that island:  
provided that—
- (a) a beneficiary may be accompanied on that island by his children or grandchildren:
  - (b) a beneficiary not wishing to take muttonbirds on any such island in any birding season may authorise in writing 1 or more of his children or grandchildren or 1 or more of the children or grandchildren of any other such beneficiary to enter on that island to take muttonbirds on behalf of the beneficiary during that birding season.

(c) *[Revoked]*

(d) *[Revoked]*

- (4) Any person desiring to enter upon a beneficial island under an authority given under this regulation may be required to satisfy the Supervisor for the island of the validity of that authority: provided that an authority in writing certified by the Committee to be valid shall be accepted by the Supervisor for the purposes of this subclause.

(5) *[Revoked]*

(6) *[Revoked]*

Regulation 3(1): substituted, on 3 January 2008, by regulation 5(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(1A): inserted, on 3 January 2008, by regulation 5(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(2): amended, on 3 January 2008, by regulation 5(2)(a) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(2): amended, on 3 January 2008, by regulation 5(2)(b) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(2A): inserted, on 3 January 2008, by regulation 5(3) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(3) proviso paragraph (c): revoked, on 3 January 2008, by regulation 5(4) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(3) proviso paragraph (d): revoked, on 3 January 2008, by regulation 5(4) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(4): amended, on 3 January 2008, by regulation 5(5)(a) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(4) proviso: amended, on 3 January 2008, by regulation 5(5)(b) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 3(5): revoked, on 5 March 2005, by section 337(2) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Regulation 3(6): revoked, on 5 March 2005, by section 337(2) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

#### **4 Provisions relating to birding and use of islands**

- (1) Birding shall not commence earlier than 1 April and must cease with 31 May in each year, and no person shall take muttonbirds at any other time.
- (2) No person shall take any parent bird at any time, either on or off the said land.

- (3) Every person making holes in burrows to take out the birds shall cause those holes to be refilled and stopped, where it is possible to do so, so that no water can enter the holes and thereby destroy the burrows.
- (4) Every person taking any dog on to the said land shall keep it properly chained up to prevent it destroying the burrows. If dogs are used to catch the birds, they must be kept by the owner under his absolute control, and he shall be responsible for any damage done by them.
- (5) No person shall take any cat, or cause any cat to be taken, on to the said land.
- (6) No person shall light any fire on the said land except for domestic purposes or a signal fire in cases of emergency, and any fire originating from torches or otherwise accidentally must be immediately extinguished by the person causing it to be lit.
- (7) All persons frequenting the said land shall take all necessary precautions to provide for the exclusion and destruction of vermin, such as rats, mice, stoats, and weasels.
- (8) Every person taking muttonbirds must immediately dispose of all refuse and offal therefrom in a lawful manner and must not allow the same to accumulate and become a nuisance and menace to health.
- (9) Manus (or bird-catching areas) on a beneficial island shall be allotted to persons by the majority of the beneficiaries present on their island in the year the manus are allotted or, if such a majority of beneficiaries cannot agree on allotment, by the Supervisor for the island.
- (10) No person shall have any firearm in his possession while he is on the said land.

## **5 Buildings on islands**

- (1) No beneficiary or other person authorised to enter on any beneficial island shall erect any house, whare, or other building thereon other than on a site approved in writing by the majority of the beneficiaries present on their island in the year the site is selected or, if such a majority of beneficiaries cannot agree on a site, approved in writing by the Supervisor for the island.

- (2) The Supervisor for the beneficial island shall forward to the Committee a copy of any written approval of a site given pursuant to subclause (1).
- (3) In the event of the Committee being required to adjudicate upon any dispute over the allocation of a building site, it shall do so on the basis of 1 building site for each succession order relating to the land.
- (4) A written approval of a site given pursuant to subclause (1) shall lapse if the foundations of the proposed building have not been erected on the site within 12 months of the date the approval was given.
- (5) A building erected on a site approved pursuant to subclause (1) shall be the sole property of the person who required or directed its erection, and shall not be removed or destroyed unless—
  - (a) that person consents thereto; or
  - (b) a majority of the beneficiaries on the island at any time consider that the building has been abandoned or is in such a dilapidated state that it should be removed or destroyed, and the Supervisor for the island so informs the Committee and the Committee directs that the building be removed or destroyed.
- (6) A person may, by written notice to that effect to the Committee, transfer his property in a building erected on a beneficial island to any beneficiary or other person authorised to enter on the island.
- (7) *[Revoked]*

Regulation 5(2): amended, on 3 January 2008, by regulation 6(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 5(3): amended, on 3 January 2008, by regulation 6(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 5(3): amended, on 3 January 2008, by regulation 6(2) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 5(5)(b): amended, on 3 January 2008, by regulation 6(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 5(5)(b): amended, on 3 January 2008, by regulation 6(3) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 5(6): amended, on 3 January 2008, by regulation 6(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 5(7): revoked, on 5 March 2005, by section 337(2) of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

## **6 Supervisors**

- (1) The Rakiura Maoris frequenting any island forming part of the said land or any part of any such island may at the annual meeting held in accordance with regulation 7(1) nominate one of their number, who, after appointment by the Committee, shall be the Supervisor for the particular island or part of an island. The Supervisor shall be responsible for ensuring a fair and equitable distribution of the privileges, opportunities, and rights under the regulations of all persons authorised to enter the island or part of an island. In addition to any other powers prescribed in these regulations, the Supervisor shall have power to call meetings of all beneficiaries on their island at the time for the purpose of approving sites for buildings and allotting manus and generally supervise the conduct of birding operations on the area under his supervision. He shall be required to report to the Committee any infringement of these regulations. Failing the nomination of a Supervisor for any area, the Committee may make the appointment.
- (2) If there is any dispute between Supervisors concerning the allotting of manus or any other dispute arising out of these regulations, the dispute shall be referred to the Committee who shall call a meeting of the Supervisors or other parties concerned to settle the dispute as soon as possible thereafter. Failing agreement being reached by the Supervisors or parties, or if they do not attend the meeting so called, the Committee shall make the decision, which shall be final and binding on all parties.

Regulation 6(1): amended, on 3 January 2008, by regulation 7 of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 6(2): amended, on 3 January 2008, by regulation 7 of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

## **7 Meetings**

- (1) Not later than 23 February in each year, the Committee shall call an annual meeting of all interested Rakiura Maoris and their spouses. At each such meeting—

- (a) the Committee may issue permits under regulation 3(2A):
  - (b) the Rakiura Maoris present may nominate Supervisors in accordance with regulation 6(1):
  - (c) subject to paragraph (d), those persons present at the meeting who are Rakiura Maoris or spouses of Rakiura Maoris shall elect from among themselves and any Rakiura Maori or spouse of a Rakiura Maori who has indicated to the meeting in writing his or her willingness to be elected, a committee (to be known as the Rakiura Titi Committee) of not more than 10 persons:
  - (d) one of the 10 members of the Committee shall be a Rakiura Maori nominated by the Te Runanga o Ngai Tahu, and a majority of the Committee shall be Rakiura Maoris:
  - (e) those persons present at the meeting who are Rakiura Maoris or spouses of Rakiura Maoris shall elect a chairman of the Committee from the members of the Committee elected pursuant to paragraph (c).
- (1A) For the avoidance of doubt, subclause (1)(a) does not limit the Committee's power to issue permits at other times.
- (2) In addition to the annual meeting to be held pursuant to subclause (1), either the Director-General or the Committee may at any time call a meeting of all interested Rakiura Maoris and their spouses.
- (3) Notice of the calling of a meeting specified in subclause (1) or subclause (2) shall be given by the person calling it by notice advertised in leading daily newspapers published in the Southland, Otago, and Canterbury Land Districts not later than 1 month before the date set for the meeting.
- (4) The Committee may at any time call a meeting of all Supervisors.
- (5) In this regulation, **spouse** includes any person who—
- (a) has entered into a civil union with a Rakiura Maori:
  - (b) is the de facto partner of a Rakiura Maori.

Regulation 7(1): amended, on 3 January 2008, by regulation 8(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 7(1)(a): substituted, on 3 January 2008, by regulation 8(2) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 7(1)(d): amended, on 24 April 1996, by section 34(2) of Te Runanga o Ngai Tahu Act 1996 (1996 No 1 (P)).

Regulation 7(1A): inserted, on 3 January 2008, by regulation 8(3) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 7(2): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 7(4): amended, on 3 January 2008, by regulation 8(4) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 7(5): added, on 3 January 2008, by regulation 8(5) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

## **8 Provisions relating to Committee**

- (1) The Committee shall inquire into and make recommendations to the Director-General upon any matter relating to the said land that he may refer to it and upon such other matters as it thinks fit.
- (2) The members of the Committee shall hold office from the expiry of the annual meeting at which they were elected to the expiry of the next annual meeting held in accordance with regulation 7(1).
- (3) Subject to these regulations, the Committee may meet together for the dispatch of business, adjourn, and otherwise regulate its meetings, as it thinks fit. Questions arising at any meeting of the Committee shall be decided by a majority of votes. In case of an equality of votes, the chairman of the Committee shall have a second or casting vote. Any member of the Committee may at any time summon a meeting of the Committee. It shall not be necessary to give notice of a meeting of the Committee to any member of the Committee for the time being absent from New Zealand.
- (4) If the chairman of the Committee is absent from any meeting of the Committee, the members of the Committee present may choose one of their number to be chairman of the meeting.
- (5) The quorum necessary for the transaction of the business of the Committee shall be 6.
- (6) The Committee may delegate any of its powers to subcommittees consisting of such member or members of the Committee as it thinks fit; and any subcommittee so formed shall in the exercise of the powers so delegated conform to any rules that may be imposed on it by the Committee.

Regulation 8(1): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

## **9 Referral to independent decision maker**

- (1) A beneficiary (an **applicant**) who is dissatisfied with a decision of the Committee may apply, in writing to the Committee, for the matter to be referred to an independent decision maker for resolution.
- (2) The Committee must,—
  - (a) within 10 working days after receipt of an application under subclause (1), notify any other parties directly affected by the decision to which the application relates (**the other parties**); and
  - (b) within 15 working days after—
    - (i) receipt of the application, attempt to reach an agreement under subclause (3)(a)(i)(A) if no other parties are involved; or
    - (ii) giving notification to the other parties, attempt to facilitate an agreement under subclause (3)(a)(i)(B) if any other parties are involved.
- (3) The person to be appointed as independent decision maker—
  - (a) must—
    - (i) be agreed on—
      - (A) by the Committee and the applicant if no other parties are involved; or
      - (B) by the applicant and the other parties if any other parties are involved; and
    - (ii) be appointed by the Committee; but
  - (b) may be decided on, and appointed, by the President of the Arbitrators' and Mediators' Institute of New Zealand Incorporated if—
    - (i) agreement has not been reached under subclause (3)(a); and
    - (ii) the applicant has, within 15 working days after the expiry of the time specified in subclause (2)(b), made an appropriate written request to the President.
- (4) The procedures for resolution may—
  - (a) be agreed on by the applicant and the other parties; or

- (b) be decided on by the independent decision maker, if agreement has not been reached under paragraph (a).
- (5) The independent decision maker must attempt to resolve the matter by mediation.
- (6) However, if the independent decision maker believes that mediation has failed, or will fail, to resolve the matter, he or she may resolve the matter in any way he or she considers appropriate.
- (7) Nothing in this regulation prevents more than 1 independent decision maker being appointed in relation to a particular matter and, if more than 1 independent decision maker is appointed, this regulation applies with all necessary modifications.

Regulation 9: substituted, on 3 January 2008, by regulation 9 of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

#### **10 Director-General's powers not limited**

Nothing in regulations 7 and 8 shall in any way limit the exercise by the Director-General of any powers he may have in respect of the said land.

Regulation 10 heading: amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 10: amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

#### **11 Breach of regulations**

- (1) The Director-General, any person appointed by the Director-General in writing, any person authorised by the Committee in writing, any Supervisor, or any Police constable may file a charging document against any person who commits a breach of these regulations, and may seize all muttonbirds which he reasonably believes to have been illegally taken or to be illegally had in possession without lawful excuse. All muttonbirds found in the possession of any person on or in the vicinity of the said land shall be presumed to have been taken contrary to the provisions of these regulations until proof to the contrary is given.
- (2) The Director-General, any person appointed by the Director-General in writing, any person authorised by the

Committee in writing, any Supervisor, or any Police constable may enter any part of the said land at any time to ensure that no breaches of these regulations are being committed, and any person who hinders or obstructs the Director-General, the person appointed by the Director-General, the person authorised by the Committee, the Supervisor, or the Police constable commits a breach of these regulations.

- (3) Any person who commits a breach of these regulations is liable on conviction to a fine not exceeding \$200.

Regulation 11(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 11(1): amended, on 3 January 2008, by regulation 10(1) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 11(1): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 11(2): amended, on 3 January 2008, by regulation 10(2)(a) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 11(2): amended, on 3 January 2008, by regulation 10(2)(b) of the Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375).

Regulation 11(2): amended, on 1 April 1987, by section 65(3) of the Conservation Act 1987 (1987 No 65).

Regulation 11(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **12 Revocations**

The following regulations are hereby consequentially revoked:

- (a) *Amendment(s) incorporated in the regulations.*
- (b) the Land Act Regulations 1949, Amendment No 3:
- (c) *Amendment(s) incorporated in the regulations.*

P G Millen,  
Clerk of the Executive Council.

## **Conservation Act 1987**

Public Act 1987 No 65  
Date of assent 31 March 1987  
Commencement see section 1(2)

### **Part 1 Preliminary**

#### **1 Short Title and commencement**

- (1) This Act may be cited as the Conservation Act 1987.
- (2) This Act shall come into force on 1 April 1987.

### **Part 8 Transitional, consequential amendments, and savings**

#### **65 Amendments and savings**

- (1) The enactments specified in Schedule 2 are hereby amended in the manner indicated in that schedule.
- (2) The Governor-General may, by Order in Council, amend any local or private Act so as to achieve all or any of the following ends:
  - (a) the substitution of references to the Minister of Conservation for references to the Minister of Agriculture, the Minister of Agriculture and Fisheries, the Minister of Fisheries, the Minister of Forests, the Minister of Internal Affairs, the Minister of Lands, the Minister of Marine, the Minister of Transport, the Land Settlement Board, or any Commissioner of Crown Lands;
  - (b) the substitution of references to the Director-General of Conservation for references to the Director-General of Agriculture, the Director-General of Agriculture and Fisheries, the Director-General of Forests, the Secretary for Internal Affairs, the Under-Secretary of Internal Affairs, the Director-General of Lands, the Secretary for Marine, the Secretary for Transport, the Land Settlement Board, or any Commissioner of Crown Lands;

- (c) the substitution of references to the Department of Conservation for references to the Ministry of Agriculture and Fisheries, the Department of Agriculture, the New Zealand Forest Service, the Department of Internal Affairs, the Marine Department, the Ministry of Transport, the Transport Department, or the Department within the meaning of section 2 of the Survey Act 1986.
- (3) The regulations specified in Schedule 3 are hereby amended in the manner indicated in that schedule.
- (4) The regulations specified in Schedule 3 may be amended or revoked as if the amendments specified in that schedule had been effected by regulation and not by this Act.
- (5) The State Forest Parks and Forest Recreation Regulations 1979 are hereby deemed to have been made under section 48, and may be amended or revoked accordingly.
- (6) After the commencement of this Act, the Titi (Muttonbird) Islands Regulations 1978 shall have effect as if made under this Act, and may be amended or revoked accordingly.
- (7) After the commencement of this Act, every reference in—
  - (a) any regulation, order, Proclamation, notice, rule, notification, certificate, agreement, deed, instrument, application, licence, authority, permit or other document whatsoever made, given, issued, granted, or entered into pursuant to, by, or under the Wildlife Act 1953 or any former corresponding enactment; or
  - (b) any protection notice issued pursuant to section 36 of the Historic Places Act 1980; or
  - (c) any District Anglers Notice given pursuant to section 71 of the Fisheries Act 1983;—to the Minister of, Secretary for, or Department of Internal Affairs shall be read as a reference to the Minister, Director-General, or, as the case may be, Department of Conservation.
- (8) After the commencement of this Act, references in any bylaws made under section 56 of the National Parks Act 1980 to the Department of Lands and Survey or to the Commissioner of Crown Lands shall be read as references to the Department of Conservation or to the Director-General of Conservation, respectively.

- (9), (10) *Amendment(s) incorporated in the order(s).*
- (11) The orders specified in subsections (9) and (10) may be amended or revoked as if the amendments effected by those subsections had been effected by Order in Council made under section 165 of the Harbours Act 1950.
- (12) The following provisions shall apply in respect of every management plan approved under any former Act in relation to the management of any area that, on or after the commencement of this Act, became or becomes a conservation area or an area subject to section 61 or section 62:
- (a) except to the extent that it is inconsistent with this Act, every such plan shall have effect as if it were a conservation management plan:
  - (b) any such plan may be replaced under this Act by a conservation management plan prepared under this Act:
  - (c) any such plan or any part of any such plan that is inconsistent with any provision of this Act may, with the agreement of the appropriate Conservation Board, be declared by the Minister to have been withdrawn; and any plan or part declared to have been withdrawn under this paragraph shall cease to have effect:
  - (d) where the objectives of any such plan are generally consistent with this Act, and the Director-General and the appropriate Conservation Board agree, the plan may be reviewed under section 17H or amended under section 17I.
- (13) Where there was in force immediately before the commencement of this Act any licence, permit, approval, or consent under the Harbours Act 1950 that, if granted, issued, or given, after that commencement, would have had to be granted, issued, or given by—
- (a) the Minister; or
  - (b) the Minister and the Minister of Transport jointly; or
  - (c) the Minister of Transport on the recommendation of the Minister; or
  - (d) the Minister of Transport after consultation with the Minister; or
  - (e) the Minister after consultation with the Minister of Transport,—

it shall continue in force as if so granted, issued, or given, and may be amended, revoked, or renewed, accordingly.

- (14) Notwithstanding the repeal or amendment of any provision in the Marine Farming Act 1971, the validity, invalidity, effect, or consequences of any thing already done or suffered in respect of any licence, permit, approval, or consent under that Act, shall not be affected:

provided that any change in requirements as to any consent, renewal, amendment, or any other such matter relating thereto and either provided for by this Act or occurring on or after 1 April 1987 shall be deemed to apply to such licences, permits, approvals, or consents under the Marine Farming Act 1971 as appropriate.

Section 65(2)(c): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 65(5): substituted, on 10 April 1990, by section 35(1) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 65(12): substituted, on 10 April 1990, by section 35(2) of the Conservation Law Reform Act 1990 (1990 No 31).

Section 65(14): added (with effect on 1 April 1987), on 2 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

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**Notes****1 General**

This is a reprint of the Titi (Muttonbird) Islands Regulations 1978. The reprint incorporates all the amendments to the regulations as at 1 July 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)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Titi (Muttonbird) Islands Amendment Regulations 2007 (SR 2007/375)

Ngāi Tahu Claims Settlement Act 1998 (1998 No 97): section 337(1), (2)

Te Runanga o Ngai Tahu Act 1996 (1996 No 1 (P)): section 34(2)

Conservation Act 1987 (1987 No 65): section 65(3)

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