

Wildlife Sanctuary (Whangamata Islands) Order 1976
(SR 1976/301)

Note

This Proclamation is administered in the Department of Internal Affairs.

PURSUANT to section 9 of the Wildlife Act 1953, I, Sir Edward Denis Blundell, the Governor-General of New Zealand, acting on the joint recommendation of the Minister of Internal Affairs and the Minister of Transport (being the Minister charged with the administration of the Department of State having the control of the land of the Crown affected by this Proclamation), hereby proclaim as follows:

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1 Title and commencement

- (1) This Proclamation may be cited as the Wildlife Sanctuary (Whangamata Islands) Order 1976.
- (2) This Proclamation shall come into force on the day after the date of its notification in the Gazette.

2 Interpretation

- In this Proclamation, unless the context otherwise requires,—
The Act means the Wildlife Act 1953
Director-General means the Director-General of Conservation
Director-General: this definition was inserted, as from 1 April 1987, by section 65(3) Conservation Act 1987 (1987 No 65).
Sanctuary means the area described in the Schedule to this Proclamation.
Secretary
[Revoked]
Secretary: this definition was revoked, as from 1 April 1987, by section 65(3) Conservation Act 1987 (1987 No 65).

3 Wildlife sanctuary

- The area described in the Schedule to this Proclamation is hereby declared to be a wildlife sanctuary for the purposes of the Act, subject to the conditions specified in clauses 4 to 6 of this Proclamation.

4 Entry on sanctuary

- No person shall enter the sanctuary, except—
 - (a) Any person (hereinafter referred to as **an owner**) who—
 - (i) Is shown in the records of the Maori Land Court as the beneficial proprietor of any legal or equitable freehold estate or freehold interest in possession in the sanctuary; or
 - (ii) Is entitled, pursuant to the provisions of section 135 of the Maori Affairs Act 1953, to apply to the said Court for, and to have made in his favour, a determination by that Court that he is entitled to succeed to any beneficial freehold estate or freehold interest in the sanctuary, if such a determination and any consequent order of the said Court, made pursuant to the provisions of section 136 of the Maori Affairs Act 1953, would entitle him to be shown in the said records as the beneficial proprietor of any legal or equitable freehold estate or freehold interest in possession in that sanctuary—
 - and the burden of proving that he is an owner shall be upon any person so claiming:
 - (b) The spouse, civil union partner, de facto partner, or any descendant of an owner who is accompanying that owner:
 - (c) Rangers under the Act while in the lawful execution of their duty:
 - (d) Seafarers entering through stress of weather:
 - (e) Any other person authorised in writing by the Director-General.

Paragraph (b) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by inserting the words “, civil union partner, de facto partner,” after the word “spouse”.

Paragraph (e) was amended, as from 1 April 1987, by section 65(3) Conservation Act 1987 (1987 No 65) by substituting the word “Director-General” for the word “Secretary”.

5 Acts prohibited in sanctuary

- (1) No person shall, except with the written authority of the Director-General,—
 - (a) Hunt or kill, take for any purpose, molest, capture, disturb, harry, or worry any living creature in the sanctuary:
 - (b) Take, destroy, or disturb the eggs or spawn of any living creature in the sanctuary:
 - (c) Take for any purpose or interfere with vegetation of any description in the sanctuary:
 - (d) Introduce or liberate in the sanctuary any living creature or the eggs or spawn of any living creature:
 - (e) Introduce or plant in the sanctuary any vegetation of any description or the spores or seeds of any vegetation of any description:
 - (f) Burn or clear by any means whatsoever any trees, shrubs, grasses, or other plant life on the sanctuary:
 - (g) Camp in the sanctuary:
 - (h) Light any fire or do anything likely to cause a fire on the sanctuary:
 - (i) Take any firearms or explosives on to the sanctuary or use any firearms or explosives on the sanctuary
 - (j) Take or keep any domestic animal or domestic bird into or in the sanctuary.
- (2) Notwithstanding subclause (1) of this clause, an owner and the spouse, civil union partner, de facto partner, or any descendant of an owner who is accompanying that owner may,—
 - (a) Take shellfish and other seafood inhabiting the waters on or surrounding the sanctuary:
 - (b) Camp in the sanctuary:
 - (c) Light a camp fire in the sanctuary.

Regulation 5 was amended, as from 1 April 1987, by section 65(3) Conservation Act 1987 (1987 No 65) by substituting the word “Director-General” for the word “Secretary”.

Subclause (2) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by inserting the words “, civil union partner, de facto partner,” after the word “spouse”.

6 Depositing rubbish

- No person shall deposit rubbish or leave litter in the sanctuary.

Schedule
Whangamata Islands wildlife sanctuary

South Auckland land district

Whenuakura and Rawengaiti Islands, being Parts Whangamata 4D4B2B2B2B Block, situated in Block XVI, Tairua Survey District; area, 2.6582 hectares, more or less. Part provisional register, Volume 225, folio 22 (ML Plan 17830).

Also the Maukaha Rocks, situated in Block XVI, Tairua Survey District, and lying to the north-west of Whenuakura Island.

The islands and rocks being as delineated on the plan marked IA Wil 35/2/13, deposited in the Head Office, Department of Internal Affairs, Wellington, and thereon edged red; together with the foreshore of those islands and rocks, being such parts of the bed of the sea as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides.

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 19th day of November 1976.

DA HIGHET,

Minister of Internal Affairs.

GOD SAVE THE QUEEN!

Issued under the authority of the Regulations Act 1936.

Date of notification in Gazette: 9 December 1976.