

Wildlife Sanctuary (Motunau Island) Order 1969
(SR 1969/165)

- Refer to section 65(4) Conservation Act 1987 (1987 No 65) which comes into force 1 April 1987 for amendments made by section 65(3) of that Act being deemed made by regulations.

Note

This Proclamation is administered in the Department of Internal Affairs.

PURSUANT to the Wildlife Act 1953, I, Sir Arthur Espie Porritt, Baronet, the Governor-General of New Zealand, acting on the joint recommendation of the Minister of Internal Affairs and the Minister of Marine (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 (Motunau Island) Order 1969.
(2) This Proclamation shall come into force on the day after the date of its notification in the Gazette.

2

- In this Proclamation, unless the context otherwise requires,—
The Act means the Wildlife Act 1953
Director-General means the Director-General of Conservation
Sanctuary means the area described in the Schedule hereto.
Regulation 2,
“Director-General”: this definition was inserted, as from 1 April 1987, by section 65(3) Conservation Act 1987 (1987 No 65).
“Secretary”: this definition was revoked, as from 1 April 1987, by section 65(3) Conservation Act 1987 (1987 No 65).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 hereto 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 or section 137 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 the 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”.

Regulation 4(e) was amended, as from 1 April 1987, by section 65(3) Conservation Act 1987 (1987 No 65) by substituting the expression “Director-General” for the word “Secretary”.

5 Acts prohibited in the sanctuary

- 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:
Provided that an owner and the spouse, civil union partner, de facto partner, or any descendant of an owner who is accompanying that owner, being in each case the holder of an appropriate permit in that behalf, may hunt or kill the young of the grey-faced petrel (*Pterodroma macroptera*), subject to such conditions as the Minister of Conservation may impose in any notification issued under section 6 of the Act, and shellfish and other sea food inhabiting the waters on or surrounding 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, except an owner and the spouse or any descendant of an owner who is accompanying that owner:
 - (h) Light any fire or do anything likely to cause a fire on the sanctuary:
Provided that an owner and the spouse, civil union partner, de facto partner, or any descendant of an owner who is accompanying that owner may light camp fires in 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.

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

Paragraph (a) proviso 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 (h) proviso 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.

7 Revocations

- The following enactments are hereby revoked:
 - (a) The Proclamation issued on the 20th day of July 1964¹ declaring Motunau (Plate) Island to be a wildlife sanctuary:
 - (b) The Wildlife Sanctuary (Motunau Island) Order 1967².

Schedule

Motunau Island wildlife sanctuary

MOTUNAU (or Plate) Island, situated in the Bay of Plenty, distant 8.5 miles approximately, and bearing 37°35' true from Trig F Maketu on the north-western corner of Block I, Waihi South Survey District; area, 7 acres, more or less (ML Plan 4094); as the same is more particularly shown on plan marked IA 46/29/75 deposited in the Head Office, Department of Internal Affairs, Wellington, and thereon bordered red; together with the foreshore of that island, 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.

Issued under the authority of the Regulations Act 1936.

Date of notification in Gazette: 21 August 1969.

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- 1 Gazette, 30 July 1964, p 1205
 - 2 Not gazetted