

**Reprint  
as at 21 October 2000**



**Forests (West Coast Accord) Act  
2000**

Public Act    2000 No 45  
Date of assent    20 October 2000  
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 Ministry of Agriculture and Forestry.**

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## 1 Title

This Act is the Forests (West Coast Accord) Act 2000.

## 2 Commencement

- (1) Except as provided in subsection (2), this Act comes into force on the day after the date on which it receives the Royal assent.
- (2) Part 1 is deemed to have come into force on 15 May 2000.

## 3 Interpretation

In this Act, unless the context otherwise requires,—

**concession**, **Conservation Board**, and **conservation management strategy** have the same meanings as in section 2(1) of the Conservation Act 1987

**existing encumbrance** means an easement, licence, lease, permit, or other right or authority for the time being in force

**new Minister** means the Minister responsible for the administration of the Act to which the land is subject as a result of a declaration under section 8(1)

**responsible Ministers** has the same meaning as in section 2(1) of the Crown Forest Assets Act 1989

**West Coast Accord** means—

- (a) the agreement dated 6 November 1986 and executed by the Minister for the Environment on behalf of the Crown and by the West Coast United Council, Native Forests Action Council, Royal Forest and Bird Protection Society of New Zealand, Federated Mountain Clubs of New Zealand, West Coast Timber Association, and Westland Timber Workers' Union; and
- (b) any express or implied term in the agreement; and
- (c) any amendment to the agreement.

**4 Act to bind the Crown**  
This Act binds the Crown.

**Part 1**  
**Cancellation of West Coast Accord**

**5 Cancellation of West Coast Accord**  
The West Coast Accord is cancelled on 15 May 2000.

**6 Effect of cancellation**  
The effect of cancelling the West Coast Accord is that, on and from the cancellation,—

- (a) to the extent that the West Coast Accord remains unperformed at the time of the cancellation, no party is obliged or entitled to perform it further; and
- (b) to the extent that the West Coast Accord has already been performed at the time of the cancellation, no party is, merely because of the cancellation, to be divested of any property transferred or money paid under it.

**7 No compensation**

No compensation is payable by the Crown to any person for any loss or damage arising from the enactment or operation of this Part.

**Part 2****Enabling change of status of West Coast  
indigenous production forest land****8 Land status may be changed by declaration**

- (1) The responsible Ministers may jointly, by notice in the *Gazette* describing the relevant land, declare any land (or part of land) identified in Schedule 1 to be—
  - (a) held under the Conservation Act 1987 for conservation purposes and any other purposes specified in the notice; or
  - (b) set apart as a reserve, or added to an existing reserve, and classified under the Reserves Act 1977 for any purposes specified in the notice; or
  - (c) added to a national park under the National Parks Act 1980; or
  - (d) Crown land subject to the Land Act 1948.
- (2) Before making a declaration under subsection (1), the responsible Ministers must consult with the Minister of Conservation, the Minister of Forestry, and the Minister for Land Information.
- (3) The following provisions apply in relation to a proposal to add land to a national park under subsection (1)(c):
  - (a) the responsible Ministers must not make a declaration under that provision unless the Minister of Conservation recommends that they do so;
  - (b) the Minister of Conservation must not make a recommendation under paragraph (a) except on the recommendation of the New Zealand Conservation Authority made after consultation with the appropriate Conservation Board;
  - (c) an investigation of the proposal may occur under section 8 of the National Parks Act 1980 as if it were a

proposal to add land to a national park under section 7(1)(b) of that Act:

- (d) during an investigation (if any) under section 8 of the National Parks Act 1980, a declaration may be made under subsection (1)(a) or (b) of this section, and the proposal may continue to be dealt with under sections 7(1)(b), 7(2), and 8 of the National Parks Act 1980.

**9 Effect of declaration under section 8(1)**

- (1) On the day after the date on which it is published in the *Gazette* or on any later date specified in the notice,—
  - (a) a declaration under section 8(1)(a) has effect as if it were made by notice in the *Gazette* under section 7 of the Conservation Act 1987 and, if other purposes are specified in the notice, section 18 of that Act; and
  - (b) a declaration under section 8(1)(b) has effect as a reservation and classification under the Reserves Act 1977 for the purposes specified in the notice as if it were made by notice in the *Gazette* under section 16 of that Act; and
  - (c) a declaration under section 8(1)(c) has effect to add the land to a national park under the National Parks Act 1980 as if it were added by an Order in Council made by the Governor-General under section 7 of that Act; and
  - (d) a declaration under section 8(1)(d) has effect to make the land Crown land subject to the Land Act 1948.
- (2) On a declaration taking effect,—
  - (a) the land described in the notice ceases to be Crown forest land within the meaning of section 2(1) of the Crown Forest Assets Act 1989; and
  - (b) section 8(1) ceases to apply to that land.

**10 Change of status of land to be noted**

The Registrar-General of Land or the Chief Surveyor, as the case requires, must register a copy of a notice of a declaration under section 8(1) changing the status of land against the relevant title or record and do anything else needed to record the change of status, on receipt of a copy of the notice from either of the responsible Ministers.

**11 Effect of change of status of land on draft West Coast conservation management strategy**

- (1) If the West Coast conservation management strategy is in draft when a declaration is made under section 8(1)(a), (b), or (c) changing the status of land, the Director-General of Conservation may, after consulting with the West Coast Conservation Board, initiate a review of, or an amendment to, all or part of the most recent draft conservation management strategy.
- (2) The review or amendment of the draft conservation management strategy must be carried out as if the conservation management strategy had been approved under section 17F(p) of the Conservation Act 1987. Section 17H or section 17I of that Act, as the case requires, applies with all necessary modifications to the review or amendment.

**12 Effect of change of status of land on North Westland regional management plan**

- (1) The North Westland regional management plan (which has effect under section 65(12) of the Conservation Act 1987) does not apply to land that has its status changed by a declaration under section 8(1).
- (2) If a draft conservation management strategy is approved under section 17F(p) of the Conservation Act 1987 in relation to land that has had its status changed by a declaration under section 8(1), the North Westland regional management plan must be treated as having been withdrawn and ceases to have any effect.

**13 New Minister may grant easements required to comply with Ngāi Tahu deed of settlement**

- (1) The new Minister may grant any easement relating to access over land identified in Schedule 1 that the new Minister is required to grant to enable the Crown to comply with clauses 4.5 to 4.8 of attachment 7.6 of the deed of settlement (as defined in section 8 of the Ngāi Tahu Claims Settlement Act 1998).
- (2) An easement granted under subsection (1) is enforceable in accordance with its terms despite Part 3B of the Conservation Act 1987, section 59A of the Reserves Act 1977, and section 49 of the National Parks Act 1980.

**14 Saving of existing encumbrances in force or being negotiated at 15 May 2000**

- (1) Land that has its status changed by a declaration under section 8(1) continues to be subject to an existing encumbrance that relates to that land until the existing encumbrance expires, or is terminated or cancelled, if—
  - (a) the existing encumbrance was in force on 15 May 2000 or negotiations for the existing encumbrance were entered into on or before that date; and
  - (b) the existing encumbrance is still in force immediately before the declaration takes effect.
- (2) The terms of an existing encumbrance saved by subsection (1) are enforceable despite Part 3B of the Conservation Act 1987, section 59A of the Reserves Act 1977, and section 49 of the National Parks Act 1980.
- (3) This section is subject to sections 15 to 20.

**15 When saving provision applies**

- (1) Section 14 applies only to the terms of the existing encumbrance as at 15 May 2000 or the date on which the existing encumbrance first came into force (whichever is later), and to any variation of those terms—
  - (a) that is of a minor and technical nature; or
  - (b) that does not materially increase the adverse effects of the activity authorised by the existing encumbrance on that date or materially increase the duration of that activity or materially change the location of that activity; or
  - (c) that will result in a reduction of the adverse effects or the duration of that activity; or
  - (d) negotiations for which were entered into on or before 15 May 2000.
- (2) Section 14 continues to apply to—
  - (a) an existing encumbrance that is renewed for a further term under a right of renewal conferred by the existing encumbrance;
  - (b) an existing encumbrance that is transferred to another person.

**16 Time limit on saving of existing encumbrances**

- (1) On the expiry of the period of 10 years after the status of land is changed by a declaration under section 8(1),—
  - (a) section 14 ceases to apply to an existing encumbrance that is in force for an unspecified period in relation to that land; and
  - (b) that existing encumbrance is cancelled.
- (2) To avoid doubt, if an existing encumbrance is granted in perpetuity, it is not in force for an unspecified period.
- (3) This section does not apply to existing encumbrances granted by an enactment or by the exercise of a power contained in an enactment.

**17 Powers under existing encumbrances to be exercised by new Minister**

If, before a declaration under section 8(1) takes effect, an existing encumbrance conferred a power on a responsible Minister or on any person appointed by the Crown to manage the land,—

- (a) the power may be exercised by the new Minister after the declaration takes effect; and
- (b) the new Minister may take all necessary proceedings to enforce the existing encumbrance, or relating to breaches of, or any act or omission contrary to, the existing encumbrance.

**18 Exemptions if existing encumbrances exchanged for concessions**

- (1) The purpose of this section is to provide exemptions from the concession regime under the Conservation Act 1987 for conservation areas, reserves, or national parks, so as to enable a person to exchange an existing encumbrance saved by section 14 for a concession during the life of the existing encumbrance.
- (2) If a person applies to the Minister of Conservation for a concession under the Conservation Act 1987, the Reserves Act 1977, or the National Parks Act 1980 in exchange for an exist-

ing encumbrance saved by section 14, the following provisions apply in relation to that application:

- (a) section 17T(4) and (5) of the Conservation Act 1987 (public notice) does not apply:
  - (b) section 17U(1)(f) of the Conservation Act 1987 (Minister to have regard to submissions) and section 17U(3) of that Act (Minister not to grant application contrary to Act or purposes for which land held) do not apply:
  - (c) section 17W of the Conservation Act 1987 (relationship between concessions and conservation management strategies and plans) does not apply:
  - (d) section 17T(2) of the Conservation Act 1987 (Minister to decline application within 20 working days) does not apply to the extent that it requires the Minister of Conservation to decline an application for non-compliance or inconsistency with provisions of that Act that are excluded by this subsection or with a conservation management strategy or conservation management plan:
  - (e) Part 3B of the Conservation Act 1987 is subject to the modifications in this subsection for the purposes of that Act and also section 59A of the Reserves Act 1977, section 49 of the National Parks Act 1980, and any other enactment.
- (3) If the concession is granted by the Minister of Conservation in exchange for the existing encumbrance, the existing encumbrance is cancelled.
  - (4) This section is subject to section 19.

#### **19 Limits on exemptions**

- (1) The exemptions in section 18 apply only—
  - (a) if the application for the concession is made before the existing encumbrance expires or is terminated or cancelled; and
  - (b) to the extent that the activity to be authorised by the concession is an activity already authorised by the existing encumbrance saved by section 14.
- (2) Section 18 does not apply to—
  - (a) an application to renew an existing encumbrance (except if the existing encumbrance is being renewed for a

further term under a right of renewal conferred by the existing encumbrance); or

- (b) an application to vary an existing encumbrance.

**20 Cancellation of existing encumbrances to be noted**

The Registrar-General of Land or the Chief Surveyor, as the case requires, must record the cancellation of an existing encumbrance under section 16 or section 18 on written application by the new Minister.

**21 Power to amend Schedule 1**

The Governor-General may, by Order in Council, on the recommendation of the responsible Ministers, amend Schedule 1—

- (a) to add descriptions of West Coast indigenous production forest land owned by the Crown and managed by Timberlands West Coast Limited at the commencement of this section:
- (b) to correct descriptions of land (or parts of land).

**22 Consequential amendments to other Acts**

The Acts specified in Schedule 2 are amended in the manner indicated in that schedule.

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**Schedule 1**

ss 8(1), 13, 21

**West Coast indigenous production forest  
land**

<b>Land District</b>	<b>Forest</b>	<b>Description</b>
<b>Nelson</b>	Charleston	sections 1 and 2 SO 15151 and section 1 SO 15152
	Mokihinui	sections 1, 2, 3, and 4 SO 15021, sections 1, 2, 3, 4, 5, and 6 SO 15149, and sections 1 and 2 SO 15150
	North Karamea	section 1 SO 15020
	Orikaka	section 1 SO 15014
	Te Wharau and Ohikanui	sections 1, 2, 3, 4, and 5 SO 15024, section 1 SO 15025, section 1 SO 15026, and sections 1 and 2 SO 15181
	Victoria	section 1 SO 14981, section 1 SO 14989, sections 1, 2, and 3 SO 14992, sections 1 and 2 SO 15008, sections 1 and 2 SO 15011, sections 1, 2, 3, and 4 SO 15012, section 1 SO 15015, sections 1 and 2 SO 15016, sections 1 and 2 SO 15018, sections 1 and 2 SO 15019, sections 1 and 2 SO 15022, section 1 SO 15023, sections 1, 2, 3, 4, and 5 SO 15048, section 1 SO 15051, sections 1, 2, 3, and 4 SO 15133, and sections 1, 2, and 3 SO 15148
<b>Westland</b>	Granville	section 1 SO 12034, sections 1 and 2 SO 12134, and sections 1, 2, 3, 4, 5, 6, 7, and 8 SO 12136
	Hochstetter	sections 1, 2, 3, 4, and 5 SO 12149
	Hohonu	sections 1, 2, and 3 SO 12048 and sections 1, 2, and 3 SO 12049
	Ianthe	section 1 SO 12160, section 1 SO 12161, section 1 SO 12162, and section 1 SO 12245
	Kakapotahi Kaniere	sections 1 and 2 SO 12090 section 1 SO 12042, section 1 SO 12043, and sections 1, 2, 3, 4, and 5 SO 12055

<b>Land District</b>	<b>Forest</b>	<b>Description</b>
	Kawhaka	sections 1 and 2 SO 12023, section 1 SO 12024, sections 1 and 2 SO 12025, and section 1 SO 12151
	Kumara	R1980 on SO 4351
	Mawhera	section 1 SO 12112 and sections 1, 2, 3, 4, 5, and 6 SO 12170
	Mikonui	section 1 SO 12027, section 1 SO 12032, section 1 SO 12094, section 1 SO 12102, section 1 SO 12117, and sections 1, 2, 3, and 4 SO 12167
	Nemona	sections 1, 2, 3, 4, 5, 6, and 7 SO 12140 and sections 1, 2, 3, and 4 SO 12141
	Okarito	section 1 SO 12103 and sections 1 and 2 SO 12168
	Omoto	sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 SO 12145
	Otira-Kopara	sections 1 and 2 SO 12109 and section 1 SO 12143
	Paparoa	section 1 SO 12150, section 1 SO 12158, section 1 SO 12242, and RS 6256
	Poerua	sections 1, 2, and 3 SO 12135, section 1 SO 12148, sections 1, 2, 3, 4, 5, 6, and 7 SO 12169, and section 1 SO 12243
	Saltwater	section 1 SO 12113
	Toaroha	sections 1 and 2 SO 12030 and section 1 SO 12146
	Totara	sections 1 and 2 SO 12041, section 1 SO 12133, sections 1, 2, 3, and 4 SO 12165, and sections 1 and 2 SO 12241
	Tutaekuri	sections 1, 2, 3, and 4 SO 12159
	Waimea	sections 1 and 2 SO 12035 and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 SO 12171
	Wanganui	sections 1, 2, and 3 SO 12166

**Schedule 2**

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**Consequential amendments to other Acts**

**Conservation Act 1987 (1987 No 65)**

*Amendment(s) incorporated in the Act(s).*

**Crown Minerals Act 1991 (1991 No 70)**

*Amendment(s) incorporated in the Act(s).*

**National Parks Act 1980 (1980 No 66)**

*Amendment(s) incorporated in the Act(s).*

**Reserves Act 1977 (1977 No 66)**

*Amendment(s) incorporated in the Act(s).*

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**Notes****1 *General***

This is a reprint of the Forests (West Coast Accord) Act 2000. The reprint incorporates all the amendments to the Act as at 21 October 2000, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

**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)*

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