

Wildlife Sanctuary (Gannet Island) Order 1980
(SR 1980/90)

Note

This order is administered in the Department of Internal Affairs.

PURSUANT to section 9 of the Wildlife Act 1953, I, The Right Honourable Sir Keith Jacka Holyoake, the Governor-General of New Zealand, acting on the recommendation of the Minister of Internal Affairs, hereby proclaim as follows:

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1 Title and commencement

- (1) This Proclamation may be cited as the Wildlife Sanctuary (Gannet Island) Order 1980.
- (2) This Proclamation shall come into force on the 14th 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
Regulation 2, 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 hereto.
Regulation 2, Secretary: this definition was revoked, as from 1 April 1987, by section 65(3) Conservation Act 1987 (1987 No 65).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”.

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

5 Acts prohibited in 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:
 - (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 into or keep in the sanctuary any domestic animal or domestic bird.

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

Paragraph (a) proviso was amended, as from 1 April 1987, by regulation 65(3) Conservation Act 1987 (1987 No 65) by substituting the word “Conservation” for the words “Internal Affairs”.

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.

Schedule
Gannet Island Wildlife Sanctuary

South Auckland Land District

1.9900 hectares, more or less, being Karewa Block (Gannet Island)—Kawhia shown on M L Plan 21136, being as delineated on the plan marked I A WIL 35/2/15 and thereon edged red, as deposited with the Head Office of the Department of Internal Affairs in Wellington.

Issued under the authority of the Regulations Act 1936.

Date of notification in Gazette: 1 May 1980.