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Marine Reserves Regulations 1993
(SR 1993/230)

Note

These regulations are administered in the Department of Conservation.

PURSUANT to section 24 of the Marine Reserves Act 1971, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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1 Title and commencement

- (1) These regulations may be cited as the Marine Reserves Regulations 1993.
- (2) These regulations shall come into force on the 28th day after the date of their notification in the Gazette.

2 Interpretation

- In these regulations, unless the context otherwise requires,—
The Act means the Marine Reserves Act 1971
Director-General means the Director-General of Conservation

Marine reserve or **reserve** means a marine reserve constituted under section 4 of the Act
Unspecified scientific study means scientific study where any of the purposes of the study and the duration of the study are not specified before the date of commencement of the study, whether it is because any relevant details are not known or because of any other reason whatever

Vessel means any craft designed to manoeuvre on the water, whether or not it has any means of propulsion and regardless of that means of propulsion.

3 Application

- These regulations shall apply to all marine reserves, subject to any specific regulations made under the Act in relation to specific reserves.

Part 1 **Conduct within reserves**

4 Diving

- (1) Subject to the Act and to subclause (2) of this regulation, any person may dive in any part of a reserve.
(2) No person shall, without lawful authority, dive in any area that has been closed to the public under regulation 12 of these regulations.

5 Anchoring

- (1) Subject to the Act and to subclause (2) of this regulation, any person may anchor in any part of a reserve in such a manner that damage to the reserve does not occur or is kept to the minimum practicable level.
(2) No person shall, without lawful authority, anchor any vessel—
 - (a) In any area that has been closed to the public under regulation 12 of these regulations; or
 - (b) Within 100 metres of any buoy moored in accordance with that regulation.

6 Use of vessels within marine reserve

- No vessel shall be operated in a reserve at a speed in excess of 5 knots, if the vessel—
 - (a) Is within 30 metres of any other vessel or person in the water; or
 - (b) Is within 200 metres of the shore; or
 - (c) Is within 200 metres of any vessel that is flying flag A of the international code of signals (being the flag to indicate that a diver is below).

7 Exclusion of public from areas closed for scientific study

- No person shall, without lawful authority, enter any area of a reserve that has been closed to the public under regulation 12 of these regulations.

Part 2 **Scientific studies**

8 Certain scientific study prohibited without approval of Director-General

- Except with the approval of the Director-General granted under regulation 10 or regulation 16 of these regulations or under the Act, no person shall undertake in a reserve scientific study that—
 - (a) Involves conduct that would constitute an offence against the Act if it were not authorised by or under the Act (whether by the Director-General or otherwise); or
 - (b) May require the closure of any specified part of the reserve to the public.

9 Application to undertake specified scientific study

- (1) An application for approval to undertake any specified scientific study shall be made in writing to the Director-General, not later than 2 months before the intended date of commencement of the study or not later than such other date during that 2-month period as the Director-General may allow, and shall specify—
 - (a) The name of the applicant and the address where he or she can be contacted; and
 - (b) The name of the person who will supervise the study and the organisation authorising or sponsoring the study (if any); and
 - (c) A descriptive title of the study and a description of how it is to be undertaken; and
 - (d) The proposed area of the study, including a map showing the boundaries of the proposed area; and
 - (e) The intended date of commencement of the study and its estimated duration; and
 - (f) Whether or not there is likely to be any disturbance to the environment, the nature of the disturbance, and the time it is likely to take to overcome the disturbance; and
 - (g) The name of every other person or persons who will be present and participating in the study in the reserve at any time.
- (2) The Director-General may require any applicant to provide further details of the scientific study proposed and his or her ability to conduct the study.

10 Approval for specified scientific study

- (1) The Director-General may approve an application for scientific study after having regard to the following matters:
 - (a) Maintaining the general wellbeing of the reserve and preserving with the minimum of disturbance the marine life and natural features of the reserve;
 - (b) Co-ordination of the study with previously approved studies and other applications for study to avoid conflicting or competing studies within the reserve;
 - (c) The time required to correct by natural processes any disturbance to the reserve or the marine life in the reserve;
 - (d) The contribution that the study would make to a better understanding of marine processes or the scientific discipline appropriate to the study;
 - (e) The maintenance of order in the reserve and the public rights of access and navigation as outlined in section 23 of the Act.
- (2) The Director-General shall advise the applicant whether or not the application is approved.
- (3) Any conditions imposed under the Act by the Director-General on any approval given under this regulation shall be specified in writing by the Director-General.

11 Reports to Director-General

- (1) It shall be a condition of every approval given under regulation 10 of these regulations that the applicant furnish progress reports on the study to the Director-General at such intervals as are specified by the Director-General.
- (2) The applicant shall furnish a final report and a copy of any published paper on the study to the Director-General.

12 Protection for areas under scientific study

- (1) The Director-General may restrict or close to public access or use any area within a reserve for the purposes of scientific study, if the Director-General considers that restricted access or closure is desirable because of the nature of the study.
- (2) Where access to an area is restricted or not permitted under clause (1) of this regulation, the Director-General shall direct the person responsible for the study to advise the public by notice in whatever manner the Director-General considers reasonable and practicable in the circumstances, including notification in a newspaper circulating in the vicinity of the reserve, that access to the area where the study is taking place is restricted or not permitted.
- (3) Any such advice or notice shall specify—
 - (a) The location of the area involved; and
 - (b) The reasons why access is restricted or not permitted to the public; and
 - (c) The dates between which access is restricted or not permitted to the public.

(4) Where an approval given under regulation 10 of these regulations is surrendered, or is withdrawn under regulation 14 of these regulations, the person to whom the approval was given shall remove or withdraw any notice given by him or her under subclause (2) of this regulation.

(5) Any area of a reserve to which public access is restricted or not permitted in accordance with this regulation shall be four-sided and marked at each corner by a bright yellow moored buoy not less than 1 metre in diameter. There shall be written on the buoy the words “area closed by the Director-General of Conservation for scientific study” and the dates of the period during which the area will be closed.

13 Participants in scientific study to carry identification

- (1) Every person participating in a scientific study approved by the Director-General shall, while engaged in the study in the reserve, carry such form of identification as shall be specified by the Director-General.
- (2) On completion of any scientific study or on being notified of any withdrawal of approval under regulation 14 of these regulations, any form of identification issued by the Director-General shall be surrendered to the Director-General by the person responsible for the study.

14 Withdrawal of approval for scientific study

- (1) The Director-General may withdraw any approval given under regulation 10 of these regulations at any time if the Director-General is satisfied that any person participating in the study has committed an offence under the Act, or a breach of these regulations, or has not fully complied with any conditions of the approval to undertake the study.
- (2) Where the Director-General has withdrawn approval for any particular study under subclause (1) of this regulation, the Director-General may refuse, for a period specified by the Director-General, to consider any further applications for approval for scientific study within the reserve by or involving any person who was involved in the study for which approval was withdrawn.

15 Register of scientific study

- (1) The Director-General shall cause to be kept for every reserve a register in which shall be entered particulars of scientific studies approved under regulation 10 of these regulations.
- (2) The register shall include details of—
 - (a) The title and a brief description of the study and its objectives; and
 - (b) The dates or projected dates of commencement and completion of the study; and
 - (c) The name of the person or persons responsible for the study.
- (3) The register for a reserve shall be made available for public inspection at the Conservancy Office of the Department of Conservation with jurisdiction over the reserve during ordinary office hours on the days when the office is open for business.

16 Approval for unspecified scientific study

- (1) Any person wishing to undertake unspecified scientific study that is required by regulation 8 of these regulations to be approved by the Director-General shall comply with the provisions of this Part of these regulations, as modified by this regulation; and those provisions shall, with the necessary modifications, apply to such applications and to approvals granted under this regulation.
- (2) In the case of unspecified scientific study, the Director-General—
 - (a) May waive any requirement in paragraph (c) or paragraph (d) or paragraph (f) of regulation 9(1) of these regulations;
 - (b) Need not have regard to the matters specified in paragraph (b) or paragraph (d) or paragraph (e) of regulation 10(1) of these regulations;
 - (c) Need not comply with regulation 15 of these regulations.
- (3) The application shall—
 - (a) Specify the period for which the approval is required; and
 - (b) Wherever practicable, describe the work to be carried out; and

- (c) Where applicable and where practicable, provide an estimate of the quantities and volumes of marine life and inorganic matter intended to be taken.
- (4) The Director-General may approve applications for unspecified scientific studies to be carried on for up to 2 years but shall not approve more than one application for a reserve at any one time.
- (5) The Director-General may from time to time renew approvals for unspecified scientific studies.
- (6) In giving any approval for unspecified studies, the Director-General shall not allow building or placing of any structure within a reserve.

17 Offences

- (1) Every person commits an offence against these regulations who contravenes or fails to comply with any of regulations 4, 5, 6, 7, and 8 of these regulations.
- (2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$200.

18 Revocation

- The Cape Rodney-Okakari Point Marine Reserve Bylaws 1989 and the Poor Knights Islands Marine Reserve Bylaws 1989 are hereby revoked.

MARIE SHROFF,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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