

LOCATE

 PRINT

Brookers Statutes Of New Zealand

THOMSON


M

MAORI LAND AMENDMENT AND MAORI LAND CLAIMS ADJUSTMENT ACT 1926

Taupo waters

14. Bed of Lake Taupo vested in Crown—

14. Bed of Lake Taupo vested in Crown— [Updater](#)  [Case Law](#)  [Contents](#)

For the purpose of giving effect to an agreement entered into under the provisions of section 29 of [the Maori Land Amendment and Maori Land Claims Adjustment Act 1924], it is hereby enacted as follows:

(1) The bed of the lake known as Lake Taupo, and the bed of the Waikato River extending from Lake Taupo to and inclusive of the Huka Falls, together with the right to use the respective waters, are hereby declared to be the property of the Crown, freed and discharged from the [Maori] customary title (if any) or any other [Maori] freehold title thereto:

Provided that there shall be reserved to the [Maoris] all islands situate in the said lake and not heretofore specifically alienated by the [Maoris], together with the right of ingress, egress, and regress over the waters of such lake to any island:

Provided further that the Governor-General may reserve any portion of the bed of the lake or any Crown lands on the border thereof for the use of [Maoris], and may vest the management and control thereof in the Board hereinafter mentioned or in any trustee.

(2) There shall be reserved to the [members of the Tuwharetoa tribe the right to fish for and catch for their own use any fish in the said lake that are indigenous to] the said lake, but no such fish shall be sold except with the consent of the Board hereinafter mentioned. The sale of any such fish without consent shall be deemed to be unlawful, and any person who commits any such offence shall be liable on summary conviction to a penalty not exceeding [\$10].

(3) Subject as herein mentioned, there shall be reserved to the public a right of way over a strip of land not exceeding [20 metres] in width around the margin of the said lake. Should any dispute arise as to the position or location of such right of way the matter shall be referred to the Surveyor-General, whose decision thereon shall be final:

Provided that the Governor-General may from time to time, by Proclamation, exempt any portion thereof from public use, or restrict or limit the right of such public user in such manner as he may think fit, and thereupon the public right of user over the portion specified shall cease or be limited accordingly.

[(3A) For the purposes of subsection (3) of this section, the margin of the said lake shall be the 358.378 metres contour in terms of Taupo Datum (which is the same as 357.015 metres in terms of Moturiki Datum), whether or not that contour is for the time being covered by the waters of the said lake, or such other margin as may from time to time be defined by the Governor-General by Proclamation.]

(4)

(a) The Governor-General may from time to time, by Proclamation, declare the bed of any river or stream flowing into the said lake, or such portion of such bed as may be described in the Proclamation, to be Crown land, and thereupon the land so proclaimed shall become Crown land freed from the customary or other title of [Maoris], and the Crown shall have the right to use and control the waters flowing over such bed.

(b) The Governor-General may from time to time, by Proclamation, reserve to holders of special licences a right of way over a strip of land not exceeding [20 metres] in width along the banks of the beds of rivers or streams so vested in the Crown, and such holders shall be deemed to have the right of access accordingly:

Provided that the Governor-General may from time to time, by Proclamation, exempt any defined portion thereof from use by the holders of special licences, or may restrict or limit the right of user thereof in such manner or to such persons or class of persons as he thinks fit, and the right of user on the portion specified shall cease or be limited accordingly.

(c) The Crown shall have the exclusive right to let for camping sites any part of the land [over which a right of way is] so reserved, and it shall not be lawful for any person owning an interest in the land over which a right of way is reserved to alienate or deal with the land comprised in such right of way except with the consent of the Governor-General in Council:

Provided that if any person having an estate or interest in such land, or being possessed of any valid rights of camping or fishing thereon, is injuriously affected or suffers damage through the exercise of any powers conferred by this subsection he shall be entitled to compensation for such injury.

(d) Any person claiming compensation as aforesaid (herein called the claimant) must, within 3 months from the date of the publication of the Proclamation in respect of which the claim arises, make and lodge with the [Director-General of Conservation] a claim therefor, giving full particulars of the amount and nature of his claim, the grounds of such claim, and the name and address of the claimant.

(e) All claims for compensation shall be determined by a Commissioner to be appointed from time to time by the Governor-General. Such Commissioner shall have all the powers and jurisdiction conferred upon Compensation Courts by [Part 5 of the Public Works Act 1981], and shall be deemed to be a Compensation Court accordingly. It shall not be necessary that assessors be appointed, but the Court may appoint one or more assessors to assist it in its deliberations.

(f) All sums of money found to be due hereunder by the award of the Compensation Court shall be paid out of the [Consolidated Account] to the person entitled without further appropriation than this Act.

[(4A) The Governor-General may from time to time, by Proclamation, define any area of land over which a right of way for the time being exists under subsection (3) or subsection (4)(b) of this section, being land which on the 26th day of September 1926 was Maori customary land or Maori freehold land. Every Proclamation under this subsection shall have effect according to its tenor.]

(5) Any Proclamation made under this section shall be conclusive of its own validity, but may from time to time be amended, varied, or revoked as the Governor-General may think fit.

(6) No person owning an estate or interest in any land over which a right of way is granted pursuant to this section shall be deemed to obstruct any such right of way by reason only of the erection of fences over or upon it if reasonable and ready access by gates or otherwise is provided for foot passengers through or over such fence:

Provided that no fence or building shall be erected upon any place let or laid out by the Crown as a camping site without the consent of the Minister of [Conservation].

(7) The Crown may expend such sums as may from time to time be appropriated by Parliament for the purpose in providing and laying out sites for camping grounds for anglers, and in the erection thereon of necessary buildings for their accommodation, and in otherwise providing for their convenience. Such sites may be laid out upon the rights of way granted or proclaimed under this section, or upon Crown land, or upon any other land acquired for the purpose.

(8) For the purpose of regulating fishing and other use of the waters in this section referred to, the Governor-General may, by Order in Council, define a district (herein called the said district) in which the provisions of this section shall apply.

(9) The operation of the Fisheries Act 1908, so far as it applies to the said district, shall be modified as follows:

(a) Paragraph (e) of section 88 and section 90 of the said Act shall have no force within such district:

(b) No licence issued by or on behalf of any acclimatisation society, and no licence issued under the regulations regarding trout fishing in the Rotorua Acclimatisation District, shall have any force or effect within the district defined under this section:

(c) Such members of the Tuwharetoa Tribe as are nominated by the Board hereinafter referred to shall be entitled to have issued to them, free of charge, licences to fish for imported fish in accordance with the regulations:

Provided that not more than [200] such licences shall be issued in any one year without the consent of the Governor-General in Council:

(d) The Governor-General may, by Order in Council, make special regulations as to any matter or thing relating to or that is in any manner deemed necessary for the due administration of this section. Sections 98 and 99 of the Fisheries Act 1908 shall apply to such regulations as fully and effectually as if they were regulations made under that Act. The power to make regulations shall include the power, in so far as there may not be provision for doing so under [the Harbours Act 1950] to license boats and vessels plying for hire over or upon the waters herein referred to, with power to impose such conditions as may be deemed necessary or prudent for the safety and convenience of passengers, to prescribe fees therefor, to declare the grounds upon which a licence may be revoked or suspended, and to restrain any person from plying for hire with unlicensed boats or vessels. It shall also include the power to prescribe the fees to be paid for fishing licences and camping sites within such district. The said fees need not be uniform, but may differentiate between such classes of persons as are defined by the regulations, and any class or classes may include divisions of age . . . , or of residence or non-residence within such district, or by reference to fishermen from overseas and those permanently resident within the Dominion of New Zealand, or in any other manner that the Governor-General in Council may see fit. Such licence fees may be made payable in respect of a whole season or any lesser part thereof, and a licence may limit the rights of the holder thereof to be exercised only within the said district or at some particular place or locality within the said district:

(e) Where there is a conflict in any respect between the general regulations under the Fisheries Act 1908 and the special regulations made in accordance with the provisions of this section, the provisions of the special regulations shall prevail within the said district.

(10) With the exception of the provisions of subsection (9) hereof, none of the provisions of this section shall affect the rights of any owner of [General land] within the said district at the date of the passing of this Act, but any person hereafter acquiring any [Maori] land within the said district shall be deemed to acquire it subject to the rights reserved to the Crown by this section, and it shall be so subject.

[(11) Notwithstanding anything in this section, the Minister of Conservation may with the concurrence of the Tuwharetoa Maori Trust Board, by notice in the *Gazette*,—

- (a) Fix the forms and classes of fishing licences:
- (b) Fix the scope and effect of fishing licences or any specified class of fishing licences:
- (c) Fix the fees payable for any fishing licence.]

[(12) Any notice made under subsection (11) of this section shall be deemed to be a regulation for the purposes of the *Regulations (Disallowance) Act 1989*.]

Editorial Note

See the [Taupo District Trout Fishery Licences, Fees, and Forms Notice \(No 2\) 2001 \(SR 2001/161\)](#), which came into force on 1 July 2001, and which: fixes the forms and classes of licences to take trout within the Taupo District; fixes the scope and effect of those classes of licences; fixes the fees payable for licences to take trout in the Taupo District.

See the [Taupo District Trout Fishery Licences, Fees, and Forms Notice 2002 \(SR 2002/169\)](#), which came into force on 1 July 2002, and which fixes the form, classes of, the scope and effect of and the fees payable for fishing licences within the Taupo District.

History

In subs (2) the words in the first set of square brackets were substituted for the words "Maoris the right to fish for and catch for their own use any indigenous fish in" by s 10 *Maori Purposes Act 1981*.

Subsection (3) was amended by s 11(3)(a) *Maori Purposes Act 1974* by substituting the words "20 metres" for the words "one chain".

Subsection (3A) was inserted by s 11(1) of the *Maori Purposes Act 1974*.

Subsection (4)(b) was amended by s 11(3)(b) of the *Maori Purposes Act 1974* by substituting the words "20 metres" for the words "one chain".

In subs (4)(c) the words in square brackets were inserted by s 8(1) of the *Maori Purposes Act 1946*.

Subsection (4)(d) was amended by s 65(1) *Conservation Act 1987 (1987 No 65)*.

In subs (4)(e), Part 5 of the *Public Works Act 1981*, being the corresponding enactment in force, has been substituted for the repealed Part 3 of the *Public Works Act 1908*.

In subs (4)(f) the reference to the Consolidated Account was substituted for a reference to the Consolidated Revenue Account (as substituted for a reference to the Consolidated Fund by s 4(3) of the *Public Revenues Amendment Act 1963*) by s 114(6) of the *Public Finance Act 1977*.

Subsection (4A) was inserted by s 11(2) *Maori Purposes Act 1974*.

Subsection (6) proviso was amended by s 65(1) *Conservation Act 1987 (1987 No 65)*.

Subsection (9)(c) proviso was amended, as from 10 April 2003, by s 3 Maori Land Adjustment and Maori Land Claims Adjustment Amendment Act 2003 (2003 No 15) by substituting the expression ``200" for the expression ``50".

[Click here to see the historical text. 02 Sep 1996 to 09 Apr 2003.](#)

In subsection (9)(c) ``the Board hereinafter referred to" is (now) the Tuwharetoa Maori Trust Board continued under that name by s 10(1) of the Maori Trust Boards Act 1955, originally constituted by s 16 of this Act.

In subsection (9)(d) the Harbours Act 1950, being the corresponding enactment in force at this time, has been substituted for the repealed Harbours Act 1923. The words ``or sex" were omitted by s 86 of the Human Rights Commission Act 1977.

In subs (10) the reference to ``General land" was substituted for a reference to ``European land" by s 16 (2) of the Maori Purposes Act 1975.

Subsections (11) and (12) were inserted, as from 2 September 1996, by s 2 Maori Land Amendment and Maori Land Claims Adjustment Amendment Act 1996 (1996 No 152). As to the payment of half of certain fees, revenue, fines, and penalties to the Tuwharetoa Maori Trust Board see s 10(3) of the Maori Trust Boards Act 1955.

As to the extension of grounds for the claiming of compensation as a result of the constitution by subs (4) (b) of a right of way and the extension of the time limited by subs (4)(d) for making claims, see s 8 of the Maori Purposes Act 1946.