

## Attachment E sections 73(4), 119 and 120 of the Reserves Act 1977

### 73(4)

- (4) Before granting any lease under subsection (1), or subsection (2), or subsection (3), the administering body shall give public notice in accordance with section 119 specifying the lease proposed to be granted, and shall give full consideration in accordance with section 120 to all objections and submissions in relation to the proposal received pursuant to the said section 120.

### 119 Notices

- (1) Where this Act requires anything to be publicly notified or refers to public notification, the subject matter shall, unless this Act specifically provides otherwise, be published as follows:
- (a) where the notification relates to a national reserve or proposed national reserve, or any part thereof, it shall be published—
- (i) once in the *Gazette*; and
  - (ii) once in a newspaper circulating throughout the area in which the reserve or proposed reserve is situated; and
  - (iii) once in each of 2 daily newspapers published in the cities of Auckland, Wellington, Christchurch, and Dunedin; and
  - (iv) in such other newspapers (if any) as the Minister directs;
- (b) where the notification relates to any other reserve or proposed reserve, it shall be published—
- (i) once in a newspaper circulating in the area in which the reserve or proposed reserve is situated; and
  - (ii) in such other newspapers (if any) as the administering body decides:
- provided that any notification under section 16(4) relating to a nature reserve or scientific reserve or a proposed nature reserve or scientific reserve shall be published in the manner specified in paragraph (a); provided also that where under this subsection a notification is required to be published in a newspaper circulating in the area in which the reserve or proposed reserve is situated and there is no such newspaper, the notification shall be published once in the *Gazette*.
- (2) Subject, in relation to Maori land owned in multiple ownership, to section 181 of Te Ture Whenua Maori Act 1993, a notice required by this Act to be given to any person may be sent by registered post to the last-known place of abode or business of that person, and shall be deemed to have been delivered when in the ordinary course of post it would be delivered. If any such person is absent from New Zealand, the notice may be sent to his or her agent, and, if he or she has no known agent, the notice may be given to him or her by publishing it in a newspaper circulating in the district in which the land the subject matter of the notice is situated.
- (3) Every notice by the Minister under this Act shall come into force on the day of the date thereof or on such later date as may be specified in the notice.

### 120 Rights of objection and of making submissions

- (1) Subject to sections 13 and 47, where pursuant to any requirement of this Act (except sections 24, 24A, and 41) the Minister or any administering body gives public notice of his or her or its intention to exercise any power conferred by this Act—
- (a) any person or organisation may object to the Minister or administering body, as the case may be, against, or make submissions with respect to, the proposal; and
  - (b) every such objection or submission shall be made in writing, and shall be sent to the Minister or administering body at the place specified in the notice and before a date specified in the notice, being not less than 1 month after the date of publication of the notice:  
provided that, where the date of publication of the notice falls within the period commencing with 10 December in any year and ending with 10 January in the next succeeding year, the date before which objections and submissions shall be made shall be not earlier than 10 February next following that period; and
  - (c) where the objector or person or organisation making the submission so requests in his or her or its objection or submission, the Minister or administering body, as the case may be, shall give the objector or that person or organisation a reasonable opportunity of appearing before the Commissioner (in the case of a notice given by the Minister) or, as the case may be, before the administering body or a committee thereof or a person nominated by the administering body in support of his or her or its objection or submission; and
  - (d) the Minister or the administering body, as the case may be, shall give full consideration to every objection or submission received before deciding to proceed with the proposal; and
  - (e) where the action proposed by an administering body requires the consent or approval of the Minister and is recommended to the Minister for his or her consent or approval under any provision of this Act, the administering body shall send to the Minister with its recommendation a summary of all objections and comments received by it and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted.
- (2) Every public notice to which subsection (1) applies shall specify the right to object or make submissions conferred by this section and the place to which and the date by which any objections or submissions are to be sent.
- (3) The person or administering body or committee before whom or which any person appears at any hearing in support of any objection or submission shall determine his or her or its own procedure at the hearing.