



Antarctica (Environmental Protection) Act 1994

Public Act 1994 No 119
Date of assent 6 December 1994
Commencement see section 1

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Foreign Affairs and Trade.

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An Act to provide for the comprehensive protection of the Antarctic environment and to recognise Antarctica as a natural reserve devoted to peace and science and to implement the Protocol on Environmental Protection to the Antarctic Treaty

1 Short Title and commencement

- (1) This Act may be cited as the Antarctica (Environmental Protection) Act 1994.

- (2) Except as provided in subsection (3), this Act shall come into force on 1 February 1995.
- (3) Section 12, Parts 3 to 5 and sections 56 and 57 and Schedule 1 shall come into force on a date or dates to be appointed by the Governor-General by Order in Council.
- (4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(3): section 12, Parts 3–5, sections 56, 57, and Schedule 1 brought into force, on 23 January 1998, by clause 2 of the Antarctica (Environmental Protection) Act Commencement Order 1998 (SR 1998/1).

Section 1(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1

Preliminary

2 Application

Except as otherwise provided in this Act, this Act shall apply—

- (a) to any person in the Ross Dependency:
- (b) to any New Zealand citizen and to any person ordinarily resident in New Zealand:
- (c) to any person who is for the time being a member of, or responsible for organising, any expedition to Antarctica which is organised in New Zealand or which proceeds from New Zealand as its final point of departure for Antarctica:
- (d) in respect of any act or omission occurring on board any ship or aircraft, to any person on board any ship or aircraft that is—
 - (i) a New Zealand ship or a New Zealand aircraft; or
 - (ii) any other ship, whether registered or not and of whatever nationality, which proceeds from New Zealand as its final point of departure for Antarctica.

3 Exception in respect of members of official expeditions of other Contracting Parties

Notwithstanding section 2, this Act (except as provided in section 13) shall not apply to any person—

- (a) who is for the time being a member of, or responsible for organising, an official expedition of another Contracting Party; and
- (b) who is not a New Zealand citizen or a person ordinarily resident in New Zealand.

4 Exception in respect of ships or aircraft supporting official expeditions of other Contracting Parties

Notwithstanding section 2, this Act (except as provided in section 13) shall not apply in respect of any act or omission of a person that occurs on board any ship or aircraft that is for the time being operating, whether exclusively or not, in support of any official expedition of another Contracting Party unless the person is—

- (a) a New Zealand citizen; or
- (b) a person who is ordinarily resident in New Zealand; or
- (c) a person who is for the time being a member of an official New Zealand expedition.

5 Exception in respect of observers and exchanged scientists of other Contracting Parties

Notwithstanding section 2, this Act shall not apply to any person who is a national of another Contracting Party and who is an observer or exchanged scientist, or a member of the staff accompanying any observer or exchanged scientist, while that person is in any part of Antarctica for the purpose of exercising his or her functions, unless the immunity of any such person is waived by the Contracting Party of which the person is a national.

Compare: 1960 No 47 s 5

6 Consent of Attorney-General required for certain proceedings

- (1) Notwithstanding anything in any other enactment, proceedings—
 - (a) in respect of any contravention of this Act by a person who is not a New Zealand citizen or a person ordinarily resident in New Zealand; or
 - (b) in respect of any contravention of this Act anywhere in Antarctica outside the Ross Dependency; or
 - (c) in respect of any contravention of this Act on board any ship or aircraft that is not a New Zealand ship or a New Zealand aircraft,—