

New Zealand.



ANALYSIS.

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1924, No. 60.

Title.

AN ACT to authorize the Setting-apart of certain Lands in the Vicinity of Mount Egmont, and certain Ranges of Hills known as the Patua Ranges, as a National Park, and to provide for the Control and Management thereof. [6th November, 1924.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title and commencement.

1. This Act may be cited as the Egmont National Park Act, 1924, and shall come into force on the first day of January, nineteen hundred and twenty-five.

Interpretation

2. In this Act, if not inconsistent with the context,—

“Board” means the Egmont National Park Board constituted under this Act:

“The park” means the Egmont National Park constituted under this Act:

“Local committee” means a local committee constituted under this Act:

“ Local authority ” means any Borough Council, County Council, Town Board, Road Board, Harbour Board, River Board, Drainage Board, Electric-power Board, or other like body :

“ Minister ” means the Minister of the Crown for the time being charged with the administration of this Act :

“ Prescribed ” means prescribed by this Act or by by-laws or regulations made under this Act.

3. The lands described in the First Schedule hereto are hereby set apart as a reserve, to be called the Egmont National Park. Egmont National Park constituted.

4. The Governor-General may at any time and from time to time, by Proclamation, alter the boundaries of the park by including any land therein or by excluding any land therefrom. Alteration of boundaries of park.

5. (1.) The park shall be controlled and managed by a Board constituted as hereinafter provided. Egmont National Park Board constituted

(2.) The Board shall be a body corporate under the name of the Egmont National Park Board, with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may lawfully do or suffer.

(3.) The Board shall consist of the following persons :—

(a.) The Commissioner of Crown Lands for the Taranaki Land District :

(b.) Two persons to be appointed by the North Egmont Local Committee :

(c.) Two persons to be appointed by the South Egmont Local Committee :

(d.) Two persons to be appointed by the East Egmont Local Committee :

(e.) One person to be appointed by the West Egmont Local Committee :

(f.) Two persons to be appointed by the Governor-General.

(4.) Until the first members of the Board to be appointed pursuant to paragraphs (b), (c), (d), and (e) of the last preceding subsection come into office, the person holding office immediately before the commencement of this Act pursuant to subsection three of section two of the Egmont National Park Act, 1900. as members of the Board constituted by that Act shall for all purposes be deemed members of the Board constituted by this Act.

6. With respect to each of the members to be appointed by the aforesaid local committees the following provisions shall apply :— Provisions as to members appointed by local committees.

(a.) He shall be appointed by resolution of the local committee at a meeting thereof to be held in the month of March in each year, and shall take office on the first day of April thereafter :

(b.) Subject to the next succeeding paragraph, he shall hold office for one year, or until his successor takes office, and shall be eligible for reappointment :

(c.) He shall vacate office in any of the following events, that is to say,—

(i.) If he dies, or becomes bankrupt ; or

(ii.) If he resigns by notice in writing addressed to the Secretary to the Board ; or

(iii.) If he is absent from three successive meetings of the Board without leave of absence from the Board ; or

(iv.) If he is absent from New Zealand for three consecutive months ; or

(v.) If he is convicted of any offence punishable by imprisonment for six months or upwards :

- (d.) Whenever a member of the Board vacates his office pursuant to the last preceding paragraph the Board shall, within fourteen days thereafter, notify the local committee by which he was appointed of the fact of such vacancy ; and such committee shall, within one month after being so notified, by resolution appoint some fit person to be a member of the Board ; and the person so appointed shall hold office only for the residue of the term of office of the vacating member :
- (e.) In any case where the local committee fails for any reason to duly appoint a member of the Board, the Board shall notify that fact to the Minister, and the Governor-General may thereupon either extend the time during which the appointment may be made by the local committee, or may himself appoint some fit person to be a member of the Board, and the person so appointed shall hold office for the same term and subject to the same conditions as he would have held office if he had been appointed by the committee.

Term of office
of members
appointed by
Governor-General.

7. With respect to each of the members of the Board to be appointed by the Governor-General pursuant to section five hereof the following provisions shall apply :—

- (a.) He shall hold office for three years, or until the appointment of his successor, and shall be eligible for reappointment :
- (b.) He may at any time resign his office by notice in writing addressed to the Governor-General, or the Governor-General may at any time remove him from office for any cause that he thinks fit :
- (c.) If he resigns or is removed from office or otherwise vacates his office before the expiry of the term of his appointment, the Governor-General shall appoint a successor, who shall hold office for the residue of the term of the vacating member.

Appointment of
Chairman.

8. The Chairman of the Board shall be such member thereof as the Minister may appoint.

Meetings of Board.

9. (1.) The first ordinary meeting of the Board shall be held at such time and place as the Minister appoints, and subsequent ordinary meetings shall be held at such times and places as the Board appoints.

(2.) Special meetings of the Board may be called at any time by the Chairman, and he shall call one whenever any three members so request in writing.

Conduct of
meetings.

10. (1.) At all meetings of the Board four members shall form a quorum.

(2.) The Chairman shall preside at all meetings of the Board at which he is present, and shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting-vote.

(3.) In the absence of the Chairman from any meeting of the Board the members present shall appoint one of their number to act as

chairman at that meeting, and the member so appointed shall whilst so acting have all the powers of the Chairman.

11. With respect to the Board the following provisions shall apply :— Special provisions as to Board.

- (a.) It may continue to act notwithstanding any vacancy in the membership thereof :
- (b.) It shall cause exact minutes of all its proceedings to be kept, and also full and accurate accounts of all its receipts, disbursements, assets, liabilities, and engagements :
- (c.) Subject to the provisions of this Act, the Board may regulate its own procedure :
- (d.) There may be paid to the Chairman and to the members of the Board, out of the funds of the Board, all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board.

12. The Board may appoint a Warden of the park, a Secretary and Treasurer, and such rangers, officers, and servants as may be deemed necessary, at such salaries or other remuneration as it thinks fit, subject to the approval of the Minister, and may define their duties and functions. Board may appoint officers.

13. Subject to the provisions of this Act, the Board shall have and may exercise in respect of the park all the powers which by the Public Reserves and Domains Act, 1908, or any other Act, Domain Boards have in respect of public domains controlled by them ; and in addition to such powers may from time to time make by-laws for— Board to have powers of Domain Board.

(a.) Excluding the public from any specified part or parts of the park :

(b.) Prescribing the conditions on which any persons shall have access to, or be excluded from, the park or any part thereof, and making charges for admission of persons to the park or any part thereof, and for the admission of horses and vehicles to the park :

Provided that by-laws made by the Board shall not come into operation until they have been approved by the Governor-General and have been gazetted, and that no rights to cut timber for trade purposes shall be included in such by-laws :

Provided further that no person shall have or be given authority to fell any timber or trees growing in the park without the approval of the Governor-General in Council first being obtained.

14. The publication in the *Gazette* of any by-laws purporting to have been made by the Board under this Act and to have been approved by the Governor-General shall, until the contrary is shown, be sufficient evidence that the same have been duly made and approved in accordance with this Act. Evidence of by-laws.

15. Every person who commits a breach of any by-laws made under this Act is liable to a fine of five pounds. Penalty for breach of by-laws.

16. (1.) Every person is liable to a fine of fifty pounds who, without being authorized by the Board, does any of the following things within the boundaries of the park, that is to say :— Offences within park.

(a.) Lights any fire ; or

(b.) Wilfully breaks or injures any fence, building, or erection ; or

- (c.) Wilfully breaks, cuts, injures, or removes any, or any part of any, wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind ; or
- (d.) Wilfully digs, cuts, or injures the sod ; or
- (e.) Shoots at any bird or animal with any gun or other instrument ; or
- (f.) Wilfully takes, destroys, or injures any bird or animal or the nest or egg of any bird.

(2.) In addition to any penalty under the last preceding subsection, every person convicted of an offence thereunder shall be liable for any loss or damage caused by the offence, and such loss or damage may be awarded by the Court in fixing the penalty, and may be recovered as a fine.

Evidence of offences.

17. (1.) In every case where under the last preceding section wilful intent must be shown such intent shall be presumed until the contrary is proved.

(2.) If within the park or in its vicinity any person is found in possession of any, or any part of any, wood, tree, shrub, fern, or any plant, bird, egg, nest, or animal, and, upon being thereunto required by any ranger or by any constable, fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed or taken the same from the park in breach of this Act unless he satisfies the Court to the contrary.

Powers of rangers in respect of offenders.

18. Any ranger or any constable may, without further warrant or authority than this Act, summarily interfere to prevent any actual or attempted breach of this Act or of any by-law thereunder.

Board may grant leases of special areas set apart for purpose.

19. The Board may, with the consent of the Governor-General, set apart leasing-areas within the park, and may grant leases thereof, or of any part thereof, on such terms as the Minister may approve.

Licenses.

20. (1.) It shall be lawful for the Board to issue licenses—

- (a.) To win and remove stone, gravel, or similar substances ; and
 - (b.) To construct and use tramways or roads for the removal of any such stone, gravel, or similar substances.
- (2.) The Board may from time to time make by-laws prescribing—
- (a.) The form of such licenses ;
 - (b.) The conditions under which such licenses shall be issued ; and
 - (c.) The fees payable in respect of any such license.

Board may provide accommodation for tourist traffic.

21. The Board may establish or provide or assist in the establishment or provision by persons or companies of huts, hostels, accommodation-houses, and other buildings and conveniences, and of electric-power works, roads, ways, and tracks, in the park, and may let or lease any such buildings or works on such terms and conditions as the Board, with the approval of the Minister, thinks fit ; or the Board may itself control, carry on, or conduct any such buildings or works, and make such charges for the use thereof or in connection therewith as the Board, with the approval of the Minister, from time to time determines.

Board may grant easements.

22. The Board may, with the consent of the Minister, and subject to such conditions as the Minister may approve, grant rights of way or other easements over any tracks or roads or other parts of the park for the purposes of access to any area included in any lease granted under the powers conferred by this Act, or for the utilization of water-

power for the generation and transmission of electric current for heating, lighting, or power purposes, or for the provision of high-pressure water-systems, or otherwise for the development or use of the park or any part of the same as a tourist resort.

23. The District Land Registrar for the Land Registration District of Taranaki is hereby authorized to issue a certificate of title or certificates of title under the Land Transfer Act, 1915, in the name of His Majesty the King, in respect of the lands described in the First Schedule hereto, or any part or parts thereof, and is hereby directed to register under the provisions of that Act all registrable instruments issued in conformity with the provisions of this Act upon presentation of such instruments for registration.

District Land Registrar may issue titles and register dealings.

24. (1.) For the better local control and management of the park there are hereby constituted four committees of management, as follows:—

Delegation of powers to committees of management.

The North Egmont Local Committee :
 The East Egmont Local Committee :
 The South Egmont Local Committee :
 The West Egmont Local Committee.

(2.) With respect to each of the said committees the following provisions shall apply:—

- (a.) The committee shall consist of two members to be appointed in that behalf in the month of February in each year by each of the local authorities whose names are set opposite the name of the committee in the Second Schedule hereto:
- (b.) Every appointed member of the committee shall hold office for one year, or until his successor takes office, and shall be eligible for reappointment:
- (c.) Subject to the approval of the Board, the committee may make rules governing the conduct of its business and the expenditure of its funds: Provided that no funds of the committee shall be expended otherwise than for the purpose of carrying out the objects of this Act:
- (d.) In the month of March in each year the committee shall hold an annual meeting, and at that meeting shall appoint a member or members of the Board, as provided in section six hereof:
- (e.) The powers exercisable by the committee shall be such powers of the Board, other than the powers to make by-laws, to issue licenses, or to grant easements, as may, with the approval of the Minister, be delegated to it by the Board:
- (f.) The committee shall exercise its powers within such portion of the park as is specified in that behalf by the Board, and for that purpose the Board may divide the park into not more than four divisions, and may assign a division to each committee:
- (g.) In the exercise of its powers the committee shall be subject to the control of the Board.

(3.) The first meeting of each local committee held after the commencement of this Act shall be convened by such one of the local authorities entitled to appoint members thereof as the Board may determine. Such meeting shall be held in the month of March,

nineteen hundred and twenty-five, and shall be deemed to be the annual meeting of the committee for that year within the meaning of paragraph (e) of the last preceding subsection.

As to roads and tracks.

25. Except with the consent of the Board, it shall not be lawful for any local authority to make roads or tracks over or through the park.

Vesting property in Board.

26. The property, contracts, debts, and liabilities of the Egmont National Park Board constituted by the Egmont National Park Act, 1900, as at the commencement of this Act, shall, without transfer, conveyance, or assignment, become the property, contracts, debts, and liabilities respectively of the Board constituted under this Act.

Expenditure of Board.

27. The expenses incurred by the Board in managing and improving the park and generally administering this Act shall be paid out of its general funds.

General funds.

28. The general funds of the Board shall consist of—

- (a.) All moneys accruing in respect of the park or received by way of penalties, fees, or otherwise under this Act, and the same shall be paid to the Board accordingly :
- (b.) All moneys from time to time appropriated by Parliament in aid of the Board's funds :
- (c.) All moneys from time to time contributed to the Board by any local authority out of its general funds, and any local authority is hereby empowered to contribute accordingly such sums as from time to time it thinks fit :
- (d.) All other moneys received by the Board from any source as part of its general revenue, including rents derived from leases and tenancies.

Borrowing-powers of Board.

29. (1.) The Board may from time to time, with the consent of the Minister of Finance, borrow moneys for the purpose of erecting buildings, forming roads, or making improvements in the park, or carrying out any other works authorized by this Act; and such moneys shall be borrowed in the manner prescribed by the Local Bodies' Loans Act, 1913, and for that purpose the Board shall be deemed to be a local authority under that Act :

Provided that any loan may be raised by the Board by resolution without poll or other proceeding, and the security to be given or pledged by the Board shall be such of the funds, property, or revenues of the Board as it thinks fit.

(2.) Subject to such of the provisions of Part III of the Local Bodies' Loans Act, 1913, as are applicable, but excluding the provisions of paragraph (c) of section sixty-five of that Act, the State Advances Superintendent is hereby authorized to lend money to the Board for any of the purposes aforesaid.

Accounts to be audited by Audit Office.

30. The Audit Office shall be the auditor of the Board, and shall have the same duties and powers in respect of the moneys and accounts of the Board and of every person dealing therewith as if the Board were a local authority within the meaning of section one hundred and eighteen of the Public Revenues Act, 1910.

Annual statement of accounts.

31. Within twenty-eight days after the close of each financial year ending on the thirty-first day of March the Board shall cause to be prepared and submitted to the Audit Office for audit a balance-sheet and statement of accounts showing the financial transactions of the

Board for the year, and shall submit an annual report to the Minister accompanied by the aforesaid balance-sheet and statement of accounts.

32. The Governor-General may from time to time, by Order in Council, make all such regulations as he deems necessary for effectually carrying out the provisions of this Act. Regulations

33. (1.) The Egmont National Park Act, 1900, the Egmont National Park Act, 1901, and section one hundred and twenty-eight of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913, are hereby repealed, and with respect to those enactments the following provisions shall apply:— Repeals.

(a.) All by-laws, rules, and regulations duly made thereunder and subsisting or in force on the commencement of this Act; and

(b.) All acts of authority which originated thereunder and are subsisting as aforesaid—

shall enure for the purposes of this Act as fully and effectually as if they had respectively originated under the provisions of this Act, and for that purpose shall, where necessary, be deemed to have so originated.

(2.) All works, matters, or proceedings commenced under any such enactment and pending or in progress on the commencement of this Act may be continued and completed under this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that area in the Taranaki Land District, containing by admeasurement 72,382 acres, more or less, being the land comprised within a circle having a radius of six miles and a centre on the summit of Mount Egmont.

Also all that area in the Taranaki Land District, containing by admeasurement 1,040 acres, more or less, being Sections Nos. 18 and 19, Block V, Egmont Survey District; Section No. 15, Block VII, Cape Survey District; and Section No. 14, Block XI, Cape Survey District.

Also all that area in the Taranaki Land District, containing by admeasurement 5,500 acres, more or less, being parts of Sections Nos. 169 and 170, Patua Block, Okura District (Cape Survey District): bounded towards the north generally by Section No. 30, Block II, Wairau Survey District, Section No. 49, Block III, Cape Survey District, a road-line, and Sections Nos. 153, 60, 65, 67, 154, and 155, Block III aforesaid; towards the east generally by the Surrey Hill Road; towards the south-east by a right line bearing south 50° 51' west from the Surrey Hill Road to the Timaru Stream; and towards the west generally by the Timaru Stream, Sections Nos. 107, 108, and 109, Block II, Cape Survey District; Sections Nos. 110, 111, 112, 100, 99, 98, and 95, Block III, Sections Nos. 93, 91, and 90, Block II, Cape Survey District; Section No. 15, a road-line, Sections Nos. 16, 17, 18, and 19, Suburbs of Ahuahu, a road-line, Sections Nos. 26, 27, a road-line, and 28, Block III aforesaid, and Section 29, Block II, Wairau Survey District, to Section No. 30 aforesaid. As the same is more particularly delineated on the plan marked L. & S. 4/342, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon edged red.

SECOND SCHEDULE.

Local Committee.	Appointing Local Authorities.
North Egmont ..	Taranaki County Council; New Plymouth Borough Council; Clifton County Council; Waitara Borough Council.
East Egmont ..	Inglewood Borough Council; Inglewood County Council; Stratford Borough Council; Stratford County Council; Whangamomona County Council.
South Egmont ..	Eltham Borough Council; Eltham County Council; Hawera Borough Council; Hawera County Council; Waimate West County Council; Kaponga Town Board; Manaia Town Board.
West Egmont ..	Opunake Town Board; Egmont County Council.