



## ANALYSIS

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1974, No. 69

**An Act to amend the National Parks Act 1952**

*[8 November 1974]*

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

**1. Short Title**—This Act may be cited as the National Parks Amendment Act 1974, and shall be read together with and deemed part of the National Parks Act 1952 (hereinafter referred to as the principal Act).

**2. Meaning of "vehicle"**—Section 2 of the principal Act is hereby amended by adding the following definition:

"Vehicle" means a contrivance equipped with wheels or revolving runners upon which it moves or is moved; and includes a contrivance from which the road wheels or revolving runners have been removed."

**3. National Parks Authority**—(1) Section 4 (1) of the principal Act is hereby amended by inserting, after paragraph (e), the following paragraph:

“(ea) The General Manager of the Tourist Hotel Corporation of New Zealand:”.

(2) Section 5 of the principal Act is hereby amended—

(a) By omitting from subsection (3) the words “five members”, and substituting the words “6 members”:

(b) By omitting from subsection (4) the words “he may authorise any other officer of that Department”, and substituting the words “or of the General Manager of the Tourist Hotel Corporation of New Zealand, the member may authorise any other officer of that Department or, as the case may be, of that Corporation”.

**4. Tongariro, Egmont, Abel Tasman, Arthur’s Pass, and Fiordland National Parks**—(1) The principal Act is hereby further amended by repealing section 9, and substituting the following section:

“9. (1) The Tongariro National Park constituted under the Tongariro National Park Act 1922 and comprising the areas of land from time to time defined by the Governor-General, by Order in Council made on the recommendation of the Authority to the Minister, is hereby declared to be a National Park under and subject to the provisions of this Act.

“(2) The Egmont National Park constituted under the Egmont National Park Act 1924 and comprising the areas of land from time to time defined by the Governor-General, by Order in Council made on the recommendation of the Authority to the Minister, is hereby declared to be a National Park under and subject to the provisions of this Act.

“(3) The Abel Tasman National Park constituted under section 71 of the Public Reserves, Domains, and National Parks Act 1928 and comprising the areas of land from time to time defined by the Governor-General, by Order in Council made on the recommendation of the Authority to the Minister, is hereby declared to be a National Park under and subject to the provisions of this Act.

“(4) The Arthur’s Pass National Park (formerly known as the Arthur Pass National Park) constituted under the said section 71 and comprising the areas of land from time to time defined by the Governor-General, by Order in Council

made on the recommendation of the Authority to the Minister, is hereby declared to be a National Park under and subject to the provisions of this Act.

“(5) The Fiordland National Park comprising the areas of land from time to time defined by the Governor-General, by Order in Council made on the recommendation of the Authority to the Minister, is hereby declared to be a National Park under and subject to the provisions of this Act.”

(2) The First, Second, Third, Fourth, and Fifth Schedules to the principal Act are hereby repealed.

(3) Section 3 of the National Parks Amendment Act 1955 is hereby consequentially amended by repealing paragraph (a).

(4) This section shall come into force on a date to be fixed by the Governor-General, by Order in Council, and different dates may be so fixed in respect of different Parks referred to in this section.

**5. Constitution of other National Parks, and addition of land to or exclusion of land from Parks—**(1) Section 10 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) The Governor-General may from time to time, by Order in Council,—

“(a) Declare that any land of the Crown described in the order, being—

“(i) Any Crown land subject to the Land Act 1948; or

“(ii) Any State forest land subject to the Forests Act 1949; or

“(iii) Any land subject to the Tourist and Health Resorts Control Act 1908; or

“(iv) Any public reserve vested in Her Majesty subject to Part II of the Reserves and Domains Act 1953; or

“(v) Any public domain subject to Part III of the last-mentioned Act; or

“(vi) Any land subject to Part IV of the last-mentioned Act; or

“(vii) Any land acquired by the Crown for national park purposes—

shall be a National Park subject to this Act:

“(b) Add any such land to any Park:

“(c) Declare that any foreshore (as defined in the Harbours Act 1950) described in the order shall be added to any Park:

“Provided that no land shall be declared to be or to be added to any Park, except on the recommendation of the Authority to the Minister and also, in the case of State forest land, on the joint recommendation of the Minister of Lands and the Minister of Forests, and also, in the case of land subject to the Tourist and Health Resorts Control Act 1908, on the joint recommendation of the Minister of Lands and the Minister of Tourism:

“Provided also that no foreshore shall be added to any Park, except on the recommendation of the Authority to the Minister and also on the joint recommendation of the Minister of Lands and the Minister of Transport, and also, where the foreshore or the control thereof is vested in any public body within the meaning of section 165 of the Harbours Act 1950, except with the consent of that public body.

“(2) No area of land or foreshore included in any Park shall be excluded therefrom except by Act of Parliament.”

(2) Section 10 of the principal Act is hereby further amended by adding the following subsection:

“(8) The Governor-General may from time to time, by Order in Council made on the recommendation of the Authority to the Minister, redefine the boundaries of any Park established under this section.”

**6. Membership of Tongariro National Park Board**—Section 16 of the principal Act is hereby amended by omitting from paragraph (c) the word “Four”, and substituting the word “Five”.

**7. Membership of Park Boards**—The principal Act is hereby further amended by inserting, after section 18, the following section:

“18A. (1) Where pursuant to the Tourist Hotel Corporation Act 1955 any land forming part of a Park is administered by the Tourist Hotel Corporation of New Zealand or the control of any tourist hotel on land in or adjacent to a Park is vested in that Corporation, then, notwithstanding anything in this Act or in any Order in Council under this Act, there shall be an additional member of the National Park Board, to be appointed by the Minister on the recommendation of the Minister of Tourism.

“(2) Notwithstanding anything in section 19 of this Act, the member of the Board appointed under this section shall hold office during the pleasure of the Minister of Tourism.

“(3) In this section the term ‘adjacent’, in relation to any Park, means adjoining the Park or separated from the Park by a road or a river or stream or by a distance of not more than 2,000 metres; and for the purposes of this section the Township of Wanaka shall be deemed to be adjacent to the Mount Aspiring National Park.”

**8. Functions of Boards**—Section 26 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) In addition to the functions specified in subsection (1) of this section, it shall be a function of the Board to administer, manage, and control, subject to the general policy and direction of the Authority—

“(a) Freehold or leasehold property situated outside the Park and vested in the Board; and

“(b) Other property, whether within or outside the Park, vested in the Board—

in such manner and for such purposes as to afford and secure to the public the fullest proper use and enjoyment of the Park.”

**9. Particular powers of Boards**—(1) Section 28 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Where the Board has provided any community service, benefit, or facility, whether within or outside the Park, for the benefit of members of the public using the Park,—

“(a) The Board may, with the approval of the Authority and subject to the provisions of this subsection and to the provisions of the lease or licence, assess the amount of the contribution to be paid to the Board by the lessees and licensees under leases and licences granted by the Board towards the cost of providing and maintaining that service, benefit, or facility:

“(b) The contribution assessed under paragraph (a) of this subsection in respect of the capital cost of providing any such service, benefit, or facility shall be apportioned by the Board, in such manner as it

thinks fit, among those lessees and licensees, and shall be paid in one amount or over a period of years, as the Board may determine, and the Board may in like manner apportion among those lessees and licensees an annual contribution to be made by them to the Board to meet the cost of maintaining any such service, benefit, or facility:

“(c) The amount apportioned by the Board to be paid by any lessee or licensee shall be due and payable to and recoverable by the Board on the expiration of 3 months after the service of a demand by the Board on the lessee or licensee. If the amount apportioned is not paid by the due date, interest shall be payable thereon at such rate as is fixed from time to time by the Minister of Finance from the due date until payment in full, and in any event the lessee or licensee shall be deemed to have committed a breach of his lease or licence:

“(d) The Minister, on the recommendation of the Authority, may exempt any lessee or licensee from payment of the whole or any part of any amount apportioned by the Board under the preceding provisions of this subsection, or may grant such relief to any lessee or licensee as the Minister considers appropriate in the circumstances.”

(2) Section 28 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

“(3A) Every Board may, in the exercise of its functions under subsection (2) of section 26 of this Act and in addition to any other powers vested in it by this Act, exercise outside the boundaries of the Park all or any of the following powers, that is to say, it may—

“(a) With the prior consent of the Authority, provide amenities and facilities for the use of the public or for any ranger or for any officer or servant of the Board or for any administrative purposes of the Park:

“(b) With the prior consent of the Authority, purchase, take on lease, or otherwise acquire any real or personal property or any rights or privileges (being real or personal property, rights, or privileges that

the Board considers necessary for any of the purposes of the Park), and erect, maintain, improve, or alter any buildings, premises, or works as the Board considers necessary:

“(c) With the prior consent of the Authority, sell, lease, exchange, charge, or otherwise deal with any property acquired under paragraph (b) of this subsection.”

**10. Offences within the Park**—(1) Section 54 of the principal Act is hereby amended by adding to paragraph (o) of subsection (1) the word “or”, and by adding to that subsection the following paragraph:

“(p) Camps or parks any vehicle on any part of the Park in breach of any prohibition imposed by the Board pursuant to paragraph (i) of subsection (1) of section 28 of this Act.”

(2) Section 54 of the principal Act is hereby further amended by adding the following subsections:

“(10) Any animal or bird or the nest or egg of any bird or the body of any animal or bird, or any part thereof, found in the possession of any person in the Park may be seized by any ranger or constable or by any officer or servant of the Board if he has good cause to suspect that that person in obtaining possession thereof committed an offence against this Act, and shall be retained by the Board pending the trial of that person for the offence in respect of which it was seized.

“(11) If no proceedings are taken in respect of that offence within 6 months after that seizure, or if in proceedings taken within that period the information is dismissed, then—

“(a) In any case where the property seized is protected wildlife or the nest or egg of any protected wildlife or the body of any protected wildlife, or any part thereof, it shall be delivered to the Secretary for Internal Affairs and dealt with pursuant to the Wildlife Act 1953:

“(b) In any other case, the property seized shall be returned to the person from whom it was seized.

“(12) Where in proceedings taken within that period in respect of that offence against the person from whom the property was seized the defendant is convicted, then—

“(a) In any case where that property is protected wildlife or the nest or egg of any protected wildlife or the body of any protected wildlife, or any part thereof,

it shall be deemed to be forfeited to the Crown and shall be dealt with pursuant to the Wildlife Act 1953:

“(b) In the case of any other property, it shall be deemed to be forfeited to the Board, and shall be disposed of as the Board directs.

“(13) Where any person is convicted of an offence against this Act, the Court may order that any animal or bird or the nest or egg of any bird or the body of any animal or bird, or any part thereof, taken by the defendant in the course of committing the offence and still in his possession or in the possession of any other person on his behalf shall—

“(a) In the case of any protected wildlife or the nest or egg of any protected wildlife or the body of any protected wildlife, or any part thereof, be forfeited to the Crown, and the property shall be deemed to be forfeited to the Crown accordingly and shall forthwith be delivered to the Secretary for Internal Affairs by the defendant or person holding it on his behalf, and shall be dealt with pursuant to the Wildlife Act 1953:

“(b) In the case of any other property, be forfeited to the Board, and the property shall be deemed to be forfeited to the Board accordingly and shall forthwith be delivered to the Board by the defendant or person holding it on his behalf, and shall be disposed of as the Board directs.

“(14) In this section the term ‘protected wildlife’ means wildlife that pursuant to section 3 of the Wildlife Act 1953 is absolutely protected throughout New Zealand.”

**11. Removal and disposal of abandoned vehicles and vehicles parked in prohibited places**—The principal Act is hereby further amended by inserting, after section 57, the following section:

“57A. (1) Any ranger or any officer or servant of the Board who has reason to believe that any vehicle has been abandoned in the Park may remove it or cause it to be removed to any place authorised by the Board for that purpose.

“(2) Where pursuant to paragraph (i) of subsection (1) of section 28 of this Act the Board has appropriated any part of the Park for the parking of vehicles, any ranger or any officer or servant of the Board may remove to any place so

appropriated any vehicle that is parked on any part of the Park where the parking of vehicles is prohibited pursuant to that paragraph. In any such case, the owner or other person in charge of the vehicle shall be liable to the Board for the cost of removing the vehicle and also for the charges that pursuant to bylaws of the Board would be payable for the use of that parking space if the vehicle had been parked there by the owner or other person in charge.

“(3) Unless within 2 months after the date on which a vehicle is removed pursuant to subsection (1) or subsection (2) of this section the owner or some other person having an interest therein removes the vehicle from the Park or other place where it is stored and pays to the Board the cost of removing and storing it pursuant to subsection (1) of this section or, as the case may be, the cost of removing it pursuant to subsection (2) of this section and the parking charges payable under that subsection, then,—

“(a) If the vehicle—

“(i) Is not a motor vehicle; or

“(ii) Is a motor vehicle and has no registration plate affixed thereto or is unregistered; or

“(iii) Is a motor vehicle and no licence to use the vehicle issued for the current licensing year is affixed to it,—

the Board may give not less than 14 days’ notice, by advertisement in 2 issues of a daily newspaper circulating in the district in which the Park is situated, of its intention to sell or destroy the vehicle:

“(b) If—

“(i) The vehicle is a motor vehicle; and

“(ii) A licence to use the vehicle issued for the current licensing year is attached to it,—

the Board may give not less than 14 days’ notice to the last registered owner of its intention to sell or destroy the vehicle, by delivering the notice to him personally or by posting it to him by registered letter addressed to him at his last-known place of abode or business in New Zealand.

“(4) Unless before the expiry of the notice given under subsection (3) of this section the owner of the vehicle—

“(a) Pays to the Board the cost of removing and storing the vehicle pursuant to subsection (1) of this section, or, as the case may be, the cost of removing

it pursuant to subsection (2) of this section and the parking charges payable under that subsection, and, in either case, the cost of the aforesaid advertisements; and

“(b) Removes the vehicle from the Park or other place to which it was removed,—

the Board may, at any time after the expiry of the notice, sell the vehicle to any person who shall thereupon become the lawful owner of the vehicle, or the Board may cause the vehicle to be destroyed, and in neither case shall any liability attach to the Board or any person for any loss or damage occasioned thereby.

“(5) The proceeds of the sale of any vehicle sold in accordance with the provisions of this section shall be the property of the Board.

“(6) For the purposes of this section, and without limiting the meaning of the term ‘abandoned’, a vehicle shall be deemed to have been abandoned if it is left unused for a period of more than 1 month without the approval of the Board.

“(7) In this section expressions defined in the Transport Act 1962 have, in relation to any motor vehicle, the meanings so defined.”

**12. North Egmont Local Committee**—The Tenth Schedule to the principal Act is hereby amended by omitting from the second column of so much thereof as relates to the North Egmont Local Committee the words “Waitara County Council”, and substituting the words “Waitara Borough Council”.

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This Act is administered in the Department of Lands and Survey.

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