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1953, No. 96

AN ACT to provide for the constitution of the Selwyn Plantation Board and to make provision with respect to the control and management of reserves vested in the Board. Title.
[26 November 1953]

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. (1) This Act may be cited as the Selwyn Plantation Board Act 1953.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-four.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“Board” means the Selwyn Plantation Board constituted under this Act:

“Constituent authority” means a local authority having power, in accordance with section three of this Act, to appoint any member or members of the Board; and includes any other local authority in whose district is for the time being situated any land which, immediately prior to the third day of December, nineteen hundred and nine, formed part of the district of the Selwyn County:

“Fund” means the Selwyn Plantation Board Fund established by this Act:

“Land Settlement Board” means the Land Settlement Board established under section twelve of the Land Act 1948:

“Plantation reserve” means any land vested in the Board as a Selwyn Plantation Reserve at the commencement of this Act; and includes any land purchased or otherwise acquired by the Board for the purposes of and in accordance with the provisions of this Act:

“Secretary” means the Secretary of the Selwyn Plantation Board.

1948, No. 64

PART I

SELWYN PLANTATION BOARD

Selwyn
Plantation
Board.
1910, No. 80

3. (1) There shall continue to be a Board to be known as the Selwyn Plantation Board which shall be the same Board as that established by section seventy-seven of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910 and existing under the same name immediately prior to the commencement of this Act.

(2) The Board shall consist of—

(a) Two members appointed by the Selwyn County Council:

- (b) Two members appointed by the Malvern County Council:
- (c) One member appointed by the Ellesmere County Council:
- (d) One member appointed by the Halswell County Council:
- (e) One member appointed by the Heathcote County Council:
- (f) One member appointed by the Papanui County Council:
- (g) One member appointed by the Springs County Council:
- (h) One member appointed by the Tawera County Council:
- (i) One member appointed by the Waimairi County Council:
- (j) One member appointed by the Christchurch City Council.

(3) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(4) All members of the Board shall hold office during the pleasure of the constituent authorities appointing them.

(5) The Board shall be deemed to be a local authority within the meaning of and for the purposes of the Local Authorities (Members' Contracts) Act 1934.

4. The Chairman and the Deputy Chairman of the Board shall be elected by the Board from among its members at the first meeting of the Board held after the commencement of this Act and thereafter at the first meeting of the Board held after the thirtieth day of April in each year commencing with the year nineteen hundred and fifty-five.

5. (1) If any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the constituent authority by which he was appointed may appoint a deputy to act for that member during his incapacity, and any such deputy shall, while he acts as such, be deemed to be a member of the Board.

1934, No. 17

Chairman and
Deputy
Chairman.Deputies of
members.

(2) No appointment of a deputy and no acts done by him as such, and no act done by the Board while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

Extraordinary
vacancies.

6. (1) Any member of the Board may resign his office by writing addressed to the Secretary.

(2) If any member of the Board becomes bankrupt, or is absent without leave from three consecutive ordinary meetings of the Board, or is guilty of misconduct in his office as a member, he shall be deemed to have become incapable under this Act of holding office as a member of the Board.

(3) If any member of the Board dies, or resigns, or is removed from office, the vacancy created shall be deemed to be an extraordinary vacancy.

(4) An extraordinary vacancy shall be filled by the appointment of some person in the same manner as the appointment of the vacating member.

(5) The powers of the Board shall not be affected by any vacancy in the membership thereof.

Meetings of
the Board.

7. (1) Meetings of the Board shall be held at such times and places as the Board from time to time determines.

(2) The Chairman of the Board, or any three members thereof, may at any time call a special meeting of the Board.

(3) At all meetings of the Board the quorum necessary for the transaction of business shall be seven members.

(4) The Chairman shall preside at all meetings of the Board at which he is present.

(5) In the absence of the Chairman from any meeting the Deputy Chairman shall preside, and in the absence of both the Chairman and the Deputy Chairman from any meeting the members of the Board present shall appoint one of their number to preside.

(6) All questions arising at any meeting of the Board shall be decided by a majority of the valid votes recorded therein.

(7) A resolution in writing signed, or assented to by letter or telegram, by all members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

(8) At any meeting of the Board the Chairman or other person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(9) Subject to the provisions of this Act and of any regulations thereunder, the Board may regulate its procedure in such manner as it thinks fit.

8. (1) The Board may appoint a Secretary and such other officers or employees as it deems necessary for the efficient carrying out of its functions under this Act. Officers of Board.

(2) The Board may, out of the fund, make payments to or subsidize the National Provident Fund or any fund or scheme established with the approval of the Governor-General in Council for the purpose of providing superannuation or retiring allowances for its officers and servants.

9. (1) The Board may from time to time appoint a committee or committees, consisting of two or more persons, and may from time to time delegate to any such committee any of the powers or functions of the Board. Committees.

(2) Any person may be appointed to be a member of a committee under this section, notwithstanding that he is not a member of the Board.

PART II

SELWYN PLANTATION RESERVES

10. (1) All lands vested in the Board at the commencement of this Act shall be deemed to be Selwyn Plantation Reserves vested in the Board in trust for plantation purposes and shall be controlled and managed by the Board in accordance with this Act for those purposes. Selwyn Plantation Reserves.

(2) The Board shall have all such powers, rights, and privileges as may reasonably be necessary or expedient to enable it to carry out its functions, and in particular it may from time to time—

(a) Prepare and carry out forest surveys in respect of plantation reserves, including surveys for working plans, for land utilization, for soil stabilization, and for timber assessment:

- (b) Make provision for the establishment, culture, growth, protection, maintenance, and management of trees and other plants on plantation reserves and for the utilization of forest produce derived from plantation reserves:
 - (c) Take such steps as may in its opinion be necessary or desirable for the prevention or control of fire on any plantation reserve including for those purposes the purchase and maintenance of cattle and sheep:
 - (d) Make provision generally for the administration of this Act.
- (3) In the exercise of the powers conferred on it by this section the Board may from time to time,—
- (a) With the prior approval of the Land Settlement Board, purchase any land for plantation purposes or for any other purpose necessary to enable the Board to carry out its functions:
 - (b) Purchase or hire any machinery, plant, or appliances which it considers necessary for the more effective carrying out of its functions:
 - (c) Erect dwellings, hostels, or other buildings on plantation reserves for the purpose of providing accommodation for persons employed by the Board and let any such buildings to those persons at such rent and subject to such terms and conditions as the Board may determine:
 - (d) Sell or otherwise dispose of forest, pastoral, or other produce from any plantation reserve:
 - (e) Establish and carry on any operations or industry relative to the felling, cutting, extraction, removal, conversion, manufacture, transport, distribution, or sale of timber or other forest produce derived from a plantation reserve, or the finished products derived from any such produce, and erect, purchase, rent, or lease any buildings, machinery, or plant required in connection therewith:
 - (f) Enter into any contract or agreement for the carrying out of the purposes of this Act.

Working plans.

11. (1) The Board may from time to time prepare working plans for forestry purposes in respect of the whole or any part of the plantation reserves, and every

such working plan shall regulate the management of the reserves affected by the plan for such period not exceeding ten years as may be stated on the plan in that behalf.

(2) Every working plan shall specify with respect to the period thereof—

- (a) The silvicultural operations to be carried out;
- (b) The maximum area from which forest produce may be disposed of or the maximum quantity of forest produce that may be disposed of, or both, as the Board thinks fit;
- (c) The protection and development operations to be carried out; and
- (d) Such other matters as the Board thinks fit.

12. All land purchased by the Board under the authority of this Act shall, on the registration of the transfer or other assurance relating to the land, be deemed to be a plantation reserve subject to the provisions of this Act.

Land purchased by Board to become plantation reserve.

13. (1) Any land vested in the Board as a plantation reserve and no longer required for the purposes of this Act may, with the prior consent of the Land Settlement Board, be sold at such price and on such terms and conditions as the Selwyn Plantation Board may determine.

Disposal of land or buildings no longer required.

(2) Any sale under subsection one of this section may be by public application at a price fixed by the Board, or by public auction or public tender at an upset price, and public notice shall be given by the Board of the date and time at which and the place where the sale shall be made:

Provided that where the area of land being sold is small, or the purchaser is the holder of other land in the locality, or where, in the opinion of the Board, there are special circumstances affecting the purchaser or the land, the sale may be by private treaty.

(3) Where any land in a plantation reserve is no longer required or is not for the time being required for the purposes of this Act, the Board, with the prior consent of the Land Settlement Board, may lease the land or let any building situated on the land to any person for such rental, for such term not exceeding fourteen years, and on such terms and conditions as the Board determines.

(4) Any lease under subsection three of this section may be offered by public application at a rent fixed by the Board or by public auction or public tender at an upset rent and public notice shall be given of the date and time at which and the place where the lease shall be offered as aforesaid:

Provided that where the term of the lease is seven years or less, the lease may be granted by private treaty.

(5) The Board may from time to time, subject to the provisions of this Act and of any working plan for the time being in force thereunder, grant licences and permits to take forest produce from any plantation reserves, or to occupy any such plantation reserves for any purpose which in the opinion of the Board is not prejudicial to its operations, upon and subject to such conditions, whether as to royalties, charges, or otherwise, as the Board thinks fit.

Exchange of reserves for other land.

14. (1) The Board, with the prior approval of the Land Settlement Board, may exchange any land vested in it as a plantation reserve for other land which is suitable for plantation purposes or for other purposes authorized by this Act, and, where any such exchange takes place, may pay or receive such sums as may be required by way of equality of exchange.

(2) All land acquired by the Board under this section shall, on the registration of the transfer or other assurance effecting the exchange, be deemed to be plantation reserves subject to the provisions of this Act.

Revocation of reservation over land.

15. (1) Upon the sale or exchange of any land by the Board under this Act the Governor-General may, by Proclamation, revoke the reservations created by this Act over the land, and the Board may thereupon execute a transfer or assurance of the land or any part thereof to the purchaser freed and discharged from any trusts or reservations hitherto affecting the land.

(2) The District Land Registrar for the land registration district of Canterbury is hereby empowered, on presentation of any such transfer or assurance and of a copy of the Proclamation relating thereto, to issue a certificate of title for the land transferred to the purchaser thereof.

PART III

FINANCIAL PROVISIONS

16. (1) For the purposes of this Act there shall be established at the Bank of New Zealand at Christchurch or at Darfield an account to be known as the Selwyn Plantation Board Fund.

Selwyn
Plantation
Board Fund.

(2) There shall be payable into the fund all moneys in the hands of the Board on the commencement of this Act and all moneys from time to time derived from the operations of the Board or payable to the Board and any other moneys that may be lawfully payable into the fund.

(3) All such moneys belonging to the Board amounting to five pounds and upwards shall within fourteen days after they have come into the hands of the Board be paid into the fund.

(4) The fund shall be operated on by cheque signed by the Secretary and such member or members of the Board as may from time to time be authorized in that behalf by the Board.

(5) The Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall be kept at such bank as the Board from time to time appoints.

(6) The Imprest Account may be held jointly in the names of and be operated on by the Secretary and one other person to be appointed in that behalf by the Board or may, with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and be operated on by the Secretary or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Secretary and of one other person as aforesaid, that other person shall be either a responsible officer of the Board or a member of the Board.

(7) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any time in the Imprest Account, not exceeding one hundred pounds in any case where the Imprest Account may be operated on by one person acting alone and not exceeding such amount as the Audit Office may approve in any other case.

(8) Moneys in the Imprest Account shall be available only for the payment of wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board.

(9) The Board may from time to time set aside any moneys to form a fund or funds for any of the following purposes:

(a) The meeting of claims arising from fire occurring on or in connection with any plantation reserve:

(b) The meeting of claims arising in respect of any accident to any employee of the Board arising out of or in the course of his employment or in respect of any other accident for which the Board is liable for the payment of compensation or damages:

(c) The repair, renewal, replacement, or improvement of any property, plant, fixtures, or appliances of the Board or for the purpose of purchasing additional property, plant, fixtures, or appliances of the class for which the special fund is established.

(10) Any moneys in any special fund established under subsection nine of this section shall be used by the Board only for the purpose for which the fund was established:

Provided that nothing in this subsection shall be construed to prevent the Board from utilizing moneys in the Selwyn Plantation Board Fund for any of the purposes for which a special fund has been established, notwithstanding that the moneys so utilized have not been paid into the special fund.

17. The Board, in such manner as may from time to time be required by the Audit Office, shall cause books of account to be provided and kept and true and accurate accounts to be entered therein of all sums of money received and paid under the authority of this Act.

18. (1) The Board may from time to time borrow by way of special loan under the Local Bodies' Loans Act 1926 such sums as may be necessary for carrying out its functions under this Act.

Borrowing powers.
See Reprint of Statutes, Vol. V, p. 360

(2) For the purposes of the Local Bodies' Loans Act 1926 and the Local Bodies' Finance Act 1921-22, the Board shall be deemed a local authority.

Ibid., p. 354

19. (1) Where a plantation reserve or any part thereof is not subject to the payment of rates under the Counties Act 1920, the Board may make from the fund annual grants to the County Council in whose district the reserve or part thereof is situated of such amounts as the Board, in its discretion, thinks fit, but not exceeding the amount which would have been payable to the County Council by way of rates or charges if the reserve or part thereof had been subject to the payment of rates as aforesaid.

Board may make grants to County Councils and Rabbit Boards in respect of non-rateable property.

Ibid., p. 180

(2) Where a plantation reserve or any part thereof is not subject to the payment of rates under the Rabbit Nuisance Act 1928, the Board may make from the fund annual grants to the Rabbit Board in whose district the reserve or part thereof is situated of such amounts as the Selwyn Plantation Board, in its discretion, thinks fit, but not exceeding the amount which would have been payable to the Rabbit Board by way of rates if the reserve or part thereof had been subject to the payment of rates as aforesaid.

Ibid.,
Vol. I, p. 243

20. (1) The Board may from time to time make grants from the fund for the purpose of giving assistance towards research or investigation in respect of matters relating to the forestry industry and generally for the purpose of encouraging the adoption of measures designed to promote greater efficiency in that industry:

Grants for research.

Provided that the moneys so granted shall not in any financial year exceed the sum of one hundred pounds.

(2) In addition to the amounts authorized to be paid by the Board under subsection one of this section, the Board may in any year pay to the New Zealand Forest Service established by the Forests Act 1949 or to any organization engaged in research in respect of forestry or silviculture for the purpose of receiving assistance in the destruction of forest pests or weeds or in respect of any other matter likely to assist the Board in administering plantation reserves with greater

1949, No. 19

efficiency an amount not exceeding a sum equivalent to threepence for every acre of plantation reserves which are planted with trees.

Fees and travelling allowances. 1951, No. 79

21. (1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid out of the fund to the members of the Board or of any committee appointed by the Board remuneration by way of fees, salary, or allowances and travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Unauthorized expenditure.

22. The Board may in any financial year expend out of the fund for purposes not authorized by this Act any sum or sums not amounting in the aggregate to more than one per cent of the Board's revenue for the last preceding financial year, but not in any case exceeding five hundred pounds:

Provided that if one per cent of the Board's revenue for any financial year does not amount to one hundred pounds, the Board may, in the next succeeding year, expend a sum not exceeding one hundred pounds for the aforesaid purposes.

Investment of funds of Board.

23. Any moneys belonging to the Board and available for investment, including any moneys in any special account within the fund, may from time to time be invested by the Board in any manner authorized by or under the Trustee Act 1908 or any other Act for the investment of trust funds.

See Reprint of Statutes, Vol. VIII, p. 873

Distribution of and contributions to assets of Board.

24. (1) Whenever in the opinion of the Board the moneys in the fund for the time being are more than are reasonably necessary to enable the Board to carry out its functions in accordance with the provisions of this Act, the Board may distribute such portion of those moneys as it thinks fit among the constituent authorities.

(2) Whenever in the opinion of the Board the moneys in the fund for the time being are less than is reasonably necessary to enable the Board to carry out its functions in accordance with the provisions of this Act, the Board may require the constituent authorities to pay into the fund such sum or sums as the Board thinks necessary to enable it to carry out its functions.

(3) Any distribution of moneys under subsection one of this section, or any payments required to be made under subsection two of this section, shall be apportioned between the constituent authorities in proportion to the interests of the constituent authorities in the plantation reserves as determined in accordance with section twenty-five of this Act.

(4) Every constituent authority which is called upon to pay a sum or sums into the fund pursuant to subsection two of this section shall pay any such sum or sums within thirty days after receiving notice from the Secretary that the Board has required the payment or payments or on such later date as may be specified in that notice. If any constituent authority fails to make any such payment within the time prescribed by this subsection, the amount so unpaid, together with interest thereon at such rate as may be approved by the Minister of Finance, shall be deemed to be a debt due to the Board by the constituent authority, and may be recovered accordingly.

25. (1) For the purposes of section twenty-four of this Act the extent of the interest of any constituent authority in all plantation reserves shall be as from time to time determined by the Board having regard to the proportion which the capital value, as at the first day of April, nineteen hundred and ten, of land formerly situated within the district of the original Selwyn County and for the time being situated within the district of the constituent authority concerned bears to the capital value, as at that date, of all land formerly situated within the district of the original Selwyn County.

(2) If any dispute arises between the Board and any one or more constituent authorities as to the extent of the interest of any constituent authority in plantation reserves vested in the Board, the dispute shall be referred to arbitration and for that purpose this section shall be deemed to be a submission within the meaning of the Arbitration Act 1908, and the reference shall be deemed to be to two arbitrators.

(3) For the purposes of this section the capital value, as at the first day of April, nineteen hundred and ten, of the land formerly situated within the district of the original Selwyn County and at that

Determination of interests of constituent authorities in plantation reserves.

See Reprint of Statutes, Vol. I, p. 346

date situated within the district of a constituent authority referred to in the First Schedule to this Act shall be deemed to be the value set opposite the name of that authority in the said Schedule.

(4) For the purposes of this section the term "original Selwyn County" means the Selwyn County as constituted immediately prior to the third day of December, nineteen hundred and nine (being the date of the commencement of the Waimairi County Act 1909).

1909 (Local),
No. 5

PART IV

MISCELLANEOUS

Contracts of
Board.

26. (1) Any contract which if made between private persons must be by deed shall, when made by the Board, be in writing under the common seal of the Board.

(2) Any contract which if made between private persons must be in writing signed by the persons to be charged therewith shall, when made by the Board, be in writing either under the common seal of the Board or signed by any person acting on behalf of or by direction of the Board.

(3) Any contract which if made between private persons may be made orally may, when made by the Board, be made orally by any person acting on behalf of or by direction of the Board, but no oral contract shall be made for any sum exceeding fifty pounds.

(4) The common seal of the Board shall not be affixed to any document except pursuant to a resolution of the Board, and when so affixed shall be attested by the Chairman of the Board and the Secretary, or by two members of the Board and the Secretary.

(5) Notwithstanding anything to the contrary in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in manner provided by this section, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

Annual report
and accounts.

27. (1) The Board shall not later than the thirtieth day of April in each year prepare a report of its proceedings and operations and a statement of accounts for the year ended on the thirty-first day of March of that year.

- (2) The statement of accounts shall comprise—
- (a) An Income and Expenditure Account:
 - (b) A Receipts and Payments Account:
 - (c) A Balance Sheet of the Board as at the close of that financial year:
 - (d) A Receipts and Payments Account in respect of every special fund established under section sixteen of this Act.

(3) The report and statement of accounts shall be submitted to the Board by the Chairman at the first meeting of the Board following the thirtieth day of April in any year, and a copy of the report and statement of accounts shall be forwarded to the Minister of Lands as soon as practicable after their consideration by the Board.

28. The accounts of the Board shall be audited by the Audit Office, which for that purpose shall have all such powers as it has under the Public Revenues Act 1953 in respect of public moneys and public stores and the audit of local authorities' accounts.

Audit of
accounts.

1953, No. 73

29. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may be contemplated by this Act or as may in his opinion be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof.

Regulations.

(2) All regulations made under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

30. (1) The enactments specified in the Second Schedule hereto are hereby repealed.

Repeals and
savings.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been

See Reprint
of Statutes,
Vol. VII, p. 568

made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

Schedules.

SCHEDULES

Section 25 (3)

FIRST SCHEDULE

CAPITAL VALUES AS AT THE 1ST DAY OF APRIL 1910 OF LAND FORMERLY IN SELWYN COUNTY		£
Ellesmere County		1,558,123
Halswell County		638,326
Heathcote County		936,676
Malvern County		1,830,762
Paparua County		1,212,890
Selwyn County		1,142,138
Springs County		719,522
Tawera County		334,451
Waimairi County		2,577,020
Christchurch City (formerly Spreydon Borough)		304,386
		<u>£11,254,294</u>

Section 30 (1)

SECOND SCHEDULE

ENACTMENTS REPEALED

1910, No. 80—	The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910: Section 77.
1913, No. 67—	The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913: Section 78.
1917, No. 26—	The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917: Section 82.
1922, No. 50—	The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922: Section 90.
1923, No. 35—	The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923: Section 88.
1924, No. 55—	The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924: Sections 162 and 171.
1930, No. 39—	The Local Legislation Act 1930: Section 68.
1931, No. 41—	The Reserves and Other Lands Disposal Act 1931: Section 13.
1950, No. 89—	The Reserves and Other Lands Disposal Act 1950: Sections 18 and 19.