

New Zealand.



ANALYSIS.

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1922, No. 31.

AN ACT to authorize the Setting-apart of certain Lands, including Mounts Tongariro, Ngauruhoe, and Ruapehu, and Lands in the Vicinity thereof, as a National Park, and to provide for the Control and Management thereof. Title.
[28th October, 1922.]

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

1. This Act may be cited as the Tongariro National Park Act, 1922, and shall come into force on the first day of January, nineteen hundred and twenty-three. Short Title and commencement.

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

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

“ The park ” means the Tongariro National Park 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.

Tongariro National
Park constituted.

Alteration of
boundaries of park.

Tongariro National
Park Board
constituted.

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

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.

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

(2.) The Board shall be a body corporate under the name of the Tongariro 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 Minister of Lands :

(b.) The paramount chief for the time being of the Ngatituwharetoa Tribe of the Native race if that chief is a lineal descendant of Te Heuheu Tukino, the donor of the Native land included in the area of the Tongariro National Park :

(c.) The Mayors of the cities of Auckland and Wellington :

(d.) The Warden of the Park :

(e.) The Under-Secretary of the Department of Lands and Survey :

(f.) The General Manager of the Department of Tourist and Health Resorts :

(g.) The Secretary of the State Forest Service :

(h.) The President of the New Zealand Institute :

(i.) Not more than four other persons to be appointed in that behalf by the Governor-General in Council.

(4.) If the paramount chief for the time being of the tribe aforesaid is not a lineal descendant of Te Heuheu Tukino, the Governor-General in Council shall appoint as a member of the Board a lineal descendant, who shall hold office in lieu of such paramount chief.

Term of office of
appointed members.

6. With respect to each of the members of the Board to be appointed by the Governor-General 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.

7. The Chairman of the Board shall be such member thereof as the Governor-General may appoint.

Meetings of Board.

8. (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.

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

(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.

10. 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, 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.

11. 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 of Lands, and may define their duties and functions. Board may appoint officers.

12. Subject to the provisions of this Act, the Board shall have and may exercise in respect of the said 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 : Board to have powers of Domain Boards.

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 provided further that no rights to cut timber for trade purposes shall be included in such by-laws.

13. 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.

14. 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.

15. (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.

16. (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 in breach of this Act unless he satisfies the Court to the contrary.

Powers of Rangers in respect of offenders.

17. In any case where any actual or attempted breach of this Act or of any by-law thereunder is or may be attended with danger, hindrance, or annoyance to the public or to any person lawfully in the park, then, without affecting the liability of the person committing or about to commit such breach, any Ranger or any constable may, without further warrant or authority than this Act, summarily interfere to prevent such breach, or to prevent or remove such danger, hindrance, or annoyance.

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

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

Licenses.

19. (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 on any such license.

Board may provide accommodation for tourist traffic.

20. The Board may establish or assist in the establishment by private persons or companies of huts, hostels, accommodation-houses, and other buildings and conveniences in the park, and may let or lease the same on such terms and conditions as the Board thinks fit ; or the Board may itself control, carry on, or conduct any such buildings or conveniences, 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.

Certain roads not within jurisdiction of Board.

21. Nothing in this Act shall confer on the Board or the Minister any jurisdiction or authority with respect to the Karioi-Raurimu Road and the Waimarino-Tokaanu Road where they respectively traverse the park.

22. 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.

As to roads and tracks.

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

Expenditure of Board.

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

(a.) All moneys accruing in respect of the park or of penalties, fees, and otherwise under this Act, and the same shall be paid to the Board accordingly :

General funds

(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.

25. 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, 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 :

Borrowing-powers of Board.

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.

26. The provisions of section ninety-five of the Trustee Act, 1908, shall, in respect of trusts, whether created before or after the commencement of this Act, apply to all bonds, debentures, or other securities issued or to be issued by the Board and forming the whole or any portion or portions of any loan which may be raised by the Board under any lawful authority.

Trustees may invest in Board's securities.

27. 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.

Accounts to be audited by Audit Office.

28. 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 statement of accounts showing the receipts and disbursements of the Board for the year, and shall submit an annual report to the Minister of Lands accompanied by the aforesaid statement of accounts.

Annual statement of accounts.

29. 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.

30. The Tongariro National Park Act, 1894, and section fifty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1914, are hereby repealed.

Repeals.

Schedule.

SCHEDULE.

ALL that area in the Wellington Land District, containing by estimation 145,000 acres, more or less, commencing at the intersection of the Taumarunui Road with the Waimarino - Roto Aira Road, and proceeding thence generally north-easterly along the eastern side of the said Waimarino - Roto Aira Road to the northern boundary of the State forest as described in *Gazette* of 18th January, 1900, page 104; thence south-easterly along that boundary to the Tongariro National Park; thence easterly along the northern boundary of the said Tongariro National Park as described in *Gazette*, 1907, page 2677, to the north-westernmost corner of the State forest as described in *Gazette* of 18th January, 1900, page 104; thence north-easterly, south-easterly, north-easterly, and again south-easterly along part of the northern boundary of the said State forest to the southernmost corner of the Rangipo North Block, Subdivision 2c; thence by a right line to the north-western corner of Rangipo North 4c Block; thence easterly along the northern boundary of the said Rangipo North 4c Block to the Waikato River; thence up the Waikato River to its junction with the Mangatewai Stream; thence up that stream to the Waiouru-Tokaanu Road; thence southerly along the western side of that road to the Oturere Stream; thence up that stream to the eastern boundary of the State forest aforesaid; thence southerly, easterly, and southerly along that boundary to the Waiouru-Tokaanu Road, and along the western side of that road to the Waihohonu Stream; thence up that stream to the south-eastern boundary of the said State forest; thence south-westerly along that boundary to the Piripiri Stream; thence by a right line to the easternmost corner of the Rangipo North Block Subdivision 6B; thence by the eastern and southern boundaries of the said Subdivision 6B to the south-eastern boundary of the aforesaid Tongariro National Park; thence south-westerly along that boundary to the northern boundary of the State forest as described in *Gazette* of 18th January, 1900, page 103; thence easterly along the northern boundary of the said State forest to its easternmost corner; thence south-westerly along the south-eastern boundary of the said State forest for a distance of 220 chains; thence by a right line on a bearing of $302^{\circ} 46' 32''$ to the Mangawhero River; thence up that river to the south-western boundary of the Tongariro National Park; thence north-westerly along that boundary to the Mangaturuturu Stream; thence down the Mangaturuturu Stream to a point due south of Hauhungatahi Trig. Station; thence due north for a distance of about 320 chains; thence north-west to a point on the eastern side of the North Island Main Trunk Railway 30 chains south of the Erua Railway-station; thence north along the North Island Main Trunk Railway to the crossing of the Taumarunui Road; thence northerly along the eastern side of the Taumarunui Road to the place of commencement: save and excepting that piece or portion of land known as the Ketetahi Native Reserve, and comprising an estimated area of 20 acres, under an order of the Native Land Court made at Tapuaeharuru, Taupo, on the 24th day of September, 1887: as the same is more particularly delineated on the plan marked L. and S. 4/362, deposited in the Head Office, Lands and Survey Department, and thereon edged red.